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[00:00:01] Okay. Good morning, everyone. Welcome to the November 28, 2023 meeting of the Legislative Committee. We have a pretty full agenda today, so we'll go ahead and get started. I know Supervisor Palchuk is on her way, and we'll join us shortly. We're going to start with a review of our recommended strategies and principles for the 118th Congress. And before I do that, I think we

[00:00:30] have our federal representative consultant, Ms. Emo is here. And I wanted to just introduce her and give her maybe two or three minutes just to give us a quick funding update and situation with the federal budget. If you can, you can just come up to the microphone. Yeah, right there is good.

[00:00:58] Yeah. I'm Jennifer Emo. Press the green button or whatever button's up there. No green button. is that on we're there okay i'm jennifer emo with the ferguson group and this is my colleague zach israel also with tfg we appreciate the opportunity to be here today to work with your great staff to put together these recommended principles zach's going to give a quick update on where we are with congress and the federal agencies and we're also here to answer any questions as we walk through the agenda thank you jennifer good morning everyone zach israel

[00:01:35] from the Ferguson Group. So I'll be very brief in sort of the overview of where we are right now. So on November 16th, the day before the previous continuing resolution was set to expire, President Biden signed the new CR into law. So that prevented a government shutdown that would have started

about a week and a half ago, fortunately. It passed with bipartisan overwhelming support in the House and Senate. And the press has sort of labeled this a laddered CR, are, which is a little bit unusual. So it funds four of the 12 spending bills until January 19th, 2024, and then the remaining agencies and the other eight spending bills until February 2nd,

[00:02:13] 2024. And the reason that they're doing it this way from the new Speaker of the House, Mike Johnson, has said that he wants to avoid Congress passing one omnibus spending bill of all 12 at one time. And this would sort of force Congress in January to pass the first four separately and then perhaps the other eight in a second package. And so we have January 19th and February 2nd to avoid a shutdown next year. But we avoided that for now. That CR also included an extension of the Farm Bill authorities until September 30th of 2024. And that includes the

[00:02:50] biggest pot of money from that is for SNAP, which is critical. So Congress has another nine, ten months to settle that. There was a bunch of other short-term authorizations in the CR, including for the National Flood Insurance Program, NFIP, that was kicked down to February 2nd of 2024. So Congress took that off their plate before Christmas, but January will be here very soon, and they're going to be confronting some big issues of how to finally get the FY24 spending bills completed. And over the next three weeks, we really need the congressional leadership from both parties and both chambers to finalize an agreement on the top line levels for all 12 FY24

[00:03:30] bills so they can get done in January and February. So that's the biggest item that was taken care of in the last two weeks. But Congress has a lot of work to do in the next three weeks, namely a supplemental emergency bill for Ukraine and Israel, and there'll be border security related policy in there, it appears. And then another one is the National Defense Authorization Act, which I believe Congress has passed every year since the early 1960s, and that sets the DOD policy for FY24.

[00:04:01] Those are the two sort of big-ticket items that they really need to get done before the Christmas break. So, oh yes, and one other thing that Congress needs to get done by Christmas is reauthorizing the Federal Aviation Administration. In the September 30th CR, that was extended to December 31st of this year, but they didn't extend it again in the previous CR from two weeks ago.

[00:04:25] So Congress will probably attach a short-term reauthorization for that as part of the NDAA bill. And that will probably be kicked down the road to September 30th next year, like the Farm Bill. So Congress sort of punting most of their major work into the new year, but most importantly, though, we avoided a shutdown for now.

[00:04:45] Okay, thank you. Thank you. any quick questions on that. We could spend all day prognosticating probably, but we have actual work to do, so we won't. No, thank you. Thanks for coming. Okay, let's move on to our recommended strategies and principles, and we have, I would say for the most part, updates. Not much, by the way, of significant changes, but Ms. Arco will walk us through the package, and we'll stop periodically if there are any questions or comments from board members. Thank you, Mr. Chairman. So just before we begin, Noelle Dominguez is participating electronically because she has

[00:05:24] decided to protect our health and not make everyone ill with her bronchitis. So she'll talk through some portions of this as well. And if board members have questions for her, she's available, like I said. So starting on page one, as you said, Mr. Chairman, a lot of this is just updates at the very top of page one. We changed some of those section titles to match um what's in the county strategic plan we did it in

the state program as well um and then at the bottom of that page we included some language to try to reflect some of what um our federal lobbyists just said um i think we'll probably have to do a little more updating by the time

[00:06:02] um this gets to the board for the december adoption um but that's always a little bit of a point in time position because we don't know where congress is going to be um at that particular point in time And then turning to page two, we're going to get to the transportation section, but I don't know if there's anything else we need to talk about before we ask Noelle.

[00:06:25] We're good on that. Okay. So, Noelle, hopefully you can walk us through the transportation sections. Sure. Mr. Chairman, Noelle Dominguez, Department of Transportation, can you all hear me? Yeah, we can hear you. Okay, great. Thank you.

[00:06:40] So at the bottom of page two, most of those changes are related to just updating funding numbers for the new fiscal year. what passed last year, as well as what's recommended for this year. One slight change to the bolded language is we, amongst the different type of federal investments, we specify we added funding for buses and bus infrastructure.

[00:07:03] That is because as we talked to the board in the past, we previously have not received federal funding for the connector, but it is something we are working towards. So we did want to put the placeholder in there. Moving on to page 3, most of this update, again, is just updating some of the numbers.

[00:07:23] Page 3 focuses largely on our WMATA funding section. Last year, we had just opened the Silver Line Extension, now it's been open for a year, so we just updated that language a little bit right in the middle of page 3. We address how much funding we currently provide for WMATA with about half of it coming through state aid that's just making sure those numbers are consistent with what we usually show and then at the bottom of page 3 we did include a paragraph talk in the past we focus on the capital needs and we do talk about that up top but here we also do reference the fact that the system also has significant

[00:08:01] needs and its operating budget as we've all been talking about here and we talk about the shortfall and we're working to our partners and support the federal level would be an important step. Continuing on to the next page, again, most of this is just, again, updating funding numbers. I believe all of it is. It's what is in current transportation bills or what was in the president's budget. So I'll continue on to page five, if that is okay.

[00:08:34] Page five, there is a slight update to support funding for the TOD options for local government, just because um the biden administration recently released some new guidance to um states localities and developers on how tifia and railroad rehab financing can be used for housing development so we did put some information in there as well um and that is that for that section of transportation i will pass it back to claudia okay why don't we break for any questions or thoughts on the transportation section supervisor alcorn uh thank you yeah thank you

[00:09:12] you for updating the language on WMATA. I think as the discussions regionally continue about particularly WMATA operating, but also longer term capital, our need to be flexible and I would say opportunistic, particularly when it comes to anything that the Feds can do to help out is going to be critical over the coming year or so. Yeah, and I'll just suggest, and this is a personal hobby horse for me but you

know i was involved in the very early days of priya which was a long time ago and it was 150 million dollars then and 150 million dollars today

[00:09:51] is not the same as 150 million dollars in 2008 and 2009 so that is to say priya has not an index to CPI or certainly not any relevant cost metric. So each year that has passed, PREA has become less and less valuable to Metro. So I actually think our PREA language should include, and there has been legislation to this effect in the past,

[00:10:23] some suggestion in terms of indexing it. And if you calculate what it would be today, had it been indexed since 2008. It's a pretty big number, and I think we should start mentioning that. Obviously, that would also require an increase in the state share as well.

