



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item
Meeting of December 16, 2023

DATE: December 12, 2023

SUBJECT: Memorandum of Agreement between the County Board of Arlington County, Virginia and Arlington County School Board concerning the construction of a portion of the South Walter Reed Drive Complete Streets Project from 5th Street South to Columbia Pike.

C. M. RECOMMENDATION:

- 1. Approve the attached Memorandum of Agreement ("MOA") between the County Board of Arlington County, Virginia and Arlington County School Board ("APS") concerning the construction of a portion of the South Walter Reed Drive Complete Streets Project from 5th Street South to Columbia Pike; and
2. Authorize the County Manager or his designee to execute the attached MOA, subject to approval of all documents as to form by the County Attorney.

ISSUES: County Board authorization is required for the MOA (attached), an intergovernmental agreement between the County and APS, for the construction of a portion of the South Walter Reed Drive Complete Streets Project from 5th Street South to Columbia Pike. There are no issues related to this request as of the date of this report.

SUMMARY: APS is currently planning to renovate and reconstruct the Arlington Career Center (ACC) at 816 S. Walter Reed Drive (the "Career Center Project"). This project is in the process of being bid for construction and obtained approval of a Use Permit Amendment (UPER23-00012), dated June 10, 2023 ("Use Permit"), from the County for construction. The Career Center Project should begin construction in the spring of 2024. The County also has plans to build the South Walter Reed Complete Streets project that forms the eastern boundary of the APS project and will be occurring at the same time as the Career Center Project. Both APS and the County recognize that if the Street Project is not performed concurrently with the same contractor as the Career Center Project, then there will be potentially significant maintenance of traffic (MOT) conflicts along South Walter Reed Drive which would result in significant congestion along this arterial street that will impact access to the Career Center Project construction site and extend inconvenience to Arlington County residents and the traveling public.

County Manager: MJS / Mic
County Attorney: MNC [Signature]
Staff: Mike Moon, DES

This MOA provides the framework agreement between APS and the County on how the project will be built and is framed after the same project agreement approach that was successfully used by both parties to build the Cardinal School stormwater vault from 2021 through 2023.

**BACKGROUND:** The Career Center project site is located at 816 S. Walter Reed Drive, and APS is in the process of procuring contracts to facilitate the construction of a new facility at this location.

On June 10, 2023 the County Board approved Use Permit, UPER23-00012 for the redevelopment of the Career Center Project with an expanded design capacity of 1,619 students, above-grade parking structure, partial demolition of the existing Career Center building, synthetic turf field, play area improvements associated with the Montessori Public School of Arlington (MPSA) building (design capacity of 488 students), and streetscape improvements with modifications to the Arlington County Zoning Ordinance (ACZO) requirements for setback, height, and parking regulations, subject to conditions approved by the County. The project does involve frontage improvements along South Walter Reed Drive that will improve the pedestrian facilities along South Walter Reed Drive.

The County has also been in the process of design development of the South Walter Reed Drive Complete Streets project that will significantly enhance multimodal transportation access from 5<sup>th</sup> Street South to Columbia Pike. The street project will provide improved pedestrian facilities, protected bike lanes, improved bus stops, new street tree plantings, and will realign and signalize the 9<sup>th</sup> Street South intersection. The planned street improvements will be of substantial benefit to both APS and the County.

The County identified an opportunity to partner with APS to avoid multiple contractors working in the public right of way adjacent to and in close proximity of the Career Center Project. The County is requesting that APS construct the portions of the County designed S Walter Reed project that are primarily in the roadway (curb to curb) to avoid conflicting maintenance of traffic issues that will result otherwise. There are portions of the project outlined in the MOA that will still be performed by the County after the project is completed.

APS and the County recognize that if the Street Project is not performed concurrently with the same contractor as the Career Center Project, then there will potentially be significant maintenance of traffic (MOT) conflicts along South Walter Reed Drive resulting in significant congestion along this arterial street that will impact access to the Career Center Project construction site. Without the “same contractor” approach there is also a greater probability of additional utility cuts in the roadway for utility lines, etc., and of extended inconvenience to Arlington County residents and the traveling public.

**DISCUSSION:** The MOA (attached as Exhibit A) sets forth the agreement between the County and APS for the construction of the S Walter Reed Drive Complete Streets project, including the contract award criteria, general cost-responsibility for the Project, oversight responsibilities for construction and specific scope items that are excluded and will be built by the County.

The MOA provides that framework for the County’s project to be bid simultaneously with the Career Center Project and addresses specifics on the project award criteria. The County already

has the South Walter Reed Drive project funding included in the County's Capital Improvement Program. Consequently, County staff expects to come back to the Board in early 2024 after the project is bid in conjunction with the Career Center Project for consideration and approval of the construction funding and transferring the required South Walter Reed Drive project construction funding to APS prior to the award of this project by APS.

