

# **MINUTES FOR APPROVAL**

Attached for County Board consideration for approval are the minutes of the meeting dates listed below:

**October 23, 2012**

**Recessed Meeting**

A Recessed Meeting of the County Board of Arlington County, Virginia, held in Room 307 of 2100 Clarendon Boulevard thereof on Tuesday, October 23, 2012 at 3:00 p.m.

PRESENT: MARY HYNES, Chair  
J. WALTER TEJADA\*, Vice Chairman  
JAY FISETTE, Member  
LIBBY GARVEY, Member  
CHRISTOPHER ZIMMERMAN, Member

ALSO PRESENT: BARBARA M. DONNELLAN, County Manager  
STEPHEN MacISAAC, County Attorney  
HOPE L, HALLECK, Clerk

\*arrived at 3:04 p.m.

0000000000

### **COUNTY BOARD RECESSED MEETING**

#### **ANALYSIS OF CONTINGENT ACCOUNTS**

The Board received a Summary of Fiscal Year 2013 Contingent Accounts showing balances of \$500,000 in General and \$7,563,056 in Affordable Housing Investment Fund as of October 16, 2012.

0000000000

### **COUNTY BOARD BUSINESS AND REPORTS**

0000000000

#### **I. COUNTY BOARD REPORTS**

Chair Hynes provided an update on the PLACE initiative and a meeting she attended with Mr. Fisette and two School Board members to discuss the addition being proposed at Ashlawn Elementary school. In addition, PLACE Space virtual town square now has 700 members with many active conversations on a variety of topics and circles organized by topic. The Chair announced PLACE Space ads will be displayed on ART buses and showed a mock-up of the bus advertisement. Finally, the Chair stated that a part of the PLACE initiative is an online forum called "Open Arlington" where government can post questions and seek community input. For more information, please visit [www.arlingtonplace.us](http://www.arlingtonplace.us).

Chair Hynes showed the "Yarn Bombed Chair" created by the Guerrilla Stitch Brigade to launch the public art project at the Artisphere. Ms. Hynes introduced Cecilia Cassidy, Executive Director of the Rosslyn Business Improvement District (BID), along with Jennifer Lindsay and Shari Henry of the Guerilla Stitch Brigade.

Chair Hynes announced the upcoming annual People's Choice ABBIE Awards, which recognize the best businesses around Arlington, as chosen by thousands of Arlingtonians. Voting is open from October 17 through November 9, 2012. For more information, please visit: [www.shoparlington.org/abbies](http://www.shoparlington.org/abbies).

The Chair announced the 14th Annual James B. Hunter Human Rights Awards. Applications are due by November 14, 2012. To nominate or apply, go to [www.arlingtonva.us](http://www.arlingtonva.us) and search "human rights." The Board will honor the award recipients at a reception in the County Board Room, December 13, 2012.

The Chair provided an update on County-sponsored semiannual fall E-CARE event on October 13, 2012 at Thomas Jefferson Middle School. County staff collected more than 40 tons of household hazardous materials for disposal from 1,239 Arlington residents.

Chair Hynes invited restaurants and retailers to participate in the Arlington County Green Games, a year-long competition for businesses to reduce costs and emissions. Visit [www.freshaireva.us](http://www.freshaireva.us) for more information.

Chair Hynes stated that Arlington will host the 37<sup>th</sup> Marine Corps Marathon on October 28, 2012. The race starts and finishes in Arlington, and the course runs through many of Arlington's streets. More than 30,000 runners are expected.

The Chair noted that daylight savings time ends on November 4, 2012. The Fire Department reminds everyone that when clocks change, residents should take the opportunity to change the batteries in smoke alarms. For more information on smoke alarm safety, visit [www.arlingtonva.us](http://www.arlingtonva.us), search "smoke alarm."

Chair Hynes provided an update on Election Day, November 6, 2012. Voter registration is now closed, but residents can vote in-person absentee through November 3, 2012 at three locations. For information, please visit [www.arlingtonva.us](http://www.arlingtonva.us), search "vote."

Vice-Chairman Tejada provided information from a recent meeting of the Board of Directors of the Washington Metropolitan Council of Governments regarding voting concerns in Woodbridge and Prince William County. Allegedly, several voters were trying to vote in person absentee, but were turned away from polls after being told that Virginia does not have early voting.

Chair Hynes encouraged residents to consider donating to Arlington's Secret Santa program which benefits Arlington children in foster care, people with disabilities, low-income seniors and low-income families. For more information, go to [www.arlingtonva.us](http://www.arlingtonva.us), search "Santa."

Board Member Fisetta welcomed AmeriCorps volunteers who took part in a program sponsored by a three-year grant from the Virginia Department of Social Services. The volunteers have been involved in the restoration of the Four Mile Run watershed. Mr. Fisetta introduced Sarah Archer, who served as a volunteer in the first year of the program, and is now the County's Invasive Plant Program Coordinator. Following a presentation by Ms. Archer and the other volunteers, Mr. Zimmerman noted the importance of continuing the work of the program, possibly as a volunteer effort or to be considered in the next budget.

Vice-Chairman Tejada announced the October 24, 2012 ribbon cutting event at Henry Wright Park in Buckingham Village, which will give residents an opportunity to learn about County services, and there will be a moon bounce and face painting.

Vice-Chairman Tejada, as Co-Chair of the Task Force to End Homelessness announced a community meeting to show residents how they can play a vital role in helping to end homelessness in Arlington on October 25, 2012 at Central Library. The meeting is part of Arlington's 10-Year Plan to End Homelessness.

Vice-Chairman Tejada announced that he has been invited to be a panelist at the 10<sup>th</sup> Leckey Forum: The Next Decade-Challenges of Density, Dollars, and Public Support on November 9, 2012 at the National Rural Electric Cooperative Association Conference Center.

ooooo0ooooo

## II. APPOINTMENTS

A motion was made by MARY HYNES, Chair to:

### Building Code Board of Appeals

Reappoint Alice Findler for a term ending October 31, 2017

**Emergency Preparedness Advisory Commission**

Appoint Charles Fletcher for a term ending October 31, 2015

**Fiscal Affairs Advisory Commission**

Reappoint Brian Gordon for a term ending October 31, 2014

**Fire Trial Board**

Reappoint Mike Staples for a term ending October 31, 2014

**Planning Commission**

Reappoint Peter Fallon for a term ending October 31, 2013

**Police Trial Board**

Reappoint Raymond Harp for a term ending October 31, 2013

Reappoint Jesse L. Porter, Jr. for a term ending October 31, 2013

Reappoint William H. Rhodes and designate as Chair for terms ending October 31, 2013

**Regional Juvenile Detention Commission**

Appoint Pat Romano for a term ending October 31, 2014

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

oooo0ooooo

**III. REGIONAL REPORTS**

The Chair showed a short video about the Glebe Road Bridge repair project on Route 50 and the ribbon cutting event. The repair was a joint project between the County and the Virginia Department of Transportation.

Board Member Fisetite announced the National Capital Area Chapter of the American Planning Association has awarded Arlington the Distinguished Leadership Award as part of the recipient group on behalf of the Capital Area Bikeshare program. The effort began as a joint program between Arlington County and the District of Columbia, and has grown to include the City of Alexandria, Montgomery County, City of College Park, City of Rockville and the University of Maryland.

Board Member Libby Garvey provided an update on a program of the Chesapeake Bay and Water Resources Policy Committee of the Metropolitan Washington Council of Governments called "TapIt," to encourage decreased use of plastic water bottles. TapIt is establishing a network of local businesses which will display a logo indicating that free water is available. For more information, please visit: [www.tapitwater.com](http://www.tapitwater.com)

Chair Hynes announced that WMATA is holding a series of public hearings on Metrobus service changes. The next meeting will be on October 24, 2012 at the Shirlington Library. For more information, please visit [www.wmata.com](http://www.wmata.com).

oooo0ooooo

**IV. COUNTY MANAGER REPORT**

The County Manager announced several regional awards received by the County staff:

- The Government Finance Officers Association awarded the County's Comprehensive Annual Financial Report (CAFR) the Certificate of Achievement of Excellence in Financial Reporting, the highest form of recognition in financial reporting and government accounting. The Manager thanked Department of Management and Finance staff including Meiko French, staff lead, and staff from the Treasurer's Office, Arlington Public Schools, the County Attorney's Office and every County Agency.
- The County has been ranked number seven in the nation for Government Green Fleets, rated by Green Fleet magazine, for the green fleet policy and significant use of alternative fuels. The Manager thanked the Department of Environmental Services Equipment Bureau, led by Allen Mitchell.
- Arlington TV won second place in the nation for Excellence in Government Programming from the National Association of Telecommunications Officers and Advisors (NATOA). NATOA also awarded Arlington TV third place in the nation for the arlingtonva.tv website. The Manager thanked the Arlington TV staff, led by Executive Producer Rob Farr.
- The Columbia Pike Area Neighborhoods Plan was awarded the 2012 Benjamin Banneker Award for Outstanding Social Commitment and Community from the National Capital Area Chapter of the American Planning Association. The Manager thanked Jennifer Smith and the staff from Community Planning Housing and Development and community leaders for their efforts.

The Manager presented the response to the Taxicab Ordinance Changes proposed by Arlington United Taxicab Operators (AUTO), along with the Manager's recommendations. A motion was made by MARY HYNES, Chair, seconded by JAY FISETTE, Member to accept the County Manager's recommendations. A substitute motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Vice Chairman to defer consideration of the item to the November Board meeting. The substitute motion failed by a vote of 2 to 3. The voting recorded as follows: MARY HYNES, Chair - No, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - No, LIBBY GARVEY, Member - No and CHRISTOPHER ZIMMERMAN, Member - Aye. The original motion was adopted and carried by a vote of 3 to 2. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - No, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member - No. [Clerk's note: as set forth in the document entitled "Addendum-10-23-12-A-Response to Taxicab Ordinance Changes Proposed by AUTO" attached for the public record to these minutes.]

Addendum-10-23-12-A-Response to Taxicab Ordinance Changes Proposed by AUTO

The Manager introduced Deputy County Manager Marsha Allgeier, who presented the Charge for the Affordable Housing Study including the scope, structure and timeline for the study. A motion was made by J. WALTER TEJADA, Vice Chairman, seconded by CHRISTOPHER ZIMMERMAN, Member to defer consideration of approval of the Charge for the Affordable Housing Study to the November Recessed Board meeting as part of the County Manager's report. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member - Aye. [Clerk's note: as set forth in the document entitled "Addendum-10-23-12-B-Charge for Affordable Housing Study" attached for the public record to these minutes.]

Addendum-10-23-12-B-Charge for Affordable Housing Study

The Manager announced Community Crime Forums to be hosted by the Arlington County Police to discuss current crime trends throughout Arlington County. Each forum will be hosted in one of the three Police Districts. Chief of Police M. Douglas Scott, Deputy Chief Michael Dunne, District Commanders and officers from each district's community policing team will be in attendance to present information and answer questions.

The Manager introduced Police Chief M. Douglass Scott, who provided a brief overview of the Ballston Mall incident and noted inter-agency collaboration shown during the incident. The Board commended the Police Department for their work.

The Manager showed a short video describing the County's Leaf Collection program, which begins October 29, 2012 and ends January 11, 2013. For more information, please visit [www.arlingtonva.us](http://www.arlingtonva.us) and search "leaf."

The Board recessed from 6:00 p.m. to 6:36 p.m.

ooooo0ooooo

**CONSENT ITEMS (ITEMS REMOVED FROM THE CONSENT AGENDA SATURDAY, OCTOBER 20, 2012)**

ooooo0ooooo

**USE PERMITS REQUEST/REVIEWS/AMENDMENTS**

- 7. [U-3206-08-1 Use Permit Review for a childcare center up to 18 children at the Child and Family Network; located at 4108 4th Street N. \(RPC# 20-022-004\)](#)

Following a duly advertised public hearing at which there were no speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by JAY FISETTE, Member to renew the child care center for up to 18 children subject to all previous conditions and with a County Board review in eight (8) months (June 2013). The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report # 7-Revised](#)

ooooo0ooooo

**CAPITAL PROJECTS**

- 15. [Funding Request for Neighborhood Conservation Program Projects.](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by J. WALTER TEJADA, Vice Chairman to approve the use of a total of \$2,718,418.00 of Neighborhood Conservation bond funds, including \$1,970,892.00 for the priority neighborhood projects listed in Attachment A and \$747,526.00 for projects requiring additional funding in Attachment B, as approved by the Neighborhood Conservation Advisory Committee (NCAC) for spring 2012, and authorize the County Manager to proceed with implementation of these projects. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye. [Clerk's note: as set forth in the document entitled "Addendum-10-23-12-C-NCAC Projects" attached for the public record to these minutes.]

[Board Report #15](#)

Addendum-10-23-12-C-NCAC Projects

0000000000

**APPROPRIATIONS, GRANT APPLICATIONS & OTHER CONTRACTS**

18. [Approval of Four Project Agreements \("Agreements"\) Between Arlington County, Virginia \("Grantee"\) and the Virginia Department of Rail and Public Transportation \("DRPT"\) For Use of Commonwealth Transportation Funds.](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by CHRISTOPHER ZIMMERMAN, Member, seconded by LIBBY GARVEY, Member to approve four project agreements (WMATA Capital, Local Capital, WMATA / Local Operating, NVTC administrative funds) for use of Commonwealth Transportation Funds between DRPT and the Grantee (Arlington County), in the substantially final forms attached hereto, and authorize the County Manager to execute the Agreements, subject to approval of the Agreements as to form by the County Attorney, and authorize the County Manager to execute a letter to DRPT providing the details of the grant administration responsibilities the County will assign to the Northern Virginia Transportation Commission ("NVTC") as the County's grant agent for purposes of the aforesaid project agreements. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member - Aye. [Clerk's note: as set forth in the document entitled "Addendum-10-23-12-D-DRPT Agreements" attached for the public record to these minutes.]

[Board Report #18](#)

Addendum-10-23-12-D-DRPT Agreements

0000000000

**REQUESTS TO ADVERTISE**

23. [Request to advertise for public hearing on December 8, 2012, an Ordinance to Amend, Reenact and Recodify Chapter 15 \(Noise Control\) of the Code of Arlington County, Virginia \(Code\) \(Attachment B of the staff report\), to be effective upon adoption.](#)

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Chair, seconded by CHRISTOPHER ZIMMERMAN, Member to defer consideration of the authorization to advertise to the December 8, 2012 meeting for a public hearing at the January Board meeting for an ordinance to Amend, Reenact and Recodify Chapter 15 (Noise Control) of the Code of Arlington County, Virginia ("Code"), to be effective upon adoption. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member - Aye. [Clerk's note: as set forth in the document entitled "Addendum-10-23-12-E-Chapter 15" attached for the public record to these minutes.]

[Board Report #23](#)

Addendum-10-23-12-E-Chapter 15

0000000000

**THE COUNTY BOARD WILL CONSIDER THE FOLLOWING ITEMS NO EARLIER THAN 6:45 P.M.**

0000000000

**REGULAR HEARING ITEMS**

0000000000

**27. 2311 WILSON BOULEVARD**

- A. Enactment of an ordinance to vacate: 1) a public water main easement located along the southern boundary line of Parcel H2, Foster’s Subdivision Being the Resubdivision, Vacation and Rededication of Parcel H, Block 11 Aurora Heights; and 2) a portion of a Public Use and Access Easement located on Parcel H2, Foster’s Subdivision Being the Resubdivision, Vacation and Rededication of Parcel H, Block 11 Aurora Heights, a subdivided portion of RPC No. 15058015, with Conditions.
  
- B. SP #263 Site Plan Amendment to construct an approximately 157,844 sq. ft. commercial office building including approximately 7,812 sq. ft. retail, 7,000 sq. ft. childcare, 5,600 sq. ft. conference center, and 2,300 sq. ft. fitness center uses, and an approximately 6,183 sq. ft. standalone commercial retail building and modification of Zoning Ordinance requirements to parking ratio, bonus density for community facilities, LEED Gold certification, and ENERGY STAR building certification, and exclusions from density of gross floor area associated with childcare, conference center, below grade fitness center, and below grade mechanical equipment and other modifications as may be necessary to achieve the proposed development plan; located at 2201, 2305, 2311, and 2317 Wilson Boulevard, 1515 and 1519 N. Adams Street (RPC #15-058--015, -016 and -017, 15-059-001, -002, -003, -004, -005, -006, -007, -008, -009, -010).

Following a duly advertised public hearing at which there were speakers, a motion was made by MARY HYNES, Chair, seconded by LIBBY GARVEY, Member to:

- A. Defer consideration of the proposed enactment of an ordinance to vacate a public water main easement and a portion of a public use and access easement related to the Clean Technology project, SP #263 to the December 8, 2012 County Board meeting.
  
- B. Defer the subject site plan amendment to the December 8, 2012 County Board meeting.

The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

[Board Report #27 A](#)

[Board Report #27 B](#)

[Board Report #27 B \(Attachment-Site Plan Drawings\)](#)

oooo0oooo

**ADDITIONAL ITEM**

A motion was made by MARY HYNES, Chair, seconded by J. WALTER TEJADA, Vice Chairman to authorize the County Attorney to serve a notice of intent to file an application for judicial review of the August 31, 2012 ruling of the Virginia Tax Commissioner involving the assessment of the Nielsen Company (US), LLC and to seek judicial review of that ruling in the Arlington Circuit Court. The motion was adopted and carried by a vote of 5 to 0. The voting recorded as follows: MARY HYNES, Chair - Aye, J. WALTER TEJADA, Vice Chairman - Aye, JAY FISETTE, Member - Aye, LIBBY GARVEY, Member - Aye and CHRISTOPHER ZIMMERMAN, Member – Aye.

**ADJOURNMENT**

Without objection, at 10:53 p.m., the Board adjourned the meeting.

---

MARY HYNES, Chair

ATTEST:

---

HOPE L. HALLECK, Clerk



OFFICE OF THE COUNTY MANAGER

2100 Clarendon Blvd., Suite 302 Arlington, VA 22201  
TEL 703.228.3120 FAX 703.228.3218 [www.arlingtonva.us](http://www.arlingtonva.us)

## Memorandum

**TO:** Members, Arlington County Board

**FROM:** Barbara M. Donnellan, County Manager *Barbara M. Donnellan*

**SUBJECT:** Response to Taxicab Ordinance Changes Proposed by AUTO

**DATE:** October 22, 2012

During the public comment period at the April 21<sup>st</sup> County Board meeting, members of Arlington United Taxicab Operators (AUTO) presented a document to the Board regarding Chapter 25.1 of the County Code. This document, titled "Arlington United Taxi Operators (AUTO) Taxi Cab Ordinance", proposes various changes to Chapter 25.1, the County's Taxicab Ordinance.

AUTO's proposed ordinance amendments addresses the issue of freedom of movement by drivers among the certificate-holding taxi companies by providing for the issuance of Vehicle Permits to individual cab owners/drivers. Staff has completed its review of the proposed ordinance changes. That review indicates that AUTO's proposals would effect a fundamental change in the current system of taxicab regulation in Arlington. Staff does not support making such a change. Staff feels that such a change would result in a substantial reduction in the quality of taxi service in the County by weakening the taxi companies. The staff findings are based in part on the experience of the City of Alexandria which modified its ordinance in a similar manner six years ago, and has seen substantial industry turmoil and decline in taxi service quality.

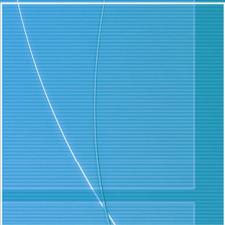
If the County Board would like to further consider AUTO's proposal, such a significant change in the ordinance should only be considered following a community process that involves active participation by the many stakeholders who have an interest in the subject, including all the drivers, the taxicab companies, the businesses served by taxicabs, and the traveling public.

There is one proposal put forward by AUTO that staff would consider changing within the Taxicab Ordinance – the minimum age of the vehicles entering service.

In addition to changes to the current system of taxicab regulation, AUTO raised a number of complaints relating to how some drivers currently are treated by the taxi companies. Staff takes these issues seriously and is interested in working with the drivers and with the taxicab companies to develop ways to address them. Staff would like to work within the current Ordinance to address many of the driver complaints by implementing greater transparency in the industry for drivers, while at the same time preserving and improving the quality of services to the traveling public. Staff also would like to work with taxicab companies on voluntary steps that the companies can take to protect driver rights. Attached is a more detailed discussion of the issues raised by AUTO and staff's response to each.

## **SUMMARY OF COUNTY MANAGER RECOMMENDATIONS:**

1. Do not amend the Taxicab Ordinance to provide for Vehicle Permits.
2. Pursue amendment of the Taxicab Ordinance to increase the maximum age of vehicles entering service.
3. Enhance transparency by collecting and disclosing information from all certificate-holding companies related to driver contracts, fees charged to drivers, and other relevant information.
4. Undertake discussions with drivers and taxicab companies about voluntary agreements related to drivers' rights.



# Taxicabs Service Assessment Report

Arlington, Virginia

September, 2012

## **Arlington County Taxicabs Service Assessment Final Report - Executive Summary**

### **Background:**

In the spring of 2012, County staff conducted a community engagement process in order to gain a better understanding of the current state of taxicab service in Arlington from the perspectives of various stakeholders (Appendix A), including:

- I. Riders – Through an online survey public opinion was gathered among current ridership about the quality of taxicab service in Arlington. The survey was open from March 15 - June 15. Approximately 960 surveys were completed.
- II. Businesses, institutions and ridership segments – Staff interviewed these groups to gather their input on taxi service. Nine focus groups were conducted between May and June, and included representatives from Arlington’s hotels, restaurants, commercial properties, senior living facilities, Business Improvement Districts and Partnerships, the Virginia Hospital Center, and the Transportation, Transit, Aging, and Disabilities advisory groups and commissions.
- III. Taxicab Drivers – An independent consultant was hired to conduct a confidential survey of Arlington’s licensed taxicab drivers to gain a fuller understanding of driver concerns and their opinions about the industry. In June, a telephone survey of all 1,451 taxicab drivers licensed by Arlington County was conducted by a third-party research firm. Over 300 drivers responded to the survey, resulting in a margin of error of +/- 5% at the 95% confidence interval.

The following report outlines the findings of each of the assessment methods. It is anticipated that staff in the Transportation Division and the Police Department will utilize the information from this process over the next few years in making policy recommendations and identifying work plan priorities regarding taxicabs.

### **Overall Themes**

1. Service in Arlington, overall, is pretty good.
2. Arlington taxicabs are perceived to be cleaner, newer, and in better operating condition than taxicabs in nearby jurisdictions.
3. There are long wait times for wheelchair accessible taxicabs.
4. Taxicabs are harder to find during peak demand times across the county – during both rush hours and on the weekends, especially late at night.
5. Drivers identify their peak demand times as weekday mornings, weekends late at night, and weekend evenings.
6. When taxicabs are unavailable or hard to locate, riders and businesses will turn to alternative arrangements (i.e. sedan or limo service, or taxicab locating mobile apps)
7. The majority of drivers responded that there are either too many or just the right amount of taxicabs on the road, however, a majority of drivers also responded that there are not enough taxicab stands in Arlington.
8. The majority of taxicab drivers work on average 50+ hours in a week.
9. The majority of riders prefer the option of paying for taxicab service by credit card.
10. Riders and businesses raised concerns about taxicab capacity – some taxicabs are too small for groups or travelers with luggage.

## I. Internet Survey of Riders

### Methodology and Results:

Staff conducted an online survey through [SurveyMonkey.com](https://www.surveymonkey.com) to gather public opinion among current ridership about the quality of taxicab service in Arlington. The survey ran from March 15 - June 15, 2012, resulting in 966 completed surveys.\* Outreach regarding the survey included information cards with a link to the survey handed to riders by drivers in taxicabs across the County, window clings on taxicabs, links from the County's homepage and the Taxicab Regulation webpage, as well as local media coverage. An impressive number of people took the time to write in comments and responses to multiple questions.



### Riders Survey Respondents Profile:

- More than 52% of the respondents take taxis 5-25 times a year and almost 30% take rides 1-2 times a week.
- Over 83% of the responses are from Arlington residents and 48% of the respondents said that they take trips by taxi to and from places outside Arlington.
- Most of the trips were arranged by telephone (52%) while almost 18% were arranged by mobile apps or online, and over 17% were hailed on the street.

