

**Washington Metropolitan Area Transportation Authority
Board Action/Information Summary**

<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information	MEAD Number: 99989	Resolution: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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PURPOSE

To request Board approval to provide Arlington County with access to WMATA facilities to fuel Arlington County Compressed Natural Gas (CNG) buses.

DESCRIPTION

WMATA has received a request from Arlington County to provide access to WMATA facilities to fuel and service their CNG-fueled buses where there is sufficient equipment and personnel to do so. This assistance would be subject to applicable laws, regulations and orders of the competent legal authorities.

Arlington County will be required to acknowledge and assume the risk of any CNG being used containing additions of propane, an industry practice sometimes referred to as "Peak Shaving".

Arlington County will be required to certify and assume the risk of any improper certification that the vehicles being fueled and serviced are part of a qualified tax-exempt fleet and that Arlington County will not claim any tax credit for any such fuel received.

Any agreement to provide assistance will be recorded in the form of a Memorandum of Understanding (MOU) between WMATA and Arlington County. Arlington County will agree to pay all invoices within thirty days from receipt without protest. The MOU shall remain in effect until terminated by either party, for any reason, by giving thirty (30) days written notice.

FUNDING IMPACT

All costs associated with this action will be fully reimbursed by Arlington County. Therefore, there will be no funding impact from this action.

Operating Budget Impact: No additional positions or annual maintenance expense to be added.

RECOMMENDATION

That the Board of Directors approve entering into a Memorandum of Understanding between WMATA and Arlington County for the fueling and/or servicing of their CNG-fueled buses at WMATA Bus Garages.

PRESENTED AND ADOPTED:

SUBJECT: APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH ARLINGTON COUNTY FOR FUELING COMPRESSED NATURAL GAS BUSES

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

WHEREAS, WMATA has received requests from Arlington County to provide access to WMATA facilities to fuel Arlington County Compressed Natural Gas (CNG) Buses; and

WHEREAS, WMATA desires to assist its jurisdictional partners where there are sufficient personnel, equipment and fuel to accommodate the request; and

WHEREAS, Such assistance would be subject to all applicable laws, regulations and orders; and

WHEREAS, A Memorandum of Understanding (MOU) between WMATA and Arlington County will establish the relationship between the parties; and

WHEREAS, Arlington County will be required to acknowledge and assume the risk of any CNG being used containing additions of propane, an industry practice sometimes referred to as "Peak Shaving"; and

WHEREAS, Arlington County will be required to certify and assume the risk of any improper certification, that the vehicles being fueled and serviced are part of a qualified tax-exempt fleet and that Arlington County will not claim any tax credit for any such fuel received; and

WHEREAS, All invoices will be paid within thirty (30) days from receipt without protest, set-off or counterclaim; and

WHEREAS, The MOU shall remain in effect until terminated by either party; and

WHEREAS, Either party may terminate the MOU, for any reason, by giving thirty (30) days written notice thereof to the other party. Upon such termination, WMATA shall submit a final invoice, which shall be paid promptly, now, therefore be it

RESOLVED, That the Board of Directors authorizes staff to enter into a Memorandum of Understanding with Arlington County for the fueling and servicing of Compressed Natural Gas buses at WMATA Bus Garages; and be it further

RESOLVED, That any Memorandum of Understanding shall be subject to the determination of WMATA staff that sufficient personnel, supplies and equipment exist to provide the requested services; and be it further

RESOLVED, That any Memorandum of Understanding shall include provisions addressing "Peak Shaving" and taxation issues; and be it finally

RESOLVED, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



Carol B. O'Keeffe
General Counsel