

**SUBJECT: NEGOTIATION OF CAPITAL FUNDING AGREEMENT**

**2010-28**

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

WHEREAS, The Metro Matters Funding Agreement will, with the exception of certain projects and for debt service, terminate on June 30, 2010; and

WHEREAS, There is a need to negotiate a follow-on agreement to continue Metro's Capital Improvement Program; and

WHEREAS, Metro's jurisdictional funding partners and Metro have been discussing possible structures for a new Capital Funding Agreement, along with proposed terms; and

WHEREAS, The District of Columbia requires a Local Funding Agreement to address its anti-deficiency statute; now, therefore be it

*RESOLVED*, That the Board of Directors authorizes staff to negotiate and finalize (1) a Capital Funding Agreement with its jurisdictional funding partners to provide for a flexible six-year agreement which will include a commitment from the jurisdictions to match all federal funds received by Metro for capital projects and to annually review each jurisdiction's ability to provide additional capital funds to Metro for additional capital projects and to also provide that the billings to Maryland, Virginia and the District of Columbia for the required match to the federal Passenger Rail Investment and Improvement Act of 2008 (PRIIA) appropriations shall be expenditure-based and shall not exceed the projected amounts necessary to draw down and match the federal PRIIA funds; and (2) a Local Funding Agreement with the District of Columbia; and be it further

RESOLVED, That staff shall submit the Capital Funding Agreement and the Local Funding Agreement to the Board of Directors for approval at its June meeting; and be it finally

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

Reviewed as to form and legal sufficiency,



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Carol B. O'Keeffe  
General Counsel

**Motioned by Mrs. Hudgins, seconded by Ms. Hewlett**

**Ayes: 6 - Mr. Benjamin, Mrs. Hudgins, Mr. Downey, Ms. Hewlett, Mr. Zimmerman and Mr. Graham**