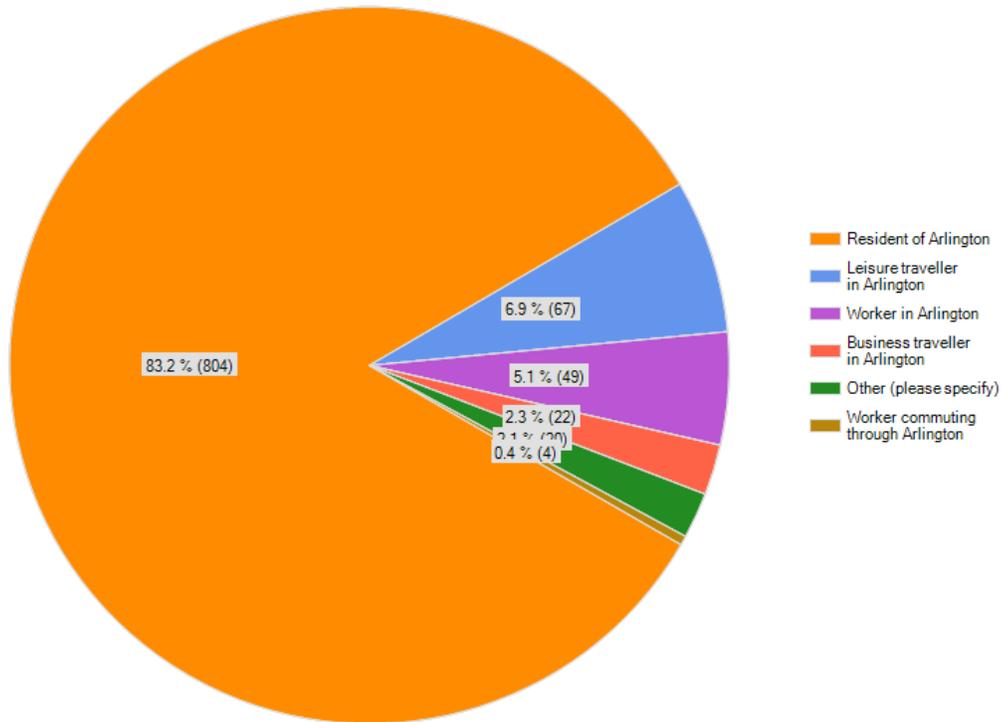
### Riders Survey Responses Themes:

- Arlington taxicab service is better than (56%) or about the same as (36%) nearby jurisdictions.
- Taxicab cleanliness and appearance is widely viewed to be very good/good (83%), and customer service and professionalism of drivers is also very good/good (71%).
- Additional taxicabs are desired on weekend evenings and nights, along with morning and evening rush hours.
- A majority prefer to pay by credit or debit card (65%), while one-third prefer cash (33%).
- Almost one-third (31%) responded that a hybrid-fueled vehicle is important, while half 51% responded it is not.
- A majority responded that they *always or often* have to wait for dispatch service (58%) or hails on the street (57%), while a slimmer majority responded they *seldom or never* have to wait at taxicab stands (52%).
- Respondents desire additional service across the county; write-in responses varied widely when asked to identify particular locations.

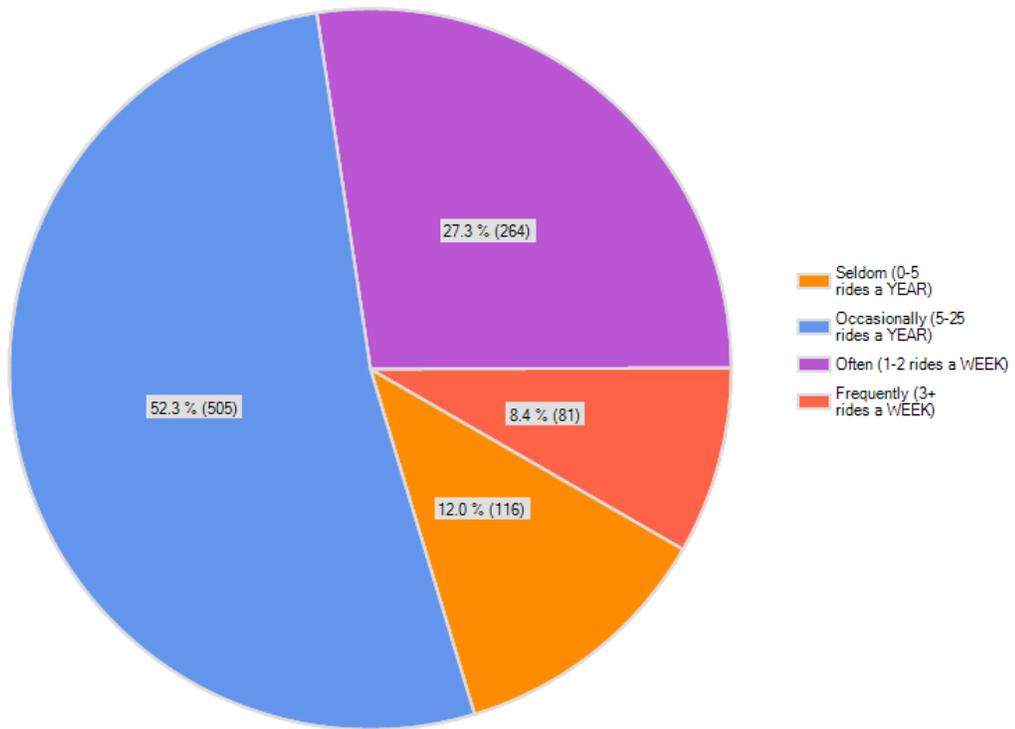
*\* While 1,040 people began the survey, approximately 75 dropped out while taking it. Also, any question could be skipped as there were no required-answer questions. For example, some questions have closer to 900 responses.*

## Detail – Riders Survey Results:

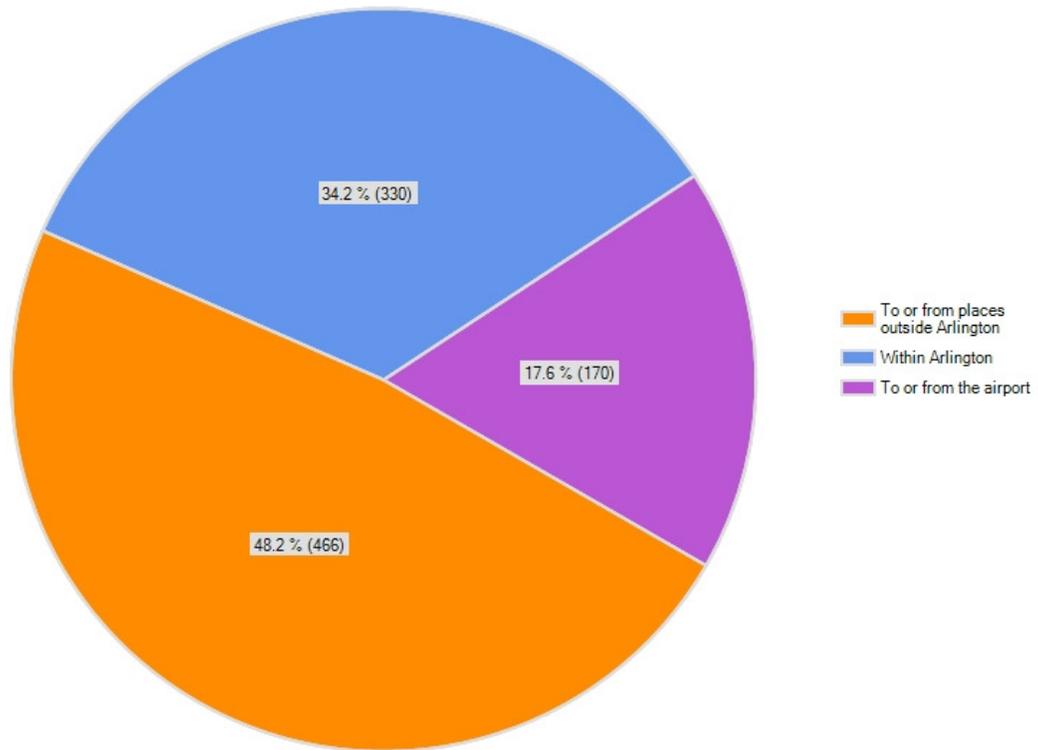
### How do you use Arlington Taxicabs? As a...



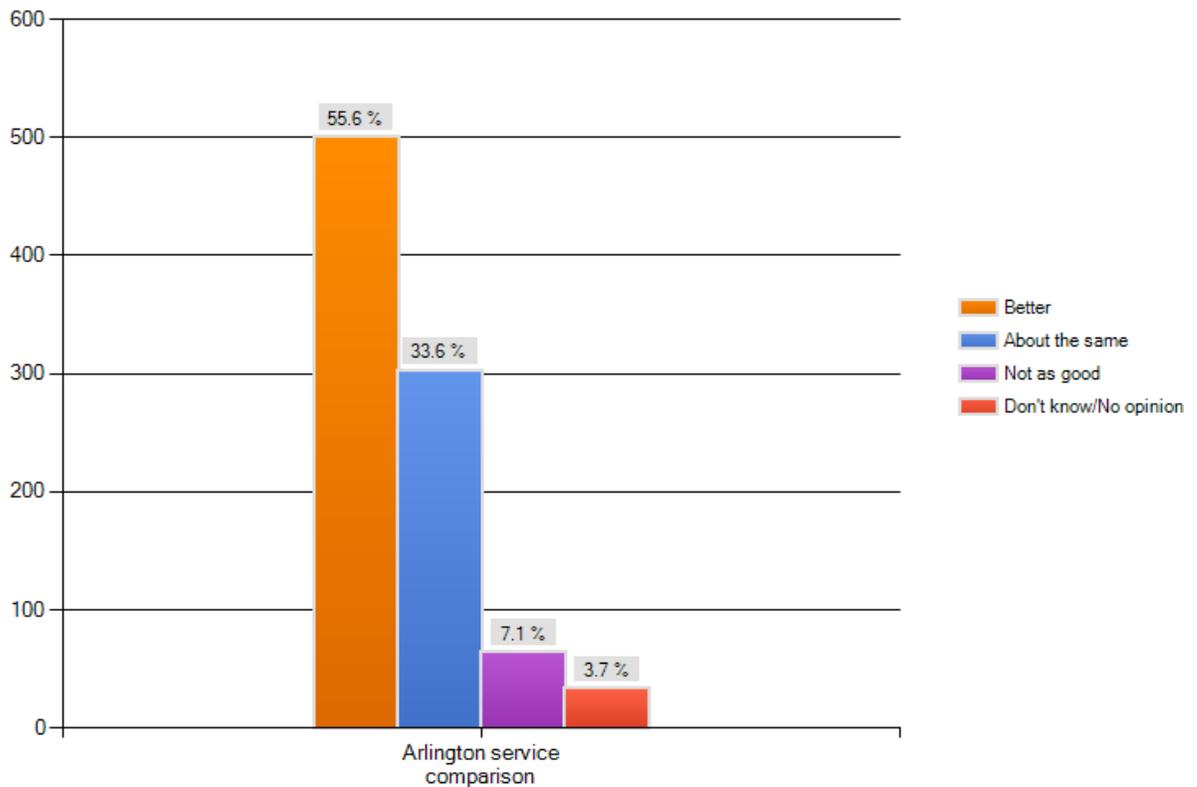
### How often do you ride in Arlington Taxicabs?



**A majority of your taxicab trips take place...**



**How would you rate Arlington's taxicab service compared with taxicab service elsewhere in the region?**



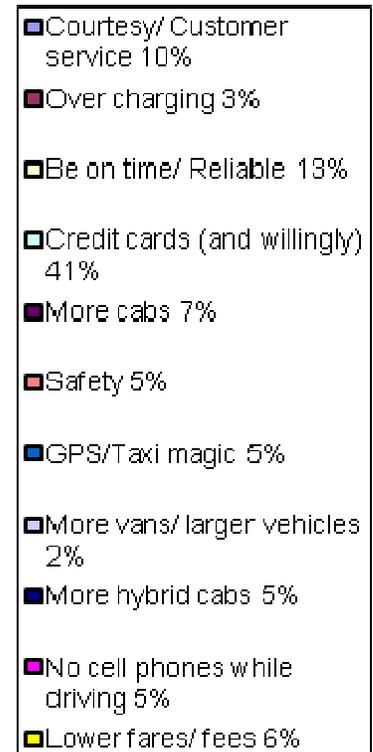
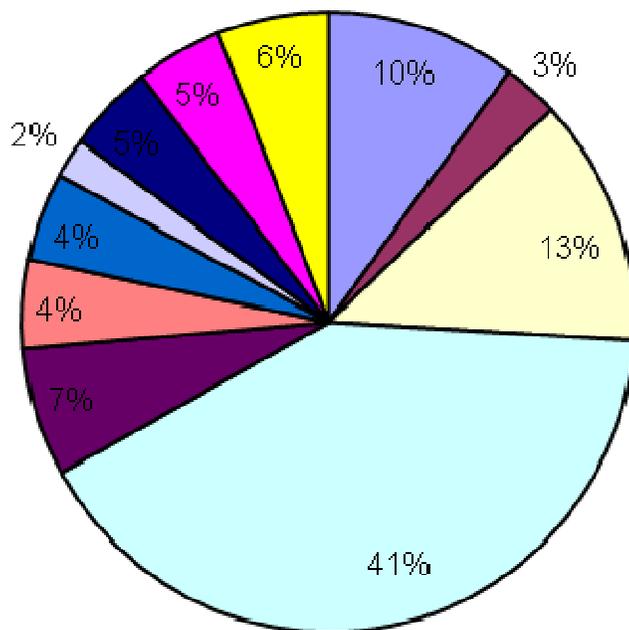
### Suggestions for Improvement:

Thirty percent of respondents (288 of 966) chose to write in suggestions on how to improve taxicab service in Arlington. Those suggestions have been summarized into the categories outlined in the chart below. A list of all write-in responses can be found in Appendix C.

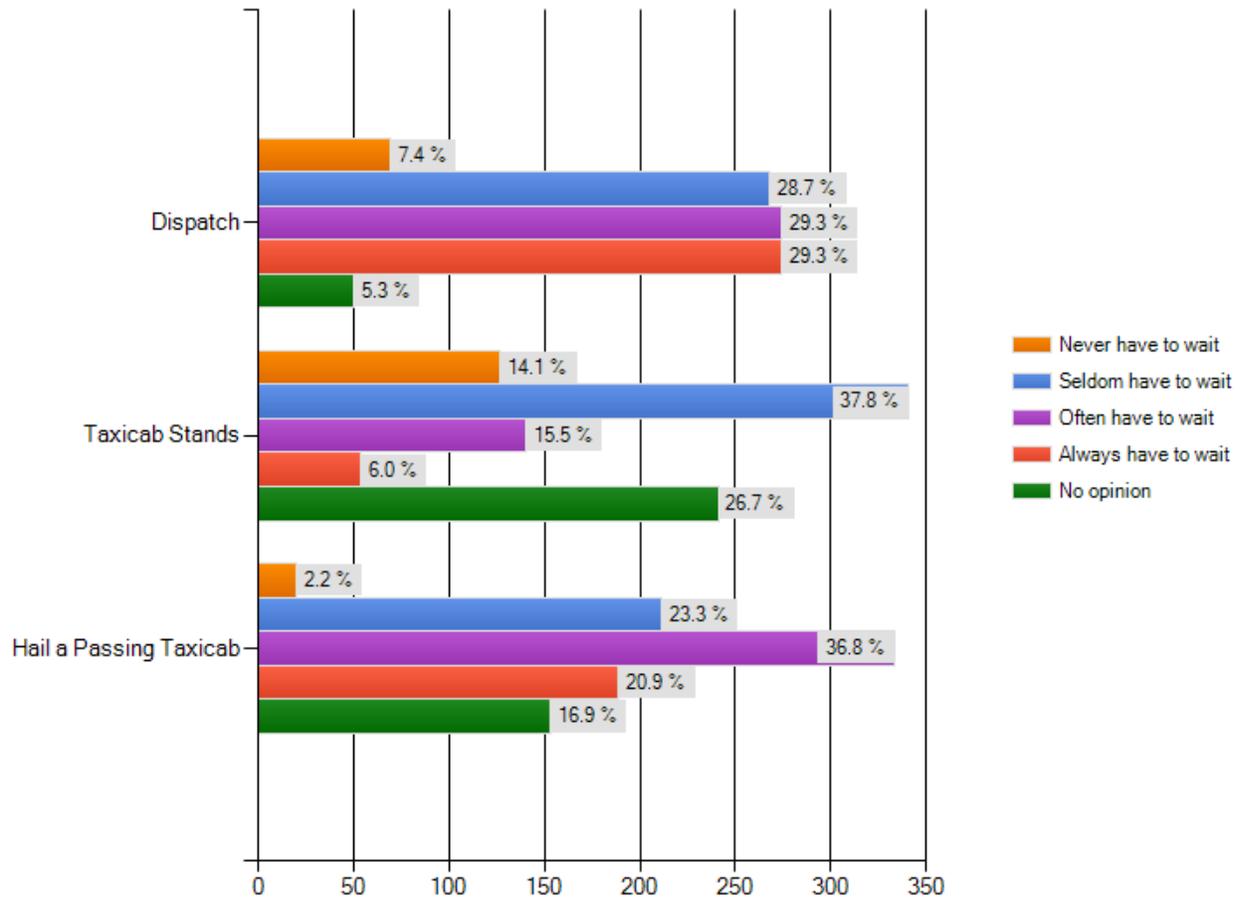
#### Five most common responses:

1. Credit cards (and willingly) (41%)
2. Be on time/Reliability (13%)
3. Courtesy/Customer Service (10%)
4. More cabs (7%)
5. Lower fares/fees (6%)

## Suggestions for Taxicab Service Improvement



## How would you describe the arrival time for taxicabs in Arlington?



### “Have to wait”:

- Dispatch: Often or Always = 58.6%
- Dispatch: Seldom or Never = 36%
  
- Stands: Often or Always = 21.5%
- Stands: Seldom or Never = 51.9%
  
- Hail: Often or Always = 57.7%
- Hail: Seldom or Never = 25.5%

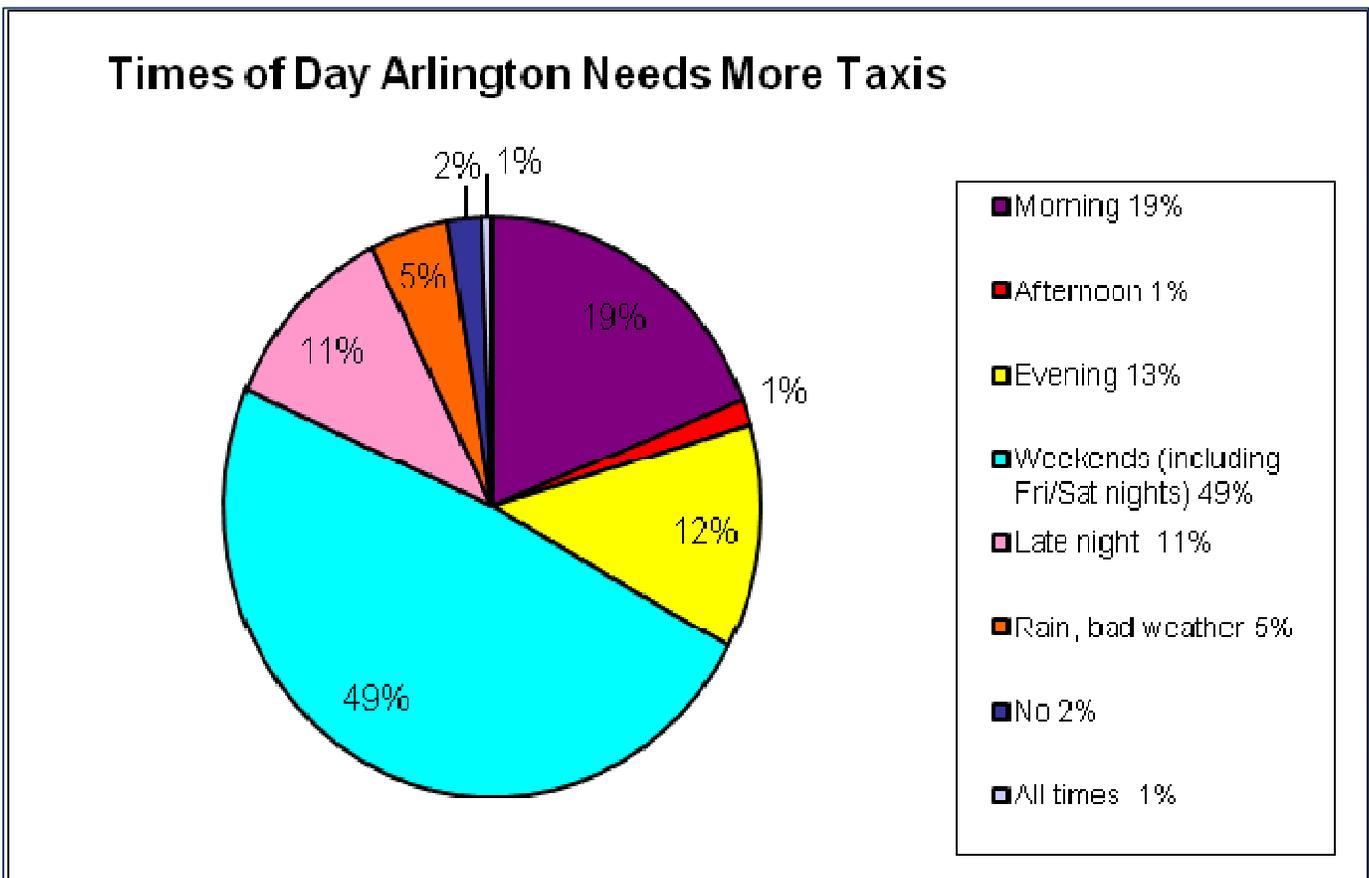
Also, 250 respondents chose to write in comments as part of their response to this question regarding wait times. A list of all write-in responses can be found in Appendix C.

**Times When More Service is Needed:**

Forty-seven percent of respondents (466 of 966) wrote in a response when asked, “Are there particular times of day when Arlington needs more or better taxi service?” A list of all write-in responses can be found in Appendix C. The chart below is a synthesis of the responses.

**Top four write-in responses - Times when more service is needed:**

1. Weekends, including Fri. / Sat. nights (49%)
2. Morning (19%)
3. Evening (13%)
4. Late night (11%)



Locations that Need More or Better Service:

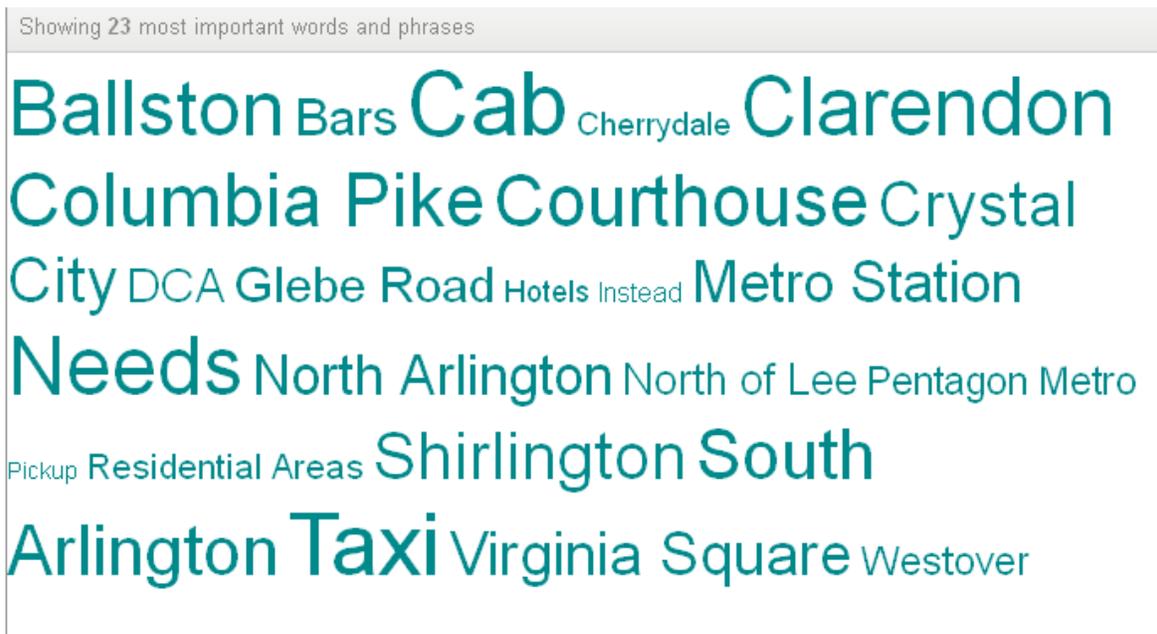
Thirty percent of respondents (292 of 966) wrote in a response when asked if they had suggestions for locations that need more or better taxi service. As can be seen by the “word cloud” image below, results varied widely and were fairly even across the county. A list of all write-in responses can be found in Appendix C.