[00:10:46] So there's no objection. Mr. Chairman? Yes. We can go ahead and do that. It is currently authorized at the current rate through FY2030, but they reauthorize things all the time, so might as well start referencing it. Okay. All right.

[00:11:02] Other thoughts on transportation? Okay. Ms. Arco? So, Mr. Chairman, Jennifer is going to talk about the climate change section. Mr. Chairman, Jennifer Vanney, Deputy Legislative Director. The climate change is really just an update.

[00:11:19] It's talking about the new solar tax credits and the investment tax credit. And so different tax credits that would further our goals on climate, especially when it's producing materials in low-income communities and produced here.

[00:11:37] And then also we added in a line about EVs. So just to make it more in line with what we do with our state program. Okay. That looks good. Additional transportation. We're going to go back to Ms. Domingos. Yes.

[00:11:54] So, Noelle, do you want to talk about FAA? Sure. Yes. So most of the position up top has remained the same, opposing changes to perimeter and slot rules and supporting efforts to reduce impact on aircraft and noise. What down below was more status updates. As the board knows, the Congress is currently, you know, looking at its FAA reauthorization bill, and there were efforts to add some more slots to National Airport during this process in the House. Those did not remain in the House-passed bill. The Senate's bill is

[00:12:30] still currently pending, and there have been discussions, but we haven't seen any language to know what route they may be going. So that's what that update there is about. Under aircraft noise pollution, again, the position remains the same.

[00:12:46] However, as part of FAA reauthorization, as well as the administration, they are looking into various ways to impact airport noise, airplane noise. There's language in the FY23 Consolidated Appropriations Act that directed FAA to engage with affected communities.

[00:13:08] The house passed FAA reauthorization bill includes several noise related directives that require the FAA to work with local communities. The senate bill may also address this, maybe directing them to work with members of airport adjacent communities as well. So again nothing has passed but it is in the discussion amongst the FAA a reauthorization bill.

[00:13:34] Yes, Supervisor Grace. And just a quick, well, first of all, there's a typo there. You want to change it on aircraft noise pollution should be an S, not a C, but all of these items about the FAA are about

domestic and international travel, not about military flights.

[00:13:57] Is that correct? We don't, okay, we're not able to do anything about the Ospreys flying up and down 395. for long periods of time, things like that. It's only the commercial flights, commercial and private jets, not military.

[00:14:15] Yeah. The FAA – oh, sorry, Supervisor. I think I was going to say what you're about to say, but I'll let you say it. I believe the FAA only guards non-defense travel, air travel.

[00:14:32] If we wanted to talk about defense-related, we probably have to go into the Defense Authorization Act or something else. And I don't think I want to go there. But I do think that from a county perspective, it may be helpful if our Office of Public Affairs or somebody, you know, does a little bit of educational outreach to folks to explain that we don't have anything to do with the, and we really can't control the military overflights.

[00:15:01] And there are a lot of them, especially in, I think, along the 395 corridor. And so it's frustrating for our constituents. It's frustrating for us not to be able to say, I'm sorry, I can't do anything about it.

[00:15:17] But I think there may be some gentle education that might help. Thank you. Which is not part of this committee. Supervisor Alcorn? Yeah, just to follow up on that, it's not just the 95-395 corridor. My office hears a lot.

[00:15:34] around Dulles Airport and then the Dulles Toll Road. And the Beltway, I know, is also a travel area. You're just not close to the Pentagon, like some of us. But what I would suggest is if we could perhaps get from staff basically the process for how any communication between the county and federal officials on this and perhaps include that in the education information that you asked for, Supervisor Gross, so that we can all know how that process works.

[00:16:07] So, thank you. Supervisor Stork? I will also weigh in on that, but helicopter noise explicitly, and I know that Congressman Beyer's office spends a lot of time, energy, and effort on that one. And because we have Davidson Field at Fort Belvoir, we experience a lot of that.

[00:16:27] And then the other point I would make, and it's not immediate, but I would like to work with staff on the language for essentially monitoring noise and what we can do to improve that. I sent a letter to EMWA recently to urge them to take a look at that more deeply and to work with the community to improve that.

[00:16:50] But it's just something to be added for the future, but I do want to at least highlight that and sensitize everybody to that issue. Okay. So, obviously, there's some interest in this topic, and we'll work with staff either to get a NIP or some information on military aircraft and noise and helicopter noise, and potentially some time on a future legislative committee meeting to provide an update if we think there's something useful to be said or done about it.

[00:17:18] Okay. All right. I think we can – are we on unmanned or unmanned aircraft? I believe unmanned is being handled by somebody else. okay i can do that jennifer vanney um so unmanned aircraft systems uas or otherwise known as drones there's a we've had a section on it before so we updated it there was a new fact sheet that came out um this summer in july uh that talked about how to make sure local regulations and federal

[00:17:53] regulations on these get married so that when you're flying your drone you're not crossing a county border and then all of a sudden having a new requirement placed on you. And so both the Senate and the House took some of those recommendations and put them in their bills. But again, all of that is being considered.

[00:18:11] Okay. All right, page 8. Mr. Chairman, continuing on to page 8. On parity for transit benefits, we've just updated the numbers on the amount that can be used monthly on this benefit.

[00:18:29] It is now, it was moved up to $300 per month in 2023, and in November the IRS announced that employees who use these can now spend up to $315 per month as of January 1, 2024.

[00:18:44] Going on to the transportation projects, this is the list of projects as various funding opportunities come along, these are some of the key priorities. The projects themselves have not changed with a couple of minor edits. Last year, we included Richmond Highway widening as well as the bus rapid transit.

[00:19:03] Since the widening is now fully funded, we've taken reference to that out of the title, but we still do talk about it because it is an important part of the project, but we focus on the BRT. Frontier Drive is the same language. On page nine, under Seven Corners, last year we referenced that a study was being undergone to discuss the phasing of the Seven Corners Interchange.

[00:19:27] Now that the study has been completed, we just referenced that. Davis Drive Bridge, Route 7 VRT, and Potomac River Crossings, all of that language has remained the same. Mr. Chairman. Chairman?

[00:19:43] Okay. Just two comments. On the Richmond Highway one, we just verbally talked about how the widening piece was fully funded. I'm just wondering why we're not a little bit more direct about, you know, the state and county has made an investment of X dollars to pave the way literally for the BRT project. And so that we can make a stronger connection between the two. The way it reads to me, it almost still sounds like two different projects. And actually, the widening piece was to facilitate the BRT. If we don't get the BRT, one would wonder why we invested hundreds of

[00:20:21] millions of dollars throughout one corridor. So I think if we can tie those together a little bit more neatly and then on the Frontier Drive extension I don't want to make this about the FBI even though that's still in play but I would say that we put in here that there's the extension will provide significant benefits to the new TSA as if that's all but the extension will provide significant benefits to state and federally owned facilities in addition to the TSA because there is a Northern Virginia Community College there there is potential redevelopment of that GSA site, whether it's FBI or not, and this project is needed to

[00:21:00] make any of that happen and to improve transportation for a lot of different entities, not just the TSA, so I think we should include that in the language. Thank you, Mr. Chairman. We'll work on some language. Oh, go ahead, Noel. I was going to say the same thing for you.

[00:21:18] So we'll have some language before the board adoption on that issue. Okay. If there are no other thoughts on that, we'll move on to page 10. So, Mr. Chairman, you brought up the issue of the FBI.

