

**SCOPE TO STUDY FINANCIAL, LEGAL, AND LEGISLATIVE ISSUES
ASSOCIATED WITH INCREASING TRANSPORTATION FUNDING AND
IMPROVING ROADWAY SERVICE DELIVERY IN FAIRFAX COUNTY**

PURPOSE:

At its retreat on June 30, 2009, the Fairfax County Board of Supervisors directed county staff to undertake a study to identify and evaluate *potential alternatives to increase the level of transportation funding and improve the delivery of roadway services within the county*. Currently, the Virginia Department of Transportation (VDOT) is responsible for all highway service functions and owns, operates, and maintains the roadways within the county, although the county government is substantially involved in planning and construction functions (including pre-construction, funding, and programming activities). The results of this study should assist the Board in making a decision as to what, if any, changes to pursue to improve the delivery of roadway services in the county and to increase the level of funding available for transportation services.

The following scope will be used to solicit a consultant to assist county staff in conducting this study. The proposed study is intended to:

1. Explore the financial, legal, and legislative issues associated with transportation funding and with the delivery of roadway services within Fairfax County, including the review of potential alternative government models and options for assuming all or a portion of responsibilities for functions now provided by the Commonwealth on the County's primary and/or secondary roads.
2. Assess the feasibility and costs of assuming additional roadway responsibilities if doing so would increase transportation funding to the County and/or substantially improve the delivery of service in the County.
3. Recommend a course of action to the Board.

The study is to explore various aspects of the transportation funding and service delivery issues including:

1. Examination of existing and possible transportation funding sources that could be used to improve service delivery.
2. Examination of possible legal and legislative issues associated with increasing transportation funding and improving service delivery.

3. Roadway system responsibilities that might be assumed - primary and/or secondary roads - in order to increase transportation funding and/or improve service delivery.
4. Functions that might be assumed - planning, operations, construction, and/or maintenance functions - in order to increase transportation funding and/or improve service delivery.
5. Examination of roadway service costs – baseline historical costs for Fiscal Years 2004 through 2008, start-up costs, and ongoing costs.

The study effort will include interviews of Board members and key stakeholders to identify primary service delivery issues. The study will also entail substantial interaction with principal transportation, legal, and financial staff in the County and VDOT. Input from other Virginia jurisdictions that have assumed roadway system responsibilities will also be collected. A Board-appointed citizens' task force will be involved in the review of the consultant's recommendations. This will provide the public an opportunity to review and comment on the study prior to the Board taking any action.

TIMING:

It is proposed that this study be completed within 6 months after Notice to Proceed has been given to the consultant.

PROPOSED STUDY STRUCTURE:

Task I: Examination of Funding Issues

This task includes a review of available sources for transportation funding. This will include an evaluation of current funding levels in all Commonwealth programs for Fairfax County roads and how much Fairfax County would potentially receive from new transportation funding sources.

All current revenue sources from the Commonwealth should be compared with funds which would be available to the County, should the County modify its form of government or the way roadway services are delivered including the possibility of assuming some roadway responsibilities. All project funding categories, including funds for transit, bridge replacement, safety projects, industrial access projects, recreational access projects, revenue sharing projects, and other existing project categories, are to be reviewed to determine the effects of increased roadway service delivery levels and a potential shift of responsibility from the Commonwealth to the County. Restrictions (Commonwealth or Federal requirements) associated with the use of funds received from the Commonwealth should be identified and critically reviewed.

Upon completion of an inventory of available Commonwealth resources, a determination is to be made as to what additional financial resources would be required and/or desirable, if the County modifies the way roadway services are delivered or assumes responsibility for portions of the roadway network within the County. Potential revenue sources are also to be studied and evaluated.

Task II: Legislative and Legal Issues to Be Explored

The consultant is to examine and discuss all existing statutes pertaining to transportation funding and assuming roadway responsibilities. This examination is to include, but is not limited to, statutes concerning highway allocation formulas and transfer of roadway responsibilities. If the County assumes roadway responsibilities from the Commonwealth, then the terms and conditions associated with the County assuming roadway responsibilities must, by law, be contained in an agreement between the County and VDOT, including funding. These statutes, as well as other pertinent sections of the Code of Virginia, should be reviewed to determine what legislative changes may be necessary or desirable to facilitate and enhance any recommended transfers of responsibility from the Commonwealth to the County.

The consultant will examine the various legislative options that may increase transportation funding and/or facilitate the transfer of roadways. These options include delivering roadway services under:

1. Fairfax County's current Urban County Executive form of government;
2. A modified County form of government with additional authorities already granted to cities, towns, or other counties within the Commonwealth that currently own, operate, and maintain their own roadways;
3. A City form of government;
4. Establishment of a Service Authority;
5. Other options as may be identified.

