

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

☒ Action ☐ Information

MEAD Number:
202269

Resolution:
☒ Yes ☐ No

TITLE:

FY22 VA DRPT PRIIA Funding Agreement

PRESENTATION SUMMARY:

Staff seeks Board approval to execute an amendment to the Passenger Rail Investment and Improvement Act(PRIIA) funding agreement between Washington Metropolitan Area Transit Authority (WMATA) and the Virginia Department of Rail and Public Transportation (DRPT) to extend the existing agreement through FY2022.

PURPOSE:

Staff seeks Board approval to execute an amendment to the PRIIA funding agreement between WMATA and DRPT to secure the Commonwealth of Virginia's annual share of required PRIIA match funding for one additional year. The new agreement will cover WMATA's FY2022 on the same terms and conditions as the amended agreement.

DESCRIPTION:

No entities have a direct financial interest in this action for conflict of interest purposes. The other party to the agreement is the Commonwealth of Virginia acting through the DRPT.

Key Highlights:

- Staff seeks authorization to execute an amendment to the DRPT PRIIA agreement to extend the term and funding through FY2022.

Background and History:

The federal funding that WMATA receives annually under PRIIA requires a 50 percent local match that is allocated equally between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia. Virginia's share of the PRIIA match funding has been provided through an agreement originally signed in 2010, refreshed in 2016, and extended through FY2012. This agreement specifies the terms and conditions of the PRIIA funding and provides DRPT with WMATA's capital funding plan and anticipated uses of the funding.

The current agreement will expire on June 30, 2021 unless extended by the parties before that date. WMATA and DRPT have agreed to extend the agreement to include WMATA's FY2022 on the same terms and conditions.

Discussion:

As this agreement is styled a Capital Funding Agreement by the Parties, Board Resolution 2011-30, as amended, requires approval from the Board of Directors prior to execution of the new agreement.

FUNDING IMPACT:

The FY2022 PRIIA agreement will extend the current agreement an additional year. Virginia will continue to provide \$50 million in PRIIA matching funds as included in the FY2022 Capital Budget.

TIMELINE:

Previous Actions	July 2010 – Approval of PRIIA Funding Agreement with the Virginia Department of Rail and Public Transportation July 2016 -- Approval of 2016 PRIIA Funding Agreement with the Virginia Department of Rail and Public Transportation June 2020 -- Approval of First Amendment to 2016-2020 PRIIA Funding Agreement
Anticipated actions after presentation	N/A

RECOMMENDATION:

Staff recommends Board approval to renew the agreement between WMATA and DRPT for Virginia's share of PRIIA match funding for FY2022.

SUBJECT: APPROVAL OF THE SECOND AMENDMENT TO THE 2016-2020 VIRGINIA PRIIA FUNDING AGREEMENT

2021-19

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

WHEREAS, Board of Directors approval is required before entering into a capital funding agreement (Res. 2011-30); and

WHEREAS, On July 28, 2016, the Board approved an agreement between WMATA and the Commonwealth of Virginia ("Commonwealth") for the Commonwealth's share of local match funding required by the Passenger Rail Investment and Improvement Act (PRIIA Funding Agreement) through June 30, 2020, which was extended for one year to June 30, 2021 (Res. 2020-24); and

WHEREAS, The Commonwealth and WMATA seek to extend the 2016-2020 PRIIA Funding Agreement to June 30, 2022 for the federal fiscal year (FY) 2021 PRIIA appropriation, which is budgeted for WMATA FY 2022 (July 1, 2021, to June 30, 2022);

NOW, THEREFORE, be it

RESOLVED, That the Board of Directors approves the Second Amendment to the 2016-2020 Passenger Rail Investment and Improvement Act Funding Agreement to extend the agreement to June 30, 2022, in substantially the same form shown in Attachment A to this resolution; and be it further

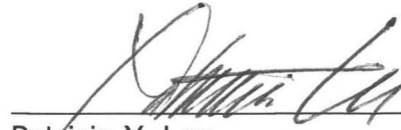
RESOLVED, That the General Manager and Chief Executive Officer or the Executive Vice President, Strategy Planning and Program Management is authorized to negotiate and execute the Second Amendment to the 2016-2020 Passenger Rail Investment and Improvement Act Funding Agreement to extend the agreement to June 30, 2022, in substantially the same form shown on Attachment A; and be it finally

Motioned by Mr. Smedberg, seconded by Ms. Gidigbi-Jenkins

Ayes: 8- Mr. Smedberg, Ms. Gidigbi-Jenkins, Mr. Goldman, Mr. Costa, Mr. Letourneau, Ms. Babers, Mr. Slater and Mr. Rouse

RESOLVED, That to fully execute an agreement extension prior to July 1, 2021, this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,

A handwritten signature in black ink, appearing to read 'Patricia Y. Lee', is written over a horizontal line.

Patricia Y. Lee
Executive Vice President and General Counsel

WMATA File Structure No.:
4.3.2 Jurisdictional Funding Agreements

**SECOND AMENDMENT TO
2016-2020 PRIIA FUNDING AGREEMENT**

This Second Amendment to 2016-2020 PRIIA Funding Agreement is made this _____ day of June, 2021, by and between **the Washington Metropolitan Area Transit Authority (WMATA)**, a body corporate and politic created by interstate compact between Maryland, Virginia, and the District of Columbia, and **the Commonwealth of Virginia (Commonwealth) acting by and through the Virginia Department of Rail and Public Transportation** (collectively, the "Parties").

RECITALS

WHEREAS, WMATA and the Commonwealth entered into that certain 2016-2020 PRIIA Funding Agreement dated July 28, 2016 (the "PRIIA Agreement"); and

WHEREAS, WMATA and the Commonwealth wish to extend the term of the PRIIA Agreement to include WMATA's Fiscal Year 2022.

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the Parties agree to amendments as follows:

1. Sec 3 (d), line 5, after "FY2020" insert ";\$300 million through FY2022"
2. Sec 4 (b), line 4, after "FY2020" insert ";\$300 million through FY2022"
3. Sec 5 (b) (1) (B), line 6, after "FY2020" insert ";\$300 million through FY2022"
4. Sec 5 (b) (3) (C), line 19, after "FY2020" insert ";\$300 million through FY2022"
5. Section 6 of the First Amendment "Sec 9 (d)" is changed to "Sec 9 (b)"
6. Sec 9 (b), line 2, delete "2021" and insert "2022"

The Parties agree and acknowledge that it is their intent to continue the relationships, roles and responsibilities established in the PRIIA Agreement, as required to continue the receipt and provision of PRIIA funding, and all other provisions of the PRIIA Agreement and those in the

First Amendment not superseded by this Amendment shall be interpreted so as to support this intention and shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have entered into this Second Amendment as of the date set forth above.

WASHINGTON METROPOLITAN AREA
TRANSIT AUTHORITY

Attest:

By:

Witness

_____[Seal]
Thomas Webster
Executive Vice President, Strategy Planning
and Program Management

Dated: _____

COMMONWEALTH OF VIRGINIA
ACTING BY AND THROUGH THE VIRGINIA
DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION

Attest:

By: _____[Seal]
Jennifer Mitchell
Director

Witness

Dated: _____