Write-in Responses regarding locations:

43% = Rosslyn-Ballston corridor

34% = Columbia Pike, Crystal City, Shirlington, and South Arlington

Word Cloud of Write-In Responses – Locations (bigger = more prevalent)



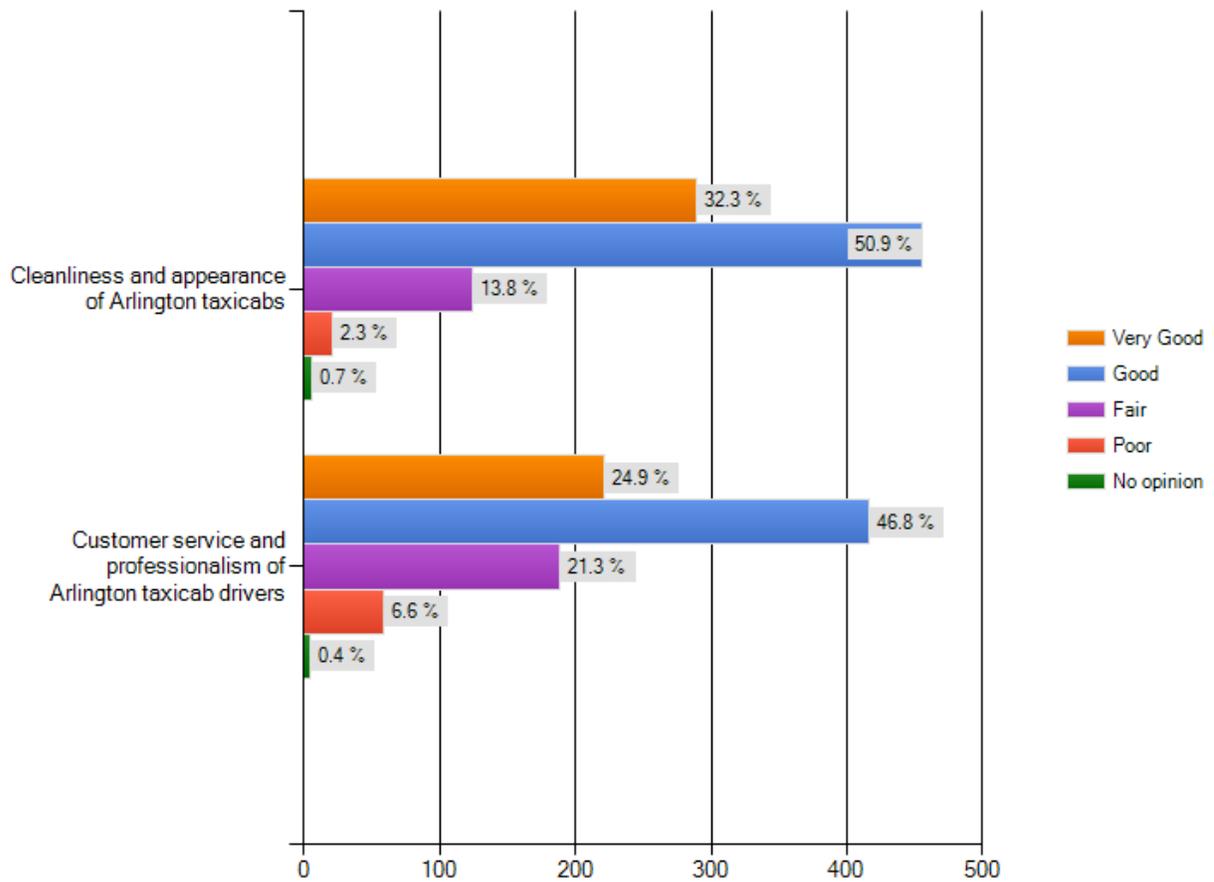
Cleanliness & Appearance of Arlington Taxicabs:

- Very Good or Good: 83.2%
- Fair or Poor: 16.1%

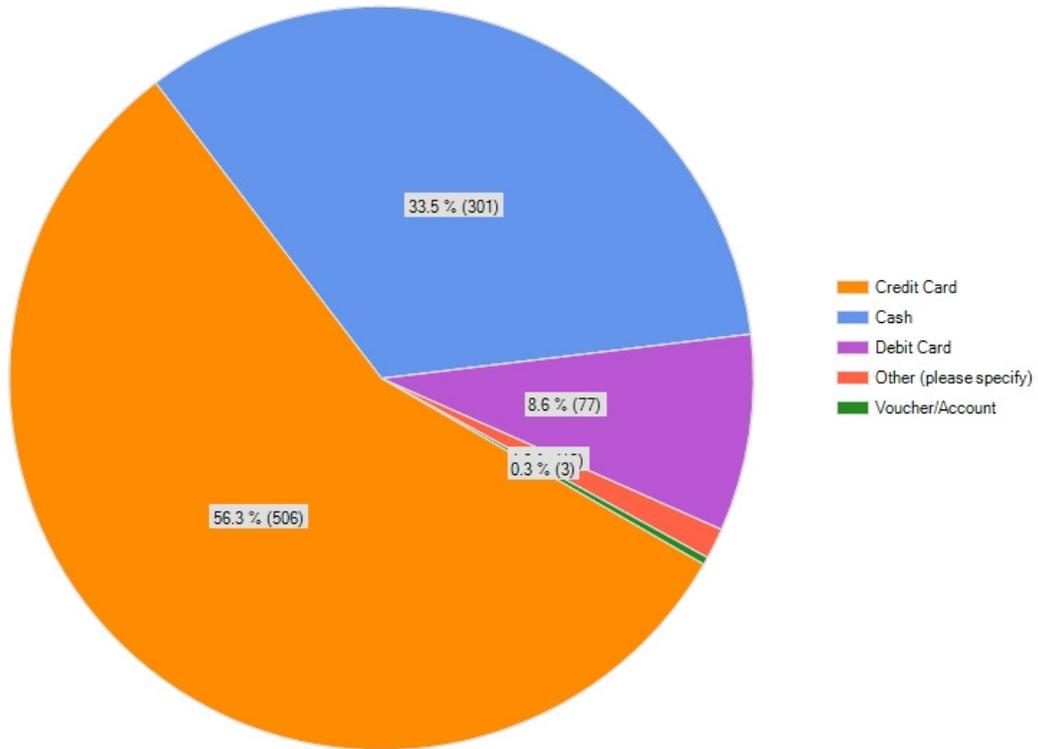
Customer service & Professionalism of Drivers:

- Very Good or Good: 71.7%
- Fair or Poor: 27.9%

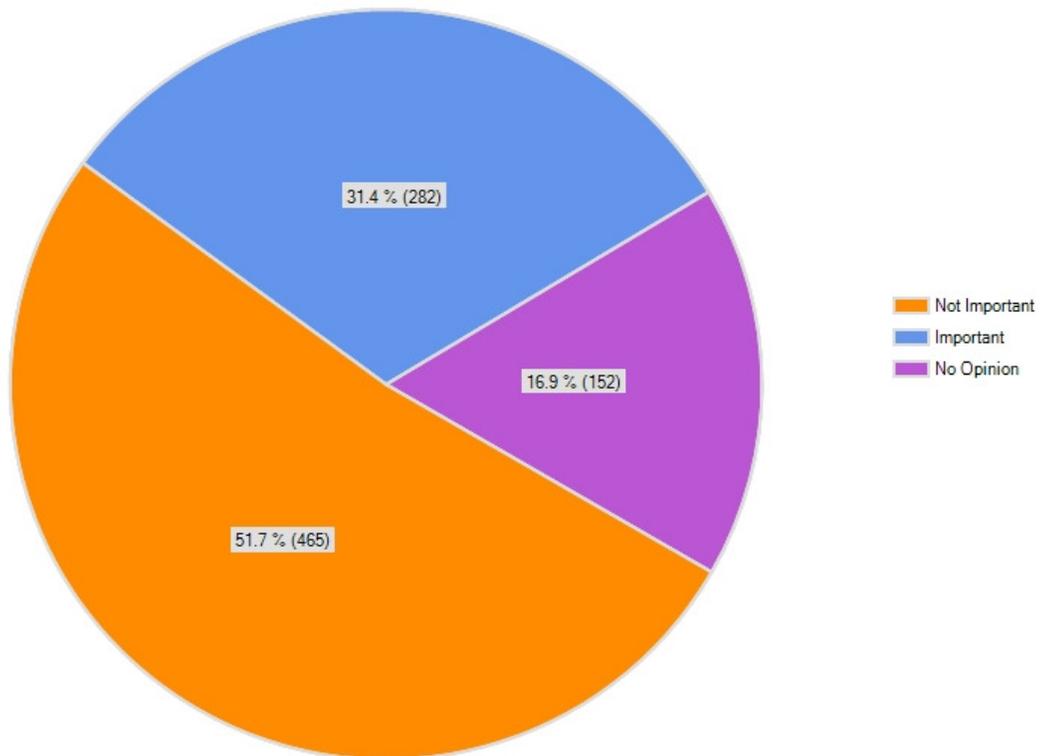
Please share your rating for the following...



**What is your preferred method of payment?**



**How important is it for you that the taxicab vehicle is a hybrid fueled vehicle?**



## II. Focus Groups Findings

### Methodology:

Nine focus groups were conducted during May and June, and included representatives from Arlington's hotels, restaurants, commercial properties, senior living facilities, BIDs and Partnerships, the Virginia Hospital Center, and the Transportation, Transit, Aging, and Disabilities advisory groups and commissions.



### **Overall Themes – in order of Prevalence** (Frequency of comments across focus groups)

#### Heard at the majority of meetings:

- Taxicab service in Arlington, generally, is pretty good. (x8)
- Arlington taxicabs are perceived to be cleaner, newer, and in better operating condition than taxicabs in nearby jurisdictions. (x6)

#### Heard at several of meetings:

- Long wait times for wheelchair-accessible taxicabs, especially in afternoons, nights and weekends. (x4)
- Identification of possible locations for additional taxicab stands in Rosslyn, Clarendon, along Columbia Pike, near assisted-living facilities, as well as ways to increase the visual appeal for stand signage (including the no-parking zone). (x4)
- When no taxicabs are available, especially at peak times, hotels and restaurants will resort to sedans or private limousines for guests, or online or mobile apps such as Uber or TaxiMagic. (x4)
- Hard to get taxicabs in the morning rush hour, on weekend evenings, and weekends late at night when bars close. (x4)
- Desire for dress standards for drivers. (x4)
- Will not use a cab if credit card payment is not available; sometimes drivers have credit card machine but claim it is not operable. (x3)
- Use of hotel bathrooms by drivers can lead to additional cleaning needs for the building. (x3)
- Smaller taxicabs can be too small for groups, (such as a business group going to a meeting together, or more than one traveler with luggage). (x3)
- Unidentified cabs are circling hotels posing as taxis or sedan services looking for rides. Hotels do not have dedicated staff or resources to prevent their customers from getting in those cars. (x3)

#### Heard at more than one meeting:

- Drivers can make riders feel uncomfortable if trip is short, seem to prefer long rides (x2)
- Alternative arrangements (private sedans, mobile apps) are especially common by hotels and restaurants for large groups because taxicab companies may not have more cabs available to the number of taxicabs requested. (x2)
- Companies with private taxicab accounts tend to experience high levels of service and short wait times when requesting a dispatch taxicab. (x2)
- Should explore additional coordination for taxicabs at large community events (races, festivals, shows) (x2)
- Hotel staff mentioned having to check taxicabs for credit card acceptance and will ask the ones that do not take credit cards to leave (x2)

Heard more than once at individual focus group meetings:

- Crystal City and Columbia Pike both seem to experience longer wait times from dispatch.
- Rosslyn and Crystal City both seem to experience more “poaching” of rides – D.C./Alexandria taxicabs picking up hailed rides.

### ***Alternate Sort of Overall Themes – By Topic:***

#### General:

- Taxicab service in Arlington, generally, is pretty good.
- Arlington taxicabs are perceived to be cleaner, newer, and in better operating condition than in nearby jurisdictions.

#### Availability:

- Long wait times for wheelchair accessible taxicabs, especially in afternoons, nights and weekends.
- Identification of possible locations for additional taxicab stands in Rosslyn, Clarendon, Col. Pike, near assisted living facilities, and ways to increase the visual appeal for stand signage (including the no parking zone).
- When no taxicabs are available, especially at peak times, hotels and restaurants will resort to sedans or private limousines for guests, or online or mobile apps such as Uber or Taxi Magic.
- Alternative arrangements (private sedans, mobile apps) are especially common by hotels and restaurants for large groups because taxicab companies may not send the number of taxicabs requested for guests.
- Hard to get taxicabs in the morning rush hour, on weekend evenings, and weekends late at night when bars close.
- Companies with private taxicab accounts with taxicab companies tend to experience high levels of service and short wait times when requesting a dispatch taxicab.
- Should explore additional coordination for taxicabs at large community events (races, festivals, shows).
- D.C. taxicabs are easier to hail.
- Crystal City and Columbia Pike both seem to experience longer wait times from dispatch.
- Rosslyn and Crystal City both seem to experience more “poaching” of rides – D.C./Alexandria taxicabs picking up hailed rides.
- Overcrowded taxicab stands cause traffic backups.

#### Payment:

- Will not use a cab if credit card payment is not available; sometimes drivers have credit card machine but claim it is inoperable.

#### Vehicle Size:

- The smaller taxicabs can be too small for groups - from both business sector and tourists (such as a business group going to a meeting together, or more than one traveler with luggage)

#### Driver Standards:

- Desire for dress standards for drivers.

- Use of hotel bathrooms can lead to additional cleaning needs for the building.
- Drivers can make riders feel uncomfortable if trip is short, clearly prefer long rides.
- Suggestions for additional training to drivers regarding dealing with persons with dementia or memory loss.

Miscellaneous:

- All companies should have a lost and found.

## **Focus Group Comments - Summaries**

### Rosslyn Hotels

On May 10, 2012, staff held a focus group with representatives of Rosslyn hotels. Overall, the participants said that taxicab service in Arlington is generally good. However, all present said that morning rush hour between 7:30 and 9:30 a.m. was a difficult time to get cabs for their guests. Evenings, weekend evenings, and during bad weather are also periods when getting a cab is difficult. Hotels often utilize private sedan services when there are no taxis available for their guests. One hotel mentioned the presence of an unidentified cab showing up to their property to pick up a passenger.

### Rosslyn Businesses

On May 11, 2012, staff held a focus group with representatives of other Rosslyn businesses (comprising retail, restaurants, and larger companies). Most stated that the quality of service by Arlington cabs is high. One business commented that cabs can be too small for some travelers with luggage, but they enjoyed the cleaner and newer Arlington cabs compared to D.C. cabs.

### Columbia Pike Businesses

On May 24, 2012, staff held a focus group with Columbia Pike businesses who stated they need cabs to get bar patrons home safely late at night, especially at 2:00 a.m. when bars close. The participants said that while Arlington cabs are cleaner and more reliable than D.C. cabs, some have been using Uber – a limo/sedan service provider – instead of cabs because they show up faster and are professional.

### Ballston Businesses

On May 30, 2012, staff met with a representative of a hotel in Ballston. He said that the early morning (7:00-7:30 a.m.) was a difficult time to get a cab and he would like more cabs for peak hours. He also said some hotel patrons will use a private limo service for pick-up and drop-offs at airports. He said there was also a need for larger vehicles to handle parties of four or more and/or those with lots of luggage.

### Clarendon Businesses

On June 5, 2012, staff held a focus group with various Clarendon business representatives. They stated that cab service in Arlington is noticeably better than in other places. Arlington cabs are cleaner and better maintained than D.C. cabs, although D.C. cabs are easier to hail. They also stated that they sometimes use the Uber service for their VIP guests and that Taxi Magic – a web-based taxi-booking service - is also a good tool.

#### Virginia Hospital Center

On June 6, 2012, staff met with several Hospital employees who said that the Hospital uses cabs regularly for patients, visitors, employees, etc. Overall, they like the cab service and believe the cabs are clean and generally responsive. However, patients experience very long waits (2-4 hours) for wheelchair-accessible vans, especially on nights and weekends.

#### Senior Living / Nursing Home Businesses

On June 12, 2012, staff met with representatives from two senior living facilities and the Commission on Aging. The senior living facility representatives stated that they never get complaints about taxi service and customer service is generally very good. However, as with Virginia Hospital Center, when using wheelchair-accessible vehicles they anticipate a long wait and occasional unavailability.

#### Transportation Commission, Disability Advisory Committee, Transit Advisory Committee and Transit Accessibility Subcommittee, Commission on Aging

On June 12, 2012, staff met with representatives of these groups for one focus group meeting. Attendees stated that taxicab service for the disabled is better than other jurisdictions. However, they also repeatedly pointed out the need for more wheelchair-accessible cabs – stating that wait times are long and it is almost impossible to arrange wheelchair-accessible taxicabs on weekday evenings and on weekends.

#### Crystal City Hotels

On June 14, 2012, staff held a focus group at the Crystal City BID with primarily hotel representatives. The representatives stated that when cabs are not available – weekday mornings from 7-9 a.m. and evenings 6-8 p.m. – they will use limo/sedan service or deliver the guests themselves. In addition, it is sometimes hard to get a wheelchair-accessible vehicle. Displeasure was expressed regarding the small size of some taxicabs for parties of four and/or those with luggage. All representatives mentioned the presence of at least four to five unregistered drivers in unmarked cars trying to pick up passengers.

### III. Telephone Survey of Drivers

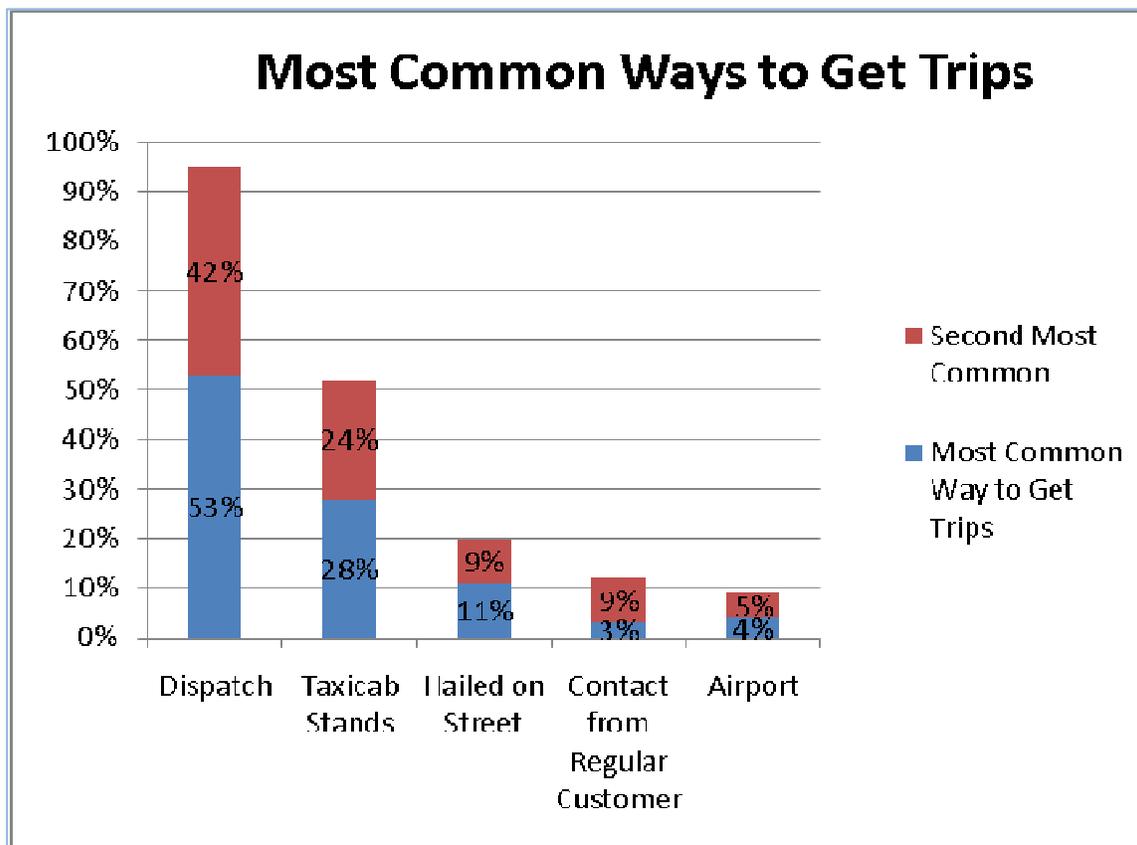
#### Methodology:

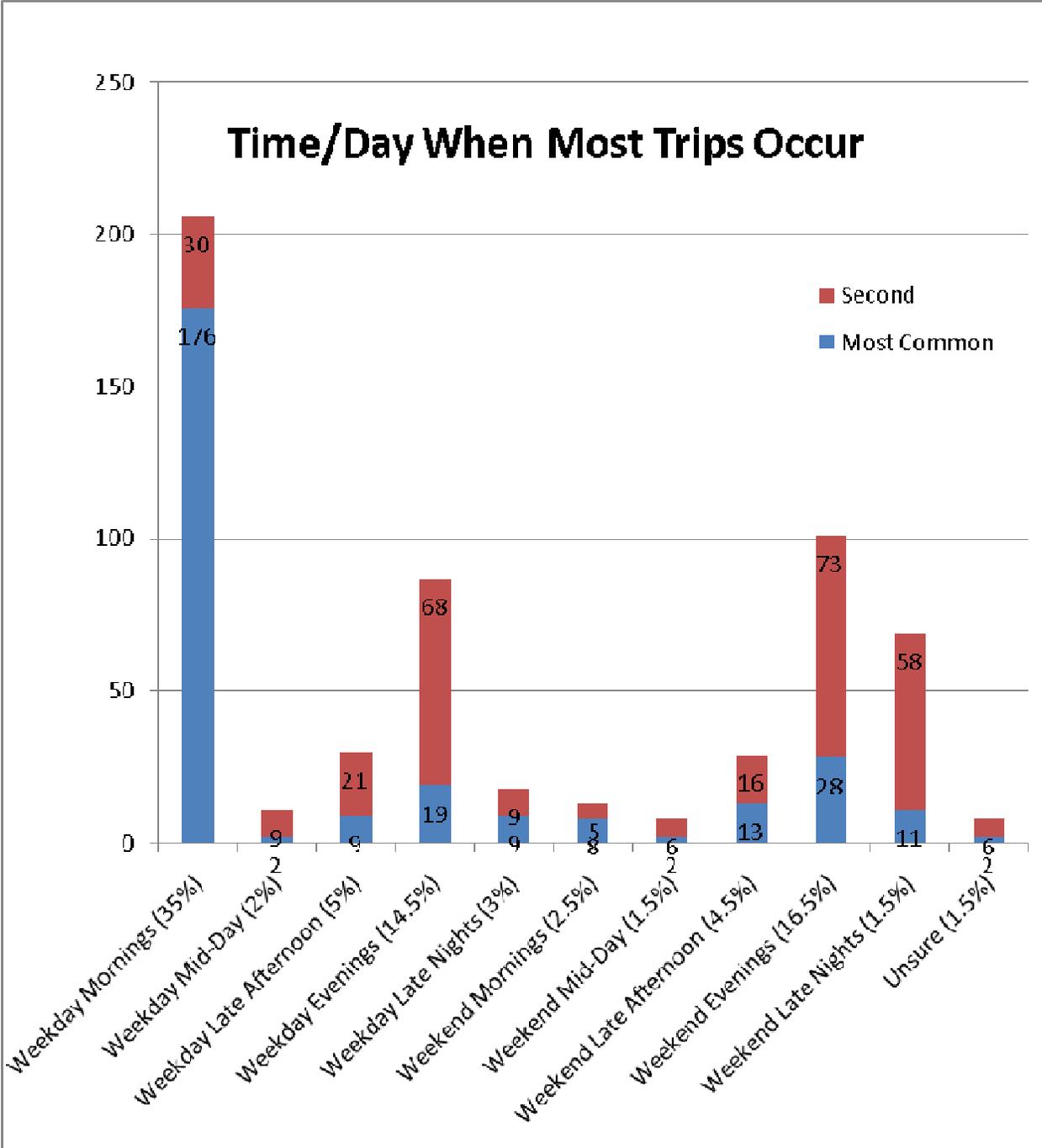
In June of 2012, a confidential telephone survey of all 1,451 taxicab drivers licensed in Arlington County was conducted by a third-party research firm on behalf of Arlington County. More than 300 drivers responded to the survey, resulting in a margin of error of +/- 5% at the 95% confidence interval.



#### General Results

- There were 301 responses to the driver survey. Based on SIR findings, 53% of drivers identified dispatch as the most common way to get trips, and 28% identified taxicab stands. Among labor association members (29%), the most common way to get trips is through taxicab stands (38%), while only 30% responded dispatch and 22% responded hailed on street.
- 58% of drivers responded that they get the most trips on weekday mornings, 11% on weekends late at night, and 9% on weekend evenings.
- In an average week, 62% of all responding drivers work 50+ hours.

