



## ARLINGTON COUNTY, VIRGINIA

### County Board Agenda Item Meeting of October 15, 2022

**DATE:** September 23, 2022 – **DRAFT FOR PRC AND TC**

**SUBJECT:** Northern Virginia Transportation Authority (NVTA) Standard Project Agreement (SPA) for NOVA Parks Design of Washington and Old Dominion (W&OD) Trail Improvements

#### C. M. RECOMMENDATION:

1. Approve the SPA between Arlington County and the NVTA (Attachment A).
2. Approve the Memorandum of Agreement (MOA) between Arlington County and the Northern Virginia Regional Park Authority (“NVRPA”, also called “NOVA Parks” (Attachment B).
3. Authorize the County Manager, or his designee, to take all necessary steps to execute the SPA and MOA, subject to review as to form by the County Attorney.
4. Approve the resolution providing guidance to NOVA Parks on conducting public engagement during the design process for the W&OD Trail Improvements in Arlington County and requiring County Board endorsement of major design elements of the W&OD Trail Improvements as a prerequisite for a resolution of support for future NOVA Parks funding applications to the NVTA for projects located in Arlington County (Attachment C).

**ISSUES:** None at the time of this report.

**SUMMARY:** This is a request for the County Board to approve the NVTA SPA between the County and the Authority and the companion MOA between the County and NOVA Parks. Execution of both documents will allow NOVA Parks to access the NVTA Regional funding approved on July 9, 2020, as part of the Authority’s Fiscal Year (FY) 2020-2025 Six Year Program (SYP) and proceed with design of the proposed improvements to the W&OD Trail in Arlington County.

**BACKGROUND:** On November 19, 2019, the County Board approved a [resolution of support](#) for NOVA Parks’ \$5.6 million funding application to the NVTA to design and construct improvements to the W&OD Trail between North Roosevelt Street and North Carlin Springs Road. At the same meeting, the Board received public comment both in support of and in opposition to NOVA Parks’ application and the Board approving a resolution of support. During the NVTA’s public comment period on the FY2020-FY2025 SYP, the Authority received [comments](#) both in support of and in opposition to NOVA Parks’ application. The Authority [approved](#) partial funding of \$650,000 for design of NOVA Parks’ project.

The County Board’s resolution of support for NOVA Parks’ funding application to the NVTA included the following language:

“BE IT FURTHER RESOLVED THAT following an NVTA funding award for the subject application to NOVA Parks, the County Board:

County Manager:

County Attorney:

Staff: Rich Roisman, Department of Environmental Services, Transportation Division

- (a) directs the County Manager to initiate a process to engage NOVA Parks on determining an appropriate level of public engagement for the project;
- (b) requests that NOVA Parks engage with the County Board and residents potentially impacted by the project at major development milestones; and
- (c) further requests that NOVA Parks present the finalized concept design to the County Board and residents for final comment and opinion prior to the Board's consideration of an NVTA standard project agreement (SPA) and associated documents for the project.”

This clause was included in the resolution of support for NOVA Parks' funding application for design and construction of the W&OD Trail Improvements. The Board also provided verbal direction to the County Manager, reflected in the meeting minutes as follows:

“In addition, the Board directed the County Manager to determine the data and analyses that NOVA Parks must submit to substantiate the safety and levels of service concerns along the subject stretch of the W&OD Trail, and initiate a process with NOVA Parks to determine both the appropriate level of public engagement for the project along with the information that must be developed and presented that should include, at minimum, analyses of the 3 proposed cross sections compared to “no” or “limited” build alternatives, and plans to address environmental stewardship including impact on vegetation, flood risk management, erosion and natural habitats.”

In later sections of this report, staff offers a means of operationalizing the Board's directives as part of the requested action and County Manager's recommendation to account for the condition where NOVA Parks now only has NVTA funding for design of the W&OD Trail Improvements and will need to seek other funding sources or additional NVTA funds for construction.

**DISCUSSION:** In January, County staff, on behalf of NOVA Parks, requested that the NVTA forward appropriate the previously awarded \$650,000 in FY2023. The Authority [approved](#) this request in April with its FY2023 Regional Revenue Fund budget. Execution of the SPA and MOA are required to access the approved and appropriated NVTA funds.<sup>1</sup>

Staff will remain engaged with NOVA Parks' design process in the interest of balancing the need for transportation safety and capacity improvements on this two-mile segment of the W&OD Trail with the protection of environmentally sensitive areas on and immediately adjacent to the Trail and compliance with the requirements of County Code, including Chapters 48 (Floodplain Management), 57 (Erosion and Sediment Control), 60 (Stormwater Management), and 61 (Chesapeake Bay Preservation). Developing context-sensitive and compliant solutions for improving this segment of the W&OD Trail can only be achieved by NOVA Parks through a robust and thoughtfully engaged design process that considers but is not limited to the following analytical framework:

1. Documenting recent observed trail usage data and information on national best practices for trail safety to substantiate safety and level of service concerns on this segment of the W&OD Trail.
2. Delineating trail and adjacent area maintenance responsibilities on the concept plans.

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<sup>1</sup> NOVA Parks is not a statutorily designated entity for the provision of transportation facilities and services to the area embraced by the NVTA. The County is a designated entity authorized to seek and obtain funding from the NVTA. The MOA generally follows a model used by NOVA Parks, the NVTA, and the City of Falls Church for a similar project for which design and construction was funded by the NVTA. That project was completed in October 2021.

