

Testimony on
Fort Belvoir Base Re-alignment and Closure Commission
Recommendations

By Delegate David B. Albo
August 31, 2006

Members of the Committee, I want to thank you for inviting me and welcome you to West Springfield, and my elementary school, Rolling Valley Elementary.

I am a member of the Virginia House of Delegates, representing the West Side of the EPG all the way from West Springfield to Lorton.

To tell you that I am happy that the Army is moving 22,000 jobs here, would be a lie. We are a bedroom community, not Tysons Corner #2. However, the decision has been made by the President, and now we must work with the Army to make the best of what we have been given.

In a nutshell, the problem is that these 22,000 jobs are being moved here with absolutely no help to the citizens in handling the impact on our roads and our schools.

The Army can not just plopp 1/3 the size of Tysons Corner into West Springfield, Saratoga and South County and not aid us in building roads and schools to handle the impact.

Rather than yell and scream at the Army and accomplish nothing, I want to offer some ideas to help the Army and help the Army's new neighbors, the people of West Springfield, Saratoga and Lorton.

There are basically two things that the Army can do to make its new neighbors happy. First, since 22,000 jobs will cause 22,000 cars to travel into Fort Belvoir, help us keep West Springfield and Saratoga a family neighborhood by providing transportation for Army employees rather than have them commute through our neighborhood. Second, 22,000 jobs will spurn a lot of development, much of that residential. Help us increase school capacity to handle this influx of students. If these two goals are accomplished, I believe you will have the support of the citizens.

Help us keep West Springfield and Saratoga a family neighborhood by providing transportation for your employees rather than have them commute through our neighborhood.

First and foremost, scrap the amusement park idea. Second, build the Fairfax County Parkway *before* the jobs arrive, so that West Springfield and Saratoga do not become a pass through access to the EPG.

As for the amusement park, this idea is so ludicrous, I don't even want to take up any more of my allotted 5 minutes other than to say do not do it. Ours is a neighborhood community, not an exit off 95 for an amusement park.

As for protecting the neighborhood quality of West Springfield and Saratoga, the key is to ensure that *all* business access to the EPG is either from the Fairfax County Pkwy or Backlick Rd. Rolling Rd. is the North-South road that borders the West side of the EPG. Do not allow any access from Rolling Rd. In addition, do not allow access from Fullerton Rd., as that will cause people to get on Rolling to access Fullerton.

The only way to avoid access to Rolling or Fullerton is to build the Fairfax County Parkway extension before the jobs arrive.

As I understand the current problem, following the Army's cleanup of unexploded ordinance, the State was ready to start turning dirt. Then, unexpected underground oil was found. Under Virginia law, the state is not allowed to take possession of "polluted" land. Thus, even if the Army promised to clean it up, the state still cannot take possession of the land until it is cleaned. If the Parkway is not finished prior to the move of jobs, then tens of thousands of cars will use Rolling to get to the EPG. This will be a disaster for the residents of West Springfield and Saratoga. There are two solutions to this problem: (a) Have the Army build the road, or (b) If my bill, HB 5021 (copy attached) is passed at this special session of the General Assembly on September 27th, the state will be able to build it now if the Army provides written indemnification for any environmental clean up that may be required in the future.

Help us increase school capacity to handle the resulting influx of students.

Southern Fairfax is in desperate need of school space. South County High School, approximately two miles West of Ft. Belvoir and three miles South of the EPG, now educates 7-12 graders. It is over capacity by hundreds upon hundreds of students, and there are no County funds available to build a middle school which would reduce the South County High School's population by two grades. Moving students to neighboring schools is not an option because these spots will be filled with students from the resulting development caused by BRAC.

My suggestion is to use the financial windfall created by the mere fact that 22,000 jobs are moving to South County to build this school. Imagine if you owned a piece of land on Rt. 7 in Tysons, 30 years ago. That piece of land would be worth tens of millions

now. With one stroke of a pen, the President of the United States compressed 30 years of financial appreciation into one year, and made land around the EPG and Ft. Belvoir in South County, worth hundreds of millions. South County needs a middle school. If the Army transfers a piece of its land on Rt. 1 to the County, pursuant to the Virginia Public/Private Education Act, the County could use that land for a land swap with a developer to build the Middle School. This would solve an immediate problem in South County and leave Hayfield and Lee High School pyramids open to handle children resulting from the EPG and Fort Belvoir BRAC development.