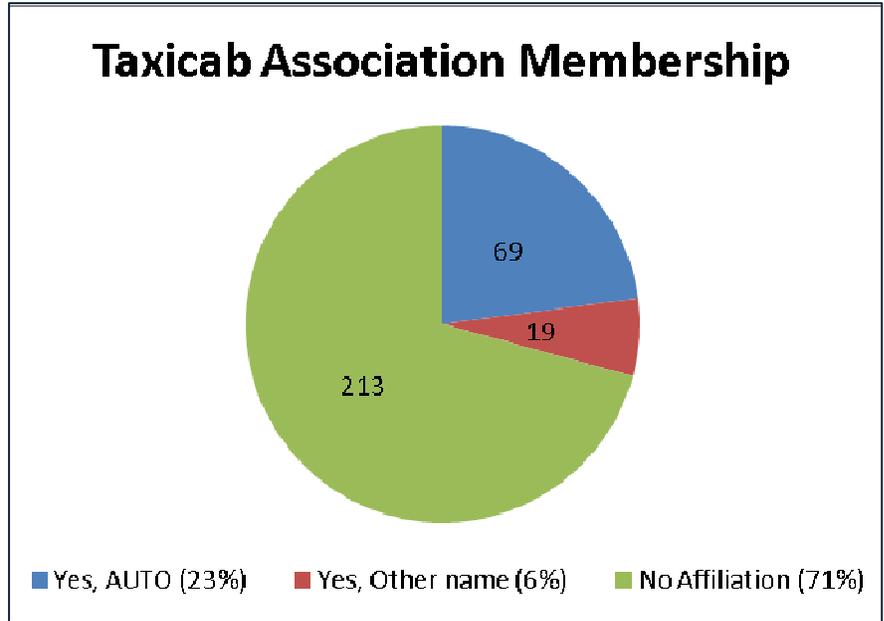




## Summary of Drivers Responses – by Topic

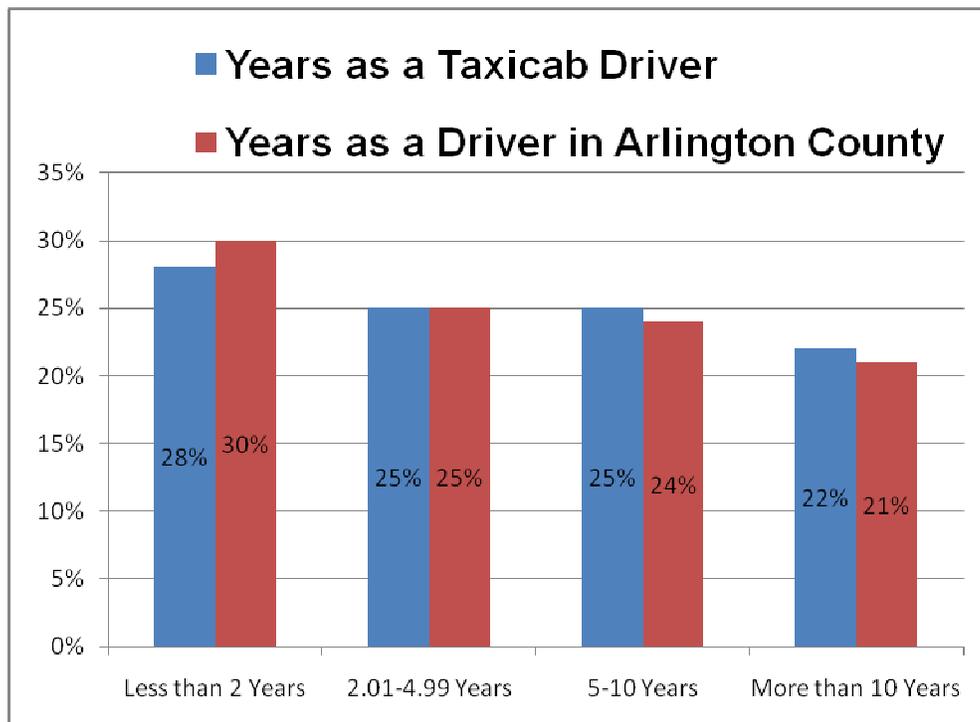
### Taxicab Association Membership

- 88 drivers (29%) identified themselves as members of a labor association
- Of the 88, 69 drivers (23% overall) identified as members of AUTO



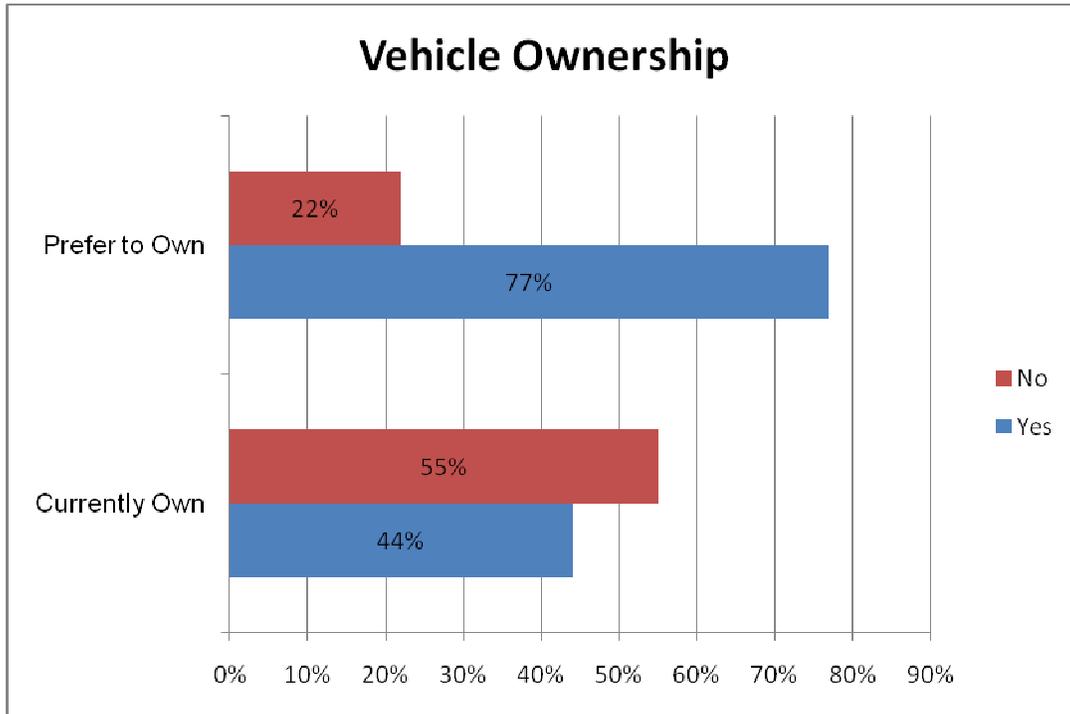
### Years of Experience

- Overall, 53% of drivers have less than five years of experience, while 47% have more than five years of experience.
- Among members of a labor association, 67% have less than 5 years of experience, while 33% have more than five years of experience.



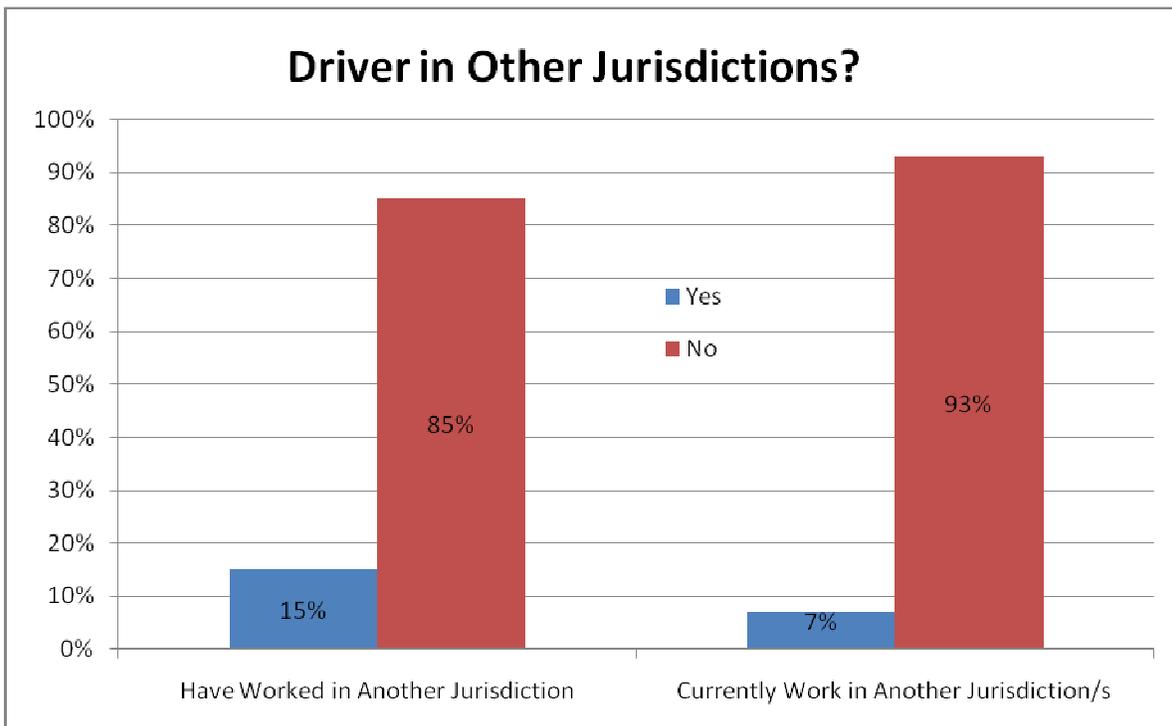
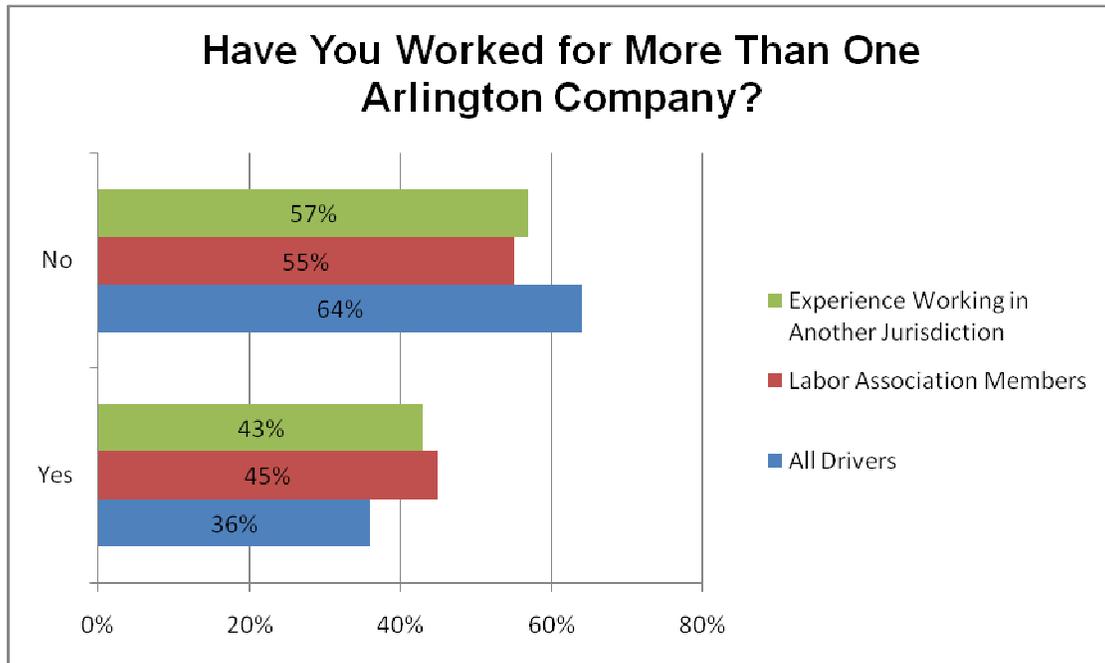
Taxicab Vehicle Ownership:

- Overall, 44% of taxicab drivers own their vehicle; 77% of drivers responded that they would prefer to own.
- 39% of labor association members own their vehicle; 88% of association members responded that they would prefer to own.



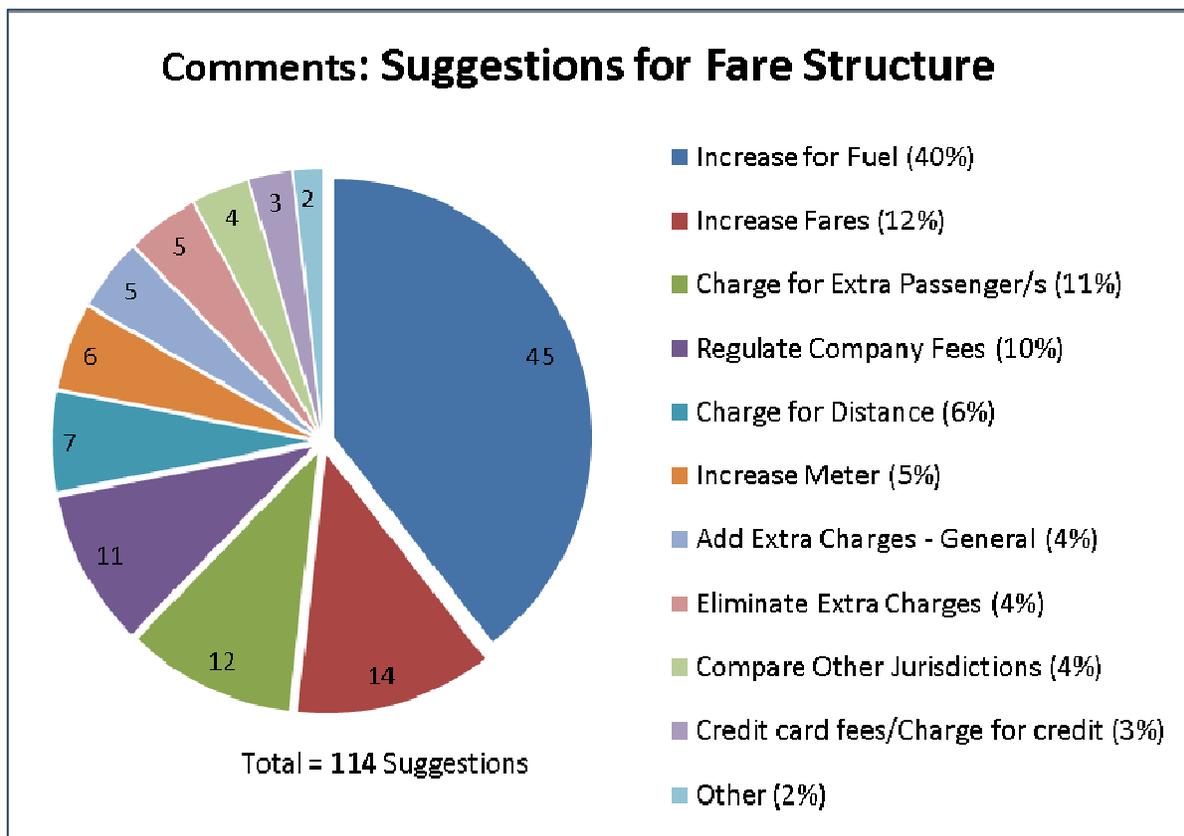
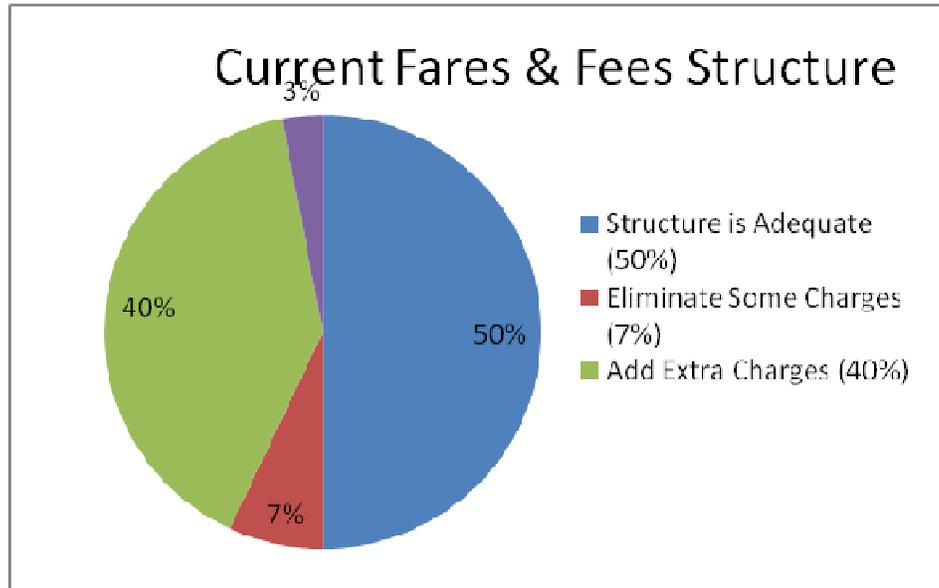
Worked with More than One Company in Arlington / Worked in Other Jurisdictions

- 36% of drivers responded that they have worked with more than one taxicab company in Arlington. Among labor association members, 45% have worked with more than one company.
- 15% of drivers responded that they have worked as a taxicab driver in other jurisdictions. However, only 7% of all drivers responded that they are currently working as a taxicab driver in any other jurisdiction.



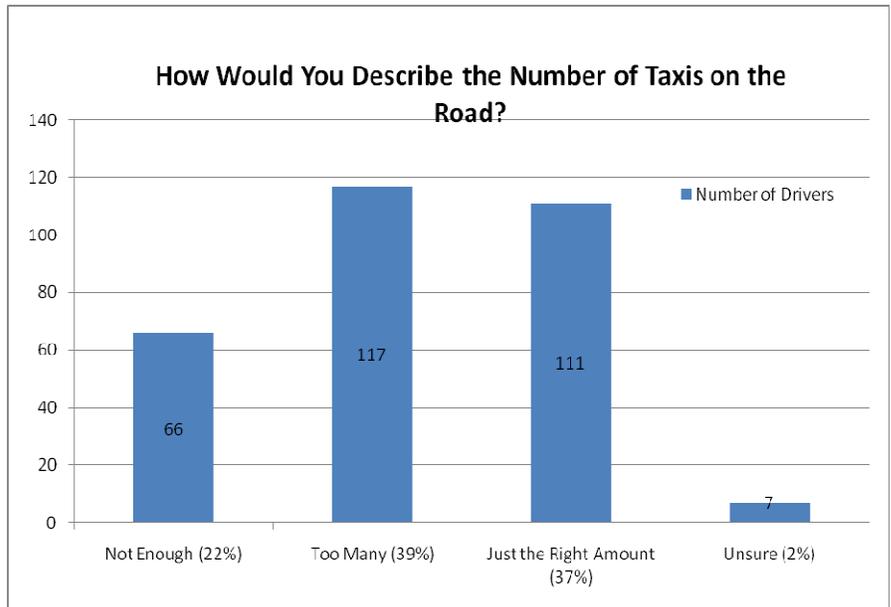
Current Fares & Fees Structure Overall:

- 50% of drivers responded that the current fare structure is adequate, while 40% responded additional charges should be added.
- As a follow-up question, drivers were asked if they had suggestions for improvement to the fares/fees structure and 114 responded with suggestions. The largest chunk, 40% of the suggestions, were for an increase attached to fuel prices, and 12% were for an increase in fares in general. All comments can be found in Appendix G.

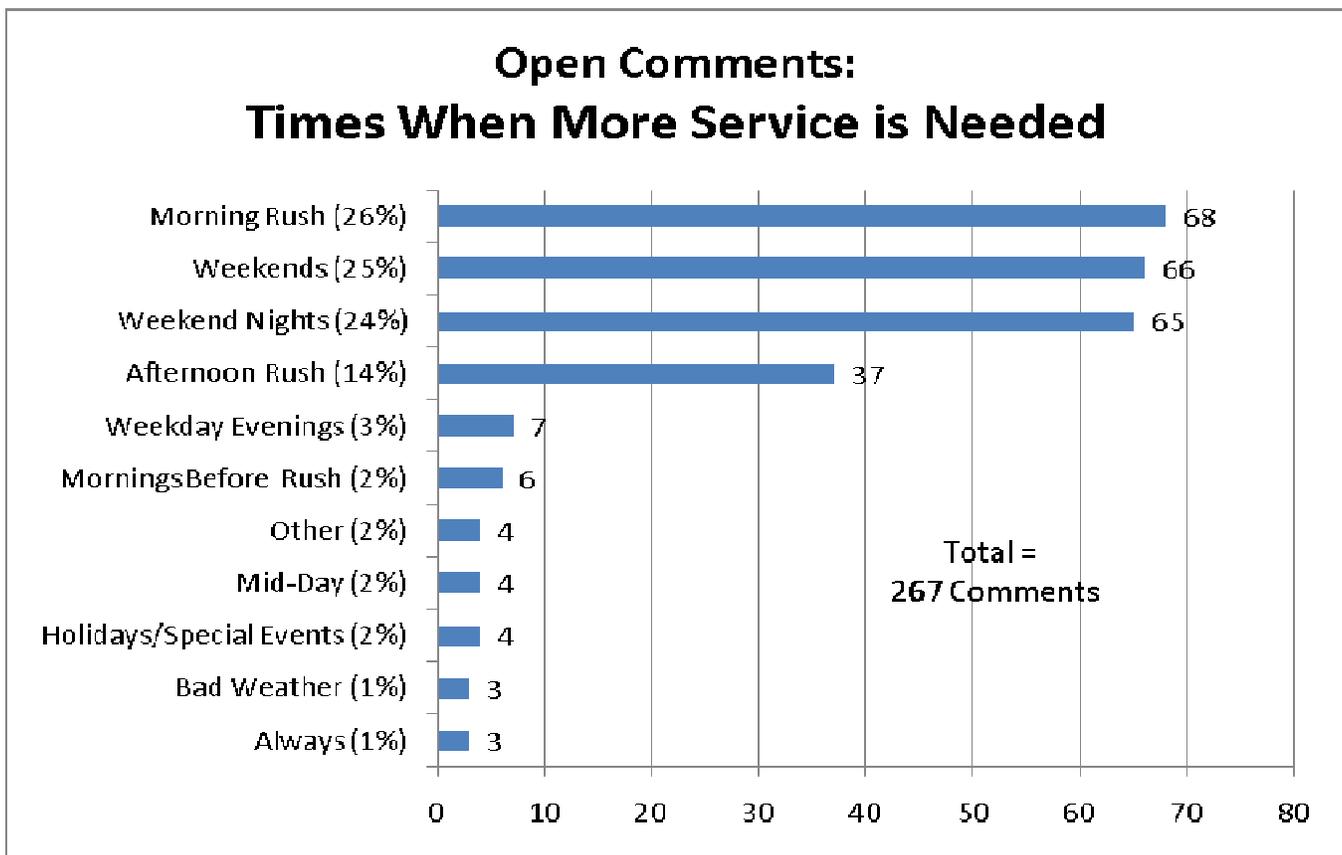


### Number of Taxis on the Road:

- Overall, 39% of drivers responded that there are too many taxicabs on the road, while 37% responded that there is just the right amount, and another 22% responded that there are not enough.

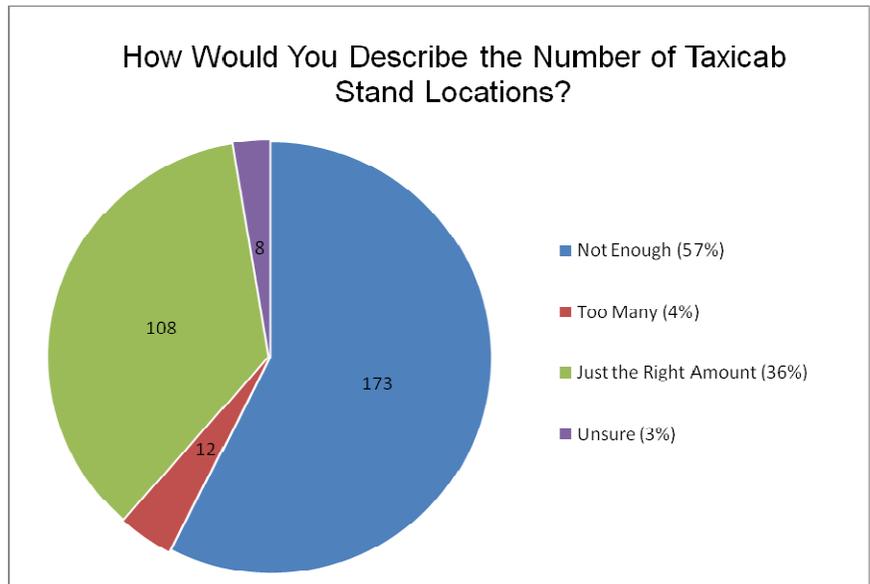


When asked if there are particular times of day when more taxicabs are needed, 183 of the drivers responded offering a total of 267 suggested times (some suggested more than one time period). Those responses have been compiled in the chart below. All comments can be found in Appendix G.

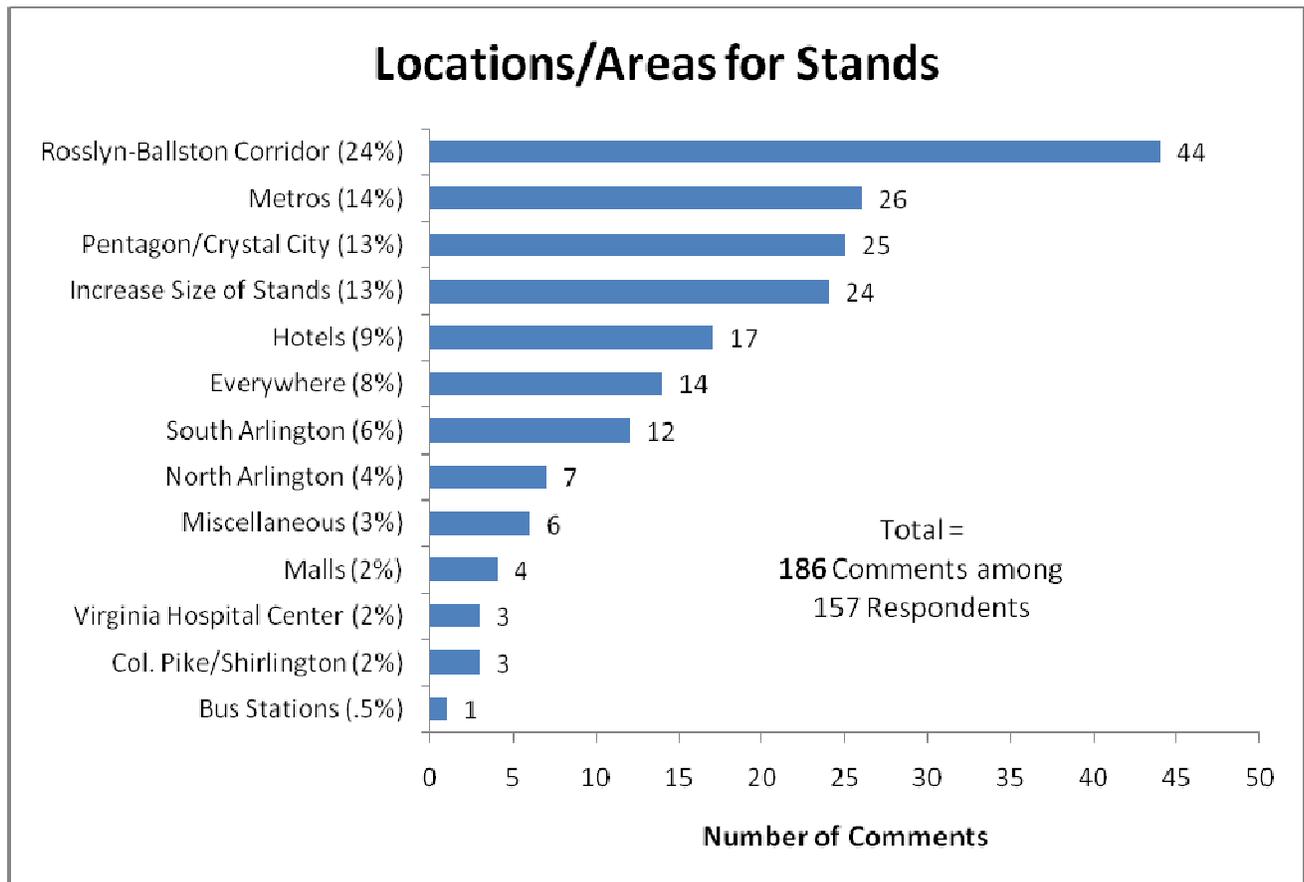


### Taxicab Stands

- 57% of drivers responded that there are not enough taxicab stand locations in Arlington, while 36% responded that there is just the right amount.
- Among labor association members, 69% responded that there are not enough taxicab stand locations, while 19% responded that there is just the right amount.

