

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

<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information	MEAD Number: N/A	Resolution: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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**PURPOSE**

The purpose of this action is to request Committee and Board of Directors approval of a resolution to increase the FY07 System Expansion Program (SEP) by \$2,340,000, from \$7,614,000 to \$9,954,000 for Largo Extension litigation costs. This action will also increase the overall budget for Largo from \$457,050,000 to \$459,390,000.

**DESCRIPTION**

There is a \$32 million claim on the Largo Extension project and the litigation is before the Armed Services Board of Contract Appeals. The claim is being litigated by outside counsel and because the original contract work was performed pursuant to a reimbursable agreement, Maryland is funding the litigation costs. The funds have been received and placed into the Largo account. Board of Directors approval is needed to amend and increase the SEP so that work may continue on the claim.

**FUNDING IMPACT**

Budget: FY07 System Expansion Program  
 Project Title: Largo Extension

Budget Information:  
 Current Budget: \$457,050,000  
 Proposed Budget: \$459,390,000  
 This Action: \$2,340,000  
 Prior Actions: \$455,874,789  
 Subtotal: \$458,214,789  
 Remaining Budget: \$1,175,211

**RECOMMENDATION**

That the Committee approve the resolution amending the FY07 SEP for Largo Extension and forward to the Board of Directors for approval.

PRESENTED AND ADOPTED:

SUBJECT: AMEND FY07 SYSTEM EXPANSION PROGRAM (SEP) FOR LARGO  
EXPANSION LITIGATION COSTS

PROPOSED  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSPORTATION AUTHORITY

WHEREAS, On July 20, 2006, the Board of Directors amended the FY07 System Expansion Program (SEP) totaling \$7,614,000; and

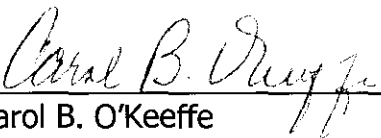
WHEREAS, The Largo Extension project has a \$32 million claim in litigation before the Armed Services Board of Contract Appeals and pursuant to a reimbursable agreement, Maryland is funding the outside counsel litigation costs; and

WHEREAS, Maryland has provided \$2,340,000 to WMATA to fund the anticipated litigation costs; now, therefore be it

*RESOLVED*, That the Board of Directors approves amending and increasing the FY07 SEP by \$2,340,000 from \$7,614,000 to \$9,954,000 as detailed on Attachment A; and be it further

*RESOLVED*, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,

  
\_\_\_\_\_  
Carol B. O'Keeffe  
General Counsel

**Attachment A: System Expansion Program FY 2007-2012 Projects Obligations**

(in millions \$)

<u>Major Jurisdiction / Sponsor / • Project</u>	<u>Approved FY06 &amp; Prior</u>	<u>FY 2007</u>	<u>FY 2008</u>	<u>FY 2009</u>	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>Total FY 2007-12</u>	<u>Total Project</u>
<b>All WMATA Jurisdictions</b>									
All WMATA Jurisdictions									
• Project Development	\$ 16.338	\$ 3.000	\$ 3.000	\$ 3.000	\$ 3.000	\$ 3.000	\$ 3.000	\$ 18.000	\$ 34.338
Subtotal	\$ 16.338	\$ 3.000	\$ 3.000	\$ 3.000	\$ 3.000	\$ 3.000	\$ 3.000	\$ 18.000	\$ 34.338
<b>District of Columbia</b>									
District of Columbia Government									
• Anacostia Corridor Demonstration Project	8.270							-	8.270
Vehicle Procurement	8.900							-	8.900
Anacostia LRT Line	7.200	3.900						3.900	11.100
• New York Avenue Metrorail Station 1/	109.950							-	109.950
Subtotal	\$ 134.320	\$ 3.900	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3.900	\$ 138.220
<b>Maryland</b>									
Maryland Mass Transit Authority (MD-MTA)									
• Largo Extension and Parking 1/	456.400	2.990						2.990	459.390
• Purple Line DEIS	10.600							-	10.600
Subtotal	\$ 467.000	\$ 2.990	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2.990	\$ 469.990
<b>Virginia</b>									
Arlington Co. Project Development (Columbia Pike )	0.040	0.064						0.064	0.104
VA Dept. of Rail & Public Transportation									
• Dulles PE/NEPA	64.750							-	64.750
Subtotal	\$ 64.790	\$ 0.064	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.064	\$ 64.854
<b>Total SEP Obligations</b>	<b>\$ 682.448</b>	<b>\$ 9.954</b>	<b>\$ 3.000</b>	<b>\$ 3.000</b>	<b>\$ 3.000</b>	<b>\$ 3.000</b>	<b>\$ 3.000</b>	<b>\$ 24.954</b>	<b>\$ 707.402</b>

1/ Includes \$500K for litigation support and \$150K for real estate condemnations, \$2.34M outside counsel/litigation.  
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