[00:21:34] So we did include in this position, there's some just numerical updates and budget updates at the top of the position, but we do have a paragraph about the FBI that we have had. But given recent

circumstances, we added some additional language to it, indicating that, you know, GSA has selected the Greenbelt site, but there have been a number of questions raised about that.

[00:21:57] And so we wanted to make sure we included language saying that, you know, if that process is restarted for any reason, obviously the county would certainly still welcome having the FBI come to that location. And if that doesn't happen, obviously it's a great site for any other kind of federal relocation.

[00:22:18] And so that's what we tried to capture on page 10. Okay. I think everyone's familiar with that situation, taxation. Yes. So, Mr. Chairman, on page 11, when we get into tax and finance, we have had a position on the tax-exempt status of municipal bonds. So, by and large, the position hasn't changed, but we did get some information from NACO that we felt would be helpful in terms of showing how much public funding is saved due to that tax exemption. And so, at the bottom of page 11 and at the top of

[00:22:55] page 12, we included some information from NACO to emphasize that a little bit more. Okay, human services and public safety, page 12. So, Mr. Chairman, I'm going to have Arielle talk a lot about the human services.

[00:23:12] I think in this position, it's mostly just updates and a little bit of a point in time update in terms of where the federal funding process is. And so that's essentially what those updates are. And on page 13, and then this is the last thing I'll say before she talks about human services, We have had, in our social safety net position in the federal program, language about affordable housing along with language about a number of other items.

[00:23:39] But similar to what we did in the state program, we pulled affordable housing out to sort of be its own freestanding position, partly because of the importance of it, you know, as the board has talked through these issues, but also because there are some issues that needed to be talked about in more detail, particularly in terms of financing for affordable housing, and so that's why there's a lot of yellow in that section.

[00:24:06] Some of that is new language, and some of it has been moved from other sections. So, Ariel, why don't you go ahead and talk about the rest of that section? Ariel, I'm a human services legislative liaison. So did you want to add to, I mean, should I add to affordable housing in terms of walking?

[00:24:25] Okay. yeah so just to start with affordable housing so as Claudia mentioned we did incorporate some of the language in social safety net we also expanded the language relating to the low-income housing tax credit program because of current federal legislation that's under consideration that legislation has bipartisan support and we highlight a few key provisions of that bill in this section. One is that it would increase allocations of 9% housing tax credits to states by 50%.

[00:25:04] Those credits have been really successful and efficient in facilitating the production and rehabilitation of affordable housing. Additionally, that legislation would prohibit states from requiring special approvals that treat affordable rental housing differently from any other multi-family projects. And it would also lower the bond financing thresholds from 50% to 25% for private activity bonds. That particular step is important in relieving pressure on the bond volume cap, which is something that is being experienced nationally, including in Virginia.

[00:25:42] And then in addition to low-income housing tax credit, we also wanted to highlight support for legislation that extends the moving to work status of designated public housing authorities including the Fairfax County redevelopment and housing authority the FCRHA has been a moving to work housing

authority for approximately 10 years that is a demonstration program for public housing authorities that provides a number of opportunities to test design and test innovative

[00:26:19] strategies, as well as use federal dollars more efficiently, help residents find employment and become self-sufficient, and also increase housing choices for low-income families. So we also wanted to highlight that in this section, in this position.

[00:26:35] Moving on to... I'm going to stop there, Supervisor Cost. Thank you, Mr. Chairman. Your report indicates that the federal legislation is currently under consideration and it has bipartisan support.

[00:26:51] Do we have any indication of whether it will succeed, and if so, when? What's the status? I think I might give that question to either staff or our federal lobbyist who is here who might have more insight into the status at the moment.

[00:27:11] I think we can get back to you on the latest status. I think probably the case is there's legislation that's introduced regularly and has some bipartisan support, but doesn't necessarily have a path to passage. Right. Yeah, no, the way it's written up, it gives me hope.

[00:27:28] Yeah, maybe false hope, but we'll get back. Hopefully we're wrong about that, but we'll get back to you and, you know. Although, I mean, it is true in Congress, you know, everything is impossible and nothing happens until it happens, right?

[00:27:44] So it is the kind of thing that when something moves could be tacked on, but we'll take a look at the prognosis at this point and get back to you, okay? So does that take us through? To page 14.

[00:28:01] 14, page 14, social safety net. Yes, so for social safety net, we had just added some language to reflect that in the discussions about the debt ceiling and federal budget earlier this year, there had been some discussion of expanding work requirements to Medicaid, And so we had added this opposition to any changes that would require or would add new eligibility requirements to those two programs, social safety net programs.

[00:28:35] And then otherwise we had just tweaked the language to reflect that we had taken some of that affordable housing language out and moved to the other position. And then moving down page 14, the community development block grant program, CDBG, we mostly were just updating funding numbers.

[00:28:51] we also added language to reflect that CDBG funding can be used for conversion of commercial buildings to housing. And then moving on to page 15, it actually starts at the bottom of page 14, but the DOJ position, we really just updated some statistics in that position and also reflected that funding for the Justice and Mental Health Collaboration Program is, or we include the funding requested by the Biden administration as well as what's included in the House and Senate.

[00:29:23] bills and then moving down page 15 the substance use disorder position we had updated some language in the bold to reflect to align with what we have in the state program and then otherwise we had mostly just updated statistics and then moving on to the top of page 16 we did just want to highlight that the FDA did send a draft final rule relating to the banning menthol from cigarettes and also banning flavored cigars to the White House Office of Management and Budget for review and

[00:29:58] approval, which is a key regulatory step. Rosa Patrick. Thank you. Sorry, Ariel, going back a little bit to the social safety net on 14. I know there is one bullet in there about improving access to affordable quality child care for families with low incomes, including increased funding for the Child Care

and Development Block Grant. I know that we've been hearing and having a lot of conversations about the child care fiscal cliff with ARPA funding expected to expire. I believe part of it this year, part of it next year. And we know that this continues to be a huge need,

[00:30:34] especially knowing that many will leave the profession. So I'm wondering if we could be a little bit bolder on that piece of it, both for, I'm trying to figure out where I go, both for our Families also for workforce, being able to ensure that we continue to have that through the end of those funds.

[00:30:54] I believe at least two of our congressmen have been having meetings about it and focusing on it. And I'm not sure, other than perhaps the earmarking, what we're looking at, if there are hopes to have that be included here. Yeah. Yes. Thank you for that question.

[00:31:10] I think that we can look at the language and think about whether we can add something there. Because you're right that we have been hearing about the cliff concerning child care. Yeah, and I know I'm trying to do a little bit of research, so that would be helpful, especially with our lobbyists, if there are the best ways to really include that here and perhaps in other sections.

[00:31:30] Okay, thank you. Okay. Anything else? I think otherwise we're on to continuing principles on page 16. So, Mr. Chairman, the remainder of the federal program are sort of the general principles that the Board has adopted in a variety of areas.

[00:31:52] You can see that a lot of language has been carried forward. In the census, we did add a new sentence in terms of the methodology that's being used to protect privacy and confidential information as we sort of wrap up the previous census and start looking towards the process for the next one.

