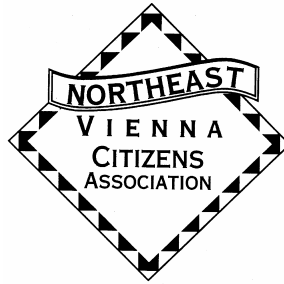


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The cutting and removal of trees has been the main source of opposition to the reconstruction of Beulah Road since a plan for a 30 foot wide road was proposed in 1995. Residents have actively participated with VDOT and the Town of Vienna in making specific suggestions to the roadway plans to avoid the loss of the numerous mature trees along the roadway. Many of these suggestions have been incorporated into the roadway plans. For example, a 1995 reconstruction plan called for a 30 foot wide roadway with sidewalks on both sides. This plan would have resulted in the removal of over 100 trees. In 2000, a compromise roadway plan was developed from resident's suggestions that reduced the road width to 27 feet and limited the construction of new sidewalks to the Northeast side of the street was adopted by VDOT. This revised plan reduced the number of trees to be removed due to the roadway reconstruction or sidewalk relocation, to less than 10. The removal of several trees remained in question depending on local construction conditions. However, VDOT representatives expressed their desire to work with citizens to minimize damage to and removal of trees in these areas. At the time, several local newspaper articles commented on the positive cooperation between citizens and VDOT in developing a set of plans to save as many trees as possible.

In 2002, VDOT conducted a Beulah Road utility field inspection meeting at their Chantilly offices in Northern Virginia. At least a dozen representatives from various organizations attended the meeting. Representatives from Dominion Virginia Power, Verizon, Washington Gas, the Town of Vienna and VDOT attended the meeting. At that meeting, no one mentioned that a significant number of trees would have to be removed to accommodate utilities.

VDOT conducted a public hearing on the Beulah Road plans in early 2003 to invite comments from the general public. At that meeting, no one mentioned that a significant number of trees would have to be removed to accommodate utilities. Written comments were accepted by VDOT. Of the many comments that were received, two were subsequently incorporated into the approved roadway design. One comment requested the removal of a curb ramp (that led to nowhere) on the corner of Beulah and Ayrhill and for an underground storm drain pipe to be relocated to preserve a very large tree in that location. Another suggestion extended the sidewalk on Beulah from Glyndon Park to Ayrhill.

In late 2003, the Town of Vienna issued a resolution approving the major design features of the plan. Just prior to issuing the resolution, the Town of Vienna conducted a meeting with VDOT. In that meeting VDOT offered to work with residents to save trees from destruction and removal.

When the Town of Vienna voted to approve the resolution at a Town Council meeting, no one in the audience opposed the motion or offered any comment because the residents believed the number of trees to be removed would be minimal. The Town of Vienna also believed the number of trees to be removed would be minimal and VDOT believed the number of trees to be removed would be minimal.

In late 2004, residents discovered that VDOT was planning to relocate utility line poles approximately 8 feet onto their property. Residents were presented with utility easement documentation which they

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were told they must sign or that their property would be condemned by Court Action. VDOT negotiators informed residents that the trees in front of their homes would be cut down. This action took everyone by surprise: residents, the Town of Vienna and even VDOT (at least by their reaction at a Town meeting on January 12). When residents questioned why this was being done, it was revealed that VDOT had no engineering plans to relocate the utility poles. Their plans, to the best of our knowledge, consisted of a set of drawings with hand drawn dots to signify the location of the relocated poles in resident's front yards. Apparently, their approach was to acquire the easements on behalf of the utility companies and to let the utility companies relocate the utility poles as they saw fit within the easements.

A meeting with VDOT was requested by residents and was held at the Vienna Town Hall on January 12, 2005. At that meeting residents stated (in writing) their opposition to:

1. The annexation of their property through forced acquisition of permanent utility easement by VDOT
2. The destruction of trees on their property
3. The destruction of a large number of trees that would significantly alter the character of the neighborhood

At that meeting, residents requested The Town of Vienna (again in writing) to direct VDOT to revise their utility placement plans in order to:

1. Be consistent with the intent of the roadway reconstruction plans (e.g. Non-obtrusive to property owners and the character of the neighborhood)
2. Eliminate the purchase of permanent utility easements to the greatest extent practical
3. Use existing easements & right of way to locate power poles to the greatest extent practical
4. Locate power poles such that power line locations do not cause the removal of existing trees
5. Locate power poles such that excessive cutting of trees is not required to accommodate power lines
6. Halt the acquisition of permanent utility easements

It was not until March of 2005 that a set of Engineering plans for the utility pole placements were made available. Instead of locating the utility poles in the Utility strip, VDOT had located the poles on the homeowner's side of the sidewalk. Residents were told by VDOT that placement of the utility poles between the sidewalk and their homes would facilitate construction and increase road safety. Residents were also led to believe by VDOT that relocation of utility poles closer to their homes (which required additional easements) would not have a major impact on the trees in front of their house and to the entire neighborhood. Residents were led to believe the utility easements were "aerial" and that their trees would be subject to significant trimming to accommodate the relocation of utility poles, but would not be removed. Residents wanted to be good citizens and keep the project moving and wanted to believe what they were being told was true. We all thought "common sense" would prevail. Many residents accepted this line of reasoning and made the concession to locate the utility poles onto their property. Some residents remained adamantly opposed because they were already receiving statements that were conflicting with what they were being told by VDOT. Utility company representatives were stating it was their policy to clear cut utility easements. These residents were willing to give it a let's see what happens approach and made their objections heard, but in the spirit of cooperation, they did not want to bring the project to a halt. They just wanted what they heard to be truthful. At the time, the proposed design looked good and it appeared that VDOT had done an excellent job of relocating the utility poles. Unfortunately, we were about to learn that no matter

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where the utility poles and lines were placed, the Utility companies intended to clear cut their easements.

