

Washington Metropolitan Area Transit Authority  
**Board Action/Information Summary**

Action  Information

MEAD Number:  
201712

Resolution:  
 Yes  No

**TITLE:**

Negotiate and Execute a PCA for Purple Line

**PRESENTATION SUMMARY:**

To brief the Board and seek approval to authorize the GM/CEO to negotiate and execute a Project Construction Agreement (PCA) between WMATA and the Maryland Transit Administration (MTA) for the Purple Line light rail project.

**PURPOSE:**

The PCA will set forth terms and conditions to ensure that: i) construction of the Purple Line is undertaken with minimal disruption to Metrorail and Metrobus services, as well as other WMATA facilities; ii) the Purple Line-Metrorail operational interfaces and station connections will serve the needs of the traveling public as well as both agencies; iii) MTA pays for all of WMATA's costs associated with the project, including costs for continuing design and engineering support, construction monitoring, and construction work; and iv) MTA requires its Public Private Partnership (P3) concessionaire to comply with terms of the PCA. The activities covered in the PCA will include a new Bethesda Metrorail Station south entrance and various temporary and permanent impacts to WMATA operations and real property at Bethesda, Silver Spring, College Park, and New Carrollton.

**DESCRIPTION:**

**Key Highlights:**

- MTA is in the process of selecting a P3 concessionaire to design, build, finance, operate and maintain the Purple Line, a proposed 16-mile light rail transit (LRT) extending from Bethesda in Montgomery County to New Carrollton in Prince George's County.
- MTA is currently in final negotiations with FTA to execute a Full Funding Grant Agreement (FFGA) for the project. As part of the FFGA, MTA must demonstrate that it has project agreements in place with affected stakeholders across the region. In addition to WMATA, these stakeholders include CSX, Montgomery and Prince George's Counties (and their respective Parks Departments), the University of Maryland, and a number of utilities, including Verizon, Washington Gas, Pepco, and the Washington Suburban Sanitary Commission (WSSC).

## Background and History:

The Purple Line is a proposed 16-mile light rail transit (LRT) line extending from Bethesda in Montgomery County to New Carrollton in Prince George's County. The Final Environmental Impact Statement (FEIS) for the project was published in August 2013, and FTA issued a Record of Decision (ROD) in March 2014. MTA is currently in the process of selecting a P3 concessionaire to design, build, finance, operate and maintain the new LRT. According to MTA's current project timeline, construction of the Purple Line is expected to begin in fall of 2016, with operations commencing in 2022.

MTA has previously requested WMATA support in reviewing the proposed Purple Line alignment and how it may impact Metro operations at key interface locations. These WMATA interfaces include, but are not limited to, station architectural design, structural, mechanical, electrical, geotechnical, utility, civil/streetscape, and other systems. The Purple Line will provide a direct connection to Metrorail at four station locations: Bethesda and Silver Spring on the Red Line; College Park on the Green Line; and New Carrollton on the Orange Line. In September 2014, the Board authorized the GM/CEO to enter into an MOA with MTA and a \$4.8 million reimbursable project for initial design and engineering support focusing on those four stations. As of December 31, 2015, WMATA has invoiced MTA for approximately \$2.7 million of reimbursable support work under that original agreement, which continues through October 2016.

## Discussion:

WMATA has already established a reimbursable project in the amount of \$4,771,588 for the Initial Design and Engineering Support required to address impacts of the Purple Line on WMATA's facilities. WMATA is partnering with MTA in the project solicitation process and the review of project submittals relevant to Metro interfaces between the proposed LRT line and WMATA facilities. WMATA is in consultation with MTA and once more detailed plans and cost estimates are available, staff will return to the Board for approval of the reimbursable budget that will support WMATA's efforts under the PCA.

