



March 18, 2006

Dear Senator Devolites-Davis and Delegate Shannon:

On behalf of the citizens of North East Vienna, I am writing this letter to request your assistance in directing VDOT to honor the request made by the Town of Vienna in their letter (contained in Attachment 1), dated: February 17, 2006 to place the utility poles in the utility strip along Beulah Road.

A response letter from VDOT (contained in Attachment 2) dated: March 1, 2006 indicates VDOT's resistance in honoring the Town's request by calling the movement of 11 utility poles a "wholesale relocation" when in fact, their current design calls for moving the poles a greater distance towards resident's homes than moving them onto the utility strip. Attachment 4 contains a set of presentation charts that were presented at the February 13 Beulah Road working meeting held at the Vienna Town Hall. These charts show the location of VDOT's proposed locations of the utility poles and an alternate locations for utility poles to be located in the utility strip.

VDOT's March 1, 2006 letter seeks to lay the blame on the Town of Vienna and its residents for anticipated construction delays by stating that VDOT was under the impression that "both the Town and citizens were generally satisfied (at the May 24, 2005 meeting) with the redesign and presentation, which resulted in some reductions of the utility relocation impacts and clarification of the wording of the utility agreement." This statement twists the facts around since residents were told by VDOT the easements were aerial. However, the fact remains they are not, as evidenced by VDOT's marking of nearly all the trees on the North side of Beulah between Nelson and the Town line for removal due to these easements. Statements made by several North East Vienna residents in Attachment 3 indicate the statements made by VDOT concerning removal of trees are misleading.

Over a year has gone by since a resident on the corner of Nelson and Beulah discovered that nearly all the trees in his front yard were scheduled to be cut down. He discovered this fact when a VDOT representative knocked on his door one day to present him with a set of easement papers for his signature in late 2004. Every one of the problems and delays encountered since this date could have been resolved over a year ago if VDOT had come to the realization that placement of the utility poles in the utility strip would minimize the impact to resident's properties. Instead, there have been delays due to VDOT's continuing resistance to this solution. Residents have been waiting since November 2005 for all the trees on Beulah Road to be marked. How hard or complex can this task be that four months have gone by without completing this request?

The residents of North East Vienna are tired of waiting for this roadway reconstruction to commence according to the original agreements and understandings that were made with VDOT and resent having the blame placed on them for delays. We assert that it is VDOT's error in judgment and miscommunication of the impacts to resident's properties that have caused these delays. Other than the March 1 letter (in Attachment 2) which is filled with generalities, VDOT has yet to demonstrate in clear common sense reasoning why there is any legitimate reason to not move the utility poles into the utility strip and to immediately move forward with this project.

As a result of these recent events, residents living on Beulah Road and connecting streets held a meeting on the evening of March 15. A draft of this letter was circulated at the meeting and comments were accepted resulting in the contents of this letter. We, therefore, respectfully request your assistance in this matter by the following actions:

1. Direct VDOT to immediately honor the request made in the (Town of Vienna) Mayor's letter of February 17, 2006 and apply a best effort to comply with its contents.
2. Direct VDOT to mark all trees on Beulah Road from Maple Avenue to the Town line on all easements and the public right-of-way with a red tag to indicate trees that will be cut down, yellow to indicate trimming and green to indicate the tree will be saved. The original request was made in our November 19, 2005 letter and our February 3, 2006 letter

Because residents do not understand who has the political connections into the VDOT organization to effect these changes, we addressed this letter to you as a group and respectfully ask you to coordinate actions between your offices. We thank you for your continued attention and support in this matter. The residents of Vienna look forward to your help in resolving these simple yet bewildering issues. If you have any questions, please do not hesitate to phone my work number 703-948-8731 during the day or my number at home, 703-255-0922 in the evenings.

Sincerely,

Original Signed

Ed Belte
Beulah Road Committee
North East Vienna Citizens Association

Attachment 1 – Town of Vienna Letter to VDOT, dated February 17, 2006

Attachment 2 – VDOT letter to the Town of Vienna, dated March 1, 2006

Attachment 3 – Statements of North East Vienna Residents in Response to the March 1, 2006 VDOT letter

Attachment 4 – Utility Pole Location Suggestions Presented at the February 13, 2006 Vienna Town Hall Working Meeting on Beulah Road

cc:

Mayor Jane Seeman
Town of Vienna Council Members
Mr. Steve Briglia

Copy



The Mayor's Office

February 17, 2006

Mr. Dennis Morrison, District Administrator
Virginian Department of Transportation
14685 Avion Parkway
Chantilly, Virginia 20151

RE: BEULAH ROAD VDOT PROJECT NUMBER U000-153-107, PE 101, RW201-C502

Dear Mr. Morrison:

Please convey my thanks and appreciation to the VDOT personnel who attended the Vienna Town Council work session on the Beulah Road project on Monday, February 13. They were extremely helpful and, as always, polite,

This project has been in the planning stage since 1979. The Town and VDOT have been working with the residents and have held meetings and walks along Beulah Road. A resolution was passed by the Town Council authorizing this project on October 27, 2003. A copy of this Resolution is enclosed.