[00:32:13] And so that's the update on page 16. Mr. Chairman, just real quickly on page 16, consumer protection i don't know how old this language is but we're we're talking exclusively about financial instruments and i'm just wondering if we should broaden that in light of what we know now with with drug manufacturing and insulin and so many other consumer issues that are affecting residents in fairfax county if we might want to look beyond just financial instruments piece of this because it seems light to me we can certainly work with staff to um to see what other areas we MIGHT WANT TO TRY TO COVER BEFORE WE BRING THIS TO YOU FOR THE BOARD

[00:32:51] ADOPTION. THANK YOU. THAT'S A GOOD POINT. AND THEN ON PAGE 17, WE JUST HAVE A COUPLE OF UPDATED NUMBERS IN THE ELECTIONS POSITION. ON PAGE 18, ARIEL, DO YOU WANT TO TALK ABOUT THE COMMUNITY HEALTH CENTERS? SO ON THE TOP OF PAGE 18 IN THE HEALTH PRINCIPLES, WE HAD ADDED A NEW POSITION CONCERNING THE COMMUNITY HEALTH CENTERS AND SPECIFICALLY SUPPORTING INCREASED AND LONG-TERM FUNDING FOR THE COMMUNITY HEALTH CENTER FUND.

[00:33:25] THAT PROVIDES CRITICAL FUNDING TO THE COMMUNITY HEALTH CENTERS, WHICH ARE PRIMARY CARE CENTERS, PROVIDING COMMUNITY-BASED AND PATIENT-DIRECTED ACCESS TO HEALTH CARE. THE COUNTY HAS TWO CHC'S, AND SO WE WANTED TO ADD THIS TO SUPPORT THIS.

[00:33:41] OKAY. MR. CHAIRMAN, MOVING ON IN THE HUMAN SECURITY EMERGENCY OPERATIONS, THE LAST BULLET HAS BEEN UPDATED. Last year, they did pass a law regarding FEMA and the Hazard Mitigation Grant Program.

[00:33:59] Our staff didn't feel like it's being implemented in the most helpful way, so instead of taking out that bullet, we updated it to say what kind of the current barriers are. And then on page 19, there's updates to the telecommunications/communications bullet to talk about the all-in cost that I believe the Board has talked about before, as well as supporting federal grant programs for broadband deployment, assisting customers for paying such as the bead funding and some of the other things. So really kind of bringing that more

[00:34:32] robust with our digital equity efforts. Okay. If there are no other questions, comments, we will move on. Supervisor Herity? Just two things that I kind of didn't see addressed in here. One is I know the federal government, well, both of them have to do without earmarks, and I didn't see any kind of prioritization of what we were looking for in terms of earmarks from our delegation, but one of them I thought might have been mentioned in here was Lake Akatink, because I know the federal government has been helpful in dredging situations in Pennsylvania.

[00:35:12] Did I miss it? So, Mr. Harris, so on page two, we do have some language about the earmark process and kind of what the criteria are that the county uses to submit requests. I can speak to the Lake Akitank situation, and this was shared with the task force and will be part of the task force's report that we'll receive next week.

[00:35:37] But we did ask, after you raised it a couple of times, our federal team to take a look at that issue. And the unfortunate answer is their answer is the same as mine, which is that the federal government does not fund dredging projects for recreational lakes.

[00:35:56] There is a lot of potential for federal funding if there's a decision not to dredge the lake and convert it to a wetland, which I think is not the direction that the task force or you want to go. But there isn't an opportunity to get federal money to dredge a lake in a park that serves a recreational place.

[00:36:15] Even though it is performing the silt removal function, I assume. Yeah, as you know, it's not a designated stormwater facility. you know the degree to which it performs an environmental function in that regard is a a matter of debate um so unfortunately the answer is no but but i will share a preview uh you know part of what the task force is looking at pursuant to the board matter as a hybrid option that would include a smaller lake and a wetland area and there is the possibility of some federal funds to support that transition okay so thank you for the update yep and the direction you said there

[00:36:54] were two issues. Were those the two? I think I got the Claudia addressed the first one and you just addressed the second one. Okay. Great. All right. Anything else on federal? All right. We'll move on and we're about five minutes, five, ten minutes behind schedule. So we'll try to make up.

[00:37:10] We have two consideration items. The first is on pedestrian safety. And this is pursuant to Supervisor Herity's board matter that the board amended slightly to provide an update on pedestrian safety issues. And it was good timing, actually, because the health department, and I'm not sure who we have here from the health department, had been working on a pretty exciting and important analysis of pedestrian safety issues in the county, which I think serve as a good basis

[00:37:46] for this conversation. So we'll let them give us the brief overview of that. We'll have Ms. Dominguez, give us an update on some of the legislative issues, and we have Deputy Chief Blakely here to help us with, among other things, a discussion around jaywalking.

[00:38:03] So why don't we go ahead and start with the Health Department. Hi, good morning. I'm Anna Ricklin with the Fairfax County Health Department. Is it on? Yes. Okay, great. So I understand that you have the fact sheet in your packet. It's on the last page, second to last page.

[00:38:21] I just wanted to go over some of the highlights of this fact sheet. Most of the data here is from the VDOT crash tool, so we downloaded it. It's publicly accessible data from the Virginia Department of Transportation gathered from local data. In the first chart here, the two pie charts at the top, pedestrian crashes make up only 1% of all traffic crashes, yet they make up 40% of all fatalities on Fairfax County roads.

[00:38:48] We see that there is an average of 172 pedestrian crashes per year with an average of 16 deaths per year. Last year, we had a spike of 32 pedestrian deaths in Fairfax County in one year. Next, I wanted to draw your attention to the chart, which compares pedestrian and bicycle crashes to other key public health threats. So non-fatal opioid overdoses and injury from firearms.

[00:39:19] we see that pedestrian and bicycle crashes are in the same ballpark as those other concerns for public health. So this really is, we see it as a public health issue, is not simply a transportation concern. We see the effects of these crashes, of course, affecting the victims, but their families and the extended community in which they live. The next chart here is looking at race and ethnicity of crash victims. This data does not come from the Virginia Department of Transportation. This

[00:39:54] data comes from a data set that the health department has access to through VDH, the Virginia Department of Health. Looking at emergency room visits, we see that white visitors are less than half of the number in terms of a rate, population rate, of black and Hispanic emergency room visits for pedestrian crashes. And similarly, we see that black and Hispanic residents of Virginia experience double the rate of death on our roads from pedestrian crashes than white residents. So

[00:40:29] it is a severe equity issue, an inequity of our residents. And then at the bottom, just reviewing quickly the bottom data, we see that lighting, speed, and sidewalks are significantly associated with a higher, well, the lack of lighting, high speeds and lack of sidewalks are significantly related to a high risk of death if you are involved in a crash as a pedestrian. So vulnerable road users are at great risk in Fairfax. And then the back of the fact sheet has a map to illustrate

[00:41:07] where the fatal crashes have occurred over the past eight and a half years. We see hotspots in parts of the county, including the Seven Corners Bailey's area, West Falls Church, a cluster in Reston, and of course the Route 1 corridor, a string of fatalities on that corridor as well.

[00:41:26] So I'm happy to answer questions, but that's a quick overview. Okay, we'll do a couple quick questions because we have more to come, Mr. Chairman. I've got an easy one. This is very good, but I heard you co-mingle some Fairfax County statistics with Virginia statistics, and it's clear to me. I think we're looking at Fairfax County statistics on this fact sheet. Yes, sorry, I should have clarified. All the data here is for Fairfax County. The deaths are for only Virginia residents. So the deaths are for Virginia residents of Fairfax County or people who died in

[00:42:00] Fairfax County. If, say, a Maryland resident was hit, they would be counted in Maryland as a as a pedestrian death, according to the medical examiner's office. We count that as a death in the VDOT data. In the Virginia Department of Health data, we only look at Virginia residents.