Quite simply stated, help the people of our area preserve their neighborhood quality of life by building the Parkway to ensure that commuters will not use residential streets to commute to the EPG to work, and help us alleviate overcrowded schools that will be caused by the influx of people drawn to the area as a result of 22,000 new jobs.

Sincerely,

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HB 5021 Reversion of federal lands; State to take title of those containing environmental contamination
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Summary as introduced:

Reversion of federal lands to the Commonwealth. Authorizes the Commonwealth to take title to federal lands containing environmental contamination if the United States agrees to indemnify the Commonwealth for associated liabilities and clean-up costs.

Full text:

06/20/06 House: Presented and ordered printed 067101204

Status:

06/20/06 House: Presented and ordered printed 067101204

06/20/06 House: Referred to Committee on General Laws

[history](#) | [pdf](#)

067101204

HOUSE BILL NO. 5021

Offered June 20, 2006

A BILL to amend and reenact § [1-405](#) of the Code of Virginia, relating to the reversion of lands owned by the United States to the Commonwealth.

Patron-- Albo

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § [1-405](#) of the Code of Virginia is amended and reenacted as follows:

§ [1-405](#). Reversion to Commonwealth; recorded title prerequisite to vesting jurisdiction.

A. As used in this section, unless the context requires otherwise:

"Corrective action" means the response and remediation to environmental contamination to the extent required by any applicable environmental law or regulation applicable to the property.

"Environmental contamination" means any hazardous waste, substance or toxic material,

or its discharge or release, that is regulated under any environmental law or regulation applicable to the property, and shall include petroleum (including crude oil), natural gas, liquefied natural gas, ordnance, unexploded munitions, and asbestos.

B. If the United States shall cease to be the owner of any lands, or any part thereof, granted or conveyed to it by the Commonwealth; if the purposes of any such grant or conveyance to the United States shall cease; or if the United States shall for five consecutive years fail to use any such land for the purposes of the grant or conveyance, then, and in that event, the right and title to such land, or such part thereof, shall immediately revert to the Commonwealth unless such land, or part thereof, contains environmental contamination. No land containing environmental contamination shall be transferred or revert to the Commonwealth, unless and until all corrective action necessary to protect human health and the environment with respect to any environmental contamination on the lands, or portion thereof, has been completed to the satisfaction of the Commonwealth and approved by the Governor pursuant to § [2.2-1149](#), and the United States has executed and delivered a transfer instrument including covenants warranting that (i) all corrective action necessary to protect human health and the environment with respect to any environmental contamination on the land or any portion thereof has been taken, and (ii) any corrective action for environmental contamination occurring before the date of transfer found to be necessary after the date of the transfer of the title of the land or any portion thereof shall be conducted by the United States.

However, land containing environmental contamination may revert or transfer to the Commonwealth if the United States enters into a written agreement with the Commonwealth to indemnify the Commonwealth against all costs and liabilities associated with such environmental contamination and related corrective action. The written agreement shall be in a form approved by the Attorney General of Virginia.

In cases where the Defense Base Closure and Realignment Commission (BRAC Commission) established pursuant to P.L. [101-510](#) (1990), as amended, identifies United States military bases located in the Commonwealth for closure, the Commonwealth shall have, in addition to the foregoing, the right to enter upon such lands so identified for the purpose of inspection for environmental contamination. Upon completion of such inspection, the Commonwealth shall report its findings to the Governor and the appropriate federal agencies.

C. All deeds, conveyances or title papers for the transfer of title of lands to the United States shall be recorded in the county or city wherein the land or the greater part thereof lies, but no tax shall be required on any such instrument made to the United States by which they acquire lands for public purposes.

D. The jurisdiction ceded by § [1-400](#) shall not vest until the United States shall have acquired the title of record to such lands, or rights or interest therein, by purchase, condemnation, lease or otherwise. So long as the lands, or any rights or interest therein, are held in fee simple by the United States, and no longer, such lands, rights or interest,

as the case may be, shall continue exempt and exonerated, from all state and local taxes which may be levied or imposed under the authority of the Commonwealth.

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