



**NVTC INTERIM WMATA COMMITTEE MEETING
WEDNESDAY, OCTOBER 17, 2018
NVTC Conference Room – Suite #620
2300 Wilson Blvd. – Arlington, VA 22201**

8:30 A.M.

AGENDA

1. Approval of the September 19, 2018 Interim WMATA Committee Meeting Summary
2. 2018 NVTC Report on the Performance and Condition of WMATA
3. WMATA Committee and Board of Directors Items
 - a. October 2018 WMATA Board and Committee Agenda Items
 - i. Update to WMATA Use Regulations
 - ii. WMATA FY2020 Budget Outlook
 - b. WMATA Parking Pilots and Additional Parking Revenue
 - c. WMATA Office of the Inspector General
 - d. Other Anticipated Items
4. Other Items of Jurisdictional Importance
5. NVTC Interim WMATA Committee Preliminary November Agenda
6. Reminder of NVTC Interim WMATA Committee Schedule
 - a. November 8th Meeting
 - b. December 19th Meeting
 - c. Bylaw Implementation in January

Interim WMATA Committee Members:

Paul Smedberg, Chairman
Christian Dorsey
Cathy Hudgins
Matt Letourneau
Dave Snyder



Finance and Capital Committee

Action Item III-A

October 11, 2018

Use Regulations Update

Washington Metropolitan Area Transit Authority

Board Action/Information Summary

☒ Action ☐ Information

MEAD Number:
202028

Resolution:
☒ Yes ☐ No

TITLE:

Use Regulations Update

PRESENTATION SUMMARY:

Staff seeks Board approval of the revised and restated 2018 Use Regulations which govern the permitted use of Metro Property by others, as well as seeks additional authority to better implement the use of Metro property by others.

PURPOSE:

Request Board approval to:

- Revise and restate the Use Regulations;
- Authorize the sale of food and drink on Metro property outside of Metrorail stations' paid areas; and
- Delegate to the General Manager/Chief Executive Officer the authority to approve commercial uses on Metro property.

DESCRIPTION:

Metro periodically updates its *Regulations Concerning the Use of WMATA Property* (the "Use Regulations"). The current Use Regulations were published in 2008 and have not been updated since. Several Board authorizations to increase opportunity for third-parties to use Metro property and generate revenue for Metro have been approved since 2008; the revised and restated 2018 Use Regulations capture those approvals. Additionally, in drafting the revised and restated Use Regulations, staff identified areas for added efficiency and opportunity in how Metro manages its property and as such is seeking: (1) authorization to sell food and drink on Metro property outside of Metrorail stations' paid areas, and (2) a delegation of authority to the General Manager/Chief Executive Officer (GM/CEO) to approve commercial uses on Metro property.

Key Highlights:

- The proposed revisions to the Use Regulations capture Board authorizations and approvals since 2008, when the Use Regulations were last published, and make clearer to third-parties who seek to do business with Metro what the rules and requirements governing the use of Metro property by others are.

- To streamline Metro's internal approval process and increase opportunities for commercial uses on Metro property and generate new revenue for Metro, staff recommends the Board to delegate to the GM/CEO the authority to approve commercial uses on Metro property.
- The Board has already approved the sale of food and drink on Metro parking facilities, but had limited such activity to weekends and holidays. Metro receives requests from third parties to set up farmers markets on weekdays and to organize pop-up retail in under-served submarkets. These activities include the sale of food and drink, sometimes during the weekday.

Background and History:

Metro first published *Regulations Concerning the Use of WMATA Property* in 1987. Metro's desire to activate its Metrorail stations and other properties, as well as the desire to generate additional revenue from property permits and leases, is long-standing. Increasingly, as private and community proposals to use Metro property and as revenue-generating opportunities have been presented, the Board has authorized certain third-party uses of Metro property. The following uses are currently permitted on Metro property:

- Communications antennas and equipment, as well as fiber optic cables (1995);
- Non-transit, public parking, civic and limited commercial uses on parking facilities (2002);
- Commercial uses (excluding the sale of food, beverage and tobacco), subject to final Board approval before installation (2004);
- Commercial ventures (i.e. retail sites and vending machines) and concession stands in both free and paid areas of Metrorail stations, subject to final Board approval before installation (2006); and,
- Sale of food and beverage on parking facilities on weekends and holidays (2017).

At this point, most community and commercial uses are permitted, except for the sale of tobacco, drugs, firearms, or any other illegal substances (which staff is not proposing to change). The opportunity going forward is to increase flexibility for staff to manage and implement the Board's intent to more fully utilize Metro property and to generate revenue.

