

PROCEDURAL MEMORANDUM

Acceptance of Supplemental Right-of-Way Dedication



Presented By:

**VDOT - Fairfax Permits
&
Fairfax County SDID**

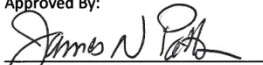

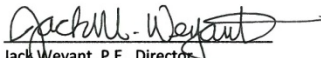

February 2014

Purpose:

This Procedural Memorandum between the Virginia Department of Transportation (VDOT) and Fairfax County is meant to clarify and establish the Process by which Supplemental Right-of-Way (ROW) Dedications are accepted by VDOT.

Effective Date: For Plans Approved after **March 1, 2014**. There will be no Grandfathering.

PROCEDURAL MEMORANDUM
Acceptance of Supplemental Right-of-Way Dedication

Approved By:  James W. Patterson, P.E., Director DPWES – Fairfax County	<u>1/7/2014</u> Date
 Michelle Brickner, P.E., Director Land Development Services - Fairfax County	<u>7 January 2014</u> Date
 Jack Weyant, P.E., Director Site Development & Inspections Division - Fairfax County	<u>1-2-2014</u> Date
 Lauren Mollerup, P.E., CCM Transportation & Land Use Director Arlington & Fairfax Counties Virginia Department of Transportation - Northern Virginia District	<u>01/09/2014</u> Date

This Procedural Memorandum between the Virginia Department of Transportation (VDOT) and Fairfax County is meant to clarify and establish the process by which Supplemental Right-of-Way (ROW) dedications are accepted by VDOT.

Supplemental ROW is defined by VDOT directive MDD 6.02 dated January 11, 2010; signed by R.E. Prezioso, which states as follows:

“Right of way, supplemental” means a strip of land situated along and abutting the right of way of an existing roadway under VDOT jurisdiction that is intended to provide the land necessary or envisioned for the subsequent improvement of that roadway. Supplemental ROW may be dedicated to public use, deeded to the local government, or to VDOT. ROW extending an existing road from one terminus to another is considered “new street right of way” and subject to all provisions of the subdivision Street Requirements and Secondary Street Acceptance Requirements, as applicable. Note: See the Department’s **Right of Way Manual**, Sections 9.3.5 and 9.3.6, revised 7/6/2009.

Definition:

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Right of way extending an existing road from one terminus to another is considered “**New Street Right of Way**” and subject to all provisions of the subdivision Street Requirements and Secondary Street Acceptance Requirements, as applicable.}

Definition:

In general, VDOT and Fairfax County agree that VDOT will bond the improvements within the Supplemental ROW Dedication (such as turn lanes, sidewalks, trails and etc.) and accept it for maintenance at the time of the VDOT Permit Release.

This Procedural Memorandum outlines the process for:

- 1) Development Projects with Supplemental ROW Dedication Only; and,**
- 2) Development Projects with Supplemental ROW and New Street(s) Dedication.**

1) *Projects with Supplemental ROW Dedication Only:*

Surety Review & Bonding:

1.1 All proposed work within existing and supplemental ROW dedication will be included in the VDOT surety review and bonded under VDOT permit.

Dedication Documents Submittal:

1.2 Recorded dedication plat and deed with associated area sketch must be submitted to VDOT prior to permit completion.

Post Construction & Utilities:

- 1.3 All construction testing reports and storm pipe video/DVD recording must be submitted to VDOT prior to permit completion; as applicable.
- 1.4 All utility work will be covered under VDOT permit; no as-built verification will be required.