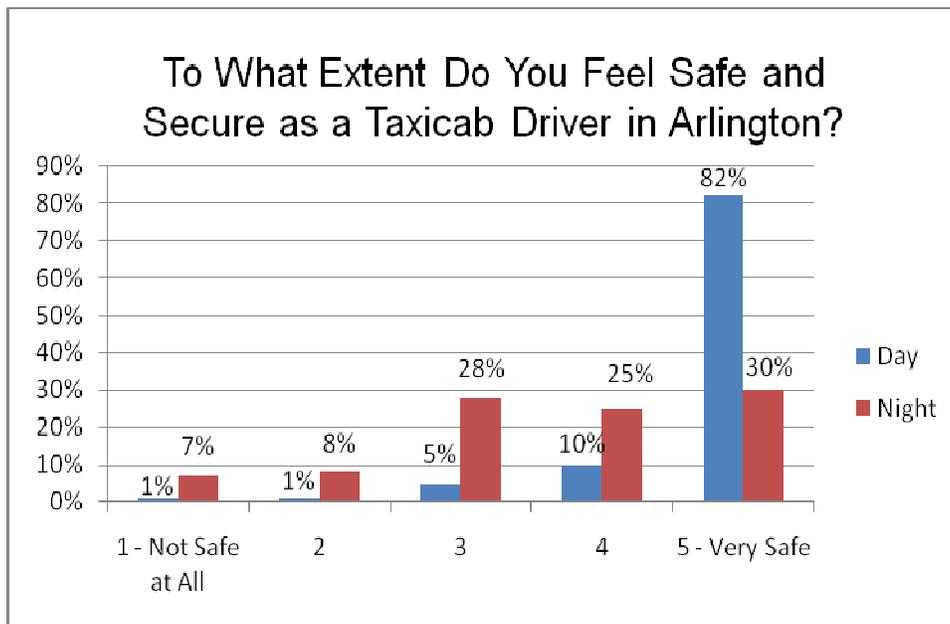


The following pie chart shows a compilation of comments received from 157 drivers regarding locations or areas where taxicab stands are needed. Some drivers offered more than one location. All comments can be found in Appendix G.

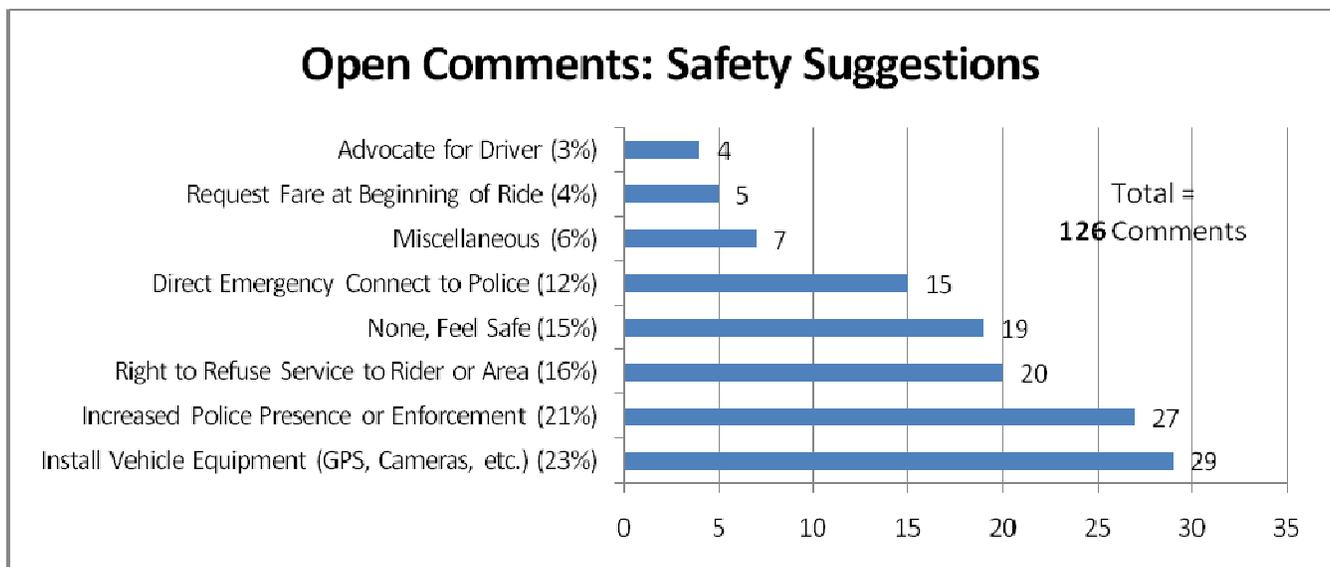


### Feel Safe and Secure

- On a scale from 1-5 (5 = very safe), 92% rated feeling safe during the daytime a 4 or 5. 85% rated feeling safe at night a 3 or above.



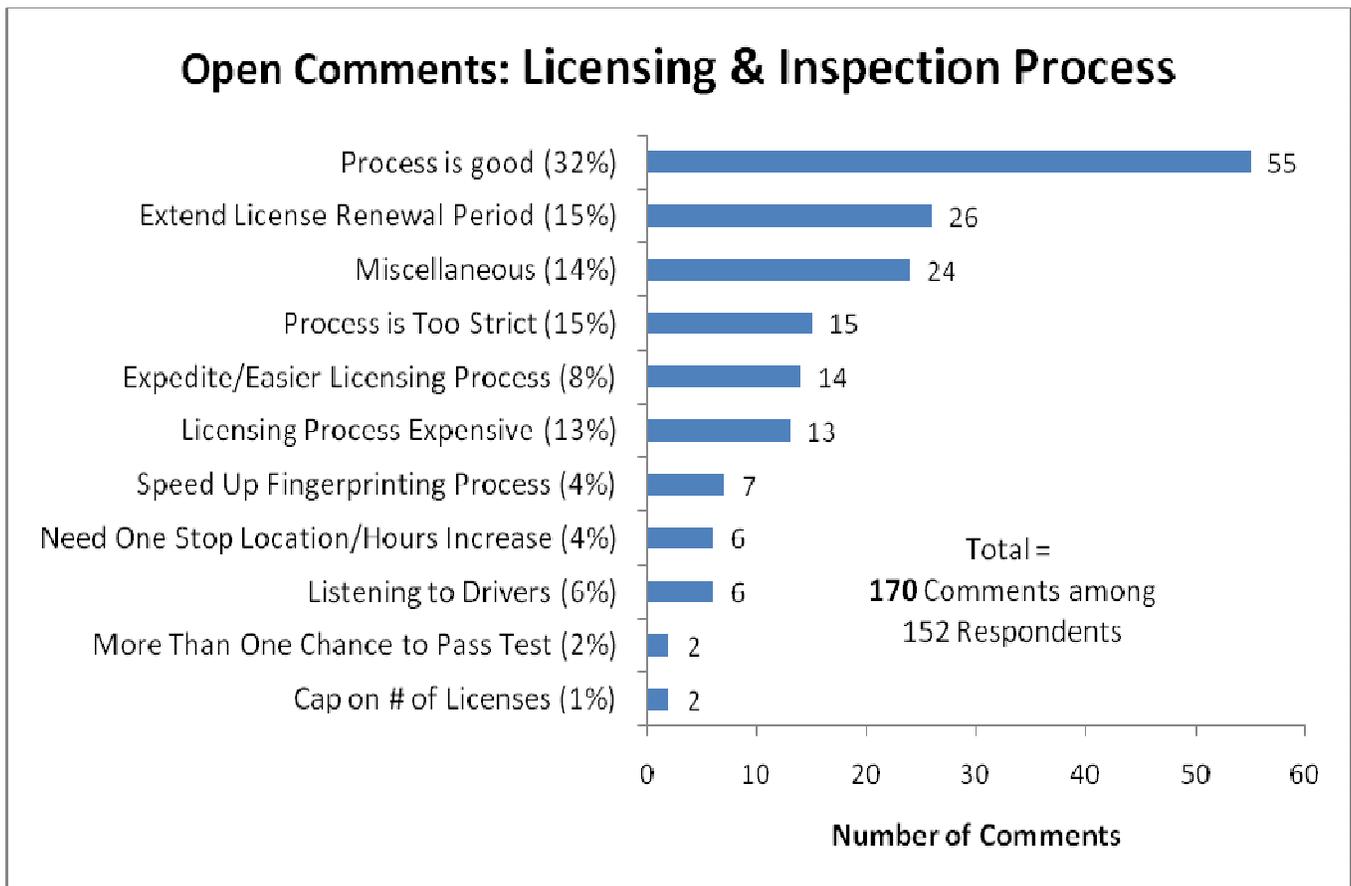
When asked if they wanted to add any comments or suggestions regarding safety, 126 comments were received from the participants. All comments can be found in Appendix G.



### Licensing & Inspection Process

A few questions at the end of the survey were open comment only – without answer choices.

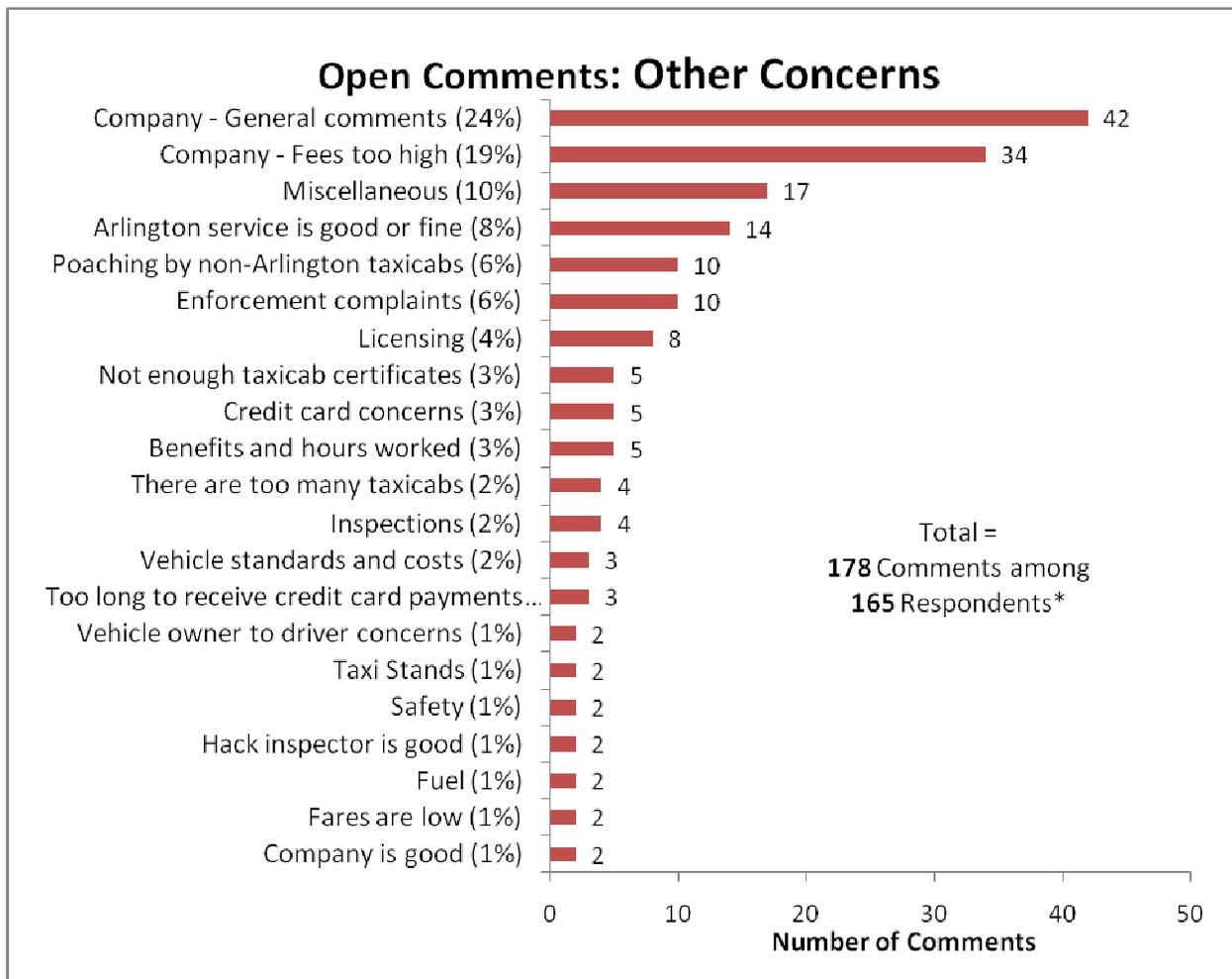
- Drivers were asked if they had any suggestions to improve the licensing and inspections process. The following graph shows the breakdown of the 170 comments received among 152 question respondents (some offered more than one comment). All comments can be found in Appendix G.
- Examples of miscellaneous responses are, “Licensing should be monitored and controlled according to the population of the County,” and, “People are disrespectful.”



### Other Concerns

Drivers were asked to identify any other concerns they may have, as well as suggestions to address concerns or for improvements in taxicab service in Arlington generally. The following two graphs show the breakdown in categories of the comments.\* All comments can be found in Appendix G.

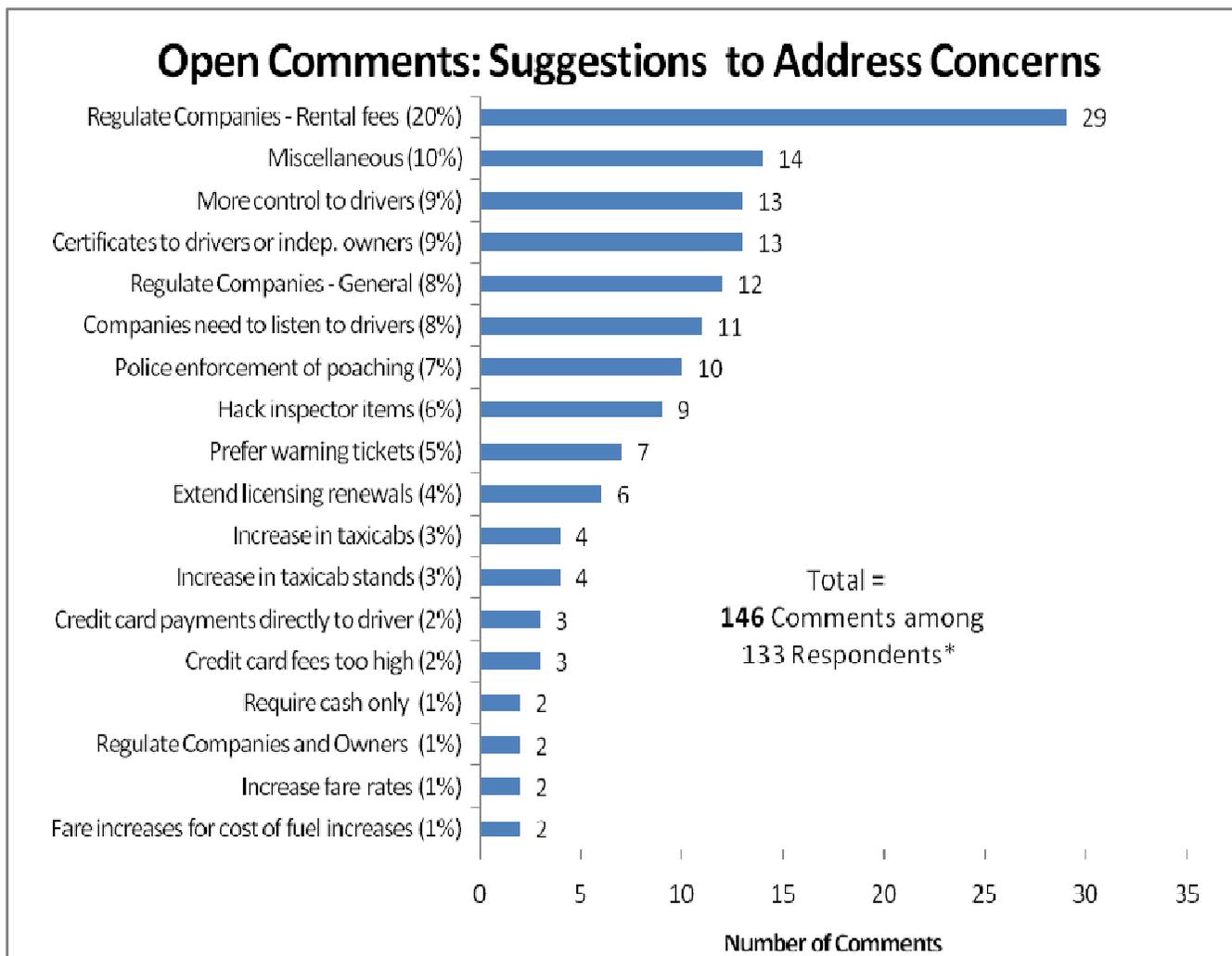
- 24% of the comments (14% of overall survey population) identified concerns regarding company operations in general, another 19% of the comments were regarding the company fees/dues, while 8% commented that service is good or fine.
- 18% of the comments (11% of overall survey population) were regarding Police enforcement or Hack Inspector functions, including enforcement of poaching by non-Arlington taxicabs and the licensing and inspections process.
- Examples of miscellaneous comments would be “Control of dome light,” and “Protect riders and drivers.”



\* Some of the 165 respondents to this question offered more than one comment.

## Suggestions

- When asked if they had suggestions for addressing these concerns, 20% of the comments received (10% of the overall survey population) were regarding regulation of the companies' rental fee rates, 9% suggested giving more control to drivers, and 9% suggested distributing certificates directly to drivers or independent vehicle owners. All comments can be found in Appendix G.
- 22% of the suggestions (11% of the overall survey population) were related to increased police enforcement of poaching, suggestions for the Hack Inspector, a desire for warning tickets for traffic violations, and extending the requirement for annual taxicab driver license renewals.
- Examples of miscellaneous comments would be, "Drivers should be allowed to reject riders," and "Merge lanes should be extended on streets."



\* Some of the 133 respondents to this question offered more than one suggestion.

## Appendix A

### Taxicabs Service Assessment – 2012

Stakeholders	Subgroup	Mechanism	Advertising
<b>Drivers (approx. 1,500 licensed)</b>		Telephone Survey	Direct Mail – post-card for pre-alert notification
<b>Riders</b>	<i>General</i>	Online Survey	In taxicabs, media, social media
<b>Riders</b>	<i>Consumer Groups: Disabled/Seniors</i>	Focus Group w/ Commissions – Disability, Aging, Transportation, Transit	Direct connect
<b>Riders</b>	<i>Consumer Group: Seniors</i>	Focus Group with management of Arlington Senior Centers	Connect through Comm. on Aging
<b>Taxicab Companies</b>		Ongoing discussions; Meeting	Direct connect
<b>Business Community</b>	<i>BIDs/Partnerships*</i>	Focus Groups (~5)	Direct connect through BIDs/Partnership executive directors
<b>Business Community</b>	<i>Institutional Company</i>	Focus Groups w/ Virginia Hospital Center	Direct connect

**Appendices Available online or by request:**

Appendix B - Riders Survey Questions & Results

Appendix C - Riders Survey Write-in Responses

Appendix D - Focus Groups – Notes

Appendix E - Taxicab Drivers Survey Questions

Appendix F - Drivers Survey Data Tables from SIR

Appendix G - Drivers Survey Open Comment Responses



# CHARGE

## AFFORDABLE HOUSING STUDY

*October 19, 2012*

**PURPOSE:** The purpose of the Study is to create a shared community vision of Arlington's affordable housing goals, policies and priorities. The result will be a new set of housing principles, goals, targets, strategies, and priorities that can be adopted by the County Board as the Affordable Housing Element of Arlington's Comprehensive Plan. The Code of Virginia calls for the comprehensive plan to "include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality while considering the current and future needs of the planning district within which the locality is situated." This element will fulfill that mandate. Although the focus of the Study will be on affordable housing ("affordable" to be defined as part of the Study), reference to the entire housing stock will be necessary to serve as a framework or context for the affordable housing component, and some goals and targets may relate to broader housing objectives.

**SCOPE:** County staff and community stakeholders will assess existing goals, programs and resources; identify needs and gaps; develop short, mid- and long-term goals; identify policy issues, funding priorities and strategies; and present to the County Board recommended housing principles, goals, targets, strategies, and priorities. County staff may engage consultants to carry out one or more elements of the Study. There are three major elements of the Study:

1. **Community Housing Needs.** In order to provide the most up-to-date information about the current housing situation in Arlington, the following steps will taken:
  - a. Conduct a housing needs survey to update the housing needs of the current and projected County population, broken down by existing and potential need categories;
  - b. Incorporate data from a range of data sources, including:
    - i. Census Bureau reports and data;
    - ii. Local data bases, including permitting, code enforcement, rent & vacancy, homelessness, and special populations data;
    - iii. Academic and regional population, housing, and economic experts;
    - iv. Information on unmet needs and gaps from current housing providers, service providers serving target populations, and other community groups;
  - c. Develop a preliminary report summarizing the data and making preliminary conclusions on current conditions and needs.

2. **Strategies/Programs to Address Housing Needs.** Both current approaches employed in Arlington as well as best practices in other areas will be assessed.
  - a. Assess current program approaches to meeting affordable housing needs in Arlington, in terms of effectiveness in meeting goals and targets, costs, and other evaluation criteria (this is not meant to involve detailed program-by-program evaluation);
  - b. Update the review of best practices to determine other promising strategies to meet needs, including assessment of barriers to meeting needs and feasibility of strategies and program approaches in the Arlington environment;
  - c. Estimate in broad terms the resources (funding, staff effort, program/administrative structure) needed to address affordable housing needs;
  - d. Review current and potential funding and financing strategies, including taxing districts, tax increment financing, bonding approaches, and public-private partnerships.
  
3. **Housing Principles/Goals/Targets.** Current adopted principles, goals and targets will be evaluated and new and/or revised ones will be recommended to serve as guidance for the next generation of affordable housing efforts.
  - a. Re-examine the current Housing Principles and consider whether any changes are needed;
  - b. Establish relative priorities based on need, community goals, and other factors;
  - c. Evaluate the current Goals in light of updated information on needs, plans adopted and actions taken since the Goals were last examined, and the County's vision for a sustainable community; develop new and/or revised long-term, mid-term, and short-term Goals.
  - d. Evaluate past and current (to 2015) Targets; develop new and/or revised Targets that will direct actions and resources and measure progress toward the Goals.
  - e. Develop document to be adopted as the Affordable Housing Element of the Comprehensive Plan, with appropriate references to other elements that address other aspects of the County's housing, such as the General Land Use Plan.

## **COMMUNITY ENGAGEMENT STRUCTURE**

1. **Community Engagement Plan.** County staff shall develop a plan to engage all sectors of the community interested in the Study effort throughout the Study process, especially traditionally uninvolved populations such as low-income residents, persons with limited English proficiency, and workers who do not live in the County. County staff may engage consultants to assist with development and implementation of the Community Engagement Plan. In the course of outreach and

engagement, opportunities may be sought to provide information and education about affordable housing programs.

**2. Working Group.** The County Manager shall appoint a Working Group of community persons, to advise County staff during the Study process and have input into process implementation and recommendations. The Working Group should be comprised of the representatives of the following advisory commissions and other key stakeholder groups:

- Housing Commission
- Planning Commission
- Community Development Citizen Advisory Committee
- Commission on Aging
- Tenant-Landlord Commission
- Disability Advisory Commission
- 10 Year Plan to End Homelessness Leadership Consortium or Task Force
- Community Services Board
- Historic Affairs and Landmark Review Board
- Economic Development Commission
- Nonprofit Housing Developer
- For-profit Housing Developer or Owner

The County Manager shall ask for nominations from each of the commissions and groups and shall appoint members from among the nominees. The County Manager shall appoint a Chair of the Working Group. In appointing the members, the County Manager shall also take into account, to the maximum extent possible, the need for the Working Group to reflect the diversity of interests in the community at large and be representative of:

- Racial/ethnic minorities;
- Low and moderate-income persons;
- Immigrant communities;
- Faith communities;
- Housing finance/banking/economic development professionals;
- Businesses and major employers;
- Tenants.