Discussion:

The *Regulations Concerning the Use of WMATA Property* (the "Use Regulations") regulates the use of Metro property by others. The Use Regulations prioritize the use of Metro property for transit purposes and operations, as well as the safety of the riding public and Metro employees. Among other things, the revised and restated 2018 Use Regulations provide Metro's standard terms and conditions for obtaining a permit from Metro, which include:

- Description of authorized activity or use
- Standard of conduct
- Permit fee/cost
- Permit term
- Cleaning and maintenance requirements
- Indemnification and insurance requirements
- WMATA termination rights

The proposed 2018 Use Regulations also incorporate Board approvals since 2008, when the last Use Regulations were published. These authorizations include:

- Sale of food and drink on Metro's parking facilities during weekends and holidays
- Delegation to the GM/CEO to approve commercial uses on parking facilities

Among other things, the proposed Use Regulations revise defined terms, cross-reference both WMATA's advertising guidelines and the rules and regulations governing the Art in Transit program, and clarify WMATA's policy regarding Speech and Performing Activities. The proposed revised and restated Use Regulations eliminate "public telephones services" as an allowable activity, as Metro no longer installs public telephones on its property.

In drafting the revised and restated Use Regulations, staff identified areas for added efficiency and opportunity in how Metro manages its property and as such is seeking: (1) authorization to sell food and drink on Metro property outside of Metrorail stations' paid areas, and (2) a delegation of authority to the GM/CEO to approve commercial uses on Metro property.

In July 2017, the Board approved the sale of food and drink on Metro parking lots on weekends and holidays intended to support activities such as farmers markets, festivals and other events that would generate community amenities and activity. However, in emerging submarkets, farmers markets and other such retail may best be suited for weekdays, when employees and other patrons in the station area seek services and food options. Also, these activities may not be best accommodated on Metro parking facilities, as Metro has several large areas outside its Metrorail stations that are underutilized. Therefore, staff seeks greater flexibility as to when and where Metro permits the sale of food and drink. Staff recommends permitting the sale of food and drink to areas outside the Metrorail stations' paid area, thereby allowing the sale of food and drink in locations appropriate for retail and community activity, not only on Metro's parking facilities.

Lastly, the Board previously delegated to the GM/CEO the authorization to approve commercial uses on Metro's parking facilities, but did not delegate the Board's authority to approve commercial uses on other Metro property. At this time, staff recommends delegating to the GM/CEO the authority to approve

commercial uses (as permitted in the Use Regulations) on Metro property, whether on a parking facility or elsewhere. This provides Metro with the flexibility to issue permits for uses that may be more appropriately located on Metro property other than parking facilities, without needing to seek Board approval for each use or permit. Uses on Metro property must also comply with local jurisdictional rules and regulations, so activities of concern (such large festivals, activities that may generate environmental and/or noise concerns, etc.) are regulated independently of Metro by the local jurisdiction in which the Metro property is located.

FUNDING IMPACT:

This Board action is a policy review and approval, not a project or budget approval.	
Project Manager:	Nina Albert
Project Department/Office:	CFO/LAND

TIMELINE:

Previous Actions	July 2017 - Board authorization to sell food and drink on Metro parking facilities on weekends and holidays; Board delegation of authority to the GM/CEO to approve commercial uses on Metro property
Anticipated actions after presentation	November 2018 - Publish the 2018 Amended and Restated Use Regulations

RECOMMENDATION:

Board approval to:

- Revise and restate the Use Regulations;
- Authorize the sale of food and drink on Metro property outside of Metrorail stations' paid areas; and
- Delegate to the General Manager/Chief Executive Officer the authority to approve commercial uses on Metro property.

Use Regulations Updates

Finance & Capital Committee

October 11, 2018



Purpose

- Request Board approval to:
 - Revise and restate the Use Regulations
 - Authorize the sale of food and drink on Metro property outside of Metrorail stations' paid areas
 - Delegate to the General Manager/Chief Executive Officer the authority to approve commercial uses on Metro property

Scope of Use Regulations

- Regulates the use of Metro property by others
- Prioritizes use of Metro property for transit operations
- Ensures safety of the riding public
- Ensures property is used safely
- Provides guidance on activities that generate revenue and issue permits for permitted uses
- Excludes transit-related uses, joint development and utility activities

Background

- 1987 First publication of Use Regulations
- 1995 Communications antennas and equipment, as well as fiber optic cables approved
- 2002 Non-transit, public parking, civic and limited commercial uses on parking facilities approved
- 2004 Commercial uses (excluding the sale of food, beverage and tobacco) approved, subject to final Board approval before installation
- 2006 Commercial ventures (retail sites) and concession stands in both free and paid areas of Metrorail stations approved, subject to final Board approval before installation
- 2017 Sale of food and beverage on parking facilities during weekends and holidays and delegation to GM/CEO to approve commercial uses on parking facilities approved