[00:42:18] So the only thing that can skew is the demographic data then? Potentially, yeah. The demographic data, emergency room visits, those numbers, that's where that would be skewed a little bit? Those are the best numbers we have for ethnicity. Unfortunately, the race and ethnicity is not collected at the time of the crash by the police report.

[00:42:37] And so that is not included in the Virginia Department of Transportation data set that we analyzed. So what we're missing is anyone who didn't reside in Fairfax County that was involved in an accident in Fairfax County were missing their demographic data. That's the piece of data that's missing.

[00:42:53] That's right. Okay. Okay. Thank you. We do believe, though, that probably this data reflects the unknowns. It's probably distributed approximately the same. Okay, I'm going to have Supervisor Faust and Gross, and then I want to move on because we have more to be presented.

[00:43:09] We'll have more time for discussion with Supervisor Faust. Yeah, I mean, we don't have the cause. We have the effect is what it looks like. But, you know, in my experience, a lot of the reasons we have problems are that we do not set the rules of the game in terms of our roads.

[00:43:31] vdot does uh limiting frequently our ability to lower speed limits and to you know place crosswalks and things of that nature is it possible or how much work would it be involved if you were to look at the jurisdictions around us that do their own roads and determine on a per capita basis some some basis that could be comparable to fairfax county to see if i'm if if there is a difference between those jurisdictions that set the rules versus those jurisdictions that have to live by

[00:44:09] the VDOT rules. We could take a look at that. One thing we do know is that over the past year, since November of last year, there was only one fatality in Alexandria and no fatalities in Arlington, and there were 17 fatalities in Fairfax since one year ago. I think we should have that data and, you know, start to get after VDOT.

[00:44:32] I mean, it's ridiculous. It's just nothing. We're going to cover that next, absolutely. I think the data is a good point, and our advocacy with the statement VDOT will be the next presentation. Supervisor Gross? Thank you. Certainly, Mason District is a hotspot, has been for quite some time.

[00:44:50] But remind me, I believe in an accident, an incident, the driver may be tested for drugs or alcohol, but the pedestrian is not. If you're killed, you're not tested for those things. Is that correct? We saw in the data set from VDOT that there was data on pedestrian being inebriated in some way, and so I believe that is something that the police collect at the time of the crash.

[00:45:19] Okay. One of the things I'm looking at here is, you know, are we able to make a correlation between restaurants and places to, you know, socialize as being part of the issue of where the pedestrian is hit. I know we've had that in Mason District a couple of times years ago.

[00:45:44] Somebody walked out of a restaurant, they were inebriated, they lay down in the middle of the road, and they were hit. So have we done that correlation? I don't know who would do that, But it would seem to me that that's, you know, if we're going to be doing road shark and so forth in areas where there's lots of traffic, do we also look at correlations between social gathering spaces and pedestrian incidents?

[00:46:13] Yes, good morning, Supervisor Gross and Deputy Chief Bob Blakely with the Police Department. And what I would say is the data set also includes surrounding jurisdictions, Virginia State

Police, the toll road. So in Fairfax County, you know, this year we've had eight pedestrian fatalities covered by our jurisdiction, which is nearly a decade low.

[00:46:33] We've had some really great successes this year. And what I would tell you, as a former fatal crash investigator myself, when we start to see the trends and patterns, all pedestrian fatalities, the medical examiner conducts the toxicology screen.

[00:46:50] And we usually work those cases backwards. So it would be very common for us to say, well, how did the person, if they were intoxicated, end up in the middle of a roadway in the middle of the night, and now they've been killed? What happened in the hours before that? So it would often be done.

[00:47:08] And when trends and patterns emerge, I think we've been very quick to identify those. I don't have anything specific that I can report to you this year of the eight. Six of the fatal pedestrian crashes have been in the middle of a roadway, not in a crosswalk, and at times of darkness.

[00:47:27] And two have been, one, a pedestrian was walking on a sidewalk and was killed by crashed vehicles who were spinning out of a crash. And another was killed in a crosswalk by a driver making a turn, sort of a blind spot type crash. So that's the trend we see, six pedestrians out of the crosswalk at dark.

[00:47:46] And two, we're obviously the driver more at fault than a pedestrian. It would seem to me that maybe working, and maybe it's a police department, I'm not sure who, but working with some of our sort of small business owners, the restaurants and so forth, that extra little visit, especially if they have a bar, would be something that we might want to consider.

[00:48:17] Thank you. I think, you know, just to focus us here, I mean, the data shows that the difference when there's a crash involving a pedestrian, the difference between life and death, right, surviving that crash or not, is lighting, speed, and sidewalks.

[00:48:36] I mean, that's what the look into the data shows. I think it's going to be a challenge to control people's behavior in terms of how much they drink and where they walk after they drink. But in terms of what we can control from a built environment to standard, lighting speed and sidewalks makes a difference between somebody spending the rest of their life with their family or not.

[00:49:01] Supervisor Palcic, very quick, because I did want to move us on. Well, thank you. First of all, I really just want to thank the staff for collaborating on this. I'm very hopeful to see, like VDH has done, that we are looking at this as a more holistic public health issue and that we have the data and statistics there.

[00:49:18] I think, as Supervisor Rockenshaw mentioned, yes, we need to go after VDOT. I also think there are things like lighting and the speed camera program have been very successful. Anything we can do short term, while we know that engineering is a longer term and the things that are out of control. We need to continue to advocate. I really appreciate the work that's being done here. I will follow up with a question about the number of deaths. I thought it was higher this year, but happy to follow if you have more info on that. I'm happy to answer that now.

[00:49:48] So last year, unfortunately, we had a near decade-long high. So we had, in Fairfax County police's jurisdiction, 45 total fatalities, of which 24 were pedestrians. Now, for as long as I can remember, Fairfax County, we average about 40 to 50 percent of all fatal crashes are pedestrian related under our jurisdiction. And last year, that was the same, 46 percent. This year, year-to-date, we're at 25 fatal crashes with eight pedestrians, eight of the 25. So obviously a much lower number,

[00:50:26] more consistent with the 2015 through 2017 range, and also only representing 32 percent of all fatal crashes involving pedestrians. So we've had some great successes, which I know Supervisor Walkinshaw will want to talk about. And we've all worked very hard, I know, on the challenge of pedestrian crashes and um you know to have some successes is certainly a very very promising well thank you i appreciate that and as we continue to look at the education enforcement and engineering i think uh seeing success but you know there's a lot more work to do so thank you

[00:51:00] okay so let's move into the legislative staff presentation we have a little bit of background in terms of what we have have tried to do and and some thoughts on what we want to do moving forward I don't, is Ms. Dominguez going to lead us through that?

[00:51:16] Yes, sir. Yeah, go ahead. Okay, so on page two of the item, I'm just going to go through some of the history of what we've been working on over the past couple of years. So in 2020, as the board may remember, legislation was passed that clarified that people had to stop for pedestrians. However, it was worded to say you must yield by And because of that, the state said that we couldn't put up stop for pedestrian signage because the federal regulations require the language in the state code to actually say stop for pedestrian.

[00:51:57] So the board's initiative last year was to change the verbiage from yield by stopping to just say stop for. And that bill had an interesting trajectory, but at the end of the day, it did pass. That was Senator Sassler's SB 1069, but that has been enacted, so we were successful there.

