

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

☒ Action ☐ Information

MEAD Number:
202375

Resolution:
☒ Yes ☐ No

TITLE:

Resolution for Amtrak Protective Services

PRESENTATION SUMMARY:

Metro is in need for Amtrak to furnish escort personnel to assist with outages of catenary lines and flag personnel at the Rhode Island Avenue Aerial structure. Amtrak does not negotiate their Permission To Enter (PTE) Agreements.

PURPOSE:

Seek Board's approval to indemnify Amtrak to permit WMATA access to Amtrak's property at the Rhode Island Avenue Station.

DESCRIPTION:

WMATA must perform a bi-yearly inspection of the aerial structure at the Rhode Island Avenue Station. In order to perform this inspection, WMATA must enter upon Amtrak property. To successfully complete this inspection, Amtrak will need to de-energize the overhead catenary lines to allow WMATA to safely perform this inspection of the spans and piers that run over the Amtrak ROW. Amtrak will also need to provide a flagman lookout to protect bridge inspection teams to safely work on Amtrak's ROW without the risk of any trains or equipment coming into the bridge inspection work area.

Key Highlights:

Pursuant to 23 CFR 650.311 WMATA is required to perform an annual bridge inspection of the Rhode Island Avenue, Aerial Structure that passes through Amtrak's Right of Way (ROW) at the Brentwood Yard location. To facilitate this requirement WMATA Structure Inspection personnel will need to be supported by Amtrak while they inspect Amtrak's Right of Way (ROW). Only Amtrak can provide this support since Amtrak is the owner of the ROW.

Background and History:

WMATA has been performing this bi-yearly inspection since the inception of the Rhode Island Avenue Station. Without this inspection staff would need to review previous inspection reports and determine if it is okay to extend our

inspection time table and by pass the asset, which will not meet our safety protocol.

Discussion:

If the agreement is not in place by July 2022, WMATA will conduct a routine inspection of the column(s) at Rhode Island Avenue Station and sub assets of the aerial that can be safely inspected without trespassing on Amtrak's right-of-way.

FUNDING IMPACT:

This is a bi-yearly required inspection, which is part of the standard operation.

Project Manager:	Rory Damico
Project Department/Office:	TRST

TIMELINE:

Previous Actions	January 2022 – Received documentation on how to proceed with agreement. Contacted Amtrak regarding language in agreement. May 2022 – Amtrak would not negotiate agreement. Board Resolution sought
-------------------------	---

RECOMMENDATION:

The purpose of this Resolution is to have the Board's approval to cover Amtrak indemnification to permit WMATA access to Amtrak's property at the Rhode Island Avenue Station.

PRESENTED AND ADOPTED: July 28, 2022

SUBJECT: APPROVAL TO INDEMNIFY AMTRAK IN TEMPORARY PERMIT TO ENTER UPON PROPERTY

2022-17

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

WHEREAS, Resolution 2011-30 requires the Board of Directors to approve any agreement requiring WMATA to indemnify the counterparty; and

WHEREAS, WMATA performs an annual inspection of the Rhode Island Avenue aerial structure that crosses over AMTRAK property, thereby requiring WMATA to enter upon AMTRAK property to perform the inspection; and

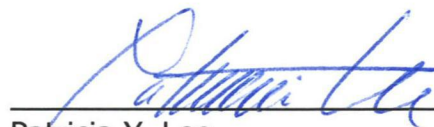
WHEREAS, the AMTRAK Temporary Permit to Enter Upon AMTRAK Property requires WMATA to indemnify AMTRAK;

NOW THEREFORE, be it

RESOLVED, That the Board of Directors authorizes the General Manager and Chief Executive Officer or his designee to include an indemnity in favor of AMTRAK as may be required by the Temporary Permit to Enter Upon AMTRAK Property to inspect the Rhode Island Avenue aerial structure; and be it finally

RESOLVED, That to provide for timely inspection of the Rhode Island Avenue aerial structure by July 30, 2022, this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



Patricia Y. Lee
Executive Vice President and General Counsel

WMATA File Structure No.:
15.2.1 Grants of Indemnification

**Motioned by Mr. Smedberg, seconded by Dr. Hadden Loh
Ayes: 7- Mr. Smedberg, Ms. Babers, Ms. Kline, Mr. Alcorn, Dr. Hadden Loh, Mr. Drummer and Ms. Martin-Proctor**