Permitted Uses and Activities



Filming and Photography



Advertising on Buses, Trains, and in Stations



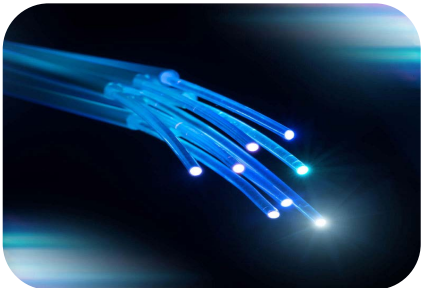
Vending of Newspapers



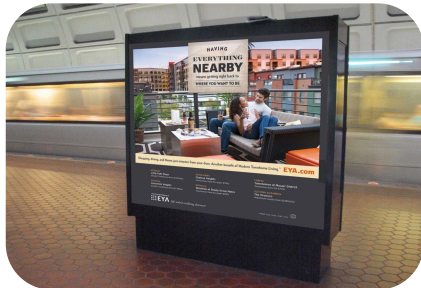
Temporary Uses



ATMs



Communications Equipment and Fiber Optics



Electronic Displays and Digital Advertising



Public Telephone Services



Public and Community Uses



Commercial Uses

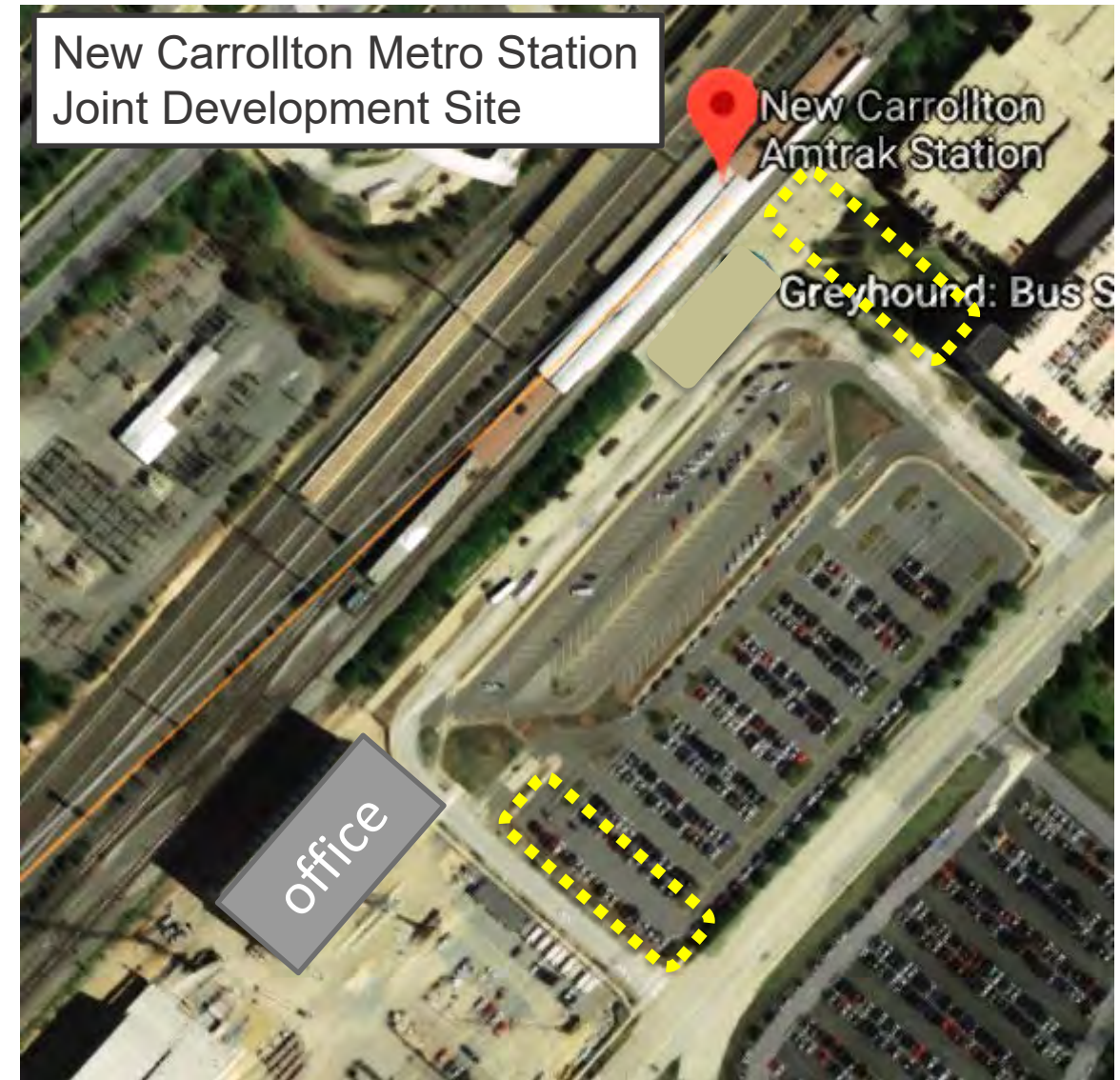
Proposed Revisions to Use Regulations

Revise and restate Use Regulations to: (i) update current practices, (ii) reference Metro programs offered, (iii) add Board approvals made since 2008, and (iv) add any new authorized uses.

