

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

Action Information

MEAD Number:
200720

Resolution:
 Yes No

TITLE:

Clarifying WMATA Board Roles in Joint Development

PRESENTATION SUMMARY:

During discussions related to revisions of the bylaws as well development matters that have come before the Board, the Governance Committee has discussed the need to review the role of the Board in joint development projects. The goal of this presentation and the information in this MEAD is to establish context for the Board on roles and responsibilities as relates to the Joint Development Program and propose language to clarify these roles going forward.

PURPOSE:

Request approval of proposed clarification of Board roles and responsibilities in the Joint Development process.

DESCRIPTION:

Key Highlights:

- The Federal Transit Administration defines joint development and establishes criteria and guidelines governing the joint development activities of transit agencies on property where there is a Federal interest.
- WMATA staff are charged with implementation of the joint development program, including adherence to FTA and WMATA joint development requirements and related staff policies.
- Local Jurisdictions have responsibility for establishing land use priorities and regulations, ensuring adherence to regulations, and approval of variances to regulations.
- The involvement of these stakeholders in the implementation process, coupled with the guiding policies, regulations, and requirements at the Federal level, jurisdictional and WMATA level all combine to enable the WMATA Board to focus on establishing policy and ensuring policy compliance, rather than becoming involved in project-level details.

Background and History:

The WMATA Joint Development Policies and Guidelines were updated in summer 2013, however the update focused primarily on staff roles and responsibilities in the Joint Development process and not on the role of the WMATA Board of Directors. During discussions related to revisions of the bylaws as well development matters that have come before the Board, the Governance Committee has discussed the need to review the role of the board in joint development projects.

To streamline this process going forward, staff is proposing a clarification to Board roles and responsibilities in the approval activities associated with the WMATA joint development program as described in the "Discussion" below.

Discussion:

The WMATA Joint Development Policies and Guidelines establish five major activities in the joint development program which require Board approval. Staff are not proposing changes to these activities, but instead, to establish Board evaluation criteria to help guide the review and approval process at each stage in the joint development process.

Activity	Board Evaluation Criteria
Approval of new/revised Board policies and guidelines relating to joint development program	<ul style="list-style-type: none"> • Proposed Board policy changes comply with FTA policies and rulemaking • Proposed Board policy changes will enhance the effectiveness of WMATA’s joint development program
Approval to offer sites in a proposed joint development solicitation	<ul style="list-style-type: none"> • Station Area Planning and Station Access Planning has been completed (or will be completed before solicitation is published) • Local jurisdiction has been consulted regarding proposed sites
Approval to execute a term sheet with a selected developer	<p>Taken as a whole, the proposed project serves WMATA joint development objectives. These objectives are qualitative in nature, and depending on the nature of the site and project, it may not be able to fully meet all objectives.</p> <ul style="list-style-type: none"> • Proposed project reduces automobile dependency • Proposed project increases pedestrian/bicycle originated transit trips • Proposed project fosters safe station areas • Proposed project enhances connections to transit stations • Proposed project provides mixed-use development • Proposed project offers active public spaces • Proposed project promotes and enhances ridership • Proposed project achieves WMATA financial objectives, including achievement of fair market value for WMATA • Proposed project encourages revitalization and sound growth <p>Proposed project integrates regional transit facilities</p>
Approval to execute a joint development agreement	<ul style="list-style-type: none"> • Project JDA conforms to approved term sheet; or • Proposed variances from approved term sheet are acceptable
Approval to modify an approved joint development agreement	<ul style="list-style-type: none"> • Proposed modifications to JDA are in the best interest of WMATA • Proposed modifications have received FTA concurrence (if necessary)

For future joint development actions, staff shall prepare Board action documents in a manner to facilitate Board review against these objectives and criteria.

FUNDING IMPACT:

Action item results in a clarification of Board policy and roles. There is no impact to funding.	
Project Manager:	Stan Wall
Project Department/Office:	CFO / LAND

TIMELINE:

Previous Actions	None
Anticipated actions after presentation	GM/CEO to revise Joint Development Guidelines to reflect same clarification of Board roles and responsibilities.

RECOMMENDATION:

- Approval of Resolution which adds evaluation criteria to the joint development process to clarify Board roles and responsibilities.

PRESENTED AND ADOPTED: June 26, 2014

SUBJECT: CLARIFYING THE ROLE AND RESPONSIBILITIES OF THE WMATA BOARD OF DIRECTORS IN THE JOINT DEVELOPMENT PROCESS

2014-32

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

WHEREAS, The Washington Metropolitan Area Transit Authority (WMATA) Board of Directors has previously adopted Joint Development Policies and Guidelines that set forth roles and responsibilities of staff and the Board of Directors; and

WHEREAS, Resolution #2011-30 requires that certain joint development agreements and amendments be approved by the Board of Directors; and

WHEREAS, The Joint Development Policies and Guidelines, and Resolution 2011-30 require Board of Directors approval of the following joint development activities: (i) approval to offer sites in a proposed joint development solicitation, (ii) approval to execute a term sheet with a selected developer, (iii) approval to execute a joint development agreement, and (iv) approval to make modifications to a joint development agreement; and

WHEREAS, To achieve consistent application of these approval requirements, the Board of Directors desires to clarify its role within the context of the joint development program; now, therefore be it

RESOLVED, That the Board of Directors will use the evaluation criteria in Attachment A for each of the four activities that require Board approval; and be it further

RESOLVED, That staff shall present any future joint development actions to the Board of Directors in a manner that facilitates the deliberation against the criteria set forth in Attachment A; and be it further

RESOLVED, That the Board of Directors directs the General Manager/Chief Executive Officer (GM/CEO) to revise and adopt changes to the existing Joint Development Policies and Guidelines consistent with this policy; and be it further

RESOLVED, That the GM/CEO shall have the authority to revise and make routine updates to the Joint Development Policies and Guidelines to align with then-current

Motioned by Mr. Dyke, seconded by Mrs. Hudgins

Ayes: 8 – Mr. Downs, Mr. Downey, Mr. Nichols, Mrs. Hudgins, Mr. Dyke, Mr. Bulger, Mr. Acosta and Mr. Goldman

Board of Directors policies and Federal Transit Administration regulations; and be it further

RESOLVED, That this Resolution supersedes prior Resolutions adopting or amending Joint Development Policies and Guidelines to the extent such prior Resolutions are inconsistent herewith; and be it finally

RESOLVED, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



Kathryn H.S. Pett
General Counsel

WMATA File Structure No.:
21.9.5 Joint Development Policy

ATTACHMENT A

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

BOARD OF DIRECTORS

ROLE AND RESPONSIBILITIES IN THE JOINT DEVELOPMENT PROCESS

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