The problem at this stage is the proposed utility pole replacements. The 7-1/2 foot clear zone set by VDOT standards and the 15 foot clearing zone established by Dominion Virginia Power would severely impact the houses and front yards. The poles need to remain at their present locations.

We are requesting a VDOT waiver so that the utility poles can be left in the utility strip between the street and the sidewalk. Prior VDOT projects in the Town of Vienna did not include moving the utility poles as currently proposed.

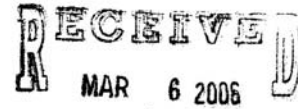
We would also appreciate an estimate of the cost to revise the plans to allow the utility poles to remain where they are, less the citizen payback for a portion of the easements already granted.

Sincerely,

M. Jane Seeman
Mayor

Enclosure

- CC: The Town Council
- The Town Manager
- The Town Attorney
- The Town Clerk



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

GREGORY A. WHIRLEY
ACTING COMMISSIONER

March 1, 2006

The Honorable M. Jane Seeman
Mayor, Town of Vienna
127 Center Street, South
Vienna, Virginia 22180

Re: U000-153-107, PE101, RW 201, C501
Beulah Road Improvement Project
Town of Vienna

Dear Mayor Seeman:

Thank you for your letter of February 17, 2006 regarding the Beulah Road Improvement Project. Mr. Morrison has asked that I respond to your concerns.

At the work session on February 13, 2006 the Town Council requested this project be halted until further investigation could occur on the utility pole placement and proposed utility easements. As you recall, a detailed investigation was performed in early 2005 following a similar request. We attended several meetings with the Town and Citizens which culminated at an evening meeting on May 24 when the impacts of the investigation were explained in detail. At that time it appeared that both the Town and Citizens were generally satisfied with the redesign and presentation, which resulted in some reductions of the utility relocation impacts and clarification on the wording of the utility agreement.

There are eleven existing poles along the corridor that are in direct conflict with the proposed design features of the project and cannot remain at their present locations. As mentioned, a wholesale relocation of utility poles into the utility strip as you are requesting may not be feasible. However, we will continue to work with Town staff and the utility companies to determine if anything can be done to reduce the impacts to the adjacent properties.

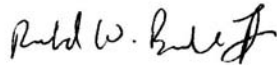
Mayor Jane Seeman
March 1, 2006
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Your letter also indicated that prior VDOT projects in the Town of Vienna did not include moving the utility poles as currently proposed. Site conditions, road classification, design speed, and funding source are only some of the parameters that influence the ultimate location of utility poles on any given project.

When the redesign occurred in early 2005 the advertisement date was changed to December 2006. However, with this investigation and stopping the utility relocation I anticipate that this advertisement date will not be feasible. We will not know the specific impact to the project's schedule or finances until it is determined if anything can be done with the utility pole locations.

In the interim, we will continue to work closely with Town staff as we try and deliver this roadway improvement to the community. If you or your constituents have any questions please do not hesitate to contact me at 703-383-2431.

Sincerely,



Richard W. Burke
NOVA Urban Program Manager

“After the meetings in May we were optimistic that the road project would proceed without any significant impact on our property or the overall character of the community. It was our understanding at that time that the easements would be aerial and that only trimming to trees would be needed. We were once again surprised when VDOT showed-up on our property a few months ago indicating that at least two trees on the property would be cut-down.

There has been a major disconnect between the original design on this project and the various plans VDOT has proposed over the past two years. To this date, we have not received any explanation from VDOT on why the original 2000 design has changed.” Paul C.

“Ref: "some reductions of the utility relocation impacts." As I remember, VDOT stated that some trees would have to be removed. The magic word here is some. I believe you counted 106 trees to be removed. We had no clue there would be that many. Whether or not the easements were aerial, I can't remember.

We're also back to that five-foot sidewalk which doesn't have to be five feet according to the ADA stipulation. It has to be a minimum of three feet. The sidewalk in front of my home is three feet and nine inches wide. Reducing the sidewalks to the required width in some places might help.

"There are eleven existing poles along the corridor that are in direct conflict with the proposed design features of the project and cannot remain in their present positions. As mentioned, a wholesale relocation of utility poles into the utility strip as you are requesting may not be feasible." BUT DID VDOT TRY.