Current Practices	Metro Programs	Prior Board Approvals	New Authorized Uses (if approved)
<ul style="list-style-type: none">• Standardized permit terms and conditions• Process for selecting and/or authorizing proposed uses• Public telephones no longer in use	<ul style="list-style-type: none">• Arts In Transit• Metro Performs	<ul style="list-style-type: none">• New types of and locations for advertising displays• Delegation to GM/CEO to authorize commercial uses on parking facilities• Sale of food and drinks on parking facilities during weekends and holidays	<ul style="list-style-type: none">• Sale of food and drinks on Metro property outside of Metrorail stations

Sale of Food and Drink Outside of Paid Areas

- Food and drink approved parking facilities, on weekends and holidays
- Farmers markets, festivals, other events not limited to weekends and holidays
- Emerging submarkets can benefit from food trucks or other food services on weekdays



Delegation to GM/CEO Approval of Commercial Uses

- Variety of commercial interests expressed
- Desire to respond to market opportunities in a timely manner
- Commercial uses on Metro property still subject to local jurisdictions' regulations and to a Metro real estate permit

Examples of Vending Opportunities

- Health and beauty
- Electronics
- Electronic charging stations
- Photo booths
- Entertainment: DVD rental, games, lottery
- Package/mail pick-up and delivery lockers

Recommendation

- Board approval to:
 - Revise and restate the Use Regulations
 - Authorize the sale of food and drink on Metro property outside of Metrorail stations' paid areas
 - Delegate to the General Manager/Chief Executive Officer the authority to approve commercial uses on Metro property

SUBJECT: APPROVAL TO AMEND AND RESTATE USE REGULATIONS

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

WHEREAS, In Resolution 87-02, the Board of Directors approved the Regulation Concerning the Use of Washington Metropolitan Area Transit Authority Property ("Use Regulations"), as subsequently amended; and

WHEREAS, The Use Regulations have not been updated since October 2008; and

WHEREAS, Staff has drafted amended and restated Use Regulations (attached hereto as Attachment A) that: (1) update current practices, (2) add uses approved by the Board since 2008, (3) add new authorized uses, and (4) cross-reference other relevant Metro programs; and

WHEREAS, Currently the sale of food and drink is permitted only in parking lots only on weekends and holidays; and

WHEREAS, Staff recommends permitting the sale of food and drink in parking lots on any day of week, and permitting the sale of food and drink on WMATA property outside of Metrorail station paid areas on any day of week; and

WHEREAS, Staff recommends delegating to the General Manager/Chief Executive Officer authority to approve commercial uses on WMATA property that will improve the efficiency of implementing leases and licenses for commercial use of WMATA property; NOW, THEREFORE, be it

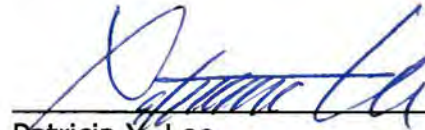
RESOLVED, That the Board of Directors hereby approves the sale of food and drink in parking lots on any day of week, and the sale of food and drink on WMATA property outside of Metrorail station paid areas on any day of the week; and be it further

RESOLVED, That the Board of Directors hereby delegates to the General Manager/Chief Executive Officer the authority to approve commercial uses on WMATA property; and be it further

RESOLVED, That the Board of Directors hereby approves the amended and restated Use Regulations as set forth in Attachment A; 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.:
21.8.1 Use Regulation

PROPOSED



**REGULATIONS
CONCERNING THE USE OF
WMATA PROPERTY
(“USE REGULATIONS”)**

APPROVED BY BOARD RESOLUTION 2018-XX

[DATE]

TABLE OF CONTENTS

INTRODUCTION

SECTION 1 DEFINITIONS

SECTION 2 GENERAL

- 2.1 Applicability
- 2.2 Exceptions to Permit Requirements
- 2.3 Uses Excluded From the Scope of these Use Regulations but Requiring a Permit

SECTION 3 USE PERMITS

- 3.1 Application Process
- 3.2 Terms and Conditions

SECTION 4 PERMITTED ACTIVITIES

- 4.1 Speech or Performance Activities
- 4.2 Filming and Photography
- 4.3 Newspapers and Commercial Publications
- 4.4 Automated Teller Machines
- 4.5 Vending Machines
- 4.6 Use of Parking Facilities
- 4.7 Commercial Bicycle and Scooter Companies
- 4.8 Telecommunications Equipment
- 4.9 Solar Panels
- 4.10 Intercity Bus Bay(s)
- 4.11 Art in Transit

SECTION 5 ADVERTISING ON WMATA PROPERTY

- 5.1 Advertising Generally
- 5.2 Advertising Guidelines
- 5.3 Computerized Electronic Passenger Information Displays

SECTION 6 USE OF WMATA GRAPHICS AND/OR LOGO

APPENDIX A: LIST OF BOARD OF DIRECTORS APPROVED ADVERTISING INVENTORY

APPENDIX B: APPLICATION & USE PERMIT FEE SCHEDULE

REGULATIONS CONCERNING THE USE OF WMATA PROPERTY ("USE REGULATIONS")

Subject to the exceptions noted below in **Section 2**, these *Regulations Concerning the Use of WMATA Property* (the "Use Regulations") govern commercial and non-commercial uses of Washington Metropolitan Area Transit Authority's ("WMATA" or "Metro") property.