[00:52:20] On the other hand, there was another bill that passed in 2021 that allowed the local governing bodies to reduce speed limits to no less than 15 miles per hour in business or residential districts.

[00:52:35] VDOT then opined that that did not include streets that they maintained, which meant most streets in most counties in the Commonwealth. There was a bill to change that to be all counties, include counties. The following year, it failed.

[00:52:52] We had an initiative, the board had an initiative last year, carried by a delegate, Plum, HB 1939, to also clarify that counties were given this authority in 2021. That did fail again last year. I do want to focus a bit on one of the other things we have been working on.

[00:53:14] In 2022, the county did enact a program to allow speed cameras in school and work zones. That was legislation authorized a couple of years prior.

[00:53:29] we are one of only about five jurisdictions statewide that have implemented this program or a similar program to date. Since the county's pilot program began last April or this past April, we have seen a dramatic reduction in the average speed of vehicles traveling through the speed enforcement locations included in the pilot, I believe 24.3%.

[00:53:55] There have been some challenges in this implementation, but we've also experienced significant success as vehicle speed has substantially reduced near the schools included in the pilot. There have been no serious accidents or injuries at these locations, which demonstrates thus far that speed deterrence seems to be having the desired effect. So, you know, we do have a wide variety of transportation options, and we do have concentrated growth that exists throughout the county. So we do need to continue to make improvements to multimodal safety and access to transit facilities especially in these transit-oriented development areas as well as

[00:54:34] residential neighborhoods and business and outside these growth areas. So we believe this goal can be achieved through infrastructure investments, better traffic safety laws, and improved coordination with the commonwealth. So I guess to kind of end things here, the recommendation is to direct staff to add additional language, look at the transportation safety and coordination position and see if we can add additional language in the legislative program to address some of these issues and to direct staff for legislation regarding the current authority

[00:55:11] for speed cameras near schools and work zones to bring to the legislative committee. Okay, thank you, Ms. Dominguez. And I think this has been a really useful exercise. You know, the legislative program public hearing is not typically the most exciting public hearing, but we had some really great testimony at that public hearing. I especially appreciated the testimony from Fairfax Families for Safe Streets. And among the issues that they discussed was our legislative

[00:55:47] initiative from last year that Delegate Plum carried on our behalf to allow us to reduce speed limits in residential and business districts. And that legislation was unsuccessful. VDOT was pretty vociferous in their opposition. It did, as he noted, and as Ms. Dominguez noted, VDOT did raise some specific concerns and issues with the bill that I think we might be able to take a shot at addressing to try to soften their opposition. So what I'm going to suggest if the

[00:56:25] board agrees is that we include that bill as an initiative again this year and between now and session, so we need to get someone to reintroduce it. Delegate Plum, unfortunately, won't be able to do it for us. Between now and session, work with VDOT, with our staff to see whether we can address some of the technical concerns and opposition that they have, potentially narrow the scope of the bill and try to get something through this year.

[00:56:57] Also, and I'm sure we'll talk more about this in other committees, but the really tremendous success of our speed camera pilot program, our school's own speed camera pilot program, which is testament to FCPD's work and our staff's work.

[00:57:15] I mean, I certainly never expected to see a 24% reduction in average speed where those cameras are in place. Tremendous success. There is a technical challenge with the implementation of it based on a somewhat arbitrary deadline that's in the statute, and I'll let Deputy Chief Blakely speak to that briefly, but I'm also going to suggest that we add specific language to support expanded local authority and flexibility to utilize automated traffic enforcement. As we

[00:57:51] continue to analyze the pilot program and if it's the board's decision to expand beyond the pilot program, we might want to look at cameras outside of school zones. We want to at least have language that would support staff moving in that direction. So why don't I let Deputy Chief Blakely just speak briefly about the 30-day challenge with the speed cameras and then we'll cover the jaywalking issue and uh and try to wrap up this section thank you supervisor walkinshaw so um the 30-day issue is kind of the biggest hurdle that we've experienced in our pilot which is

[00:58:27] as supervisor walkinshaw i mentioned very successful well over 70,000 you know observed potential violations uh but what we found was the intent of the program uh has a hiccup to it and essentially if you imagine uh today you go through a speed camera um and you receive most people receive a $50 fine. It's mailed to you, but there's a process there. Processing it comes to the police. We have to visually examine it and verify it. We send it back to the vendor who packages it up, sends things out in the mail. So what we found was people were receiving these

[00:59:01] photo tickets with really a week to pay it because at the 30-day mark by statute, we have to, the vendor has to issue or execute a summons under the law. Now what that does is it sends it over the general district court to handle from that point forward. And unfortunately, it more than doubles the average fine because now the $67 in court fees must be applied and the courts must collect the money. And now the courts have to deal with it as a judicial matter, whereas the intent of the program is to correct behavior. There's a civil punitive action to remind us all to slow

[00:59:36] down. And it's been very successful in doing that. I think 75% return rate so far on the front end citation. So we're at 10 cameras. As we try to grow the program and try to meet that 30-day statutory deadline, what I'm afraid is we're going to overly burden the courts with handling this program instead of the vendor who's doing that work today. And we also will unintentionally add a significant monetary amount to the intended fine. Mr. Chairman, just to clarify on that, The 30-day problem is only with the speed camera program.

[01:00:14] In other words, how does that compare to the time frame for other traffic infractions, including the possibility of the school bus arm program that we're looking at? So the school bus stop arm does have a similar issue. Obviously, we're not operational with that yet. We're having a very good back and forth with schools and a very successful implementation of that.

[01:00:34] It says 30 business days, so we'll probably have about 38 days versus 30. that is written into the speed enforcement section. Now with a normal traffic infraction, you're issued a Virginia uniform summons, whether it's a $25 civil seatbelt ticket or a reckless driving ticket, you leave your interaction with the uniform summons and the courts handle all of it.

[01:00:56] So this, I think, was intended to keep it out of the courts. For the majority of people, unless you need to go to the courts to appeal the infraction or there is due process available, but for the most part, There's photo and video of the offense. You know, that was the intention.

[01:01:12] But the comparison I'm looking for, if you get a vehicle summons and you prepay the fine to avoid going to court, you're guilty, you admit it, you just want to pay and don't appear to court. How long do you have to be able to do that compared to how long you have to pay one of these violations?

[01:01:27] The courts require us to write a Virginia uniform summons at least 30 days prior to a court date. So you usually have 30 to 60 days to pay your fine before your actual court date rolls around on a normal ticket. I'm just asking that question because I'm wondering if there's a larger issue here that should be looked at where people who get a vehicle summons, it's a speeding ticket or something minimal, why they shouldn't have a longer period of time to pay that.

[01:01:55] Because as you mentioned, it's a small fee, but the fees for not paying it and being late can be larger than the initial fee and things can get lost in the mail. In this case, it's not like you were pulled over and you remember it. And so you could make a case where you would need an even longer period of time for this to be able to pay it.

[01:02:14] But I mean, to me, I think we should be looking for as much expansion as we can on the number of days people have to pay these infractions. The last thing we want somebody to do is get caught up in the judicial system unnecessarily. We want them to change their behavior, right? So they get the ticket, they get it in the mail.

[01:02:31] that's an eye-opener. That's the number one thing we're trying to achieve here. Paying it obviously helps reinforce the bad behavior in these cases, but we shouldn't be as punitive as to be sending people into court over this just because they missed an arbitrary deadline.

