

**Nova District – Fairfax Permits
Guidelines for Permitting and Street Acceptance Process
in Tysons Urban Center**

BACKGROUND

Fairfax County and VDOT signed a Memorandum of Agreement (MOA) to establish design standards and related responsibilities for maintenance in the Tysons area on September 13, 2011. VDOT is using these Tysons standards. These guidelines provide clarifications with respect to the permitting and street acceptance processes as well as the maintenance responsibilities for roadway infrastructure in the Tysons area.

PERMITTING PROCESSES AND MAINTENANCE RESPONSIBILITIES

The permitting process and maintenance responsibilities vary for the two conditions noted below.

- 1- Construction on Existing State Maintained Roads (Primary or Secondary).
- 2- Construction of New Roads (Primary or Secondary) to be maintained by the State.

1- Construction on Existing State Maintained Roads (Primary or Secondary):

a. Land Use Permit:

The developer or Fairfax County (Permittee) must apply for a VDOT permit to start the construction. All proposed items within the ROW (existing & supplemental) will be covered under VDOT permit bond/inspection.

b. Perpetual Maintenance of Non-Standard Items:

If the proposed construction includes non-standard items within the right-of-way (ROW) or items that the District Administrator's Designee determines not to accept for state maintenance, one of the following scenarios shall apply:

- i. The County is the Permittee: maintenance designation language will be added to the land use permit for construction at the time of issuance.
- ii. The Developer/Private entity is the Permittee: a long-term separate land use permit is required for the purpose of holding the perpetual bond along with the maintenance agreement between VDOT and the Developer/Private Entity. The construction Land Use Permit/Bond will not be released until this more permanent permit is issued.

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2- Construction of New Roads (Primary or Secondary) to Be Maintained by the State:

a. Land Use Permit:

- i. The developer or Fairfax County (Permittee), as applicable depending on which person or entity is constructing the new road, must apply for a VDOT permit to start the construction. All proposed items within the ROW (existing and supplemental) will be covered under VDOT permit bond/inspection.
- ii. The construction of new roads (dedicated for public street purposes to be ultimately maintained by the state) will be covered under Fairfax County bond/inspection.
- iii. Land Use Permit/Bond can be released upon satisfactory completion of proposed items within existing and supplemental ROW.

b. Street Acceptance Process:

The developer/county must follow the current street acceptance process including all package submittals, inspections and payment of any and all required fees.

c. Perpetual Maintenance of non-standards items:

If the proposed construction includes within the right-of-way (ROW) non-standard items or items that the District Administrator's Designee determines not to accept for state maintenance, one of the following scenarios shall apply:

- i. The County is constructing the new road; and assuming the maintenance responsibility of the non-standard items; the maintenance designation should be noted on the approved plans, Board of Supervisor's Resolution Form, and project sketch. No permit is required.
- ii. The developer is constructing the new road; and the maintenance responsibility of the non-standard items will be assumed by the developer or a private entity; a separate land use permit is required for the purpose of holding the perpetual bond along with the maintenance agreement that must be submitted with the final street acceptance package (prior to forwarding the project to the County Board of Supervisors, After obtaining the Board

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resolution and VDOT final acceptance by Central Office in Richmond; the permit will be processed and sent to the Permittee.

d. Conveyance of Primary Roads:

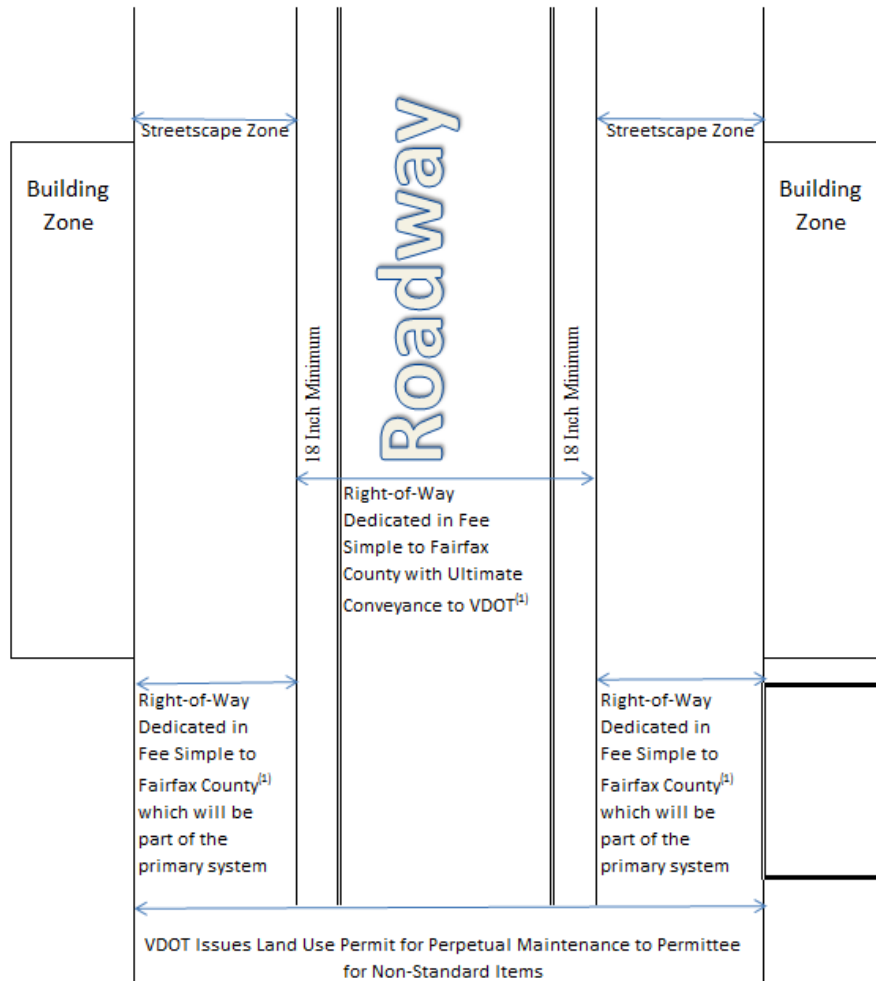
In the case of Primary Roads with ROW conveyance to the Commonwealth; the same process will be followed; except an additional step is required. A County Board resolution is only required when the Primary Road is conveyed to the County. After obtaining the County Board resolution, the addition to the Primary System of State Highways must be approved by the Commonwealth Transportation Board (CTB).

RIGHT-OF-WAY DEDICATION

As shown in Figures 1 and 2, the ROW dedication is treated differently for primary and secondary roadways. For primary roadways, a portion of the ROW will have an ultimate conveyance to VDOT.

