



Planning, Development and Real Estate Committee

Board Action Item VII-C

April 24, 2008

**Policy Concerning Use of WMATA Property
for Non-WMATA Transit Projects**

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

<input checked="" type="checkbox"/> Action <input type="checkbox"/> Information	MEAD Number: 99990	Resolution: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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PURPOSE

To obtain Board approval of a proposed policy allowing the no-cost transfer of WMATA-owned real property to local jurisdictions and state governments for reimbursable and other transit projects and to apply any sale proceeds from land transfers with non-governmental entities in connection with these projects to the particular reimbursable or transit project.

DESCRIPTION

Transit projects requested by the local jurisdictions and state governments that provide WMATA with new transit facilities are typically classified as reimbursable projects and governed by Board Resolution #99-63. Resolution #99-63 specifically excludes adjacent construction projects, charter bus services and projects with a full funding grant agreement.

With the completion of the 106-mile system, the number and complexity of reimbursable projects and other transit projects sponsored by local jurisdictions and state governments has increased. Some of these projects require the transfer of Authority property in furtherance of these projects.

Under the proposed policy, WMATA may convey its real property at no cost to the sponsoring jurisdiction, or to a non-governmental entity for consideration at the request of the sponsoring jurisdiction, in connection with a reimbursable project or a jurisdictional transit project that will improve Metro transit facilities at no cost to WMATA or generally enhance Metro transit operations. Under this policy, such a no-cost transfer of WMATA-owned real property would be permitted provided that i) there is no cost to WMATA; ii) such a conveyance does not negatively affect WMATA's operations, approved annual operating or capital improvement program budgets, or subsidies; and iii) the transfer is approved by the Federal Transit Administration. The policy would not apply to Joint Development projects.

FUNDING IMPACT

WMATA currently receives fair market value for the transfer or conveyance of its real property, and the proceeds are deposited in the Capital Budget or the Transit Infrastructure Investment Fund (TIIF). Under the new policy, WMATA would receive no revenue from the conveyance of those properties that meet the criteria outlined in the proposed policy. However, WMATA receives in return new transit facilities or enhancement of Metro's transit operations.

RECOMMENDATION

That the Board approve the policy allowing the no-cost transfer of Metro-owned real property to local jurisdictions and state governments for reimbursable and other transit projects and to apply any sale proceeds from land transfers with non-governmental entities in connection with these projects to the particular reimbursable or transit project.

PRESENTED & ADOPTED:

SUBJECT: APPROVAL OF TRANSFER OF AUTHORITY REAL PROPERTY TO LOCAL JURISDICTIONS AND STATE GOVERNMENTS FOR REIMBURSABLE AND OTHER TRANSIT PROJECTS

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

WHEREAS, On October 28, 1999, the WMATA Board of Directors passed Board Resolution #99-63 which provides for policy guidelines for reimbursable projects stemming from requests by the local jurisdictions and state governments that are of benefit to the Authority; and

WHEREAS, With the completion of the 106-mile system, the number and complexity of reimbursable and other transit improvement projects sponsored by local jurisdictions and state governments have increased; and

WHEREAS, Some of these projects necessitate the transfer of Authority property in furtherance of the projects; and

WHEREAS, Because these projects will benefit the Authority directly in the form of new transit improvements or generally enhance Authority transit operations, it can be appropriate to convey the affected Authority property at no cost to the local jurisdictions or state governments, provided that such transfers do not negatively affect the Authority's operations, approved annual operating or capital improvement program budgets; and

WHEREAS, At times, land transactions with the non-governmental entities associated with these projects may yield additional funds which can be used to support the particular reimbursable or transit project; now, therefore be it

RESOLVED, That the Board of Directors encourages staff to support, to the extent possible, requests for reimbursable and other transit projects sponsored by the local jurisdictions and state governments that are beyond the regionally funded annual operating and capital improvement program budgets approved by the Board of Directors, subject to the following guidelines:


1. Upon request by a sponsoring jurisdiction for the transfer of Authority property at no cost to the sponsoring jurisdiction or to a non-governmental entity for

consideration at the behest of the sponsoring jurisdiction, in connection with a reimbursable project or a jurisdictional transit project which will improve Authority transit facilities at no cost to the Authority, the Board of Directors will consider such a transfer for approval, provided that:

- there is no cost to the Authority;
 - the transfer will not adversely affect the Authority's operations, or its regionally funded annual operating or capital improvement program budgets; and
 - the transfer receives the approval of the Federal Transit Administration;
2. If the Authority or the sponsoring jurisdiction receives funds from a non-governmental source on the land transaction or yields any other savings, those funds shall be applied to that particular reimbursable or transit project;
3. This policy does not apply to Joint Development projects; 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