

Washington Metropolitan Area Transit Authority

## Board Action/Information Summary

☒ Action ☐ Information

MEAD Number:  
202181

Resolution:  
☒ Yes ☐ No

### TITLE:

FY21 Virginia PRIIA Funding Agreement

### PRESENTATION SUMMARY:

Staff seeks Board approval to negotiate and execute 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) for FY21.

### PURPOSE:

Staff seeks Board approval to negotiate and execute the FY21 PRIIA funding agreement to secure the Commonwealth of Virginia's annual share of required PRIIA match funding.

### 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:

- The original agreement between WMATA and DRPT for Virginia PRIIA match funding was signed in 2010 with a six-year term that expired on June 30, 2016.
- The current agreement covers the period July 1, 2016 through June 30, 2020.
- WMATA and DRPT are negotiating a renewed agreement for an additional year.
- Following WMATA Board approval, completion of the negotiations, and execution of the agreement, DRPT will provide the required PRIIA match funding for the first quarter of FY2021.

### 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 is provided through an agreement signed in 2010 between WMATA and DRPT. This agreement specifies the terms and conditions of the PRIIA funding and provides DRPT with WMATA's capital plan and anticipated uses of the funding.

The agreement between WMATA and DRPT for the Virginia PRIIA match funding will expire on June 30, 2020. WMATA and DRPT staff are working to renew the existing agreement, on the same terms and conditions for WMATA's FY2021.

**Discussion:**

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

**FUNDING IMPACT:**

Negotiation of the FY21 PRIIA agreement will extend current agreement for an additional year with Virginia and continue to provide \$50 million in PRIIA matching funds already included in the FY 2021 Capital Budget.

**TIMELINE:**

<b>Previous Actions</b>	July 2010 – 2010 to 2016 PRIIA Funding agreement approved by the Board.  July 2016 -- 2016-2020 PRIIA Funding agreement approved by the Board
<b>Anticipated actions after presentation</b>	Complete negotiations, finalize, and sign the FY21 PRIIA Funding Agreement.

**RECOMMENDATION:**

Staff recommends Board approval to renew the agreement between WMATA and DRPT for Virginia's share of PRIIA match funding for FY21.

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

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

WHEREAS, Pursuant to Resolution 2011-30, Board approval is required before entering into a capital funding agreement; and

WHEREAS, Pursuant to Resolution 2016-37, WMATA and the Commonwealth of Virginia ("Commonwealth") entered into an agreement, which expires June 30, 2020, for the Commonwealth's proportionate share of local match funding required by the Passenger Rail Investment and Improvement Act (PRIIA); and

WHEREAS, The Commonwealth and WMATA seek to amend the 2016-2020 PRIIA Funding Agreement to add one additional year of local match funding for the federal fiscal year (FY) 2020 PRIIA appropriation, which has been budgeted for WMATA FY 2021;

NOW, THEREFORE, be it

*RESOLVED*, That the Board approves the First Amendment to the 2016-2020 PRIIA Funding Agreement as shown substantially in the form of Attachment A to this Resolution; and be it further

*RESOLVED*, That the General Manager and Chief Executive Officer or his designee is authorized to negotiate and execute the First Amendment to the 2016-2020 PRIIA Funding Agreement; and be it finally

*RESOLVED*, That to fully execute these agreements prior to July 1, 2020, this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,

/s/  
Patricia Y. Lee  
Executive Vice President and General Counsel

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

This First Amendment to 2016-2020 PRIIA Funding Agreement is made this \_\_\_\_\_ day of June, 2020, 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 modify the PRIIA Agreement to reflect certain WMATA policies and procedures that were not in place at the time the PRIIA Agreement was entered into; and

WHEREAS, WMATA and the Commonwealth wish to extend the term of the PRIIA Agreement to include WMATA’s Fiscal Year 2021.

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 “;\$250 million through FY2021”
2. Sec 4 (b), line 4, after “FY2020” insert “;\$250 million through FY2021”
3. Sec 5 (b) (1) (B), line 6, after “FY2020” insert “;\$250 million through FY2021”
4. Sec 5 (b) (3) (C), line 19, after “FY2020” insert “;\$250 million through FY2021”

5. Sec 6 (g), lines 4 and 5, delete “with 30 days advance notice in writing of any request to reprogram funds” and insert “within 30 days a list of all reprogramming actions”
6. Sec 9 (d), line 2, delete “2020” and insert “2021”

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 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 First Amendment as of the date set forth above.

WASHINGTON METROPOLITAN AREA  
TRANSIT AUTHORITY

Attest:

By:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
[Seal]  
Paul J. Wiedefeld  
General Manager & Chief Executive Officer

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

Attest:

\_\_\_\_\_  
Witness

By: \_\_\_\_\_ [Seal]  
Jennifer Mitchell  
Director