In early November 2005, VDOT started marking trees along Beulah Road in the newly proposed easement areas. Nearly every tree between Nelson and the Town line on the East side of the street was marked with a white tag. When residents started questioning the significance of the tags, they contacted VDOT and were told the tags meant the trees were marked for removal. Residents held a meeting on November 15, 2005 to communicate with each other and discuss an action plan. Once again, the citizens and their Town representatives were surprised at the amount of tree destruction. A letter was written to our Town and State representatives. The letter requested them to direct VDOT to:

1. Cease all efforts to negotiate easements and/or legal action to obtain easements.
2. Honor the commitments they have made in previous community meetings to preserve the trees.
3. Appoint a single "citizen advocate" that residents are able to call when problems arise.
4. Mark all trees on Beulah Road with color tags to indicate whether trees will be cut down, trimmed or saved.
5. Publish a set of plans color coding each tree in the same manner as above and make the plans available to the public
6. Provide each property owner with an opportunity and process to appeal the tree markings.
7. Develop a plan to save any trees that may be in danger of removal or could be damaged during reconstruction.
8. Hold a public hearing to communicate with the citizens as a group and conduct a roadway walkthrough

VDOT refused to conduct a meeting with citizens stating that the plans had not changed and there was no reason for a meeting to occur. VDOT agreed to remark the trees. This seemed to indicate the previous markings were either misunderstood by residents or the previous markings were incorrect. The remainder of the requests made in the letter were either rejected or ignored by VDOT. Residents did not pursue the meeting request in the hope that (once again) they were being told the truth regarding the aerial easements and the trees would be remarked to indicate that mostly trimming would occur.

The trees were not remarked until mid January of 2006 (nearly 2 months later). Only the trees on the East side of Beulah Road from Creek Crossing to the Town Line have been marked – not all of the trees on Beulah - as requested in our letter. Once again, to everyone's surprise, nearly every tree between Nelson and the Town line on the East side of the street was marked for removal.

While all this was occurring, the right-of-way utility easements VDOT imposed on residents to relocate utility poles on their property has continued despite residents repeated requests to halt the process. VDOT has continued to use threats of court action against residents unless they agree to sign easements. Some residents have simply given up and signed because they have been ground down by the lawyers, are fed up and have no energy time or financial resources to put up a fight in the courts. They believe they are powerless to do anything to change the outcome. VDOT has continued this practice despite our request to discontinue it in our November 19, 2005 letter. After threatening a resident with court action, a law firm contracted by VDOT instructed the resident at 405 Druid Hill Road not to contact VDOT concerning the easement papers he was served with. The resident was forced to contact the Town of Vienna to stop the easement process. After the resident was led to believe the process had been halted, he received a one page form notice from VDOT indicating that

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proceeds from a real estate transaction regarding his property have occurred. VDOT has also condemned the property at 601 John Marshall.

Vienna residents have in good faith over years maintained a dialog with the Town of Vienna and VDOT representatives to design and approve this road project. They have attended numerous meetings and roadway walkthroughs to understand the impact to their neighborhood, which VDOT has continually advertised as being minimal, and have made several concessions to enable this project. While Vienna residents have been both consistent and reasonable throughout the years, VDOT has refused to communicate with residents surrounding Beulah Road as a group and has resorted to isolating individual residents through lawyers and threats of court action. Many residents on the receiving end of this treatment who have been involved with the roadway project think VDOT has known the true impact of the utility pole relocations for years and have been using these tactics to intentionally hide the true impact of the utility easements from residents until all the easements have been executed through property condemnation in a court action. Residents on the receiving end of this treatment consider VDOT's behavior a shameful betrayal of their trust and good faith.

Residents are not opposed to the Beulah Road reconstruction project and are willing to make compromises that are based on common sense reasoning. The common sense reasons for not relocating the utility poles within the existing Right-of-Way have not been made clear to any of the residents. Residents believe there is ample room to relocate the poles using existing Right-of-Way in areas such as the utility strip between the sidewalk and roadway with no impact on the safety of the roadway.

VDOT's behavior and quotes to the press seems to indicate their line of thinking centers around a handful of property owners who are a bunch of holdouts that are stopping the project from moving forward. What VDOT may not understand is the extent of tree destruction no longer limits the problem to an individual property owner or even a handful of property owners. It affects the entire neighborhood surrounding Beulah Road. People in the surrounding area who do not live on Beulah Road do care about what the road looks like. People who live significantly outside of Town limits have expressed concern over these events.

Residents believe that VDOT has lost the recipe to complete the Beulah Road reconstruction project without decimating the entire neighborhood. The events that are about to unfold are events that residents have been working to avoid for over 10 years. Hundreds of hours of volunteer work, coordination and letters documenting suggestions have gone into this project. Many individuals in local and state government have pointed to this project as an example of cooperation between citizens and government toward a common goal. Unfortunately, if VDOT continues on this path without corrective action being taken and if the level of tree destruction occurs as proposed, this project can no longer be associated with those attributes; it will be a failure and held up as an example of how government is not accountable and cannot be trusted.

For these reasons the citizens of North East Vienna are requesting our elected Town and State Representatives to assist us in completing the Beulah Road project in a timely manner and to prevent the decimation of trees in our neighborhood.