The legal ramifications of a County assuming responsibility of the roadway system are to be investigated by the consultant for each option. This task will include an analysis of the County's increased exposure to liability claims for each of the options. The consultant is to examine whether there would need to be any changes in the County's relationship with incorporated towns and cities within the County's boundaries as a result of the County assuming full or partial responsibility of the roadway system.

Task III: Examination of Costs

Improving roadway service delivery and increasing transportation funding for the County may result in the County assuming responsibility for all of or a portion of the roadways within the County. This task will examine all costs associated with assuming these responsibilities. The examination is to focus on the primary and secondary roadway systems within the County. For each system, there are four major functions the County may assume:

- Planning – system and project planning, site review, modeling, forecasting, etc.
- Operations – signing, striping, signalization, capacity and safety studies, etc. – includes maintenance of the traffic control devices, i.e. traffic signals, signs, sign structures and pavement markings.
- Construction – design, land acquisition, construction, permits, etc.
- Maintenance – snow removal, pavement and sidewalk replacement, litter control, dead animal removal, bridge maintenance, removal of roadside hazards, shoulder maintenance, guardrail repair / maintenance, emergency and incident response.

The study will quantify the costs of each function (planning, operations, construction, and maintenance) for each roadway system within the County (primary and secondary roads). The study will assume these functions continue at or above the same level of service VDOT is currently providing. Costs include:

- VDOT baseline historical costs for Fiscal Years 2004 through 2008 for each roadway system and function.
- Estimated start-up costs for each roadway system and function (assuming the County would take on these responsibilities):
 - Capital costs associated with physical plant needs, such as garages and office space and equipment needs.
 - Potential equipment and facility transfer cost or savings.
 - Personnel needs.
 - Supply inventory needs.
- Estimated ongoing costs for each roadway system and function:
 - Expenses associated with the maintenance, replacement and expansion of capital resources.
 - Personnel costs, including overhead associated costs.
 - Cost of supply replenishment, such as fuel, sand, salt, etc.

The consultant is to identify no more than five (5) options consisting of different combinations of roadway systems and functions the County may assume.

There are a number of concerns related to the financial feasibility of the County assuming responsibility for its roads. This task is intended to provide an estimate of what the start-up and ongoing costs would be for the County to assume responsibility of its roadway system. This task will involve extensive information gathering in the form of interviews of key VDOT personnel and requests for data on typical expenditures and allocations. It will also include data collection from and interviews with other jurisdictions which have responsibility for their roadway systems. Studies conducted by other jurisdictions on the feasibility of assuming responsibility of their roadway systems are to be reviewed.

Current Commonwealth resources allocated to Fairfax County's roadway system will be examined and inventoried to determine if they are adequate in terms of personnel, equipment, and physical plant. Increased public expectations on service delivery that may arise as a result of the County assuming roadway responsibilities are to be considered in the examination of resource requirements. This task will also include identifying economies of scale which would positively or negatively impact start up and ongoing costs.

Impacts on other County agencies are to be explored in terms of staffing requirements to accommodate the start-up and operational requirements for increased roadway responsibilities in addition to ongoing County functions without deterioration in service to user agencies or the public.

Task IV: Staff, Board, and Citizen Coordination and Input

The consultant is to coordinate and conduct regular meetings with staff from the County and VDOT to provide briefings on study progress and solicit guidance. The consultant will also assist County staff in coordinating and conducting meetings with County Board members and key stakeholders including a Board-appointed citizens' task force to discuss results and recommendations from the study.

Task V: Recommendations

The consultant is to identify and discuss the advantages and disadvantages of each option studied. In addition, the consultant is to make findings and recommendations on the following items:

1. Strategies to increase transportation funding to maintain and improve roadway service delivery.

2. Legislative changes, if any, that would improve roadway service delivery, increase transportation funding, and, if needed, facilitate the transfer of responsibility from the Commonwealth to the County.
3. Whether or not assuming responsibility for some or all of the roads within the County would increase transportation funding for the County, and/or improve service delivery.
4. If an assumption is feasible, helps increase funding, and improves service delivery, what portions of the roadway system should be assumed.
5. What functions, e.g., planning, operations, construction, and maintenance, should be assumed.
6. Phasing of recommendations and development of an implementation schedule.
7. Other recommended actions to be taken.

The study and its recommendations are to be summarized in a final report and an executive summary for review by staff and the Board-appointed citizens' task force, prior to consideration by the Board of Supervisors.