WMATA receives many requests from commercial, Not-for-Profit, community and other groups, and persons seeking access to WMATA property and facilities. The purpose of these Use Regulations is to ensure that WMATA property is used safely, that all WMATA property shall be preserved for the transit use to which it was lawfully dedicated, and that the use and activities by any person and/or entity (other than WMATA Employees or contractors) of WMATA property be consistent with and not interfere with transit operations.

Subject to the exceptions set forth below, any person or entity authorized by WMATA to use property must sign a Permit for that purpose.

Modifications to these Use Regulations must be made by an affirmative vote of WMATA's Board of Directors.

SECTION 1 – DEFINITIONS

Advertising – a printed, digital or electronic media display for the purpose of conveying a message. A Commercial Publication is a subset of Advertising. Advertising is not permitted by these Use Regulations except as set forth below.

Art in Transit (or AIT) – a program under WMATA's Office of Architecture that manages the placement of visual art work and performances in the Metro system.

Automated Teller Machine (or ATM) – electronic banking equipment that permits public access to authorized banking functions.

Civic Use - activities/events held for the general public and/or the surrounding neighborhoods and communities, organized by a WMATA Compact Jurisdiction, such as (but not limited to) local parades, bike tours, festivals, or farmers' markets.

Commercial Publication – circulars, for sale/rent publications, signs or other marketing publications and information intended to promote commercial product(s), services, or enterprise(s). Commercial Publications are not permitted by these Use Regulations. (Newspapers are not Commercial Publications.)

Commercial Use – the use of WMATA property for the primary or incidental purpose of promoting or selling products or services, fundraising, and/or generating revenue. (Commercial Use does not include Performance Activity.)

Computerized Electronic Passenger Information Displays – visual displays primarily intended to provide transit information to Metro riders but that can also provide Advertising, including, but not limited to, light-emitting diode (LED) displays, video monitors, computer monitors, and plasma screens.

FTA – the Federal Transit Administration.

Joint Development – the development of WMATA's real property interests at or near mass transit facilities that have significant commercial development potential to achieve close physical integration of transit facilities with commercial/retail, recreational/entertainment, and residential development.

Leaflet – small printed material unfolded or folded providing information that is Speech Activity.

Newspaper – any publication intended for general circulation, published regularly or in short intervals, and containing information and editorials on current events and news of general interest.

Not-for-Profit – any activity by a religious, educational, scientific, artistic, philanthropic, agricultural, labor, veteran, or fraternal organization or association that is not organized for profit as defined in the U.S. Internal Revenue Code or its successors, as amended from time to time, and none of the net income of which inures to the benefit of any private stockholder or individual.

Parking Facilities - WMATA's Kiss & Rides, Park & Ride surface lots, Park & Ride garages, and on-street parking spaces.

Performance Activity – a musical, dance, spoken word, theatrical, or other presentation of an artistic nature, including presentations that invite patrons to make individual donations to the performer(s).

Permit – a legal contract executed by WMATA and the person/entity (Permittee) conducting the activity. A Permit may be a lease, license, some other type of permit, or some other type of legal contract allowing for the use of WMATA's property.

Permit Applicant – a person or entity who applies for a Permit.

Permit Application – a form that must be completed and submitted to WMATA for any proposed use of WMATA property.

Permitted Activity – an activity approved by WMATA or not prohibited by law or by WMATA rule or regulation that does not interfere with patrons' use of transit facilities or Metro operations generally.

Permittee – a party allowed to use WMATA property through a Permit.

S&I Yard – a WMATA Metrorail storage and inspection yard.

Speech Activity – the exercise of rights to free speech, free assembly, and other conduct protected by the First Amendment of the United States Constitution that is not a Commercial Use.

Vending Machine – an electronic or mechanical machine that sells commercial products or provides package pick-up and/or delivery service through lockers or other devices connected to electrical power.

WMATA Compact – the federal and state legislation creating WMATA by the United States, the District of Columbia, the State of Maryland and the Commonwealth of Virginia.

WMATA Compact Jurisdiction – any organization created by municipal, county or state agencies that are party to the WMATA Compact.

WMATA Employee – any part-time or full-time, temporary or permanent, exempt or non-exempt, represented or non-represented individual, including interns, who is compensated by WMATA for his/her services by wages, salary, or other remuneration.

SECTION 2 – GENERAL

2.1 APPLICABILITY

These Use Regulations describe the types of activities subject to a valid Permit issued by WMATA that may be conducted on WMATA property by any person or entity that is not a WMATA Employee, officer or board member authorized to act on WMATA's behalf. These Use Regulations also establish criteria under which a Permit may be obtained to enable the Permit Applicant to use WMATA property for one of the Permitted Activities.