1) Projects with Supplemental ROW **Dedication Only:**

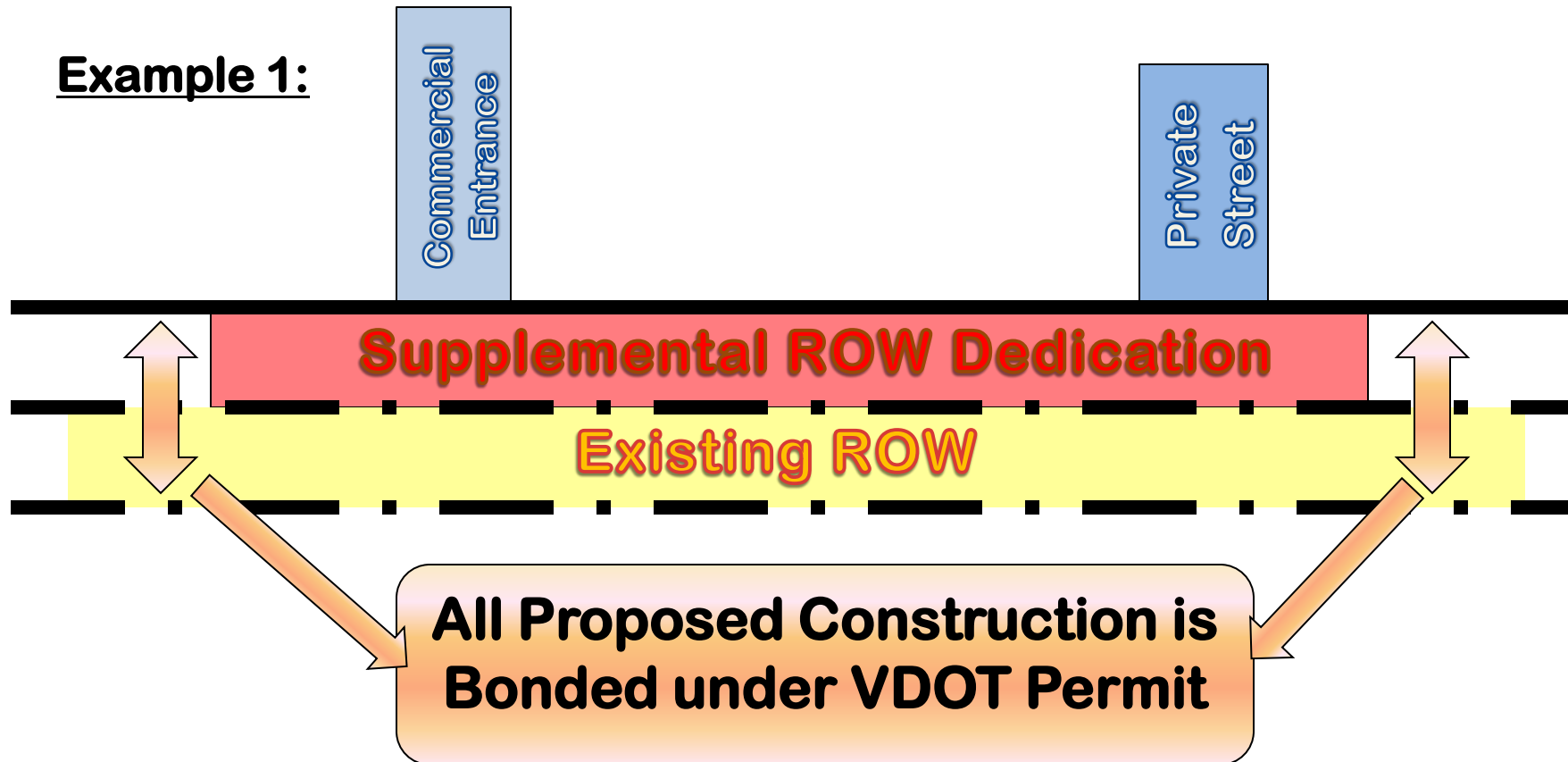
Inspection & Acceptance:

- 1.5 VDOT will inspect work within existing and supplemental ROW and accept it with permit completion.
- 1.6 A Board of Supervisors Resolution will no longer be required.
- 1.7 VDOT will notify Fairfax County that the supplemental ROW dedication has been accepted.
- 1.8 Fairfax County will continue to require that the supplemental ROW be accepted by VDOT prior to County bond release.

Note: All permit submittals will be handled directly by VDOT; no submittals to Fairfax County for this case (supplemental ROW dedication only).

1) Projects with Supplemental ROW Dedication Only:

Example 1:

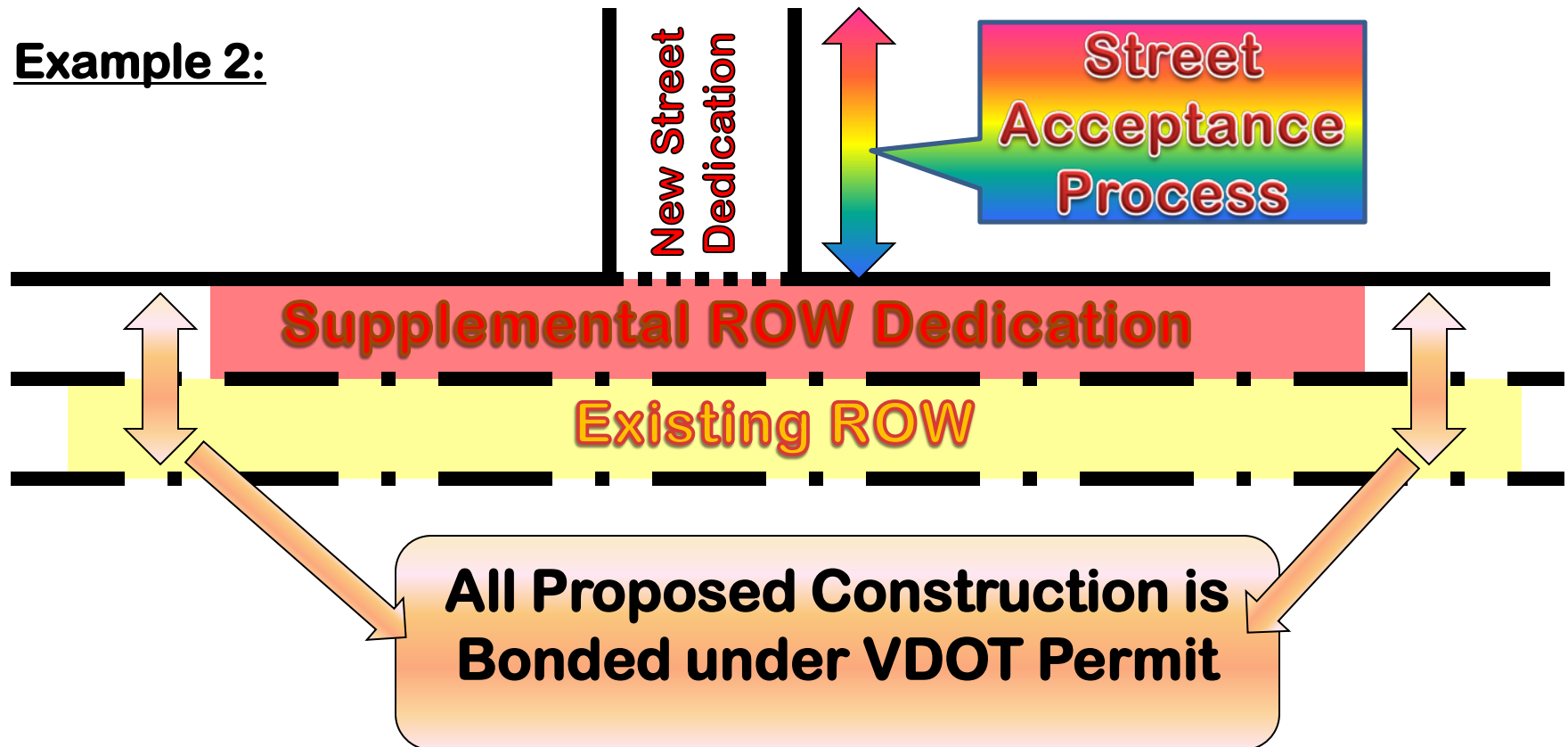


2) Projects with Supplemental ROW and New Street(s) Dedication :

- 2.1 The supplemental ROW dedication will be processed with VDOT permit as described above.
- 2.2 The developer continues construction work within new street(s) dedication under Fairfax County bond, supervision and inspection.
- 2.3 The developer must follow the street acceptance process requirements for the new street(s) dedication; including all package submittals (Initial, Utility As-Built, Post Construction and Final) to be submitted to Fairfax County staff for review and then forwarded to VDOT.
- 2.4 If the developer completes the improvements within the existing and supplemental ROW (covered under VDOT permit/bond); but the project site is still under construction; the developer may apply for a new VDOT permit with a substituted/reduced bond amount in exchange of closing the original permit and releasing its bond.

2) Projects with Supplemental ROW and New Street(s) Dedication :

Example 2:



3) General Notes:

- 3.1 Storm sewer pipes proposed within the supplemental ROW dedication will be bonded under VDOT permit to the proposed ROW line.
- 3.2 For projects including supplemental ROW and new street(s) dedication, the video/DVD recordings for all storm pipes installed within the ROW [existing, supplemental and new street(s)] will be submitted with the post construction package (third submittal of current street acceptance process).
- 3.3 The developer will be responsible for the proper repair of any storm pipe deficiency noted within the area that was covered under VDOT permit even if the permit bond has been released.
- 3.4 The proposed public improvements within existing and supplemental ROW may be included with the county bond in order to ensure proper installation, inspection performance and final approval.

Positive Impact for Processing Supplemental ROW under VDOT Permit

1) Reduce Administrative Time:

- Process eliminates years of processing under street acceptance.
- The project is no longer required to go to the BOS for Resolution; eliminating the 2 months period for a Board Action.
- A memo will be sent from VDOT upon permit completion. It will be entered into LDS and placed in the Bond File.

2) Field inspections:

- Supplemental ROW will be inspected and accepted by VDOT.
- There will be no joint VDOT/Fairfax County Site Inspection.
- Decrease in deterioration of the project condition over time.
- Eliminates the double inspection (VDOT permit completion and joint inspection) .

Positive Impact for Processing Supplemental ROW under VDOT Permit

3) Bonding:

- Decreases the number of projects in default due to ROW acceptance issues.
- Reduce the amount of projects sent to Capital Facilities for completion.
- Increase the probability to achieve Bond Release in a shorter time frame.
- Reduce the number of bond extensions.

4) Package Review:

- County will no longer receive packages for review .
- Saves time without the middleman.
- Reduces the possibility of the package getting “lost”.
- The developer will be dealing directly with the accepting agency (VDOT)

Need Help:

Forms, Information and Contacts are Available Online At:

<http://www.virginiadot.org/business/fairfax-permits-FormsInfo.asp>

<http://www.fairfaxcounty.gov/dpwes/>

<http://www.fairfaxcounty.gov/dpwes/develop/>

Questions/Comments???