## FUNDING IMPACT:

WMATA is in consultation with MTA and once more detailed plans and cost estimates are available, staff will return to the Board for approval of the reimbursable budget that will support WMATA's efforts under the PCA.	
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Project Manager:	Nazanin Mossahebi
Project Department/Office:	CPDO

## TIMELINE:

<b>Previous Actions</b>	In September 2014, the Board approved the new reimbursable project and Memorandum of Understanding (MOU) with MTA in the amount of \$4,771,588 for the Initial Design and Engineering Support.

<b>Anticipated actions after presentation</b>	WMATA and MTA are in negotiation of the Project Construction Agreement (PCA), and Board action will be brought for approval after reaching the agreement.
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**RECOMMENDATION:**

Approval to authorize the GM/CEO to negotiate and execute the PCA. The parties will execute the PCA once the parties have completed negotiations. Once the PCA is executed, it will supersede the MOU.-

**PRESENTED AND ADOPTED: January 28, 2016**

**SUBJECT: APPROVAL TO NEGOTIATE AND EXECUTE A PROJECT CONSTRUCTION AGREEMENT FOR THE PURPLE LINE REIMBURSABLE PROJECT**

**2016-04**

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

WHEREAS, The Maryland Transit Administration (MTA) has asked the Washington Metropolitan Area Transit Authority (WMATA) to support the Purple Line Light Rail Project (Project); and

WHEREAS, The Board supported the Project in Resolution 2014-48 by authorizing the use of new capital funding from the MTA for the initial design and engineering support work relating to WMATA facilities and connections to the Purple Line, and authorizing the General Manager/Chief Executive Officer to negotiate and execute a Memorandum of Understanding (MOU) and a reimbursable project agreement for the initial design and engineering work; and

WHEREAS, WMATA and MTA entered into an MOU regarding the scope and funding requirements for WMATA to perform initial design and engineering review work; and

WHEREAS, MTA identified \$4,771,588 in funds for WMATA's work under the MOU, and WMATA has invoiced MTA approximately \$2,700,000 for work under the MOU; and

WHEREAS, MTA must move quickly to execute its full-funding grant agreement (FFGA) with the Federal Transit Administration (FTA) and select a Public Private Partnership Concessionaire for the Project; and

WHEREAS, In support of the FFGA, MTA has asked WMATA to negotiate and execute a Project Construction Agreement (PCA) that will result in additional WMATA support of the Project by (i) providing further design and engineering reviews of the Project's impact upon or connection to WMATA facilities, and (ii) providing for certain design, engineering and construction work by WMATA on WMATA property necessary to facilitate the Purple Line's connection to WMATA's facilities; and

WHEREAS, The PCA will be consistent with WMATA's Reimbursable Project policy and provide that (i) all unused funds for Purple Line design and engineering support work performed under the MOU shall be transferred and applied to the funding of the PCA-related work, (ii) MTA shall identify and provide funding for all WMATA costs incurred in

**Motioned by Mr. Goldman, seconded by Ms. Harley**

**Ayes: 8 – Mr. Downey, Mr. Goldman, Mrs. Hudgins, Mr. Evans, Mr. Costa, Mr. Corcoran, Ms. Harley and Mr. Price**

connection with WMATA's work under the PCA, and (iii) WMATA shall not perform any work that is not funded in accordance therewith; and

WHEREAS, Staff will return to the Board with a request to authorize an increase in the amount of capital funding to be furnished by the MTA for any work to be performed under the PCA that is in excess of the amount of funds transferred and applied from the MOU; now, therefore be it

*RESOLVED*, That the General Manager/Chief Executive Officer is authorized to negotiate and execute a reimbursable PCA for the design and engineering reviews of the Project's impacts on connections to WMATA facilities, and for the design, engineering and construction work by WMATA to facilitate Purple Line connections to WMATA facilities; and be it finally

*RESOLVED*, That due to the urgency expressed by the MTA to complete the PCA prior to executing its FFGA with the FTA, this Resolution shall be effective immediately.

Reviewed as to form legal sufficiency,



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Mark R. Pohl  
Acting General Counsel