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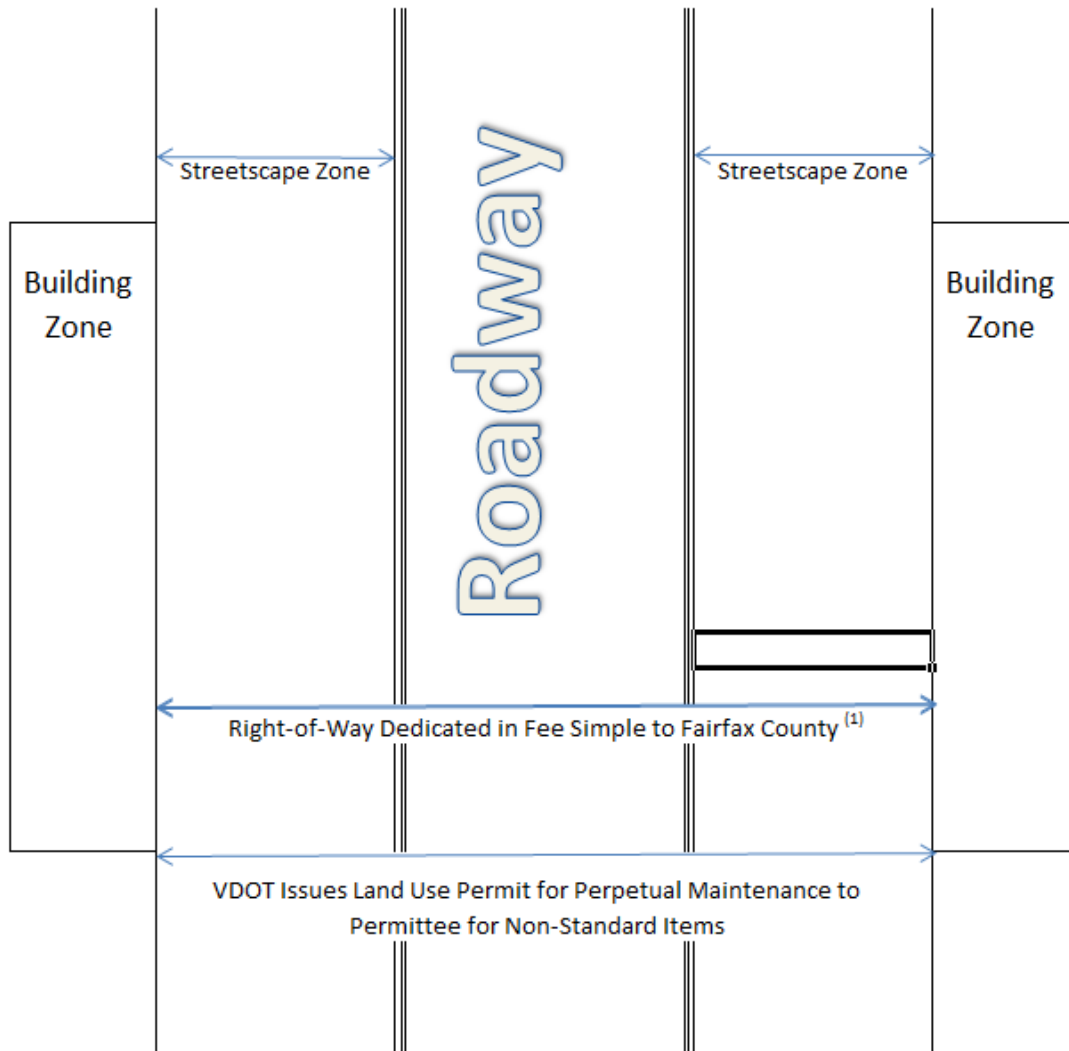
FIGURE 1
PRIMARY STREETS



⁽¹⁾ See footnote H. of Table 1 on page DS-3 of the Transportation Design Standards for Tysons Corner Urban Center dated September 13, 2011.

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FIGURE 2
SECONDARY STREETS



⁽¹⁾ See footnote I. of Table 1 on page DS-3 of the Transportation Design Standards for Tysons Corner Urban Center dated September 13, 2011.

REFERENCES

1. Tysons Corner Urban Center Memorandum of Agreement and Design Standards
2. Land Use Permit Manual/Regulations
3. Secondary Street Acceptance Requirements 2011
4. Appendix (B1) – Subdivision Street Design Guide

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FREQUENTLY ASKED QUESTIONS (FAQ)

Question 1: Do all the permitting arrangements need to be completed at site plan?

Answer 1: No

Question 2: Do all the permitting arrangements need to be completed at dedication?

Answer 2: No

Question 3: Do all the permitting arrangements need to be completed at street acceptance?

Answer 3: Yes

Question 4: Does VDOT have to approve the items with the site plan but then not necessarily do all the agreements until it's dedicated or turned over to the State?

Answer 4: These items will mostly be addressed at the site plan stage but Permits reserves the right to offer comment either at the permit application stage or street acceptance stage.

Question 5: How does that all relate to the bonding that is associated with the site plan?

Answer 5: Permits for non standard items will be addressed at the site plan permit step for modified existing streets and at street acceptance for new streets, and will be permitted to Permittee. Bonding associated with the site plan is to cover items proposed for construction within the existing right of way obligated by the site plan. This is done at the time the Permittee applies for his entrance permit.

Question 6: Does the permit have a way to differentiate between what will eventually be turned over to the State maintenance and what won't be?

Answer 6: Yes, items that do not meet VDOT standards but will remain in the VDOT maintained right of way with a permit will need to be maintained by Permittee.

Question 7: Is it necessary for the permit to differentiate between what features will eventually be turned over to the State?

Answer 7: Yes, the permit needs to identify the non-standard features that will not be accepted by VDOT for maintenance.

Question 8: Are there bonding requirements?

Answer 8: If a private entity is the Permittee, there is a maintenance agreement and bonding requirement for the maintenance of the non-standard features.