2.2 EXCEPTIONS TO PERMIT REQUIREMENT

No person or entity shall be allowed to use WMATA property without a Permit except:

- WMATA Employees, officers, and members of the Board of Directors acting within their official capacity. When not acting within their official capacity, WMATA Employees, officers, and members of the Board of Directors of WMATA shall need a Permit for any use of WMATA property that normally requires a Permit.
- While acting on official business as it relates to WMATA facilities, officials, employees and agents of the United States Government and/or of the WMATA Compact Jurisdictions and the political subdivisions within them.
- Contractors, agents, subcontractors and suppliers under contract to WMATA and only with respect to designated physical areas and purposes covered by that contract.

- Passengers riding on the WMATA rail and bus system and other transit-related users.
- Photography by an individual with a hand-held camera for an individual's own non-commercial use. A fee shall not be required for such photography, but such individuals shall be required to pay the fare to enter the Metro system.

2.3 USES EXCLUDED FROM THE SCOPE OF THESE USE REGULATIONS BUT REQUIRING A PERMIT

These Use Regulations exclude Joint Development, adjacent construction, environmental and geotechnical testing, and activities conducted by other transit agencies and utility companies on WMATA property for their own purposes. Although excluded from these Use Regulations, the users outlined in this Section must obtain a rights of entry agreement, easement, Permit, or other relevant document/permissions to work on or near WMATA property for the uses stated herein. WMATA shall, at its sole discretion, determine which properties it will offer for use by a third party, either under a Permit or other type of contract. Those uses are governed by the following policies, manuals, and websites:

- For Joint Development and adjacent construction: WMATA's Joint Development and Adjacent Construction Manual: www.wmata.com/business/adjacent-construction.
- For rights of entry agreements, easements, or other Real Estate Permits: www.wmata.com/business/real-estate/policies-forms.cfm.

SECTION 3 – USE PERMITS

3.1 APPLICATION PROCESS

To apply for a Permit, visit www.wmata.com/business/real-estate/policies-forms.cfm. Application fees are listed in **Appendix B**. Permit Application forms are processed by WMATA's Office of Real Estate and Parking (or such other Office as is designated as the issuer in these Use Regulations). The actual proposed user must be the submitter of the Permit Application because Permits are not transferable. WMATA shall determine whether or not the Permit Application is for a Permitted Activity. Should WMATA determine that the number of applications for Permits exceeds the space available at any location, WMATA shall allocate the space according to compatibility with WMATA's mission and purpose and best value to WMATA.

Permits will be granted according to the following principles, in order of priority:

- The activity does not have a negative financial or operational impact on WMATA;
- The activity does not distract from or interfere with WMATA Employees, contractors and/or transit users adhering to WMATA's core mission of providing safe and accessible transit services;
- The activity enhances service to Metrorail, MetroAccess, and Metrobus riders;

- The activity generates additional revenue for WMATA; and
- The activity improves local place-making and community building.

Permits shall not be issued for the sale of tobacco, drugs, and firearms, for uses that are illegal, for uses that undermine, show unfavorably or compete with WMATA's brand and/or Metro transit services, and/or for uses that show the Metro system in general or WMATA Employees or agents in a disparaging manner.

3.2 STANDARD TERMS AND CONDITIONS

3.2.1. Contents. The Permit shall contain the name of the person or entity, type of Permitted Activity, duration of activity, maximum number of individuals permitted on WMATA property, insurance and indemnification, and other terms specific to the use allowed for the location of the Permitted Activity.

3.2.2. Standards of Conduct. Use of WMATA property shall not interfere with transit operations, riders, the public and other transit activities (even when an activity has been approved) or the safety of transit riders and the efficient operation of the transit system, or other activities being conducted on WMATA property.

3.2.3. Time Period. The term or duration of time that Permittee is allowed to occupy WMATA property will be stated in the Permit.

3.2.4. Extensions. The term/duration of the Permit will not be extended, unless WMATA, in its sole and absolute discretion, grants an extension. Permittee may file an application for a new Permit at any time, which shall be issued using the evaluative criteria and processes that are in place at the time the new or extended Permit is applied for; the granting of one Permit does not create an expectancy of renewal or extension or "grandfather" a use. When applying for an extension of a Permit, the Permittee may incorporate by reference any information filed with the previous Permit Application for that Permit.

3.2.5. Fees/Payment to WMATA. Fees for use of WMATA property are listed in **Appendix B**. Fees for uses not listed in the **Appendix B** are to be determined by the Director of Real Estate and Parking (or such other Office as issues the particular Permit). The fees and charges assessed for commercial filming that exceed one day in a Metrorail station or that require use of train cars to be filmed in S&I Yards will include administrative and operational staff hourly costs plus a thirty-five percent (35%) margin of overhead.

3.2.6. Cleaning and Maintenance. Permittee will be responsible for depositing any trash resulting from its activities in appropriate trash containers or may be required to remove the trash from the location.

