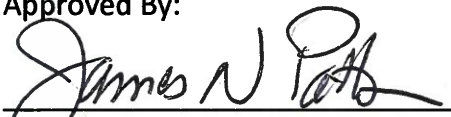


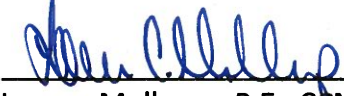


PROCEDURAL MEMORANDUM
Acceptance of Supplemental Right-of-Way Dedication

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.

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Acceptance of Supplemental Right-of-Way Dedication

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.**

In general, VDOT and Fairfax County agree to the following:

- VDOT will bond the improvements within the supplemental ROW dedication and accept it for maintenance at the time of the VDOT permit release.

1) *Projects with Supplemental ROW Dedication Only:*

Surety Review:

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

Bonding:

- 1.2 Proposed work within existing and supplemental ROW dedication will be bonded under VDOT permit.

Dedication Documents Submittal:

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

Post Construction:

- 1.4 All construction testing reports and storm pipe video/DVD recording must be submitted to VDOT prior to permit completion; as applicable (Refer to General Notes 2 & 3).

Inspection:

- 1.5 VDOT will inspect work within existing and supplemental ROW (Refer to General Note 4).

Acceptance:

- 1.6 Supplemental ROW dedication will be accepted with VDOT permit completion.
- 1.7 A Board of Supervisors resolution will no longer be required.
- 1.8 For record keeping purposes, VDOT will notify Fairfax County with a memo that the supplemental ROW dedication has been accepted. Fairfax County will note the acceptance in Land Development Services tracking system and a copy of the memo will be placed in the Bond File.
- 1.9 All permit submittals will be handled directly by VDOT; no submittals to Fairfax County for this case (supplemental ROW dedication only).

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Acceptance of Supplemental Right-of-Way Dedication

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 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 reviewed by Fairfax County staff and forwarded to VDOT.
- 2.3 The developer continues work within new street(s) dedication under Fairfax County bond, supervision and inspection.
- 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, a reduced bond VDOT permit will be granted in exchange of the original permit completion.
- 2.5 VDOT reserves the right to require a bond amount sufficient to cover any liability.
- 2.6 In the event that the constructed improvements (completed and accepted under VDOT permit) are damaged as a result of on-going construction on the project site, the developer will be obligated to make the necessary repairs at their expense under a new VDOT permit, if required. (See General Note 3)
- 2.7 The joint VDOT/Fairfax County inspection will be requested by the county staff whenever work within new street(s) is completed.
- 2.8 Upon joint inspection approval by VDOT and completion of all paperwork; VDOT will complete/release the reduced bond permit and issue the street acceptance letter and state the required fees.
- 2.9 Upon receiving the required fees for new street(s) dedication; VDOT will forward the project to the County Board of Supervisors for obtaining a resolution.
- 2.10 After obtaining the Board resolution, VDOT will forward the project to its Central Office in Richmond for final acceptance and addition to the State Systems of Highways.

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Acceptance of Supplemental Right-of-Way Dedication

3) General Notes:

- 3.1 Storm sewer pipes proposed within the supplemental ROW dedication will be bonded under VDOT permit to the nearest structure outside the ROW.
- 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 Per note 3.2, 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 Fairfax County reserves the right to require that the proposed public improvements within existing and supplemental ROW be included with the County bond (in addition to being bonded under VDOT permit) in order to ensure proper installation, inspection performance and final approval.
- 3.5 Fairfax County Land Use Permit Manual Special Provisions, Paragraph 1 states the following:
{Such of the provisions as are set up in the "Land Use Permit Manual", Virginia Department of Transportation, Richmond, Virginia, and subsequent revisions, as can apply to the type of work covered by this permit, shall apply, including provisions for revocation of permit. Also such of the following enumerated provisions as can apply, shall apply when located within an existing State right-of-way, or dedication to public use and easement.}
- 3.6 Fairfax County will continue to require that the supplemental ROW be accepted by VDOT prior to County bond release.
- 3.7 If the developer does not complete the improvements within the existing and supplemental ROW, VDOT will use the posted bond money to either complete the work or restore the ROW to allow for safe travel. VDOT will consult with Fairfax County on these issues.
- 3.8 For Plats which dedicate supplemental right-of-way, but do not propose any improvements or access at the time of dedication, no acceptance action will be taken until an access permit or improvements within that ROW are proposed.

These changes will take effect as of March 1, 2014.