

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

☒ Action ☐ Information

MEAD Number:
201955

Resolution:
☐ Yes ☒ No

TITLE:

3rd Party Indemnification of National Park Service

PRESENTATION SUMMARY:

Information will be presented to seek Board approval to provide indemnification with respect to construction of a chain link fence on National Park Service-administered land in Glover Archbold Park. WMATA owns a trestle bridge in the area that has deteriorated. Board Resolution 2011-30 requires approval to indemnify third parties.

PURPOSE:

Authorize the General Manager/Chief Executive Officer or designee to indemnify the National Park Service in order to obtain access to and install a fence in Glover Archbold Park. A trestle bridge is in a deteriorated condition, and for safety reasons, WMATA plans to install a fence around the base to exclude trespassers.

DESCRIPTION:

WMATA seeks access to Glover Archbold Park, which is administered by the National Park Service. WMATA owns a trestle bridge that has deteriorated. At the request of the National Park Service, WMATA plans to install a fence to deter access to the area beneath the bridge. National Park Service has requested indemnification before allowing access.

Key Highlights:

Staff seeks Board approval to provide indemnify the National Park Service.

Background and History:

WMATA owns the Foundry Branch trestle bridge, which is located in Glover Archbold Park in the District of Columbia. Access to the land beneath the trestle must be approved by the National Park Service, which administers the park.

A recent inspection of the bridge, performed by WMATA engineers, determined that the bridge has deteriorated significantly. To protect members of the public and to deter trespassers from the area under the bridge, WMATA will install a chain link fence.

Discussion:

The bridge has deteriorated significantly. Wood ties have fallen from the bridge. Several steel structural members of the bridge are significantly degraded.

A fence installed around the base of the bridge will deter trespassers and reduce the potential for harm.

FUNDING IMPACT:

Define current or potential funding impact, including source of reimbursable funds.	
Project Manager:	John Thomas
Project Department/Office:	COO

TIMELINE:

Previous Actions	None
Anticipated actions after presentation	January/2018 – Apply for Permit

RECOMMENDATION:

Authorize indemnification.

PRESENTED AND ADOPTED: January 25, 2018

SUBJECT: DELEGATION OF AUTHORITY TO INDEMNIFY NATIONAL PARK SERVICE FOR
ACCESS TO GLOVER ARCHBOLD PARK

2018-05

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

WHEREAS, Pursuant to Board Resolution 2011-30, Board of Directors' approval is required for the Washington Metropolitan Area Transit Authority (WMATA) to enter into indemnification agreements with third parties in non-procurement contracts; and

WHEREAS, WMATA desires to secure the area around a trestle bridge that is located in Glover Archbold Park, however, the construction access permit includes an indemnification provision for the benefit of the National Park Service; NOW, THEREFORE, be it

RESOLVED, That the Board of Directors authorizes the General Manager/Chief Executive Officer or his designee to enter into a permit with the National Park Service as it relates to securing the area around the trestle bridge, so long as the indemnification in the permit is substantially similar to the following:

The Permittee agrees to be fully responsible for the management, performance, use and safety within the park area involved in this authorization until the work is completed, inspected, and accepted. In addition, the Permittee hereby agrees to require its contractor to accept responsibility and assume liability for any and all tort claims arising from the actions or omissions of its representatives or employees directly or indirectly connected with the work performed, the maintenance of, or the use of this facility to the greatest extent permitted by law.

RESOLVED, That in order to expedite receipt of the permit, this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



Patricia Y. Lee
General Counsel

WMATA File Structure Nos.:
2.7. Delegation of Authority
15.2.1 Grants of Indemnification

Motioned by Mr. Evans, seconded by Mrs. Hudgins

Ayes: 7 – Mr. Evans, Ms. Harley, Mr. Corcoran, Mr. McMillin, Mr. Goldman, Mrs. Hudgins and Mr. Horner