

Washington Metropolitan Area Transit Authority
Board Action/Information Summary

☒ Action ☐ Information

MEAD Number:
201847

Resolution:
☐ Yes ☒ No

TITLE:

Pentagon City Connection Agreement

PRESENTATION SUMMARY:

Staff is requesting Board approval to negotiate and execute a connection agreement between Metro and Arlington County for a County-owned pedestrian tunnel at the Pentagon City Metro Station.

PURPOSE:

A pedestrian tunnel was designed and built by Arlington County in 1984 to improve pedestrian access to the Pentagon City Metro Station. Staff and Arlington County desire to open the pedestrian tunnel, and Staff seeks Board approval to negotiate and execute a connection agreement.

DESCRIPTION:

The pedestrian tunnel was constructed in 1984 to connect the northeast corner of 12th Street South and South Hayes Street to the Pentagon City Metro Station entrance on the southeast corner of 12th Street South and South Hayes Street. The original intent was to convey the pedestrian tunnel to Metro. The transfer of ownership never occurred because of operational, construction, maintenance and other unresolved issues. Arlington County has rehabilitated the pedestrian tunnel and desires to open the tunnel to the public. Arlington County will own, operate and maintain the pedestrian tunnel at its sole cost and expense. Staff supports opening the pedestrian tunnel because it will improve pedestrian access to the Pentagon City Metro Station.

Key Highlights:

- The pedestrian tunnel was built by Arlington County and private property owners in 1984.
- Arlington County will own, operate and maintain the pedestrian tunnel at its sole cost and expense and are seeking a connection agreement, which Metro staff recommends.
- The tunnel is expected to improve pedestrian access and safety across 12th Street to the Pentagon City Metro Station.

Background and History:

In 1980, Metro gave conceptual approval to a private developer, under the auspices of Arlington County, for the construction of a pedestrian tunnel to connect the northeast block of 12th Street South and South Hayes Street in Arlington County to the Pentagon City Metro Station mezzanine, an underground Metro station. It was completed in 1984. The tunnel has never been opened to the public. Historical documents indicate issues of maintenance, operation, security, quality of construction, and non-conformity with WMATA standards between the County and Metro had never been resolved. It was anticipated by Arlington County that Metro would accept the tunnel and operate it.

In 1995, the WMATA Board of Directors required, among other things, that all connections to Metro stations be ADA-compliant. In 1999, Arlington County submitted a proposal to Metro in which the tunnel would be rehabilitated. In 2000, Metro informed the County that Metro would consider accepting the tunnel under specific conditions, including the construction of new elevators.

In 2012, Arlington County informed Metro that it planned to rehabilitate the tunnel to open to the public. Arlington County has now completed the rehabilitation and seeks to open the pedestrian tunnel which Arlington County has decided to own, operate and maintain at its sole cost and expense. Arlington County has certified to Metro that the pedestrian tunnel is in compliance with the Americans with Disabilities Act (ADA) even though there are no elevators. In support of that conclusion, Arlington County has provided to Metro a professional engineer's structural concept certification that the installation of elevators to access the pedestrian tunnel is not technically feasible and, therefore, the pedestrian tunnel complies with the ADA under an enumerated exception. See 49 CFR § 37.43.

Discussion:

Arlington County no longer seeks to convey ownership of the pedestrian tunnel to Metro, and the County will own, operate and maintain the tunnel. As part of the connection agreement, the County will represent and warrant that it will remain financially responsible for maintaining the connection's ADA compliance. The connection agreement will also include a certification from Arlington County that the installation of elevators to access the pedestrian tunnel is not technically feasible and, therefore, the pedestrian tunnel complies with the ADA under an enumerated exception. See 49 CFR § 37.43. It should be noted that the Pentagon City Metro Station is ADA compliant because there is an existing Metro elevator to the entrance, and the connection will enhance pedestrian safety around the station as those that will use the tunnel will no longer have to cross 12th Street to access the station.

FUNDING IMPACT:

There will be no expense to WMATA; Arlington County will maintain, repair, and replace the connection as needed.	
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Project Manager:	Anabela Talaia
Project Department/Office:	CFO/LAND

TIMELINE:

Previous Actions	None
Anticipated actions after presentation	Negotiation and execution of a Connection Agreement between WMATA and Arlington County.

RECOMMENDATION:

Staff recommends approval from the Board of Directors to negotiate and execute a connection agreement between Metro and Arlington County for a pedestrian tunnel at the Pentagon City Metro Station.

PRESENTED AND ADOPTED: February 23, 2017

**SUBJECT: APPROVAL TO NEGOTIATE AND EXECUTE A CONNECTION AGREEMENT
WITH ARLINGTON COUNTY FOR A PEDESTRIAN TUNNEL AT THE
PENTAGON CITY METRO STATION**

2017-06

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

WHEREAS, In 1984, Arlington County completed construction of a pedestrian tunnel connecting the northeast block of 12th Street South and South Hayes Street in Arlington County, Virginia to the Pentagon City Station Mezzanine, an underground Metro Station; and

WHEREAS, Arlington County intended to convey the pedestrian tunnel to Metro to own, operate and maintain; and

WHEREAS, Historical documents indicate that issues of maintenance, operation, security, quality of construction, and non-conformity with Metro standards were never resolved and Metro did not accept the pedestrian tunnel; and

WHEREAS, In 2012, Arlington County informed Metro that it planned to rehabilitate the pedestrian tunnel to open to the public; and

WHEREAS, Arlington County has now completed the rehabilitation and seeks to open the pedestrian tunnel, which Arlington County has decided to own, operate and maintain at its sole cost and expense; and

WHEREAS, Resolution 2011-31 requires, among other things, that all connections to Metro stations comply with the Americans with Disabilities Act (ADA) and that the Board is required to review and authorize all proposed connections; and

WHEREAS, Arlington County has certified to Metro that the pedestrian tunnel complies with the ADA; and

WHEREAS, The Pentagon City Metro Station is ADA compliant and providing the connection will enhance pedestrian safety around the station, as those who will use the tunnel will no longer have to cross 12th Street to access the station; and

WHEREAS, Staff seeks Board approval to negotiate and execute a connection agreement between Metro and Arlington County; now, therefore be it

Motioned by Mr. Evans, seconded by Mr. Corcoran

Ayes: 7 – Mr. Evans, Ms. Harley, Mr. Corcoran, Mr. Bulger, Mr. Goldman, Mrs. Hudgins and Ms. Carmody

RESOLVED, That the Board of Directors approves the negotiation and execution of a connection agreement between Metro and Arlington County for a pedestrian tunnel at the Pentagon City Metro Station; and be it finally

RESOLVED, That this Resolution shall be effective 30 days after adoption in accordance with § 8(b) of the WMATA Compact.

Reviewed as to form and legal sufficiency,



Patricia Y. Lee
General Counsel

WMATA File Structure No.:

21.3.3 Disposal of Less-Than-Fee Temporary Interest (leases, licenses, most permits)