

PRESENTED AND ADOPTED:

**SUBJECT: AMENDMENT OF RESOLUTION 2004-47 REGARDING THE ANACOSTIA
CORRIDOR DEMONSTRATION PROJECT**

**PROPOSED
RESOLUTION
OF THE
BOARD OF DIRECTORS
OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY**

WHEREAS, The Board of Directors (the "Board") on September 16, 2004, in Resolution 2004-47, authorized the General Manager/Chief Executive Officer (GMGR/CEO) to enter into a contract for procurement of light rail vehicles, proceed with acquisition of certain real property and award a site clearing contract for the Anacostia Corridor Demonstration Project ("Anacostia Project") in advance of final execution of a reimbursable project agreement, and provided authority for certain other matters related to the Anacostia Project, to be accomplished contingent upon the negotiation and execution of a reimbursable agreement with the District of Columbia ("District") and the availability of funds from the District; and

WHEREAS, The District has previously identified and provided \$16,100,000 in funds for the Anacostia Project (\$10,000,000 from the District TIIF fund and \$6,100,000 in direct District funds from the FY 2004 Capital Budget) and the District and the Authority divided those funds among the proposed scope of Authority work as identified in Resolutions 2004-08 and/or 2004-47; and

WHEREAS, The District, acting through the District Department of Transportation (DDOT) subsequently elected to construct the streetcar line on city streets serving the same communities as the original plan and to effect this change, DDOT has assumed responsibility from WMATA for the acquisition of any real property required for the Anacostia Project and design and construction of the street car line and stations; and

WHEREAS, By letter of January 10, 2006, DDOT requested the Authority to amend its scope of work on the Anacostia Project to (i) continue to provide the railcars for the Project, (ii) provide continued vehicle engineering support services through its consultants, and (iii) initiate and award a contract for the construction of an Operations and Maintenance Facility on DC Department of Public Works (DCDPW) property, subject to the availability of funding (see letter attached hereto as Exhibit A); and

WHEREAS, The original project budget of \$16.1 million was divided into two separate accounts for the vehicle portion of the project and the other capital portion of the project, and as a result of these proposed changes by the District, the originally approved budget

needs to be revised to reflect the current state of the streetcar project and the fact that the decision to construct the street car line in the streets affected the fabrication of the vehicles; and

WHEREAS, Board Resolution 2004-47 included approval to obtain the services of a consultant to assist WMATA staff with the oversight of the fabrication of the vehicles, and the contract for those services expired on December 31, 2005; and

WHEREAS, Delivery of the vehicles is slated for the end of 2006, and vehicle consulting services are required for the remainder of the fabrication period in an amount not to exceed \$350,000; and

WHEREAS, On September 22, 2005 WMATA awarded to Booz Allen Hamilton (BAH) contract number C05102 entitled Vehicle Engineering Consultant Services; and

WHEREAS, The design for the streetcar line included a maintenance and operations building and the location of the building can no longer be constructed at the location originally designed, but a new location for the facility has been identified within the DCDPW yard adjacent to the original location that can accommodate the original design; and

WHEREAS, Board Resolutions 2004-08 and 2004-47 require the Authority to execute a reimbursable agreement with the District for the Anacostia Project; now, therefore, be it

RESOLVED, That the Board amends Resolution 2004-47 to authorize the Authority to manage the design and construction of an operations and maintenance facility for the Anacostia Project and to complete the procurement of the light rail vehicles, with the understanding that these items will be incorporated into a reimbursable agreement with the District for this Project as soon as practicable; and be it further

RESOLVED, That the Board authorizes the GMGR/CEO to negotiate and enter into a reimbursable agreement with the District consistent with the terms of this Resolution; and be it further

RESOLVED, That the Anacostia Project Budget elements are hereby amended within the approved budget as follows:

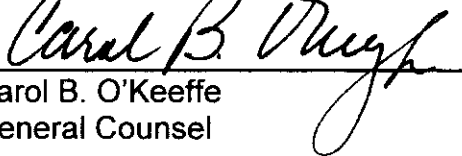
Project Elements	Original Budget	Revised Budget
Vehicle Contract	\$8,470,000	\$8,570,000
Vehicle Consultant	\$250,000	\$625,000
Portland Payment	\$162,000	\$162,000
Vehicle Project Management	\$100,000	\$275,000

Capital Project Management	\$433,000	\$800,000
Design & Engineering Service	\$50,000	\$135,400
Real Estate	\$5,500,000	\$0
Site Preparation Contract	\$1,135,000	\$0
Maintenance Facility Contract	\$0	\$5,100,000
Contingency	\$0	\$432,600
TOTAL	\$16,100,000	\$16,100,000

;and be it finally

RESOLVED, That this resolution shall be effective immediately.

Reviewed as to form and legal sufficiency


 Carol B. O'Keeffe
 General Counsel

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



Office of the Director

January 10, 2006

Mr. Richard A. White
General Manager/CEO
WMATA
600 Fifth Street, NW
Washington, DC 20001

Ref: Anacostia Light Rail Demonstration Project

Dear Mr. White:

I met with WMATA staff several times in December 2005 to discuss the status of the Anacostia Street Car Project. Since DDOT has assumed responsibility for the design and construction of the line in the streets as opposed to the CSX right-of-way, WMATA's role has been revised to the management of the fabrication of the street cars only. As there remains a total budget of \$16.1 Million for the Project, I suggested to WMATA staff that WMATA and the District revise WMATA's scope of work to include the design and construction of an operations and maintenance facility for the project as well as continued rail car procurement and consulting services from WMATA. I have also requested that WMATA prepare and forward to me a revised reimbursable agreement incorporating this new scope.

Therefore, pending that reimbursable agreement, by copy of this letter, I hereby request that WMATA's role on the Project be amended to include the management of a design/build contract for an operations and maintenance facility that will be built on land owned by the District (adjacent to the original location of the previously proposed operations and maintenance facility), and minor modifications for the street car fabrication portion of the project and additional consulting services. The funding for these actions was previously identified in my letter of September 8, 2004 and the WMATA Board of Directors previously approved the original budget and prior project actions by Resolutions 2004-08 and 2004-47. Accordingly, I understand that a reconfiguration of the project budget is necessary and this letter authorizes WMATA to amend the Anacostia Project budget and encumber District funds as follows:

<u>Project Element</u>	<u>Original Budget</u>	<u>Revised Budget</u>
Vehicle Contract	\$8,470,000	\$8,570,000
Vehicle Consultant	250,000	625,000
Portland Payment	162,000	162,000
Vehicle Project Management	100,000	275,000

<u>Project Element</u>	<u>Original Budget</u>	<u>Revised Budget</u>
Capital Project Management	\$ 433,000	800,000
Design & Engineering Service	50,000	135,400
Real Estate	5,500.000	-0-
Site Preparation Contract	1,135.000	-0-
Maintenance Facility Contract	-0-	5,100,000
Contingency	-0-	432.600
TOTAL	\$16,000.000	\$16,000.00

It is specifically understood that all of WMATA's actions in support of the Anacostia Light Rail Demonstration Project will be fully incorporated into the pending Funding Agreement, with its Project Budget, but WMATA will proceed with the above actions in advance of final execution of the Funding Agreement. The District hereby acknowledges that a Funding Agreement has not yet been signed, and the District agrees to negotiate in good faith with WMATA and use its best efforts to resolve any concerns by WMATA in order to expeditiously execute the Funding Agreement with WMATA.

Therefore, please plan to take this action to the Budget Committee on January 12, 2005 for the reconfiguration of the budget and proceed to the Board on the 19th, if possible, for approval to fund modifications to the vehicle contract, extend your vehicle consulting contract for the project and issue and award the design/build contract for the maintenance facility, if within the revised budget.

Sincerely,



Dan Tangherlini
 Director, District Department of Transportation