If the membership does not adequately reflect the diversity of interests in the community, the County Manager may appoint additional members to meet that objective.

**3. Stakeholder Network.** County staff shall identify major stakeholders and interested parties who should be kept informed of the process, preliminary results, draft recommendations, and solicited for input at key points in the process. A contact list of such stakeholders shall be maintained and added to as persons express interest in being involved in the Study. County staff shall ensure that the Network includes the full range of community sectors with an interest or stake in the Study.

**4. County Board Liaison.** The County Board shall appoint one of its members to serve as a liaison. County staff will regularly update the Liaison on progress,

discuss process issues, and keep the Liaison informed on direction and policy issues. The Liaison shall update other County Board members as needed or request that staff brief the other Board members at key points in the process. The Liaison will coordinate with the County Manager and the County Board Chair on issues or actions that need to be brought before the County Board.

## **STUDY PROCESS AND TIMELINE**

### **Year 1: July 2012-June 2013**

- Hold community forum on Housing Study Scope and Process (September 22 - completed)
- Develop Charge for the Study and report to County Board
- Hire consultants
- Establish staff Technical Working Group
- Develop Community Engagement Plan
- Develop Stakeholder Network
- Conduct housing needs survey; compile and analyze results
- Collect and analyze other data, including gaps and unmet needs
- Review best practices
- Begin assessment of current strategies/program approaches; determine evaluation criteria and methodology

### **Year 2: July 2013-June 2014**

- Complete preliminary report on housing needs, with community review;
- Complete assessment of strategies/program approaches, with community review;
- Develop plan for community review of Housing Principles, Goals and Targets

### **Year 3: July 2014-June 2015**

- Develop recommended Housing Principles, Goals and Targets;
- Implement community review of recommendations;
- Develop final report of Housing Principles and Goals to be adopted by County Board as Affordable Housing Element of Comprehensive Plan;
- Develop recommendations for funding; incorporate into County Manager's proposed FY 2016 budget.

### PROJECTS RECOMMENDED FOR NC FUNDING – SPRING 2012

Rank	Location	Neighborhood	Points	Alternate Funding	NC Net Project \$	Description	Risk Factors*
1	Butler Holmes Park – Ph II	Penrose	70	-	\$522,400	Park Improvements	N/A
2	Rocky Run Park – Ph II	Clarendon Courthouse	55	-	\$750,000	Park Improvements	N/A
3	N. Quintana St – 11 <sup>th</sup> Rd N to N. Potomac St	Madison Manor	45	-	\$126,018	Streetlights	None
3	21 <sup>st</sup> St S – S. Kent St to S. Joyce St	Arlington Ridge	45	-	\$572,474	Street Improvement – Sidewalk, curb, and gutter	None

\*Risk Factors – Project characteristics that are likely to impede targeted completion of street improvement project 100% designs within a 12-month timeframe.

**ATTACHMENT A**

## DES/NC PROJECTS UPDATE

Neighborhood	Location	Type of Project	Status	Approved by County Board
Arlington Heights	South Irving Street	Street Improvement	Construction Complete	February, 2010
Bluemont	North Frederick Street	Street Improvement	Construction Complete	February, 2010
Alcova Heights	8 <sup>th</sup> Street South	Street Improvement	Construction Underway	February, 2010
Madison Manor	11 <sup>th</sup> Road North	Street Lights	Construction Complete	February, 2010
Arlington East Falls Church	26 <sup>th</sup> & 27 <sup>th</sup> Street North	Street Lights	Design Complete	February, 2010
Waycroft Woodlawn	North Abington Street	Street Lights	Design Complete	February, 2010
Leeway	North Nottingham Street	Street Improvement	Construction Complete	October, 2010
Lyon Park	North Daniel & 9 <sup>th</sup> Street	Street Improvement	Design Complete	October, 2010
Aurora Highlands	South Ives Street	Street Improvement	Construction Complete	October, 2010
Boulevard Manor	Montague and 1 <sup>st</sup> Streets North	Street Improvement	Construction Complete	October, 2010
Buckingham	North Carlin Springs Road	Street Improvement	Construction Underway	October, 2010
Cherrydale	North Kenmore Street	Street Improvement	Construction Complete	October, 2010
Madison Manor	North Quintana Street	Street Lights	Design Complete	October, 2010
Rock Spring	Williamsburg Boulevard	Street Improvement	90% Design Complete*	February, 2011
Arlington Heights	South Irving Street Phase 2	Trail Project	Design in Progress – Pending VDOT Review	February, 2011
Ballston-Virginia Square	Kirkwood Road	Street Improvement	90% Design Complete*	February, 2011
Dominion Hills	Patrick Henry Drive Phase 3	Street Improvement	Design Complete	February, 2011
Columbia Heights	11 <sup>th</sup> Street South	Street Improvement	Construction Scheduled	February, 2011
Yorktown	Yorktown Boulevard	Street Improvement	Construction Scheduled	September, 2011
Glencarlyn	4 <sup>th</sup> Street South and Lexington	Street Improvement	Design Complete	September, 2011
Ashton Heights	Piedmont Street	Street Improvement	Design Complete	September, 2011
Tara-Leeway Heights	Patrick Henry Drive – 18 <sup>th</sup> to 20 <sup>th</sup> Streets North	Street Improvement	Design in Progress**	September, 2011
Leeway	North Illinois Street	Street Improvement	Design in Progress**	September, 2011

## ATTACHMENT B

\*These February 2011 projects will be at Design Complete no later than December of 2012.

\*\*These September 2011 projects will be at Design Complete no later than February of 2013.

**Project Agreement for Use Of  
Commonwealth Transportation Funds  
Fiscal Year 2013  
Six Year Improvement Program Approved Projects  
Grant Numbers 72013-29 and 72013-57**

This Project Agreement (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Commonwealth of Virginia (“Commonwealth”), Department of Rail and Public Transportation (“Department”), and the County Board of Arlington County, Virginia (“Grantee”), for the provision of funding for Fiscal Year 2013 operating assistance.

WHEREAS, the Northern Virginia Transportation Commission, on behalf of the Grantee, submitted application to the Department for funding in the Fiscal Year 2013 – Fiscal Year 2018 Six Year Improvement Program (SYIP) for operating assistance to support Washington Metropolitan Area Transportation Authority (WMATA) as a state contribution distribution to each local WMATA service area jurisdiction’s obligation to provide funding subsidy to WMATA and for operating and capital assistance to support the Grantee’s locally provided transit service; and

WHEREAS, on May 15, 2012, the DRPT Director notified the Grantee that SYIP funds distributed as state transit assistance would be provided directly to each jurisdiction beginning in FY2013, and by letter dated June 8, 2012, the Grantee accepted the NVTC application funding on its behalf and notified DRPT of its acceptance; and

WHEREAS, the Department approved the application for funding for the operating assistance and made recommendation for approval to the Commonwealth Transportation Board; and

WHEREAS, on June 20, 2012, the Commonwealth Transportation Board (“CTB”) allocated funding for operating assistance, but delayed distribution of funds allocated to the Northern Virginia jurisdictions and WMATA; and

WHEREAS, on July 18, 2012, the CTB directed the distribution of SYIP funds to support the Northern Virginia transit services provided by the Grantee to be made by the Department directly to the Grantee conditioned upon the Grantee recording the allocated funding in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing for Grantee’s locally provided transit service; and

WHEREAS, on July 18, 2012, the CTB approved a revision to the SYIP to reallocate operating assistance funding, previously allocated in the SYIP to the Washington Metropolitan Area Transit Authority (“WMATA”), to the Grantee, as included in the WMATA jurisdictions, based on the individual jurisdiction’s proportionate subsidy share as identified by WMATA, conditioned that the WMATA Compact member jurisdictions must record the allocated funding in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing funding to offset the jurisdiction’s obligation to provide subsidy funding for WMATA

service within its jurisdiction; and

WHEREAS, it is desired by the Parties hereto to define the extent of the Projects addressed herein, the responsibilities of each party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Projects; and

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, it is agreed and bound between the Parties hereto as follows:

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

1. The Work under the terms of this Agreement is as follows:
  - a. Operation of Arlington County's transit service. In providing this service, the Grantee must record the allocated funds provided by this Agreement in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing for Grantee's locally provided transit service.
  - b. Payment of state contribution subsidy to WMATA for transit services provided to the WMATA Compact member jurisdictions based on the Grantee's proportionate subsidy share as identified by WMATA. In providing for this service obligation, the Grantee must record the state contribution subsidy funding provided by the Department to the Grantee as allocated in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing funding to offset the jurisdiction's obligation to provide subsidy funding for WMATA service within its jurisdiction.
  
2. The Grantee may designate the Northern Virginia Transportation Commission ("NVTC") or any other entity as their authorized agent to perform administrative activities. In order to do so, the Grantee must notify the Department in writing using a letter in the format of the letter hereto attached and marked as Appendix 3. If the Grantee designates an entity other than NVTC, they must request the Department's approval in advance, in accordance with the terms of the Master Funding Agreement. If the Grantee designates NVTC as their authorized agent, they must follow these conditions:
  - a. In the event that the Grantee designates NVTC as their authorized agent pursuant to §15.2-4518 Section 5 of the Code of Virginia to perform administrative activities as required by this Agreement, the Grantee is required to notify the Department of such duties and activities with NVTC (the "NVTC Agent Letter"). The Grantee must provide the Department such NVTC Agent Letter specifying the terms, powers, and duties of NVTC in this relationship for review and concurrence before the Department can take the appropriate actions to establish the financial relationship and controls with NVTC as the Grantee's authorized agent. This NVTC Agent Letter must provide that NVTC will follow the terms of this Agreement, and that no

- modification or change to the terms and conditions contained in the NVTC Agent Letter can be made without the prior written notification to the Department by the Grantee and concurrence by the Department.
- b. In the event that an agent is designated as the grantee's authorized agent to perform administrative activities as required by this Agreement, the Grantee remains responsible to the Department for the Work and terms of this Agreement.
  - c. In the event that the Grantee designates NVTC as their authorized agent to perform administrative activities as required by this Agreement, and the Department concurs with the terms, powers, and duties of NVTC in this relationship, and the Grantee joins the other WMATA service jurisdictions within NVTC to pool state transit funding provided for the provision of local transit operations and/or to also pool its state transit funding provided as the payment of state contribution subsidy to WMATA for transit services provided to the WMATA Compact member jurisdictions to meet the WMATA service jurisdictions' obligations of the WMATA Compact, the Grantee must ensure that NVTC provides a statement letter showing the net impact of the reallocation of the State assistance by NVTC's Subsidy Allocation Model ("SAM") between the WMATA Compact jurisdictions, and send such letter to both the Grantee's Governing Board and its individual membership and the Department within 120 days after the end of the Fiscal Year 2013. If an audit of NVTC or its member jurisdictions reveals that the net impact of reallocation is changed, an adjusted letter showing the net impact must be submitted to the Department and the Grantee's Governing Board by December 31 of each year.
  - d. Regardless of whether or not NVTC is designated as the Grantee's agent, the Grantee is responsible to the Department for the full value allocation, distribution, terms, and recording of allocated funding made by the Department pursuant to the terms of this Agreement.
3. The Department agrees to provide funding as detailed below:
- a. State grant funding for Fiscal Year 2013 transit operating assistance for Arlington County's transit service in the amount of \$1,941,147 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is hereto attached and made a part of this Agreement.
  - b. State grant funding for Arlington County's state contribution subsidy owed to WMATA for transit services provided to the WMATA Compact member jurisdictions in the amount of \$19,095,469 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 2, which is hereto attached and made a part of this Agreement.
4. The Grantee hereby acknowledges that state grant funding for this grant cannot exceed the amount allocated by the Commonwealth Transportation Board ("CTB") and that state

grant funding is contingent upon appropriation by the General Assembly of Virginia.

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

The parties hereby agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

*This space intentionally left blank*

IN WITNESS WHEREOF, the Department and the Grantee execute this Project Agreement for the Use of Commonwealth Transportation Funds on the date first written above.

DEPARTMENT OF RAIL AND  
PUBLIC TRANSPORTATION

WITNESS:

\_\_\_\_\_

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

Thelma Drake  
Director

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

COUNTY BOARD OF ARLINGTON  
COUNTY, VIRGINIA

WITNESS:

\_\_\_\_\_

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

Name: \_\_\_\_\_

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

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

## Appendix 1

**Grantee: County Board of Arlington County, VA**

**Project Number: 72013-29**

**Project Start Date: July 1, 2012**

**Project Expiration Date: June 30, 2013**

**EIN: 546001123**

### Operating Assistance Payment Schedule

Payment No.	Estimated Payment Date	Payment Amount
1	August 15, 2012	\$ 436,757
2	October 15, 2012	\$ 436,757
3	January 15, 2013	\$ 436,757
4	April 15, 2013	\$ 436,757
5	Final Payment *	\$ 194,119
<b>TOTAL GRANT AMOUNT</b>		<b>\$1,941,147</b>

\* Final Payment will be processed when a properly completed and signed copy of the Final Eligibility Report is received by the Department. The Final Eligibility Report must be submitted to the Department no later than September 30, 2013, as described in the Grantee Handbook.

## Appendix 2

**Grantee: County Board of Arlington County, Virginia**  
**WMATA Operating Costs - Arlington County Obligation - State**  
**Contribution Subsidy**

**Project Number: 72013-57**  
**Project Start Date: July 1, 2012**  
**Project Expiration Date: June 30, 2013**  
**EIN: 546001123**

### WMATA Operating Assistance Payment Schedule

Payment No.	Estimated Payment Date	Payment Amount
1	July 15, 2012	\$ 1,591,289
2	August 15, 2012	\$ 1,591,289
3	September 15, 2012	\$ 1,591,289
4	October 15, 2012	\$ 1,591,289
5	November 15, 2012	\$ 1,591,289
6	December 15, 2012	\$ 1,591,289
7	January 15, 2013	\$ 1,591,289
8	February 15, 2013	\$ 1,591,289
9	March 15, 2013	\$ 1,591,289
10	April 15, 2013	\$ 1,591,289
11	May 15, 2013	\$ 1,591,289
12	Final Payment *	\$ 1,591,290
<b>TOTAL GRANT AMOUNT</b>		<b>\$19,095,469</b>

\* Final Payment will be processed when a properly completed and signed copy of the Final Eligibility Report is received by the Department. The Final Eligibility Report must be submitted to the Department no later than September 30, 2013, as described in the Grantee Handbook.



DEPARTMENT OF MANAGEMENT AND FINANCE

2100 CLARENDON BOULEVARD, SUITE 501, ARLINGTON, VA 22201  
 TEL 703-228-3422 FAX 703-228-3501 [www.arlingtonva.us](http://www.arlingtonva.us)

Appendix 3  
Agent Authorization Letter

Dear Director Drake:

As the duly authorized representative of Arlington County, I am writing to notify the Department that Arlington County designates the Northern Virginia Transportation Commission (NVTC) as its agent, pursuant to §15.2-4518 Section 5 of the Code of Virginia, in matters pertaining to the financial grants administration of the following Project Agreement(s) for the Use of Commonwealth Transportation Funds for Fiscal Year 2013, which are a part of the Six Year Improvement Program approved Projects, in accordance with the provisions of Section 2 of the Project Agreement(s) for the Use of Commonwealth Transportation Funds for Fiscal Year 2013:

<b>Project Number</b>	<b>Project Name</b>	<b>Amount</b>
72013-29	Operating Assistance Payment Schedule	1,941,147
72013-30	WMATA Operating Costs - Arlington County Obligation - State Contribution Subsidy	19,095,469
Total		21,036,616

By this letter of agent authorization, Arlington County grants the authority to NVTC to act as its agent and apply on its behalf for Fiscal Year 2014 State Transit Assistance in the DRPT On-Line Grant Administration (OLGA) system and perform other grant administrative activities with DRPT as required under the terms and conditions of the Fiscal Year 2013 Master and Project Grant Agreement(s). This grant of authority is contingent upon concurrence with the terms, powers, and duties of NVTC in this relationship specified above, and shall become effective immediately upon execution of Agreements by the Department.

Sincerely,

\_\_\_\_\_  
 Barbara M. Donnellan  
 County Manager  
 Arlington County, Virginia

**Project Agreement for Use Of  
Commonwealth Transportation Funds  
Fiscal Year 2013  
Six Year Improvement Program Approved Projects  
Grant Numbers 73113-28 thru 73113-33, 71213-02**

This Project Agreement (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Commonwealth of Virginia (“Commonwealth”), Department of Rail and Public Transportation (“Department”), and the County Board of Arlington County, Virginia (“Grantee”), for the provision of funding for approved Capital Projects.

WHEREAS, the Northern Virginia Transportation Commission, on behalf of the Grantee, submitted an application to the Department for funding in the Fiscal Year 2013 – Fiscal Year 2018 Six Year Improvement Program (SYIP) for capital assistance to support the Grantee’s locally provided transit service; and

WHEREAS, on May 15, 2012, the DRPT Director notified the Grantee that SYIP funds distributed as state transit assistance would be provided directly to each jurisdiction beginning in FY2013, and by letter dated June 8, 2012, the Grantee accepted the NVTC application funding on its behalf and notified DRPT of its acceptance; and

WHEREAS, the Department approved the application for funding for capital assistance and made recommendation for approval to the Commonwealth Transportation Board; and

WHEREAS, on June 20, 2012, the Commonwealth Transportation Board (“CTB”) allocated funding for capital assistance, but delayed distribution of funds allocated to the Northern Virginia jurisdictions; and

WHEREAS, on July 18, 2012, the CTB directed the distribution of SYIP funds to support the Northern Virginia transit services provided by the Grantee to be made by the Department directly to the Grantee with the intended purpose of providing for Grantee’s locally provided transit service; and

WHEREAS, the Grantee understands and acknowledges the Special Capital Provisions of the Master Agreement, and the Work produced pursuant to Article 1 of this Agreement will comply with these provisions; and

WHEREAS, it is desired by the Parties hereto to define the extent of the Projects addressed herein, the responsibilities of each party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Projects; and

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, it is agreed and bound between the Parties hereto as follows:

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

1. The Work under the terms of this Agreement is as follows:
  - a. rehabilitation of two heavy-duty, low floor CNG buses to extend the life to sixteen years, and
  - b. renovation of the new ART operations and administration office and demolition of current ART building to accommodate parking for buses, and
  - c. replacement, installation, or improvement of bus shelters throughout Arlington County, as determined by the Bus Stop Study, current bus route strategies in the Transit Development Plan, and citizen input, plus transit stop improvements to be completed as part of the “Decal Fee” improvements, and
  - d. conduct preliminary engineering and design of Columbia Pike Streetcar project, and
  - e. purchase ITS hardware and software to improve use of technology to solve street bus safety issues, provide accurate and timely bus arrival information, and establish a wireless network among buses, and
  - f. design and construction around the existing Crystal City Metro Station to become more multimodal in nature, including bike racks, bus stop signs, expanded pedestrian plaza, landscaping, and providing more bus and metro information to passengers, and
  - g. hire a transit intern.
  
2. The Grantee may designate the Northern Virginia Transportation Commission (“NVTC”) or any other entity as their authorized agent to perform administrative activities. In order to do so, the Grantee must notify the Department in writing using a letter in the format of the letter hereto attached and marked as Appendix 8. If the Grantee designates an entity other than NVTC, they must request the Department's approval in advance, in accordance with the terms of the Master Funding Agreement. If the Grantee designates NVTC as their authorized agent, they must follow these conditions:
  - a. In the event that the Grantee designates NVTC as their authorized agent pursuant to §15.2-4518 Section 5 of the Code of Virginia to perform administrative activities as required by this Agreement, the Grantee is required to notify the Department of such duties and activities with NVTC (the “NVTC Agent Letter”). The Grantee must provide the Department such NVTC Agent Letter specifying the terms, powers, and duties of NVTC in this relationship for review and concurrence before the Department can take the appropriate actions to establish the financial relationship and controls with NVTC as the Grantee’s authorized agent. This NVTC Agent Letter

- must provide that NVTC will follow the terms of this Agreement, and that no modification or change to the terms and conditions contained in the NVTC Agent Letter can be made without the prior written notification to the Department by the Grantee and concurrence by the Department.
- b. In the event that an agent is designated as the grantee's authorized agent to perform administrative activities as required by this Agreement, the Grantee remains responsible to the Department for the Work and terms of this Agreement.
  - c. In the event that the Grantee designates NVTC as their authorized agent to perform administrative activities as required by this Agreement, and the Department concurs with the terms, powers, and duties of NVTC in this relationship, and the Grantee joins the other WMATA service jurisdictions within NVTC to pool state transit funding provided for the provision of local transit operations and/or to also pool its state transit funding provided as the payment of state contribution subsidy to WMATA for transit services provided to the WMATA Compact member jurisdictions to meet the WMATA service jurisdictions' obligations of the WMATA Compact, the Grantee must ensure that NVTC provides a statement letter showing the net impact of the reallocation of the State assistance by NVTC's Subsidy Allocation Model ("SAM") between the WMATA Compact jurisdictions, and send such letter to both the Grantee's Governing Board and its individual membership and the Department within 120 days after the end of the Fiscal Year 2013. If an audit of NVTC or its member jurisdictions reveals that the net impact of reallocation is changed, an adjusted letter showing the net impact must be submitted to the Department and the Grantee's Governing Board by December 31 of each year.
  - d. Regardless of whether or not NVTC is designated as the Grantee's agent, the Grantee is responsible to the Department for the full value allocation, distribution, terms, and recording of allocated funding made by the Department pursuant to the terms of this Agreement.
3. The Department agrees to provide funding as detailed below:
- a. State grant funding for rehabilitation of two heavy-duty, low floor CNG buses to extend the life to sixteen years, in the amount of \$275,000 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is hereto attached and made a part of this Agreement.
  - b. State grant funding for demolition of ART House building, to accommodate parking for buses, in the amount of \$82,500 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 2, which is hereto attached and made a part of this Agreement.

- c. State grant funding for replacement, installation, or improvement of bus shelters throughout Arlington County, as determined by the Bus Stop Study, current bus route strategies in the Transit Development Plan, and citizen input, plus transit stop improvements to be completed as part of the “Decal Fee” improvements, in the amount of \$110,000 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 3, which is hereto attached and made a part of this Agreement.
  - d. State grant funding for preliminary engineering and design phase of Columbia Pike Streetcar project in the amount of \$1,755,000 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 4, which is hereto attached and made a part of this Agreement.
  - e. State grant funding for improved use of technology to solve on street bus safety issues, provide accurate and timely bus arrival information, and establish a wireless network among buses, in the amount of \$71,500 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 5, which is hereto attached and made a part of this Agreement.
  - f. State grant funding for design and construction around the existing Crystal City Metro Station to become fore multi modal in nature, including bike racks, bus stop signs, expanded pedestrian plaza, landscaping, and providing more bus and metro information to passengers, in the amount of \$93,500 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 6, which is hereto attached and made a part of this Agreement.
  - g. State grant funding to hire a transit intern, in the amount of \$19,760 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 7, which is hereto attached and made a part of this Agreement.
4. The Grantee hereby acknowledges that state grant funding for these grants cannot exceed the amount allocated by the Commonwealth Transportation Board (“CTB”) and that state grant funding is contingent upon appropriation by the General Assembly of Virginia.

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

The parties hereby agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

*This space intentionally left blank*

IN WITNESS WHEREOF, the Department and the Grantee execute this Project Agreement for the Use of Commonwealth Transportation Funds on the date first written above.

DEPARTMENT OF RAIL AND  
PUBLIC TRANSPORTATION

WITNESS:

\_\_\_\_\_

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

Thelma Drake  
Director

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

COUNTY BOARD OF ARLINGTON  
COUNTY, VIRGINIA

WITNESS:

\_\_\_\_\_

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

Name: \_\_\_\_\_

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

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

**Appendix 1**

**Grantee: County Board of Arlington County, VA  
Capital Project Agreement**

**Project: Rehabilitate/Rebuild Two 2007 NABI Buses to  
Extend Life to 16 Years**

**Project Number: 73113-28  
Project Start Date: July 1, 2012  
Project Expiration Date: June 30, 2014  
EIN: 546001123-00**

<b>Fund Code</b>		<b>Item Amount</b>
478	Grant Amount (State share of project cost 55%)	\$275,000
1400	Local share of project cost (45%)	\$225,000
	Total Project Expense	\$500,000

In no event shall this grant exceed \$275,000.

**Appendix 2**

**Grant Recipient: County Board of Arlington County, VA**

**Project: Rehabilitation and Renovation of New Operations and Administration Facility, and Demolition of Old Facility**

**Project Number: 73113-29**

**Project Start Date: July 1, 2012**

**Project Expiration Date: June 30, 2014**

**EIN: 546001123-00**

<b>Fund Code</b>		<b>Item Amount</b>
478	Grant Funding (State share of project cost 55%)	\$ 82,500
1400	Local share of project cost (45%)	\$ 67,500
	Total Project Expense	\$150,000

In no event shall this grant exceed \$82,500.