Some of the pertinent provisions of the MOA are as follows:

- The specific scope of work for the South Walter Reed Drive project that is included in the project to be built by APS and the specific scope items that are excluded and will be built later by the County.
- The costs that will be reimbursed to APS by the County are specified.
- The County acknowledges and agrees to be responsible for and bear all costs arising from or related to the South Walter Reed Project, including but not limited to costs related to the architectural/engineering costs related to incorporating both projects in the same bid process, construction management costs, APS staff time necessary for project management, and construction costs including change orders that may arise that are associated with the South Walter Reed Drive project.
- The MOA sets forth the contingencies in the event that the County ultimately decides not to proceed with the South Walter Reed Drive Project after receiving cost estimates.
- The MOA sets for the criteria on when the County's project funding will be transferred to APS (prior to award of the project) and also establishes a reporting process for the project and a financial reconciliation process should the actual project costs increase or decrease.

The School Board approval of the MOA is also required. The School Board is expected to consider and approve the MOA at its meeting in January 2024.

## **PUBLIC ENGAGEMENT:**

*Level of Engagement: Involve* – The Walter Reed Drive Complete Streets project had four engagement milestones, three of which were at the involve level and one at the consult/communicate level. This level of engagement was appropriate as the project was proposing changes to the way the roadway is allocated.

### *Outreach Methods:*

- Fall 2020 – Existing Conditions Engagement
  - Involve: Community members shared their experiences of the roadway today using an interactive online map and feedback tool. This feedback informed the development of a concept design.
- Spring 2021 – Concept Design Engagement
  - Involve: Community members heard how their feedback helped inform the concept design at a virtual meeting. Feedback was collected at this meeting and online via feedback form.
- Spring 2022 – Revised Concept Design Engagement

- Involve: The concept design was revised to address community feedback about a desire for additional green space and better east-west bike connectivity. Feedback was collected at an online meeting and an online feedback form, which helped create a final concept design. A separate presentation was given to the Penrose Civic Association and Arlington Heights at their request.
- Winter 2022/3 – Final Concept Design
  - Consult/Communicate: The final design was shared with project stakeholders and through County communication channels at the communicate level. The final design added a sidewalk-level, southbound protected bike facility between 6<sup>th</sup> Street S. and 7<sup>th</sup> Street S. based on community feedback, as the previous concept included a buffered bike lane in this section. Outreach was done with the residents of this block.
  - Additional outreach was done with the Penrose and Arlington Heights Civic Associations via virtual meetings and direct stakeholder outreach. Some members of the Penrose Civic Association shared concerns about traffic impacts at the intersection of 6<sup>th</sup> Street S. In response, staff conducted traffic counts at this intersection in March 2023. Data analysis indicated that the intersection does not meet the warrants for a traffic signal and that adding a westbound turn pocket provides negligible benefit to vehicle drivers while introducing safety risks for people walking and driving. This information was shared with the Civic Association.

*Community Feedback:*

Overall, there has been broad support for the project and proposed changes. Community feedback has been incorporated or addressed throughout the project.

Throughout the engagement milestones, there were several consistent themes to community feedback:

- Support of the signalization of 9<sup>th</sup> Street S.
- Support for moving private parking access to side streets to reduce intersection complexity and increase safety.
- Desire for a protected bike facility along the entire corridor.
- Desire to increase green space along the corridor.
- Support for coordination between the Walter Reed Drive Complete Streets project and the APS Career Center Expansion project.

The consistent themes were addressed and incorporated into the final concept. The final concept signalizes 9<sup>th</sup> Street S. and moves private parking access to the side streets (coordinated with the property owner). The concept includes two rain gardens and additional planting space. The concept also includes a protected bike facility for the entire corridor and a two-way protected bike lane facility on 6<sup>th</sup> Street S. to help facilitate east-west bicycle connectivity. There has been broad support of the final concept, as it has been heavily informed by community feedback.

**FISCAL IMPACT:** The cost growth in the current estimate from the Fiscal Year 2023 –2032 Capital Improvement Plan (CIP) can be attributed to additional landscaping enhancements desired by the community, street grading, and construction cost inflationary increases. To fund the increase of \$1.8 million compared to the FY 23 – FY 32 adopted CIP, staff intends to use revenue from the Transportation Capital Fund (TCF) reallocated from rebalancing the CIP based on updated schedules for some projects as well as utilization of unprogrammed funding.

<b>Total Project Costs</b>	
FY 23 – FY 32 Adopted CIP Total Project Cost Estimate	\$5,174,000
*Current Total Project Cost Estimate	\$7,000,000
Variance (Amount)	\$ 1,826,000
Variance (Percentage)	26%

The project will be funded by the following sources:

<b>Amount</b>	<b>Fund Type</b>
\$3,696,000	TCF - C&I
\$1,478,000	TCF - NVTA Local
\$1,204,000	TCF – C&I reallocated from across the Transportation CIP
\$622,000	TCF – NVTA Local reallocated from across the Transportation CIP

\$7,000,000 TOTAL FUNDING

\*To be updated after bid opening and prior to receiving funding approval by the County Board in early 2024