3. Identifying the location of and maintenance responsibilities for any retaining walls or other necessary elements required by the trail improvements.
4. Consideration of the long-term maintenance costs and protection of built and natural assets following the proposed trail improvements.
5. Clearly delineating floodplains, floodways, wetlands, Resource Protection Areas (RPAs), and topography on the concept drawings and showing typical cross sections of the trail and adjacent environmental features at critical areas.
6. Conducting hydrology, hydraulic, erosion, and risk analyses for placement of trail improvements adjacent to streams and within regulatory floodplains and RPAs.
7. Identifying Code requirements constraining placement of trail improvements in RPAs and preparing the required Water Quality Impact Assessment.
8. Identifying Land Disturbing Activity (LDA) and stormwater management Code requirements and impacts of proposed trail improvements.
9. Impact of the trail improvements on and integration with the existing trail tunnel underneath Wilson Boulevard, which sustained damage during the July 2019 flood event.
10. Analysis of impacts to Arlington County Parks (tree canopy, natural lands, park amenities, structures, etc.) from the proposed trail improvements.
11. A plan for protection of natural features and trees, and replacement where impact may not be avoided.
12. Analysis of build alternatives compared with no build or less intensive build alternatives.

Regarding the Board's directive from the November 2019 resolution of support, staff has discussed with NOVA Parks expectations for public engagement under section (a) of the directive and recommends that NOVA Parks follow the Communicate, Consult, and Involve level of engagement as outlined in the County's [Six Step Guide for Public Engagement](#) ("The Guide"). There have been no major project development milestones under section (b) of the directive; execution of the SPA and MOA are required for NOVA Parks to initiate the design process and begin their public engagement. Attachment C includes guidance to NOVA Parks on conducting public engagement in their design process.

A finalized concept design is the expected outcome of the design process which will begin following approval of the SPA and MOA and is what was requested in section (c) of the directive. The recitals of the MOA establish that the project is to be constructed on NOVA Parks and County property; the County may need to issue permits and grant access to NOVA Parks for any future construction. Attachment C would require future County Board endorsement of major design elements of the proposed trail improvements prior to consideration of a resolution of support for future NOVA Parks funding applications to the NVTA for projects located in Arlington County.

## **PUBLIC ENGAGEMENT:**

*Level of Engagement:* Staff recommends that NOVA Parks follow the Communicate, Consult, and Involve level of engagement for the design of the W&OD Trail Improvements. During the November 19, 2019, public comments to the Board on the resolution of support, both the Urban Forestry Commission (UFC, now the Forestry and Natural Resources Commission [FNRC]) and the Environment and Energy Conservation Commission (E2C2, now the Climate Change, Energy and Environment Commission [C2E2]) requested active engagement in future reviews of NOVA Parks' project. Staff recommends that NOVA Parks include both commissions as part of their planned engagement for the design process, in addition to the Parks and Recreation Commission (PRC) and the Transportation Commission (TC).

*Outreach Methods:* The PRC received an information briefing on this item at their meeting on September 27. The TC received an information briefing on this item at their meeting on September 29. NOVA Parks was invited to both meetings.

*Community Feedback:* Placeholder for comments from PRC. Placeholder for comments from TC.

**FISCAL IMPACT:** Design of the W&OD Trail Improvements is funded by \$650,000 in NVTA Regional revenues and there are no local funds on the project. In the SPA's Appendix B (Project Budget and Cash Flow Schedule), NOVA Parks acknowledges that they will cover any excess costs; comparable language including this condition in the final MOA must be present prior to execution.

**Attachment C – DRAFT FOR PRC AND TC**

**RESOLUTION ACCOMPANYING COUNTY BOARD APPROVAL OF NORTHERN VIRGINIA  
TRANSPORTATION AUTHORITY STANDARD PROJECT AGREEMENT 2020-306-1  
AND MEMORANDUM OF AGREEMENT BETWEEN ARLINGTON COUNTY AND THE  
NORTHERN VIRGINIA REGIONAL PARK AUTHORITY FOR THE DESIGN OF  
ARLINGTON WASHINGTON AND OLD DOMINION TRAIL IMPROVEMENTS**

WHEREAS, on November 16, 2019, the County Board of Arlington, Virginia (“County Board”) approved a resolution of support for the Northern Virginia Regional Park Authority’s (“NVRPA” or “NOVA Parks”) funding application to the Northern Virginia Transportation Authority (“NVTA”) for Arlington Washington and Old Dominion Trail (“W&OD Trail”) Improvements; and

WHEREAS, the NVTA subsequently awarded \$650,000 in design funding to NOVA Parks for Arlington W&OD Trail Improvements; and

WHEREAS, NVRPA is not a statutorily designated entity for the provision of transportation facilities and services to the area embraced by the NVTA; and

WHEREAS, Arlington County is a designated entity authorized to seek and obtain funding from the NVTA; and

WHEREAS, the County Board, prior to executing the Standard Project Agreement and Memorandum of Agreement to begin NVRPA’s design of the Arlington W&OD Trail Improvements, wishes to ensure that the design follows both a robust public engagement process and an analytical framework that seeks to achieve an appropriate balance between transportation needs and environmental protection and compliance; and

WHEREAS, the County Board, in its previous resolution of support, requested that NVRPA engage with the County Board and residents potentially impacted by the project at major development milestones, and further requested that NVRPA present the finalized concept design to the County Board and residents.

NOW, THEREFORE, BE IT RESOLVED THAT the County Board recommends that NVRPA conduct public engagement for the design of the Arlington W&OD Trail Improvements following the Communicate, Consult, and Involve level of engagement as outline in the County’s Six Step Guide to Public Engagement (“The Guide”)

BE IT FURTHER RESOLVED THAT the County Board requires a separate future action endorsing NVRPA’s major design elements of the Arlington W&OD Trail Improvements prior to consideration of a resolution of support for future NVRPA funding applications to the NVTA for projects located in Arlington County.

ADOPTED this 15<sup>th</sup> day of October, 2022.