[01:02:48] So I absolutely support this and just want to make sure what we're asking for is consistent somewhat with other provisions in Virginia instead of, you know, creating a whole new category, because I do think that's what the General Assembly is going to be looking for.

[01:03:04] What is the answer? What is the time frame? And what are you basing that on? And I think part of the challenge is the statutes with respect to automated enforcement are a little bit unique. So they kind of created a new system. And it's a burden on those who have to pay that ticket in a short period of time.

[01:03:26] but it's also a huge administrative burden for us to turn the whole process around and get it to them before the 30 days. Supervisor Palchuk and then we'll try to – Supervisor Palchuk and Alcorn and then we'll keep going because we've got another group to cover.

[01:03:42] Thank you, Mr. Rush. I'll be very brief. So a couple of follow-up questions. Number one, I know other jurisdictions such as Fairfax City have implemented them. Are they having similar issues? I think their program is slightly different because of the way that their roadways are, obviously not controlled by VDOT and how they're working with their vendor.

[01:04:04] But from us talking to them, they do see the same issue. Because it would be helpful if there are more jurisdictions, I think, who can agree on this is an issue, the easier it will be, hopefully, to get that resolved. And then my other question is, currently I think it's a small pilot.

[01:04:20] But while I want us to be able to grow the ask, I know that it's probably going to be easier if we're able to really fully implement what we've been given. Do you have a sense of how far we are? I know there are issues around getting school zones set, but it might be even beyond FCPS schools that we're able to set the school areas, school boundaries, school zones for these.

[01:04:44] So if I understand you about expanding from the 10 camera pilot beyond. So I think we were prepared to do that. That was part of our board presentation. I think we are being very deliberate in this pilot to identify some of these issues that we think could cause some hurdles in the program as we grow it.

[01:05:00] So I think what we want to do now is really address these issues as we prepare to expand. But I think that was the original plan in Phase 2 is to expand. And I have Deputy County Executive Tom Arnold real quick and then Roger Alcorn. Tom Arnold, Deputy County Executive. Correct. We had the planned expansion would have been for 50 cameras in Phase 2 and an additional 30 cameras in Phase 3.

[01:05:23] And so we've limited that based on the working through the processing right now. But I think what we also want to make sure that we address from the police side and as well as working with our county attorney partners would be with the school bus stop arm expansion being for 50 cameras, trying to balance those two out.

[01:05:39] And to the Chairman and Supervisor Walker Shaw's question about the timeline, while we haven't implemented the school bus arm working with schools yet, with the 38-day requirement, we are in favor of expanding the timeline for both of those, for the citations to be in the 45 to 60 range, knowing that the school bus stop arm fine is $250.

[01:05:58] So when you add that, along with court costs, looking at both of those, because we're really HESITANT TO EXPAND THE PHOTOSPEED ENFORCEMENT UNTIL WE HAVE A BETTER DEFINITIVE TIMELINE FOR PROCESSING THE VIOLATIONS BEFORE THEY COME SUMMONS TO AVOID THE UNDUE BURDEN ON THE COMMUNITY.

[01:06:15] MY ONLY OTHER LEGAL QUESTION IS IF ALL THAT GETS FIXED, THE WAY IT'S WRITTEN NOW, THE SCHOOL ZONES, CAN THOSE BE IMPLEMENTED BEYOND JUST OUR OFFICIAL FCPS PUBLIC SCHOOLS? I don't believe so. So what we're restricted to is that the 30-minute, essentially, period of time when the wink-o-matic lights are flashing, which...

[01:06:40] That's the other thing is limited time. Thank you. Yep, and let me just say the language that I suggested when we started this conversation was deliberately broad because these are tough issues in Richmond, and I want to make sure that our legislative staff has the flexibility to use their judgment to try to get improvements without running the risk of losing the authority we have or creating additional hurdles that we aren't already facing.

[01:07:12] But we want to find a way to surface this issue if there's an opportunity. Supervisor Alcorn, and then we'll move on. Thank you very much, Chair Walkashaw. And I do very much support your suggestions in terms of additional legislation, putting another bill in like Ken Plum's bill last year.

[01:07:32] One issue that's not included here that I would love to get some staff feedback on is the really big issue of road design. I know we deal with VDOT on that all the time, particularly in our transit-oriented development areas. We struggle all the time.

[01:07:49] Our residents struggle, our development partners struggle with getting roads designed in a way that do maximize pedestrian and bicycle movement. And that's where most of our new streets are being brought into the state system.

[01:08:05] I know it's been an administrative issue for the state, but I'd really love for staff to take a look at the law and see where there might be some progress made on getting the state to acknowledge that TOD areas are different, that they are not designed primarily for movement of vehicles as fast as possible through those areas.

[01:08:29] We're in a situation now where literally we've got pavement required by VDOT that's in the ground, and now we're going back and in a very deliberative process trying to figure out what to do with it because it doesn't work in some of our areas. The Whealy Avenue study is case number one, at least in the 100-mil district, and it's such a waste.

[01:08:50] There should be better planning up front, and I know VDOT's come a long way on that, But we've got so much further to go, particularly in our TOD area. So I'd love for staff to look at that. Yeah, I think that's a great suggestion. So in our program now, we have pretty broad language about improving coordination between localities and the Commonwealth with respect to street standards.

[01:09:14] I think it would be great if FCDOT and or the Transportation Committee wanted to look at, okay, what are the specific changes that we would like to see? and it's probably not, Ms. Dominguez or Ms. Arco, correct me if I'm wrong, most probably not a legislative issue, more a regulatory and administrative issue at the VDOT level, but we can work through that. Mr. Chairman, I just say I agree that that's the way that it's been working, but it's not working. And I think the General Assembly ultimately has the authority for

[01:09:50] the laws of the commonwealth and i think we need to look at possibly engaging them uh in this issue because uh we haven't been able to make progress that we need and and we're all paying a price for it so okay thank you all right so uh thank you final um topic for consideration items uh and this was raised at the board matter uh the issue of jaywalking and uh jaywalking being a primary offense or not, and Deputy Chief Blakely is going to talk us through that shift and the way that

[01:10:24] FCPD has adapted to it. Thank you, Supervisor Walkinshaw. So, there's been a lot of discussion over 46.2-923 as adopted under county ordinance as it moved to a secondary offense in 2020.

[01:10:42] The police department, you know, we used that statute prior to the change to a secondary offense. I think in 2018, approximately 55 tickets were written, and in 2019, about 60 tickets were written, and then it's fallen off since then. So I think the code section was used as a tool to stop folks who are jaywalking, if we want to use the term, or crossing between intersections.

[01:11:06] But it's not the only tool. So as I reported on our successes in pedestrian safety, you know, hopefully you've seen in the last year that we've increased a considerable number of kind of the old initiatives. It's what did we do to get the successes in the mid-2015 era when we saw pedestrians hitting a low, and that's bringing back our high visibility enforcement campaigns, which aren't all about tickets.

[01:11:28] We embrace and encourage warnings because we believe that most people want to comply with the laws in our community, and it just requires that friendly reminder, which is what we've spent a lot of time. So we brought back old programs like our Road Shark campaign, which started in the late 90s, which was very successful along with the old Smooth Operator program.

[01:11:49] We've increased the high visibility enforcement campaigns along the Route 1 corridor and in the Mason District, where we know that we have a high concentration of pedestrian-related crashes. And we added new non-enforcement campaigns, certainly the education component to the three E's, like our IPAC traffic.