3.2.7. Denial of Permit. A Permit Application for a Permitted Use may be denied if WMATA determines that the requested space is unavailable, the proposed activity would cause a safety problem, or the planned activity involves a use prohibited by law or by WMATA rule or regulation, that the proposed activity interferes with patrons' use of transit

facilities or Metro operations generally, or that the proposed activity is otherwise prohibited. WMATA also may deny a Permit if a previously issued Permit to the Permit Applicant or any of its affiliated persons or entities was revoked or if the activities of the Permit Applicant or any of its affiliated persons or entities under a previously issued Permit violated the terms of the Permit, law or WMATA rule or regulation or interfered with patrons' use of transit facilities or Metro operations.

3.2.8. Revocation. A Permit may be terminated if the Permittee violates the terms and conditions of the Permit.

3.2.9. Indemnification. Each Permittee shall agree to fully indemnify and save harmless WMATA against any and all liability arising out of Permittee's activities. This indemnification is not limited to the extent of the Permittee's insurance coverage.

3.2.10. Insurance. Before commencing activities on WMATA property, each Permittee shall provide an acceptable policy of insurance coverage appropriate to the activity in accordance with the insurance schedule included in the Permit.

3.2.11. No Cost to WMATA. In addition to any Permit fee, the Permittee must reimburse WMATA for staff time to include administrative, safety, escorts, plan review, project review, security and trash removal services. Base hourly charges, may vary depending on the level of staff required for the activity and required equipment for the staff activity, if applicable. Costs shall not include expenses or costs incurred to protect the Permittee or WMATA Employees or property from the actions of opponents of the Permittee or persons other than the individuals permitted on WMATA property under the Permit.

3.2.12. Unauthorized Activity. If WMATA determines that any entity or person is conducting an unauthorized activity on WMATA property, WMATA shall notify the violator, the activity shall be stopped and the violators shall immediately leave WMATA property. Any Permit issued to a person or entity engaged in unauthorized activity may also be revoked. Failure to stop the unauthorized activity or to leave WMATA property when so requested shall constitute a trespass and the violators are subject to arrest, fines or imprisonment in accordance with local criminal laws and ordinances.

3.2.13. Unauthorized Performance of an Authorized Activity. If WMATA determines that any entity or person is conducting an authorized activity in an unauthorized manner in violation of these Use Regulations or the Permit, WMATA shall so notify the violator and the authorized activity shall either be conducted in the authorized manner, or shall be stopped, and the violators shall immediately leave WMATA property. The Permit related to the authorized activity may also be revoked. Failure to stop the unauthorized performance of the activity when so requested shall constitute a trespass and the violators shall be subject to arrest, fines, or imprisonment in accordance with local criminal laws and ordinances.

3.2.14. Right to Terminate. WMATA expressly reserves the right to cancel any Permit for operational or safety reasons.

3.2.15. Not Transferable. Permits are not transferable.

SECTION 4 – PERMITTED ACTIVITIES

4.1 SPEECH OR PERFORMANCE ACTIVITIES

4.1.1. Speech and Performance Areas. Speech or Performance Activities are permitted in areas which are above-ground, outside of Metrorail stations, and fifteen (15) feet outside of and away from any escalator, stairwell, fare gate, mezzanine gate, kiosk, or fare card machine. In no event are any Speech or Performance Activities to take place in the paid areas of a station or in the underground portions of stations. No Speech or Performance Activities may interfere with or impede pedestrian traffic in the egress and ingress to stations or fare gates. WMATA does not control public streets, sidewalks or other areas adjacent to Metrorail stations.

4.1.2. Leafleting. The distribution of Leaflets by hand in connection with Speech or Performance Activities is permitted in the areas described above under **subsection 4.1.1.**

4.1.3. Prohibitions. Individuals carrying out Speech or Performance Activities shall not engage in any Commercial Use and shall not do any of the following:

- Distribute food, drink, tobacco, or any retail products.
- Post any commercial signs, advertisements, circulars, or printed material.
- Set up any tables, literature racks or other portable equipment. This prohibition does not apply to official use by WMATA Compact Jurisdictions or to nonpartisan voter registration activities at those stations where WMATA has determined, in advance, that space is available. For the purposes of this exception, the term “nonpartisan” shall include a voter registration effort which contains no visible affiliation with any candidate or political party, including flyers, posters, buttons, signs or any other indication of support for any such candidate or party.
- Carry any signs or placards that are more than 18" x 18" or are affixed to a pole.
- Affix any material to any part of the WMATA structure.
- Permit Leaflets or other printed material to be left unattended.

4.1.4. Speech or Performance Activities Prohibited in All Other Areas. No Speech or Performance Activities may take place in any other areas. This subsection does not apply: (1) to activities conducted in connection with Art in Transit as set forth in **subsection 4.11**; (2) to conversations by passengers riding on the WMATA rail and bus system and other transit-related users; (3) to Advertising placed under contract with WMATA; or (4) to Speech or Performance Activities ancillary to a Permitted Use subject to **Sections 2 and 3.**

4.2 FILMING AND PHOTOGRAPHY

4.2.1. Filming Requiring a Permit. Filming, including motion pictures, television commercials, promotional, documentary and educational films, requires a Permit and assistance and supervision from WMATA staff. This applies to still and video photography. Requests for filming and photography will be assessed on a case-by-case basis. The times authorized will be granted when the safety of employees and patrons can be assured, ingress and egress of patrons accommodated, and normal services operated without interruption.