**Appendix 3**

**Grantee: County Board of Arlington County, VA  
Capital Project Agreement**

**Project: Purchase New and Replacement Bus Shelters**

**Project Number: 73113-30  
Project Start Date: July 1, 2012  
Project Expiration Date: June 30, 2014  
EIN: 546001123-00**

<b>Fund Code</b>		<b>Item Amount</b>
478	Grant Amount (State share of project cost 55%)	\$110,000
1400	Local share of project cost (45%)	\$ 90,000
	Total Project Expense	\$200,000

In no event shall this grant exceed \$110,000.

**Appendix 4**

**Grantee: County Board of Arlington County, VA  
Capital Project Agreement Summary**

**Project: Preliminary Engineering and Design for  
Columbia Pike Streetcar Project**

**Project Number: 73113-31  
Project Start Date: July 1, 2012  
Project Expiration Date: June 30, 2014  
EIN: 546001123-00**

<b>Fund Code</b>		<b>Item Amount</b>
478	Grant Amount (State share of project cost 39%)	\$1,755,000
1400	Local share of project cost (61%)	\$2,745,000
	Total Project Expense	\$4,500,000

In no event shall this grant exceed \$1,755,000.

## Appendix 5

**Grantee: County Board of Arlington County, VA**  
**Capital Project Agreement**

**Project: Purchase Transit ITS Program**  
**Hardware and Software**

**Project Number: 73113-32**

**Project Start Date: July 1, 2012**

**Project Expiration Date: June 30, 2014**

**EIN: 546001123-00**

<b>Fund Code</b>		<b>Item Amount</b>
478	Grant Amount (State share of project cost 55%)	\$ 71,500
1400	Local share of project cost (45%)	\$ 58,500
	Total Project Expense	\$130,000

In no event shall this grant exceed \$71,500.

**Appendix 6**

**Grantee: County Board of Arlington County, VA  
Capital Project Agreement**

**Project: Design & Construction - Crystal City  
Multimodal Station**

**Project Number: 73113-33  
Project Start Date: July 1, 2012  
Project Expiration Date: June 30, 2014  
EIN: 546001123-00**

<b>Fund Code</b>		<b>Item Amount</b>
478	Grant Amount (State share of project cost 55%)	\$ 93,500
1400	Local share of project cost (45%)	\$ 76,500
	Total Project Expense	\$170,000

In no event shall this grant exceed \$93,500.

## Appendix 7

**Grantee: County Board of Arlington County, VA**

### Funding for Transit Intern Special Intern Grant

**Project Number: 71213-02**

**Project Start Date: July 1, 2012**

**Project Expiration Date: June 30, 2014**

**EIN: 546001123-00**

<b>Fund Code</b>		<b>Item Amount</b>
477	Grant Amount (State share of project cost 95%)	\$19,760
1400	Local share of project cost (5%)	\$ 1,040
	Total Project Expense	\$20,800

In no event shall this grant exceed \$19,760.



DEPARTMENT OF MANAGEMENT AND FINANCE

 2100 CLARENDON BOULEVARD, SUITE 501, ARLINGTON, VA 22201  
 TEL 703-228-3422 FAX 703-228-3501 [www.arlingtonva.us](http://www.arlingtonva.us)

Appendix 8  
Agent Authorization Letter

Dear Director Drake:

As the duly authorized representative of Arlington County, I am writing to notify the Department that Arlington County designates the Northern Virginia Transportation Commission (NVTC) as its agent, pursuant to §15.2-4518 Section 5 of the Code of Virginia, in matters pertaining to the financial grants administration of the following Project Agreement(s) for the Use of Commonwealth Transportation Funds for Fiscal Year 2013, which are a part of the Six Year Improvement Program approved Projects, in accordance with the provisions of Section 2 of the Project Agreement(s) for the Use of Commonwealth Transportation Funds for Fiscal Year 2013:

<b>Project Number</b>	<b>Project Name</b>	<b>Amount</b>
73113-28	Rehabilitate/Rebuild Two 2007 NABI Buses to Extend Life to 16 Years	275,000
73113-29	Rehabilitation and Renovation of New Operations and Administration Facility, and Demolition of Old Facility	82,500
73113-30	Purchase New and Replacement Bus Shelters	110,000
73113-31	Preliminary Engineering and Design for Columbia Pike Streetcar Project	1,755,000
73113-32	Purchase Transit ITS Program Hardware and Software	71,500
73113-33	Design & Construction - Crystal City Multimodal Station	93,500
73113-34	Funding for Transit Intern	19,760
	Total	2,407,260

By this letter of agent authorization, Arlington County grants the authority to NVTC to act as its agent and apply on its behalf for Fiscal Year 2014 State Transit Assistance in the DRPT On-Line Grant Administration (OLGA) system and perform other grant administrative activities with DRPT as required under the terms and conditions of the Fiscal Year 2013 Master and Project Grant Agreement(s). This grant of authority is contingent upon concurrence with the terms, powers, and duties of NVTC in this relationship specified above, and shall become effective immediately upon execution of Agreements by the Department.

Sincerely,

---

 Barbara M. Donnellan  
 County Manager  
 Arlington County, Virginia

**Project Agreement for Use Of  
Commonwealth Transportation Funds  
Fiscal Year 2013  
Six Year Improvement Program Approved Projects  
Grant Number 72013-62**

This Project Agreement (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Commonwealth of Virginia (“Commonwealth”), Department of Rail and Public Transportation (“Department”), and the County Board of Arlington County, Virginia (“Grantee”), for the provision of funding for Fiscal Year 2013 supplemental operating assistance.

WHEREAS, the Northern Virginia Transportation Commission (“NVTC”) submitted an application to the Department for funding in the Fiscal Year 2013 – Fiscal Year 2018 Six Year Improvement Program (“SYIP”) for operating assistance to offset NVTC’s costs to provide administrative services to the Grantee; and

WHEREAS, the Department removed operating assistance to NVTC and redistributed the funding, and made recommendations for approval to the Commonwealth Transportation Board; and

WHEREAS, on July 18, 2012, the CTB directed the distribution of SYIP funds to support the Northern Virginia transit services provided by the Grantee to be made by the Department conditioned upon the Grantee recording the allocated funding in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing for Grantee’s locally provided transit service; and

WHEREAS, on August 30, 2012, the Department agreed to provide supplemental funds to the Grantee to offset administrative expenses of NVTC; and

WHEREAS, the Grantee has notified the Department through an “NVTC Agent Letter” dated \_\_\_\_\_, 2012 that NVTC will be providing administrative duties for the Grantee for Department funded projects identified; and

WHEREAS, it is desired by the Parties hereto to define the extent of the Projects addressed herein, the responsibilities of each party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Projects; and

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, it is agreed and bound between the Parties hereto as follows:

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

1. The Work under the terms of this Agreement is as follows:
  - a. Supplemental operating assistance to fund administrative expenses of NVTC.
2. The Department agrees to provide funding as detailed below:
  - a. State grant funding for Fiscal Year 2013 supplemental operating assistance for the administration expenses incurred by NVTC in the amount of \$16,702. Details concerning this funding are contained in Appendix 1, which is hereto attached and made a part of this Agreement.
3. The Grantee hereby acknowledges that state grant funding for this grant cannot exceed the amount allocated by the Commonwealth Transportation Board (“CTB”) and that state grant funding is contingent upon appropriation by the General Assembly of Virginia.

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

The parties hereby agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

*This space intentionally left blank*

IN WITNESS WHEREOF, the Department and the Grantee execute this Project Agreement for the Use of Commonwealth Transportation Funds on the date first written above.

DEPARTMENT OF RAIL AND  
PUBLIC TRANSPORTATION

WITNESS:

\_\_\_\_\_

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

Thelma Drake  
Director

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

COUNTY BOARD OF ARLINGTON  
COUNTY, VIRGINIA

WITNESS:

\_\_\_\_\_

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

Name: \_\_\_\_\_

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

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

**Appendix 1**

**Grantee: County Board of Arlington County,  
Virginia**

**Project Agreement**

**Project: Supplemental Operating Assistance**

**Project Number: 72013-62**

**Project Start Date: July 1, 2012**

**Project Expiration Date: June 30, 2013**

**EIN: 546001123-00**

<b>Fund Code</b>		<b>Item Amount</b>
477	Grant Amount (State share of project cost 100%)	\$16,702
	Total Project Expense	\$16,702

In no event shall this grant exceed \$16,702.

**Project Agreement for Use Of  
Commonwealth Transportation Funds  
Fiscal Year 2013  
Six Year Improvement Program Approved Projects  
Grant Numbers 73113-62 thru 73113-66**

This Project Agreement (“Agreement”) is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by and between the Commonwealth of Virginia (“Commonwealth”), Department of Rail and Public Transportation (“Department”), and the County Board of Arlington County, Virginia (“Grantee”), for the provision of funding for Fiscal Year 2013 capital assistance.

WHEREAS, the Northern Virginia Transportation Commission, on behalf of the Grantee, submitted application to the Department for funding in the Fiscal Year 2013 – Fiscal Year 2018 Six Year Improvement Program (SYIP) for operating and capital assistance to support Washington Metropolitan Area Transportation Authority (WMATA) as a state contribution distribution to each local WMATA service area jurisdiction’s obligation to provide funding subsidy to WMATA and for operating and capital assistance to support the Grantee’s locally provided transit service; and

WHEREAS, on May 15, 2012, the DRPT Director notified the Grantee that SYIP funds distributed as state transit assistance would be provided directly to each jurisdiction beginning in FY2013, and by letter dated June 8, 2012, the Grantee accepted the NVTC application funding on its behalf and notified DRPT of its acceptance; and

WHEREAS, the Department approved the application for funding for the operating and capital assistance and made recommendation for approval to the Commonwealth Transportation Board; and

WHEREAS, on June 20, 2012, the Commonwealth Transportation Board (“CTB”) allocated funding for operating and capital assistance, but delayed distribution of funds allocated to the Northern Virginia jurisdictions and WMATA; and

WHEREAS, on July 18, 2012, the CTB directed the distribution of SYIP funds to support the Northern Virginia transit services provided by the Grantee to be made by the Department directly to the Grantee conditioned upon the Grantee recording the allocated funding in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing for Grantee’s locally provided transit service; and

WHEREAS, on July 18, 2012, the CTB approved a revision to the SYIP to reallocate operating and capital assistance funding, previously allocated in the SYIP to the Washington Metropolitan Area Transit Authority (“WMATA”), to the Grantee, as included in the WMATA jurisdictions, based on the individual jurisdiction’s proportionate subsidy share as identified by WMATA, conditioned that the WMATA Compact member jurisdictions must record the allocated funding in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing funding to offset the jurisdiction’s obligation to provide subsidy

funding for WMATA service within its jurisdiction; and

WHEREAS, it is desired by the Parties hereto to define the extent of the Projects addressed herein, the responsibilities of each party, the manner of performing the necessary Work, the method and time of payment, and to set out additional conditions associated with the Projects; and

NOW, THEREFORE, in consideration of the covenants and agreements hereinafter set forth, it is agreed and bound between the Parties hereto as follows:

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

1. The Work under the terms of this Agreement is as follows:
  - a. Payment of state contribution subsidy to WMATA for the Grantee's share as of the debt service on the Gross Revenue Transit Refunding Bonds, Series 2003 maturing in Fiscal Year 2014 for the construction of the original rail system operated by WMATA. The Grantee must record the state contribution subsidy funding provided by the Department to the Grantee as allocated in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing funding to offset the jurisdiction's obligation to provide subsidy funding for WMATA service within its jurisdiction.
  - b. Payment of state contribution subsidy for the Grantee's share of the debt service incurred during Fiscal Year 2013 on the amount of funding used by the WMATA Compact member jurisdiction to opt out of the Metro Matters bond issue in June of 2009. The Grantee must record the state contribution subsidy funding provided by the Department to the Grantee as allocated in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing funding to offset the jurisdiction's obligation to provide subsidy funding for WMATA service within its jurisdiction.
  - c. Payment of state contribution subsidy to WMATA for the Grantee's share of project development costs incurred by WMATA. The Grantee must record the state contribution subsidy funding provided by the Department to the Grantee as allocated in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing funding to offset the jurisdiction's obligation to provide subsidy funding for WMATA service within its jurisdiction.
  - d. Payment of state contribution subsidy to WMATA for the Grantee's share of other asset and credit facility expenses included in WMATA's Fiscal Year 2013 Annual Work Plan. The Grantee must record the state contribution subsidy funding provided by the Department to the Grantee as allocated in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing funding to offset the jurisdiction's obligation to provide subsidy funding for WMATA service within its jurisdiction.

- e. Payment of state contribution subsidy to WMATA for the Grantee's share of replacement rolling stock expenses included in WMATA's Fiscal Year 2013 Annual Work Plan. The Grantee must record the state contribution subsidy funding provided by the Department to the Grantee as allocated in accordance with Governmental Generally Accepted Accounting Principles and with the intended purpose of providing funding to offset the jurisdiction's obligation to provide subsidy funding for WMATA service within its jurisdiction.
2. The Grantee may designate the Northern Virginia Transportation Commission ("NVTC") or any other entity as their authorized agent to perform administrative activities. In order to do so, the Grantee must notify the Department in writing using a letter in the format of the letter hereto attached and marked as Appendix 6. If the Grantee designates an entity other than NVTC, they must request the Department's approval in advance, in accordance with the terms of the Master Funding Agreement. If the Grantee designates NVTC as their authorized agent, they must follow these conditions:
    - a. In the event that the Grantee designates NVTC as their authorized agent pursuant to §15.2-4518 Section 5 of the Code of Virginia to perform administrative activities as required by this Agreement, the Grantee is required to notify the Department of such duties and activities with NVTC (the "NVTC Agent Letter"). The Grantee must provide the Department such NVTC Agent Letter specifying the terms, powers, and duties of NVTC in this relationship for review and concurrence before the Department can take the appropriate actions to establish the financial relationship and controls with NVTC as the Grantee's authorized agent. This NVTC Agent Letter must provide that NVTC will follow the terms of this Agreement, and that no modification or change to the terms and conditions contained in the NVTC Agent Letter can be made without the prior written notification to the Department by the Grantee and concurrence by the Department.
    - b. In the event that an agent is designated as the grantee's authorized agent to perform administrative activities as required by this Agreement, the Grantee remains responsible to the Department for the Work and terms of this Agreement.
    - c. In the event that the Grantee designates NVTC as their authorized agent to perform administrative activities as required by this Agreement, and the Department concurs with the terms, powers, and duties of NVTC in this relationship, and the Grantee joins the other WMATA service jurisdictions within NVTC to pool state transit funding provided for the provision of local transit operations and/or to also pool its state transit funding provided as the payment of state contribution subsidy to WMATA for transit services provided to the WMATA Compact member jurisdictions to meet the WMATA service jurisdictions' obligations of the WMATA Compact, the Grantee must ensure that NVTC provides a statement letter showing the net impact of the reallocation of the State assistance by NVTC's Subsidy Allocation Model ("SAM") between the WMATA Compact jurisdictions, and send such letter to both the Grantee's Governing Board and its individual membership and the

Department within 120 days after the end of the Fiscal Year 2013. If an audit of NVTC or its member jurisdictions reveals that the net impact of reallocation is changed, an adjusted letter showing the net impact must be submitted to the Department and the Grantee's Governing Board by December 31 of each year.

- d. Regardless of whether or not NVTC is designated as the Grantee's agent, the Grantee is responsible to the Department for the full value allocation, distribution, terms, and recording of allocated funding made by the Department pursuant to the terms of this Agreement.
3. The Department agrees to provide funding as detailed below:
- a. State grant funding for Grantee's share of WMATA's debt service on the Gross Revenue Transit Refunding Bonds, Series 2003 maturing in Fiscal Year 2014 for the construction of the original rail system operated by WMATA in the amount of \$888,219 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 1, which is hereto attached and made a part of this Agreement.
  - b. State grant funding for Grantee's share of the debt service incurred during Fiscal Year 2013 on the amount of funding used by each WMATA Compact member jurisdiction to opt out of the Metro Matters bond issue in June of 2009 in the amount of \$882,368 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 2, which is hereto attached and made a part of this Agreement.
  - c. State grant funding for state contribution subsidy to WMATA for the Grantee's share of project development costs incurred by WMATA in the amount of \$143,550 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 3, which is hereto attached and made a part of this Agreement.
  - d. State grant funding for state contribution subsidy to WMATA for the Grantee's share of other asset and credit facility expenses included in WMATA's Fiscal Year 2013 Annual Work Plan in the amount of \$5,799,502 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 4, which is hereto attached and made a part of this Agreement.
  - e. State grant funding for state contribution subsidy to WMATA for the Grantee's share of replacement rolling stock expenses included in WMATA's Fiscal Year 2013 Annual Work Plan in the amount of \$1,269,303 approved in the Fiscal Year 2013 Six Year Improvement Program. Details concerning this funding are contained in Appendix 5, which is hereto attached and made a part of this Agreement.

4. The Grantee hereby acknowledges that state grant funding for this grant cannot exceed the amount allocated by the Commonwealth Transportation Board (“CTB”) and that state grant funding is contingent upon appropriation by the General Assembly of Virginia.

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

The parties hereby agree to incorporate the Master Agreement for Use of Commonwealth Transportation Funds, dated May 30, 2012, as if set out in full herein.

*This space intentionally left blank*

IN WITNESS WHEREOF, the Department and the Grantee execute this Project Agreement for the Use of Commonwealth Transportation Funds on the date first written above.

DEPARTMENT OF RAIL AND  
PUBLIC TRANSPORTATION

WITNESS:

\_\_\_\_\_

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

Thelma Drake  
Director

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

COUNTY BOARD OF ARLINGTON  
COUNTY, VIRGINIA

WITNESS:

\_\_\_\_\_

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

Name: \_\_\_\_\_

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

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

**Appendix 1**

**Grantee: Arlington County**

**Funding for WMATA Debt Service  
Capital Project Agreement**

**Project Number: 73113-62**  
**Project Start Date: July 1, 2012**  
**Project Expiration Date: June 30, 2013**  
**EIN: 546001123**

<b>Fund Code</b>		<b>Item Amount</b>
477	State share of project cost (55%)	\$ 888,219
1400	Local share of project cost (45%)	\$ 726,726
	Total Project Expense	\$1,614,945

In no event shall this grant exceed \$888,219.

## Appendix 2

**Grantee: Arlington County**

### Funding for WMATA Metro Matters - Jurisdiction Debt Service Capital Project Agreement

**Project Number: 73113-63**

**Project Start Date: July 1, 2012**

**Project Expiration Date: June 30, 2013**

**EIN: 546001123**

<b>Fund Code</b>		<b>Item Amount</b>
477	State share of project cost (55%)	\$ 882,368
1400	Local share of project cost (45%)	\$ 721,939
	Total Project Expense	\$1,604,307

In no event shall this grant exceed \$882,368.

### Appendix 3

**Grantee: Arlington County**

#### **Funding for WMATA Project Development Capital Project Agreement**

**Project Number: 73113-64**

**Project Start Date: July 1, 2012**

**Project Expiration Date: June 30, 2013**

**EIN: 546001123**

<b>Fund Code</b>		<b>Item Amount</b>
477	State share of project cost (55%)	\$143,550
1400	Local share of project cost (45%)	\$117,450
	Total Project Expense	\$261,000

In no event shall this grant exceed \$143,550.

**Appendix 4**

**Grantee: Arlington County**

**Funding for WMATA Capital Improvement Program  
Other Assets and Credit Facility  
Capital Project Agreement**

**Project Number: 73113-65**

**Project Start Date: July 1, 2012**

**Project Expiration Date: June 30, 2013**

**EIN: 546001123**

<b>Fund Code</b>		<b>Item Amount</b>
477	State share of project cost (51%)	\$ 5,354,902
478	State share of project cost (4%)	\$ 444,600
1400	Local share of project cost (45%)	\$ 4,745,047
	Total Project Expense	\$10,544,549

In no event shall this grant exceed \$5,799,502.

**Appendix 5**

**Grantee: Arlington County**

**Funding for WMATA Capital Improvement Program  
Replacement Rolling Stock  
Capital Project Agreement**

**Project Number: 73113-66  
Project Start Date: July 1, 2012  
Project Expiration Date: June 30, 2013  
EIN: 546001123**

<b>Fund Code</b>		<b>Item Amount</b>
478	State share of project cost (80%)	\$1,269,303
1400	Local share of project cost (20%)	\$ 317,326
	Total Project Expense	\$1,586,629

In no event shall this grant exceed \$1,269,303.



DEPARTMENT OF MANAGEMENT AND FINANCE

 2100 CLARENDON BOULEVARD, SUITE 501, ARLINGTON, VA 22201  
 TEL 703-228-3422 FAX 703-228-3501 [www.arlingtonva.us](http://www.arlingtonva.us)

Appendix 6  
Agent Authorization Letter

Dear Director Drake:

As the duly authorized representative of Arlington County, I am writing to notify the Department that Arlington County designates the Northern Virginia Transportation Commission (NVTC) as its agent, pursuant to §15.2-4518 Section 5 of the Code of Virginia, in matters pertaining to the financial grants administration of the following Project Agreement(s) for the Use of Commonwealth Transportation Funds for Fiscal Year 2013, which are a part of the Six Year Improvement Program approved Projects, in accordance with the provisions of Section 2 of the Project Agreement(s) for the Use of Commonwealth Transportation Funds for Fiscal Year 2013:

<b>Project Number</b>	<b>Project Name</b>	<b>Amount</b>
73113-62	Funding for WMATA Debt Service	888,219
73113-63	Funding for WMATA Metro Matters – Jurisdiction Debt Service	882,368
73113-64	Funding for WMATA Project Development	143,550
73113-65	Funding for WMATA CIP Other Assets and Credit Facility	5,799,502
73113-66	Funding for WMATA CIP Replacement Rolling Stock	1,269,303
	Total	8,982,942

By this letter of agent authorization, Arlington County grants the authority to NVTC to act as its agent and apply on its behalf for Fiscal Year 2014 State Transit Assistance in the DRPT On-Line Grant Administration (OLGA) system and perform other grant administrative activities with DRPT as required under the terms and conditions of the Fiscal Year 2013 Master and Project Grant Agreement(s). This grant of authority is contingent upon concurrence with the terms, powers, and duties of NVTC in this relationship specified above, and shall become effective immediately upon execution of Agreements by the Department.

Sincerely,

---

Barbara M. Donnellan  
 County Manager  
 Arlington County, Virginia

**ATTACHMENT B**

A REQUEST TO ADVERTISE THE FOLLOWING ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 15 (NOISE CONTROL) OF THE CODE OF ARLINGTON COUNTY, VIRGINIA, CONCERNING THE CONTROL AND REGULATION OF ENVIRONMENTAL NUISANCE NOISE AND ITS SOURCES AT THE DECEMBER 8, 2012, COUNTY BOARD MEETING IN ORDER TO ELIMINATE SUBJECTIVE STANDARDS AND INCREASE EQUITABLE ENFORCEMENT OF NOISE CONTROL REGULATIONS.

**AN ORDINANCE TO AMEND, REENACT AND RECODIFY CHAPTER 15 OF THE ARLINGTON COUNTY CODE, RELATING TO NOISE CONTROL**

**BE IT ORDAINED** by the County Board of Arlington County, Virginia, that:

- (1) *Chapter 15 of the Arlington County Code is amended, reenacted, and recodified as follows:*

**Chapter 15  
NOISE CONTROL**

- § 15-1. Short Title.
- § 15-2. Findings, Authorization and Declaration of Policy.
- § 15-3. Definitions.
- § 15-4. Duties and Powers of the County Manager.
- ~~§ 15-5. [Reserved.]~~
- § 15-~~6~~5. Maximum Noise ~~Levels.~~
- § 15-~~7~~6. Prohibited Acts.
- § 15-~~8~~7. Noise-Suppression Devices.
- § 15-~~9~~8. Inspections.
- § 15-9. Criminal Penalties.
- § 15-10. Enforcement. Civil Penalties; Appeals Therefrom.
- § 15-11. Emergency Procedures.
- § 15-12. Exemptions Issued by the County Manager.
- ~~§ 15-13. Penalties.~~
- § 15-~~14~~13. Severability.
- § 15-~~15~~14. Conflict of Ordinance.
- § 15-~~16~~15. Exemption for County Activities.

§ 15-1. Short Title.

This chapter shall be known and may be cited as the “Noise Control Ordinance of Arlington County, Virginia.”

[1-1-75; 8-14-76]

**§ 15-2. Findings, Authorization and Declaration of Policy.**

The County Board of Arlington County hereby finds and declares that at certain levels noise can be detrimental to the public’s health, safety, welfare and quality of life and, therefore, it is in the public’s interest that noise be restricted. For these reasons, there is hereby established in the Arlington County of Arlington, Virginia, a noise control program this Noise Control Ordinance of Arlington County for the purpose of promoting the public’s health, safety and welfare, and to foster the comfort of its inhabitants the public. To the maximum extent possible, such noise control program shall be conducted in coordination with any similar programs of other local jurisdictions, the Council of Governments (COG), and of the state and federal governments. Any noise disturbance is a nuisance, and all powers of the County regarding the abatement of nuisances shall apply to noise disturbances.

[1-1-75; 8-14-76; 8-25-81]

**§ 15-3. Definitions.**

For the purpose of this chapter, the words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word “shall” is mandatory and not directory; and the following phrases and terms shall have the following meanings unless the context clearly indicates otherwise:

“Acoustical terminology” is as defined in ANSI S1.1-1994 "Acoustical Terminology" (1974 revised 2004).

“ANSI” means the American National Standards Institute or its successor bodies.