[01:12:09] So as we've introduced the Integrating Police and Communities program where we put cops in areas where there's an increase of crime, we also put cops in areas where there's increase in crashes and just ask them to hang out. You know, go sit there, write a report, turn your lights on, and be visible. And what we find is that reminds the average person driving or walking, like, oh, you know, I'll go to the intersection or I'll slow down.

[01:12:33] So we have seen success. I think that's visible in our crash statistics here, the 60% decrease in fatal crashes this year over last. and the 38% decrease in fatal pedestrian crashes. So we'll keep doing that. What the General Assembly does with the traffic codes changes year to year and ebbs and flows, but by educating our community, doing enforcement where it's meaningful, I think we've had great success and we'll continue to build on that.

[01:13:06] Okay, questions on that. So when that was a primary offense, I think you said 50 tickets. So it's not a tool that was used very often. We did have a board matter that brought this up in the context of panhandling. I think it's important to note that, unfortunately, the board in 2017, 2018, and 2019, having the same conversations around panhandling that we've been having, and this was a primary offense at that time.

[01:13:32] So it was not a tool. If one would like it to be a tool to address panhandling, it was not effective at that time. And we've kind of moved on to additional educational approaches. I think it's also important

to note if someone is in the roadway right now, whether they're panhandling or crossing outside of a crosswalk, there's nothing that prevents our officers from engaging with that individual and stressing that what they're doing is not safe.

[01:14:05] They might choose not to engage, right? And some people are going to do that, whether it's a primary offense or not. but we can engage and have those conversations, and our officers do and are trained to do that. And it's not a punitive approach. It's an educational approach. Yeah, and I'm sure Supervisor Gross especially will know as many times as we've put all of our motor officers down in certain areas and we just pass out flyers, you know, not tickets.

[01:14:27] So, I mean, the goal there, again, is just to remind folks it's really dangerous to cross in the middle of this section of roadway. Speed limits are high. It's not well lit. So we'll continue to do that. Our goal is to inform the community, not enforce a particular law, and we appreciate that.

[01:14:43] All right. Just real briefly, can you remind us, again, we had this conversation before, but it keeps coming up. I don't think people are clear on this. If a panhandler leaves the median and is walking amongst the traffic, what is different? So, you know, I'll be perfectly honest.

[01:15:01] there's no great code section that exists that allows us to deal with that one issue perfectly. That's been our challenge for years. The 46.2-923 that we talk about, the common jaywalking statute, is the best one of all of them because it particularly talks about how you're supposed to cross the street. The other sections really deal with how you should walk when you're in the street. So you have to go oppose traffic and that you're not allowed to play in traffic or knowingly and intentionally obstruct traffic. And in many of these cases, you know, that the

[01:15:39] language doesn't seem to fit what we're seeing. So if you mentioned panhandling, the most common violation was at an intersection, people kind of intermingling in traffic. Well, that's not the right way to navigate a roadway. So that would have been the most common section, but we didn't have great success with it as the supervisor mentioned, so it wasn't our primary tool in navigating that problem, even before it was a secondary offense. Okay. Okay. We do have, I want to thank Deputy Chief Blakely and the Health Department especially, and I definitely encourage

[01:16:12] everyone, if you have time, meet to get the full report that they have done and ask all of your questions. It would be great for a future Transportation Committee meeting as well, because really valuable work, and some of it was eye-opening for me, particularly the lighting element, which personally isn't something I have focused on as much and clearly need to more.

[01:16:37] So let's move on to our draft legislative program, and we have minor changes to that in the remaining five minutes that we have. So, Mr. Chairman, the only thing that I would say is we did have another item for consideration on elections.

[01:16:54] Oh, I'm sorry. I'm sorry. And we have Ms. Hanley here. Okay. Yes, we have. We'll do this. We'll do this one quickly. I'm in big trouble now. Wow. Wow. I've offended the greatest chairman of the county in history. I didn't realize he was here. All right, Sir Spicer, come on up. So, and we have discussed,

[01:17:27] we did discuss this issue at our last meeting, I believe, or maybe two meetings ago. So we'll give a quick summary. We have a staff recommendation, and I'll make a slight change to that recommendation. So, Ms. Hanley, if you want to start. Well, in this case, if not Fairfax, who, and if not now, when? We are

really reeling from all the changes after election is as critical now as before election. This year we had the opportunity to hand count write-ins to the tune of 69,000.

[01:18:05] And then they have to be transcribed so that we can send them in. We don't send in Mickey Mouse and Donald Duck. They always come in pretty high, but we don't send those names in. And we have to send them to the state. It took us 25 teams, two days, to just read through all those pictures and get them. We had a day and a half to finish when the mail finally came in. This is a particularly a big jurisdiction problem, and I think, however, this year we have more allies on this because a lot of the smaller jurisdictions had a lot more problems than we did because of some snafooing

[01:18:41] and reporting. But now that we report by entry, by precinct, it's data entry, and there'll be more about this later when I get to come to tell you all the gruesome details, but please have this initiated and please everybody spread the word uh we need this desperately and miss vanney quickly yeah just i was just going to say the summary of it is with the changes the the gist of it is um voters mail-in voters have three extra days to get it in so they as long as it's received by friday now instead of tuesday what didn't change was a seven-day deadline so while voter there's

[01:19:18] now three extra days to get those votes and to get counted the deadline is still seven days and so especially on a year like this year, where Veterans Day fell on that Friday, then they get till Monday. And so it's really putting that time crunch on there. Okay. And you can see a staff recommendation here is to monitor for the introduction of that legislation.

[01:19:38] I'm going to suggest that we make this one of our initiatives this year. There's already legislation that our staff and I know Electoral Board and Office of Elections have been in touch with legislators on. So if there's no objection from the board, we'll make this one of our initiatives and try to get this done. And while we have you all here, thank you and your teams for the incredible work. Thank you. I just watch. All right. I doubt that, but all right. All right. Thank you. Let's move on to the draft legislative program. And Ms. Arco just to quickly walk us through the couple of changes that we have. Yes, Mr. Chairman. So there's really only one language change and then

[01:20:17] a couple of just sort of bigger picture changes. So this is the first time that we've added the regional positions to the program. So as you go through and see, a number of positions have notes in red italics signifying that it is a regional position. And there is a key at the beginning that says what the region includes. We work with our counterparts in Northern Virginia on a number of these items. The K-12 position on page 2 is the one that has a little bit of new language we did. We were able to get some numbers that the board has been asking for in terms of state versus local funding and also how much Fairfax County schools is spending beyond the SOQ's required local effort, and so in both of those cases,

[01:20:57] the numbers are compelling, and so we've added that to page 2. And then other than that, I would say at the end, we have also added for the first time our draft fact sheets. You can see in yellow the statistics that were updated. We have one on the budget, one in human services. We will also have one on transportation that we're working to update as well, but this is the first chance that that the board's kind of had to see those fact sheets.

[01:21:23] And that's really essentially the changes in the program. Okay. Any questions on the program? All right. If there aren't any, just a couple of reminders. We will adopt the legislative program at our board meeting on December 5th.

[01:21:39] We also, on December 5th, before the board meeting, we'll have a reception to honor retiring elected officials. And then on Tuesday, December 12th, we'll have our work session with delegation with refreshments at 3 and the work session from 3.30 to 5.00.

[01:21:59] So please add those items to your calendar and we're adjourned. Thank you, everyone.



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