The town of Vienna put in a new section of sidewalk on Ayrhill between Glyndon and Park on the left side going toward Park. I believe it curves to go around trees. I'm depending on memory on this. Why couldn't our sidewalk curve in some places? Is it a challenge to curve a sidewalk? I'm sure it is easier for VDOT to put in a straight sidewalk, but why can't it work with us on these things, so that some poles could still be in the utility strip and some of the 106 trees could be saved.

The words "proposed design" - Did VDOT try to change the proposal? Let's get as many utility poles in the utility strip as possible. Pure and simple: VDOT is not working with us. It probably did nothing to change the proposal presented last May.” – Carol W.

“As for the VDOT response, well, that is another matter. It seems to me that we didn't ask that the poles remain where they are, or am I wrong??? But only that they remain in the "Utility Strip". Maybe they weren't paying attention to your presentation showing your locating the poles in the strips, looked feasible to me. Maybe you need to send them a copy. Their excuse of placing them in the utility strip may be unfeasible doesn't quite cut for me. I also don't quite understand the "other" design parameters they mention as an excuse.

Bottom line, maybe the words should be, "place them within the existing right-of-way" utilizing the utility strips whenever possible, without taking more property.” – Ron K

“My understanding was that we were talking about aerial easements. There was a large discussion re what 15' meant. They knew - at every meeting - that the residents were concerned about the trees and anything that affected them.

The issue of the 5 foot sidewalk must be overcome. There is not one sidewalk in Vienna or any other place I've seen that sidewalks this wide are being put in. That - as you point out in your 'summary' deconflicts another 5 poles. I thought we were presented with a drawing that showed very little pole movement at one point. This is further confirmed on the "3/25/2005 12:46:43 PM ututili007.dgn" drawings - most of those poles are marked as "existing pole as is". How did we get from that to where we are now?

Our Town Council is not to blame for the delays. We have responded to VDOT and suffered thru interminable waits for them to respond to even simple requests. they have yet to mark all the trees on both sides of the street after promising to do so months ago.””Anyway - I appreciate what you've done on this...but I think the Town has to really stand up and say - look we told you we wanted to save the

trees. We saved the trees on park, and other places. And we are going to save the trees on Beulah. They can put in higher poles, cement poles that don't need guy wires (at east the ones on Jermantown Rd don't have them), or a meandering sidewalk, etc. It would be nice if they would put centerline marks down Beulah to show the centerline of the new road. They have to know that. We all go out there and look - but none of us truly knows where the new road is going to be WRT the current pole placement, etc.” - Pat W.

“I and my wife Barbara have lived at 357 Ayr Hill (corner of Beulah) since 1988 with our three children and have been engaged in the citizen – VDOT dialog for some fifteen years. We have attended Town Meetings, meeting with VDOT officials/engineers and with the Mayor of Vienna. In the culminating meeting, I (and I strongly believe all the citizens there) were led to believe that the power line/pole easements were be mainly aerial and would in general only result in the trimming of trees, not in wholesale tree removal on one side of the street as we now see indicted by the heavy-handed Virginia Power tactics and the red tags we finally got placed to indicate the plans. I recall that we were specifically concerned back then about wholesale cutting prior to the culminating meeting (24 May 2005); we raised that issue (that moving poles deep into yards was neither required nor desired) and pole placement was discussed. The general result was that notional pole placement was to move closer to the street and that tree full removals would be few and far between and most of the impact on existing trees would be in form of trimming vice removal (i.e. aerial easement). I felt at the time that the assigned VDOT officials/engineers (some years ago) were earnest and true and worked with the citizens honestly and well, it was a civilized working out of differences between reasonable people. That is not my opinion now of VDOT and Virginia Power...the translation from VDOT feasibility-preliminary planning in dialog with citizens (in some cases quite detailed and poring over notional plans) to detailed Virginia Power plans and start of execution is seriously flawed and in fact as they currently stand is a betrayal of the citizen’s efforts to work with VDOT for a mutually acceptable plan and the eventual trust developed in by the time of the culminating meeting.

You’re on the right track for us, and it appears we are engaged in getting VDOT to reengage in dialog and reasonable iteration of VA Power pole/easement design. I believe the actual road/sidewalk deal has largely held. In retrospect, once VDOT got VA Power folk working plans, they should have come back to us with the details early, for us to see if or if not the indications of the culminating meeting agreements were fulfilled in the details (by I presume some other engineers not at the meeting). If this had been done by VDOT, we could have expressed our concerns in the changes early, they could have been worked out earlier, and no delays to project would have occurred. Instead, VDOT, as the plans developed for poles/easements, either didn’t detect a change from the agreements of the culminating meeting (which I find hard to believe, they are so obvious), or had a change of personnel which inhibited their remembrance of the dialog and agreement (I think some of this must have occurred), or in the VDOT to VA Power translation, the spirit of that previous agreement was lost (I think this is the biggest part of the problem).” – Mike B