“Ambient noise” means the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far.

“Continuous noise” means a noise whose intensity remains essentially constant during the period of observation. Continuous noise for measurement purposes shall be defined as noise which is measured by the slow response setting of a sound-level meter.

“County Board” means the County Board of Arlington County, Virginia.

“County Manager” means the County Manager of Arlington County, Virginia, or any of his designee or her duly-authorized deputies or agents.

“Daytime” means the local time of day between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and ~~from~~between the hours of 10:00 a.m. to 9:00 p.m. on Saturdays, Sundays and legal holidays.

“Decibel (dB)” means the unit of sound magnitude equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure being measured to a reference sound pressure, twenty (20) micronewtons per square meter (20 micropascals).

“Decibel-A-weighted (dBA)” means the sound level, in decibels, measured with a sound ~~level~~meter using the A-weighting network or scale as specified in ANSI S1.4-19741983 specification for sound-~~level~~level meters.

“Impulsive noise” means noise characterized by brief ~~excursions~~bursts (usually less than one (1) second in duration) of sound pressure which ~~significantly exceed~~significantly exceed the sound pressure of the ambient environment sound pressure.

“Motorcycle” shall have the meaning set forth in § 46.2-100 of the Code of Virginia, 1950, as amended, except that for the purposes of this chapter the definition shall includemean unenclosed motor vehicle having two (2) or three (3) wheels, and includes, but is not limited to, motor scooters and, minibikes and mopeds.

“Motor vehicle” shall have the meaning set forth in § 46.2-100 of the Code of Virginia, 1950, as amended.

“Multi-unit structure” means a structure containing three (3) or more separate units, whether residential, commercial, or mixed-use.

“Nighttime” means those times of day ~~excluded from~~not included in the definition of “Daytime”.

“Noise” means the intensity, frequency, duration ~~and/or~~and/or character of ~~undesired~~undesired sounds from a single source or ~~number of~~multiple sources.

“Noise disturbance” means any sound which:

- (a) — ~~Endangers or injures the safety or health of humans or, animals, or property; or~~
- (b) — ~~Annoys or disturbs a reasonable person of normal sensitivities; or~~
- (c) — ~~Exceeds the applicable maximum permissible noise levels as they appear~~set forth in Tables I and II of § 15-5 of this chapter.

“Stationary source” means any equipment or activity capable of generating noise, operating or occurring on any parcel of property or public space.

“Zoning district ~~classification or districts~~” means the ~~scheme classifications contained described in Section § 2B2.B.;~~ of the Arlington County, Virginia, Zoning Ordinance as contained in the appendix of the Arlington County Code, or similar classifications contained in zoning districts in adjoining jurisdictions.

[1-1-75; 8-14-76; 8-25-81]

#### **§ 15-4. Duties and Powers of the County Manager.**

A.—The administration and enforcement of this chapter shall be the duty of the County Manager, who is hereby authorized to take such actions, including the promulgation of rules and regulations necessary to enforce the provisions of this chapter.

B.—~~In addition to any other powers vested in him by law, the County Manager shall:~~

- ~~1.—Conduct studies, investigations and research relating to noise and its prevention, abatement and control.~~
- ~~2.—Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings.~~
- ~~3.—Hold hearings relating to any aspect of or matter in the administration of this chapter.~~
- ~~4.—Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise.~~
- ~~5.—Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of noise.~~
- ~~6.—Advise, consult and cooperate with other local governmental units, agencies of the state, industries, interstate or interlocal agencies and the federal government and with interested persons or groups.~~
- ~~7.—Review those matters having a bearing upon excessive noise referred by public agencies.~~
- ~~8.—Collect and disseminate information and conduct educational and training programs relating to excessive noise, its effects and its control.~~

9. — ~~Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter.~~
10. — ~~Do any and all acts which may be necessary for the successful prosecution of the intent of this chapter and such other acts as may be specifically enumerated herein.~~
11. — ~~Allocate police department resources, as shall be required to assist his duly authorized agent upon request by same, in the enforcement of this chapter.~~

[1-1-75; 8-14-76]

**~~§ 15-5. Reserved.~~**

**§ 15-65. Maximum Noise Levels.**

A. ~~Noise sources other than motor vehicles.~~ Noise levels from stationary sources other than motor vehicles, and mobile sources while stationary unless exempt pursuant to §§ 15-5.F. or 15-15, shall not exceed those the noise limits presented set forth in Table I below for each of the zoning districts listed there indicated during the time of day indicated. The maximum permissible noise level shall be that associated with the zoning district classification of the receiving property, except for vehicles on public or private streets from which the noise is emitted.

B. ~~Small power equipment: Motor vehicle noise sources.~~ Motor vehicle noise sources are subject to the noise limits set forth in Table II below.

1. — ~~Any small power equipment which exceeds the permissible noise levels established in § 15-6.A may only be operated during the daytime.~~
2. — ~~Noise measurements made to determine compliance with §§ 15-6.A and 15-6.B.1 shall be made not less than four (4) feet above the ground and not closer to the noise source than the boundary of the property on which the noise source is located.~~

C. ~~Mobile sources.~~ Mobile sources are noise levels generated by moving vehicles which conform to the standards set forth in Table II.

D. — ~~Measurement standards.~~

1. — Noise measurements made to determine compliance with § 15-6.C.A. shall be taken on a level surface at a distance of not less than fifty (50) feet from the noise from any built street at the curb or on the edge of the pavement or from any location on property adjoining the property from which the noise

is emitted, unless the property from which the noise is emitted is located in a multi-unit structure, in which case the measurements shall be made pursuant to subsection C.3. of this section.

2. Noise measurements made to determine compliance with subsection B. of this section shall be taken at a distance of at least fifty (50) feet from the noise source.
3. Noise measurements made to determine compliance with Table I in any structure utilized as a multi-unit structure shall be taken from common areas within or outside the structure, or from any other unit within the respective multi-unit structure when the owner or tenant of the unit from which the measurement is to be taken consents to measurement from his, her or its unit. Within such unit, the measurement shall be taken at a point at least four (4) feet from the wall, ceiling, floor, or window closest to the noise source, with doors to the receiving unit closed and windows in a position typical for the then-current season of the year.

~~E.~~ *Noise sensitive zones:*

1. ~~Whenever the protection of the public health and welfare so require, the County Manager, after a duly advertised public hearing conducted by the county board, with the approval of the county board, may designate any geographical area of Arlington County as a noise sensitive zone. Such designation shall include a description of the subject area and the reasons for determination as a noise sensitive zone.~~
2. ~~In noise sensitive zones, noise levels originating from stationary sources shall not exceed those presented in Table I of this chapter.~~

F.D. *Construction noise:*

1. Any construction activities which produce noise levels which exceeds the ~~maximum permissible noise levels~~ limits established in Table I shall be permitted only during the ~~daytime~~ Daytime. This section shall not apply to emergency repairs to public utilities and infrastructure performed by the public utilities themselves or by local, state, or federal governments, or their contractors. For the purposes of this subsection, “public utility” shall have the meaning set forth in § 56-88 of the Code of Virginia, 1950, as amended.
2. All feasible procedures and measures customarily used in the industry shall be undertaken by those responsible for operating or creating any source of sound, in order to minimize noise generated by construction activities. In no ~~instance~~ event shall noise levels originating from construction sites exceed ninety (90) dBA. Measurements of construction-

related noise are to be taken in accordance with the procedures established in § 15-65.BC.2.

~~G.E.~~ *Special events.* Short-term or seasonal activities which have been reviewed and permitted through the Arlington County government's special-event review process sponsored by a County agency or any organization, which have been reviewed and approved through the special event review process may not exceed ninety (90) dBA for the duration of the event and associated clean-up. In the event of a discrepancy between 90 dBA and the applicable Daytime maximum noise set forth in Tables I and II, the 90-dBA limit shall control. Such events and their associated clean-up may not exceed the applicable noise set forth in Tables I and II if they extend ~~beyond~~ later than 9:00 p.m. on Sunday through Thursday, and later than 10:00 p.m. on a Fridays, Saturdays and/or legal holidays.

F. *Exemptions.* In addition to the exemptions procedure set forth in § 15-12, the following activities or sources of noise shall be exempt from the prohibitions set forth in this § 15-5, Tables I and II of this section, and § 15-6:

1. Band performances or practices, athletic contests or practices, and other school-sponsored activities on the grounds of public or private schools, colleges, or universities;
2. Athletic contests and other activities officially sponsored, authorized, or otherwise sanctioned by the Arlington County Department of Parks, Recreation and Cultural Resources;
3. Church bells or carillons;
4. Religious or political gatherings and other activities protected by the First Amendment to the Constitution of the United States of America;
5. Activities for which the regulation of noise has been preempted by Virginia or federal law; and
6. Audible signal devices which are employed as warning or alarm signals in case of fire, emergency, collision, theft, or burglary, or imminent danger, and the testing of such signals, or noise that is emitted in conjunction with a duly-authorized parade.
7. Permanently installed commercial power generation systems used to provide emergency backup electric power at commercial properties, including multi-unit structures, institutional structures, and public utility, data and telecommunication facilities.

**TABLE I**  
**MAXIMUM PERMISSIBLE NOISE LEVELS FROM STATIONARY SOURCES ALL**  
**SOURCES**  
**OTHER THAN MOTOR VEHICLES**

<u>Zoning District</u>	<u>Time of Day</u>	<u>Continuous Noise (dBA)</u>	<u>Impulsive Noise (dB)</u>	<u>'Continuous' Center-Octave Octave Band-Center Frequency (Hz) dBA component</u>	
CM & M	All	70	120	31.5	85
				63	84
				125	79
				250	74
				500	68
				1,000	62
				2,000	57
				4,000	53
				8,000	50
C & C-O	All	65	100	31.5	80
				63	79
				125	74
				250	69
				500	63
				1,000	57
				2,000	52
				4,000	48
				8,000	45
R, R-A & S-3A	Daytime	60	95	31.5	75
				63	74
				125	69
				250	64
				500	58
				1,000	52
				2,000	47
				4,000	43
				8,000	40
FR, R-A & S-3A	Nighttime	55	90	31.5	70
				63	69
				125	64
				250	59
				500	53
				1,000	47
Noise Sensitive Zones	All			8,000	35

**TABLE II**  
**MAXIMUM PERMISSIBLE NOISE LEVELS FROM MOBILE SOURCES MOTOR**  
**VEHICLES**

<u>Class of Source Vehicle</u>	<u>Up to 35 miles per hour MPH</u>	<u>Above 35 MPH miles per hour &amp; above</u>
Motorcycle	80 dBA	84 dBA
<del>Mobile sources with gross weight less than</del> <u>Total GVW &lt; 10,000 lbs.</u>	70 dBA	79 dBA
<del>Mobile sources with gross weight more than</del> <u>Total GVW ≥ 10,000 lbs.</u>	86 dBA	90 dBA

[1-1-75; 8-14-76; 8-25-81; Ord. No. 04-24, 9-18-04]

**§ 15-76. Prohibited Acts.**

A. It shall be unlawful for any person, group of persons, or entity to make or continue, or cause to be made or continued, any noise disturbance as that term is defined above.

B. In addition, the following prohibited acts set forth in this § 15-6 are prohibited regardless of the zoning district classification of the property from which noise is emitted or the decibel level of that noise.

~~AC.~~ It shall be unlawful for any person to sound a vehicular horn or other audible signal device except as an emergency warning signal permitted pursuant to § 15-5.F.6.

~~BD.~~ It shall be unlawful for any person to sell anything by outcry during the ~~Nighttime~~. The selling by outcry of merchandise, food and beverages at licensed entertainment events is excluded from the prohibition of this subsection.

~~CE.~~ It shall be unlawful for any person to use any machine or device during the Nighttime for the production or reproduction of sound which is cast upon public streets or lands for the purpose of commercial advertising or of attracting the attention of the public to any building, structure or activity ~~during the nighttime~~. If such machine or device is used only intermittently for announcing or paging an individual, or signals the ringing of a telephone, danger from smoke, fire, or burglary, or the commencement or conclusion of work or school, or is permitted by § 15-5.F., it shall be exempt from the prohibition of this subsection.

~~DE.~~ It shall be unlawful for any person to use, operate, or play, or to permit the use, operation or playing of, any radio, television, phonograph, record, compact disc or tape player, drum, musical instrument, loudspeaker, sound amplifier or similar device or machine which produces, reproduces or amplifies sound in such a manner as to ~~create a noise disturbance~~ be heard within any ~~nearby~~ dwelling unit, house or apartment of another person at least 20 feet from

the source of the sound, or at least 50 feet from the source of the sound and either across any real property boundary or at any built street at the curb or on the edge of the pavement.

~~E. It shall be unlawful for any person or group of persons to unreasonably make, continue or cause to be made or continued any noise disturbance.~~

~~FG. It shall be unlawful for any person to collect refuse with a refuse vehicle during the nighttime, subject, however, to the exemption set forth in § 15-15.~~

~~GH. It shall be unlawful for any operator to run the propulsion engine of a commercial motor vehicle for more than ~~thirteen~~ (310) minutes when the vehicle is parked, left unattended, or is stopped for other than traffic or maintenance reasons, except when the propulsion engine provides auxiliary service other than heating, or air conditioning.~~

~~HI. It shall be unlawful for any person who owns, possesses or harbors any animal or bird to permit that animal or bird to create a frequent or continued noise disturbance that it is audible at least once per minute for ten (10) consecutive minutes within any dwelling unit, house or apartment of another person, at any street edge, or across a real property boundary or within a nearby dwelling unit.~~

~~J. It shall be unlawful for the holder of any exemption issued pursuant to § 15-12 to exceed or otherwise violate the terms of that exemption.~~

[1-1-75; 8-14-76; 8-25-81]

### **§ 15-87. Noise-Suppression Devices.**

A. No person shall cause, suffer, allow or permit the removal, disconnection or disabling of any noise-suppression system or device which has been installed on any noise source:

1. ~~In~~ accordance with federal-~~or~~, state or local laws or regulations, ~~or~~
2. ~~As~~ a requirement for obtaining a permit to construct, modify-~~or~~, install or operate such noise source.

B. No person shall defeat the design purpose of any noise-suppression system or device by installing therein or thereon any part or component which does not meet the minimum design specifications for that system or device.

C. No noise source shall be operated with its noise-suppression system or device removed or otherwise rendered inoperable.

[1-1-75; 8-14-76]

**§ 15-98. Inspections.**

A. The County Manager is hereby authorized and directed to make or cause to be made inspections (1) in response to complaints ~~regarding that an alleged violations of the provisions of this chapter, so long as the County Manager or of applicable rules or regulations pursuant thereto which may exist when he has valid reason to believe that a violation of this chapter has been or is being committed, or~~ (2) as part of a systematic survey program.

B. The County Manager ~~shall have authority~~ may, with the consent of the respective owner, occupant, operator or agent, ~~to enter and inspect all premises subject to the provisions of this chapter for the purpose of determining whether there is compliance with its~~ this chapter's requirements.

C. If any owner, occupant, operator or agent fails to allow or refuses free access and entry to the premises, or any part thereof, where a noise source is located, ~~or any part thereof,~~ and with respect to which an inspection authorized by this chapter is sought to be made, the County Manager may, upon a showing that probable cause exists for the inspection, petition and obtain process or an order or warrant from a magistrate or court of competent jurisdiction authorizing such an inspection.

~~D. All evidence which may be discovered or obtained in the course of an inspection made pursuant to this section shall not be disclosed except as may be necessary in the judgment of the County Manager or the Attorney for the Commonwealth for the proper and effective administration and enforcement of the provisions of this chapter and regulations issued pursuant thereto.~~

[1-1-75; 8-14-76]

**§ 15-109. Enforcement Criminal Penalties.**

A. Any violation of this chapter may be charged as a misdemeanor, and any violator may, upon conviction, be punished by a fine of not less than one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500), or by imprisonment in the Arlington County jail for a period of not more than thirty (30) days, or both, for each offense. Each calendar day of violation shall constitute a separate offense.

~~AB. Whenever the County Manager or his designee determines that any noise source fails to meet the requirements set forth in this chapter or in applicable regulations issued pursuant thereto, he may obtain a warrant or summons for the prosecution of such violation. In addition, if the designee agent investigating a potential violation of this chapter is a duly-qualified law enforcement officer of Arlington County and he or she has probable cause to do so, he or she may issue a summons to, or arrest without a warrant, any person who, in the presence of the officer, violates any provision of this chapter.~~

C. The imposition of a criminal penalty for any violation of this chapter shall not excuse the violation or permit it to continue.

D. Nothing in this section shall be construed to abridge, limit or otherwise impair the right of any person or entity to claim, in a separate, private action, damages or other relief on account of injuries to persons or property, and to maintain any action or other appropriate proceeding therefor.

Furthermore, the County Manager or his designee may issue a notice of violation setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. Such notice shall:

1. ~~Be in writing,~~
2. ~~Set forth the alleged violations of this chapter or of applicable regulations issued pursuant thereto,~~
3. ~~Describe the premises where the violations are alleged to exist and/or other identifications of the noise source,~~
4. ~~Set forth a reasonable time within which any violation alleged is required to be corrected,~~
5. ~~Be served upon the owner, occupant or operator of the noise source, or upon the agent of any of the foregoing, by:~~
  - a. ~~Personally delivering the same to such person; or~~
  - b. ~~Mailing the same to such person by certified mail, return receipt requested, addressed to the last known place of residence of such person; or~~
  - c. ~~Posting the same in or about the premises described in the notice if service under § 15-10.A.5a. or b.~~

~~B. At the end of the period of time allowed for correction of any violation alleged, the County Manager shall reinspect the noise source described in the notice.~~

~~C. Reserved.~~

~~D. Reserved.~~

~~E. Reserved.~~

~~F. Referral to Commonwealth's Attorney, injunction, etc. If the County Manager determines that the violation has not been corrected, the County Manager may:~~

1. ~~Refer the matter to the Commonwealth's Attorney for prosecution pursuant to § 15-13.A; or~~
2. ~~Apply to a court of competent jurisdiction for any and all injunctive relief as the court may deem proper to enforce the provisions of this chapter; or~~
3. ~~Extend the time for compliance for a reasonable time.~~

[1-1-75; 8-14-76]

**§ 15-10. Civil Penalties; Appeals Therefrom.**

A. Any person who commits, permits, assists in or attempts any violation of this chapter, whether by act or omission, shall be liable for a civil violation and may, upon the issuance of a citation by the County Manager, be punished by a civil fine of not more than two hundred fifty dollars (\$250.00) for the first violation, and not more than five hundred dollars (\$500.00) for a second or other subsequent violation. Each calendar day of violation shall constitute a separate offense.

B. The issuance of a citation for a civil violation of this chapter may occur only after a notice of violation has been issued that sets forth the alleged violation or violations and advises the owner, occupant, operator or agent that such violation or violations must be corrected. Such notice of violation shall:

1. be in writing;
2. describe the alleged violation or violations;
3. name, by street address or RPC number, the premises where the violation or violations are alleged to exist;
4. state a deadline by which the violation or violations must be corrected; and
5. be delivered to the owner, occupant, operator or party responsible for the noise, or upon the agent of any of the foregoing, by:
  - a. hand delivery to any such person or entity;
  - b. mailing to such person or entity by U.S. certified mail; or
  - c. posting at the premises named in the notice.

C. The imposition of a civil penalty for any violation of this chapter shall not excuse the violation or permit it to continue.

D. Nothing in this chapter shall be construed to abridge, limit or otherwise impair the right of any person or entity to claim, in a separate, private action, damages or other relief on account of injuries to persons or property, and to maintain any action or other appropriate proceeding therefor.

E. The appeal of any civil citation issued by the County Manager pursuant to this section shall be by notice of appeal, made in writing, signed by the appealing party, and state an address at which the appealing party will receive notices.

1. The notice of appeal shall be filed with the Director of the Arlington County Department of Community Planning, Housing and Development or his or her designee, not later than five (5) business days after the date on which the civil citation was delivered to the cited party. The notice of appeal shall clearly and specifically state the citation appealed from and all reasons why the decision is claimed not to be in accordance with this chapter. Any notice of appeal which is not timely filed or does not contain the required information shall be denied.
2. After filing the notice of appeal, the appealing party will be entitled to a prompt hearing before the Director of the Arlington County Department of Community Planning, Housing and Development. The date, time and location of the hearing will be determined by the Director. The Director shall provide notice of the hearing's date, time and location to the appealing party by certified mail.
3. The appealing party will have the right to present this case at the hearing. The Director will consider documentary evidence and statements offered by the appealing party and County staff. The hearing need not utilize technical rules relating to evidence and witnesses, provided, however, that the Director only need consider relevant documentary evidence and statements. The Director may affirm, modify, or reverse the civil citation from which the party appeals. The Director's determination shall be final.
4. During the pendency of any appeal, the civil citation of the County Manager shall remain in full force and effect.

[previously § 15-13; 1-1-75; 8-14-76; Ord. No. 91-34, 9-18-91]

**§ 15-11. Emergency Procedures.**

A. Whenever, in the judgment of the County Manager, an emergency exists which requires immediate action to protect the public health, safety or welfare, the County Manager may issue an order ~~may be issued~~, without notice, conference or hearing, directing the owner, occupant, operator ~~or~~, agent and/or responsible party of and/or for the noise source or premises where the noise source is located to take such action as is appropriate to correct or abate the emergency. If circumstances warrant, the County Manager may act to correct or abate the emergency.

B. The owner, occupant, operator ~~or~~, agent and/or responsible party of and/or for the noise source and/or the premises where the noise source is located shall be granted a conference on the matter upon his, her or its request, as soon as practicable, but such conference shall in no case stay the correction or abatement ~~or correction~~ of such emergency.

C. Any person aggrieved by an order of the County Manager, issued pursuant to any provision of this chapter, may appeal that order to a court of competent jurisdiction.

[1-1-75; 8-14-76]

**§ 15-12. Exemptions Issued by the County Manager.**

A. Any person responsible for any noise source may apply to the County Manager for an exemption or partial exemption from the provisions of this chapter. The application shall be accompanied by such information and data as the County Manager may require. The County Manager may grant such exemption or partial exemption if he or she finds that:

1. The potential danger to the community is outweighed by the benefit to the public interest during the period of exemption, or
2. Compliance with the provisions of this chapter from which exemption is sought would produce serious hardship without equal or greater benefits to the public.

B. No exemption or partial exemption issued pursuant to this section shall be granted for a period ~~to exceed~~ longer than one (1) year; but any such exemption or partial exemption may be renewed ~~for like periods~~ a period of up to one (1) additional year at a time if, after being duly considered at a hearing held by the County Manager, ~~he~~ the County Manager finds that renewal is justified ~~under~~ pursuant to the factors set forth in § 15-12.A. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty (60) days prior to the expiration of the exemption or partial exemption. Any renewal granted pursuant to this section shall be on the same grounds and subject to the same limitations and requirements as provided in § 15-12.A.

C. An exemption, partial exemption or renewal thereof shall not be a right of the applicant or holder thereof but shall be at the discretion of the County Manager. The recipient of any exemption or partial exemption shall post a copy of the exemption or partial exemption to be posted with at the source of the noise.

D. ~~Audible signal devices which are employed as warning or alarm signals in case of fire, collision or imminent danger are specifically exempt from the provisions of this chapter.~~

E. ~~Nothing in this section, and no exemption, partial exemption or renewal granted pursuant hereto, shall be construed to prevent or limit the application of the emergency provision and procedures of § 15-11A. of this chapter to any person or his, her or its property.~~

[1-1-75; 8-14-76; 8-25-81]

**§ 15-13. Penalties.**

A. ~~All violations of this chapter shall be misdemeanors and shall, upon conviction, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two thousand five hundred dollars (\$2,500.00), or by imprisonment in the county jail for a period of not more than thirty (30) days, or both, for each offense; and each day of violation shall constitute a separate offense.~~

B. ~~The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue.~~

C. ~~Nothing in this chapter shall be construed to abridge, limit or otherwise impair the right of any person to damages or other relief on account of injuries to persons or property and to maintain any action or other appropriate proceeding therefor.~~

[1-1-75; 8-14-76; Ord. No. 91-34, 9-18-91]

**§ 15-1413. Severability.**

Should any section, subsection, sentence, clause or phrase of this chapter be declared invalid or unconstitutional by a court of competent jurisdiction, such ~~decision~~ declaration shall not affect the validity of the chapter in its entirety or of any part thereof other than that separt declared to be invalid.

[1-1-75; 8-14-76]

**§ 15-~~15~~14. Conflict of Ordinance.**

In any case where a provision of this chapter is found to be in conflict with any other provision of the Arlington County Code existing on the effective date of the applicable provision of this chapter, the provision which establishes the more stringent standard for the promotion and protection of the health and safety of the ~~people~~public shall prevail. In any case where a provision of this chapter is found to be in conflict with any other provision of the Arlington County Code existing on the effective date of a provision of this chapter which established a less stringent standard for the promotion and protection of the health and safety of the ~~people~~public, the provisions of this chapter shall be deemed to prevail; and such other provisions are hereby declared to be repealed to the extent that they may be found in conflict with this chapter.

[1-1-75; 8-14-76]

**§ 15-~~16~~15. Exemption for County Activities.**

The provisions of this chapter shall not apply to operations at County facilities as ~~designated by the County Manager and~~or engaged in by County employees or County contractors, or to County residential refuse and leaf collection programs if such programs are operated by the County or by an entity under contract ~~to~~with the County.

[Ord. No. 06-02, 2-28-06]