The entire fee to be charged for Commercial Activity and Not-for-Profit filming must be paid before the scheduled start of filming. The foregoing fee is in addition to the fare to access the Metro system if a revenue-producing facility is entered.

Permit Applications must be accompanied by concepts, synopses, scripts and story boards at least thirty (30) working days before the requested filming date. If that is not possible, WMATA will endeavor to process requests in less time. WMATA must approve scripts involving Metro stations and/or vehicles. Permit Applications will not be authorized that would suggest to viewers activities that would be in violation of the applicable laws of the WMATA Compact Jurisdictions or the rules and regulations of WMATA, or if they show the Metro system or WMATA Employees or agents in a disparaging manner.

4.2.2. Filming Not Requiring a Permit. Television and newspaper press crews of five (5) or fewer individuals and without any need for the use of outlets, cables, generators or other similar requirements are not subject to these Use Regulations but must comply with all fare and safety policies. Members and crews of the media should contact WMATA's Office of Media Relations at (202) 962-1051 for further information.

4.3 NEWSPAPERS AND COMMERCIAL PUBLICATIONS

Any person or entity may place, maintain, and operate a distribution box for Newspapers and/or Leaflets at a Metrorail station after obtaining a Newspaper/Periodical Distribution Permit from WMATA's Office of Marketing (not the Office of Real Estate and Parking). To maintain safe access and an orderly environment at Metrorail stations, each publisher/distributor must comply with WMATA's *Newspaper/Periodical Distribution Management Policy*. The distribution of any Commercial Publications or Advertising (except for Advertising placed under contract with WMATA) is prohibited.

Human vendors and the chaining of any Newspaper or Leaflet vending machines to WMATA property are prohibited, unless authorized through a Permit from WMATA.

4.4 AUTOMATED TELLER MACHINES

The opportunity to place Automated Teller Machines (ATMs) at Metrorail stations is obtained through a competitive process separate from the Permit Application process. The use of Automated Teller Machines is subject to these Use Regulations. The location of the Automated Teller Machine at each station is determined by WMATA.

4.5 VENDING MACHINES

These Use Regulations apply to Vending Machines although WMATA may, in its sole and absolute discretion, decide to offer the opportunity to place Vending Machines on WMATA Property through a competitive process separate from the Permit Application process.

4.6 USE OF PARKING FACILITIES

Parking Facilities may be available when: (i) WMATA deems that the use does not present a safety concern; (ii) there are sufficient parking spaces for transit system patrons and other transit-related users; and (iii) WMATA determines that the planned activity serves/supports the surrounding community.

WMATA allows the use of blocks of parking spaces in underutilized Parking Facilities during normal operating hours to nearby businesses, governmental agencies, or other entities, for a fee. WMATA may offer individual parking spaces, at its sole and absolute discretion, on a first-come, first-serve basis, or decide through a competitive process separate from the Permit Application process, to other transportation and transit providers, such as: car-sharing companies, transportation network companies, taxicab companies, shuttlebus services, commercial bus carriers and other commercial transportation companies, electric car charging services.

In each case a Permit will be required.

All uses of Parking Facilities contemplated above must be consistent with FTA requirements, WMATA bonds and other indebtedness, including, but not limited to, the WMATA 1993 Gross Revenue Transit Bond Resolution, the WMATA 2003 Gross Revenue Bond Resolution, any supplemental bond resolutions and applicable agreements concerning funding facilities.

Permittees hosting the activity must provide their own restroom facilities, if necessary. The Permit will also require Permittee to clean up and remove all trash that results from the activity.

The appropriate compensation for the use of WMATA's Parking Facilities shall be established by WMATA, and shall be the market rental rate for that use and at an amount sufficient to cover all administrative, operating, and maintenance costs, including the cost of additional electricity and any additional clean up and removal of trash, and, if applicable, a surcharge for the time of any WMATA Employees whose time is involved.

4.7 COMMERCIAL BICYCLE AND SCOOTER COMPANIES

Bike Shares

Several of the WMATA Compact Jurisdictions have partnered with bike sharing companies (such as Capital BikeShare, mBike, others) to place bicycle racks/stations throughout the Washington metropolitan area. WMATA has entered into license agreements with those

WMATA Compact Jurisdictions to allow placement of those stationary bicycle racks/bicycle stations at various Metrorail stations and may also contract directly with a private bike sharing company.

Dockless Bicycles and Scooters

New technology has emerged that allows commercial companies to deploy/operate dockless bicycles and scooters throughout the Washington metropolitan area. Local jurisdictions are conducting pilot programs to test the viability of these bicycles and scooters. WMATA will require dockless bicycle and scooter operators to enter into a Permit with WMATA to govern entry of bicycles and scooters onto WMATA property. WMATA's policy for bicycles and scooters requires that individual bicycles and scooters may only be parked/left on WMATA property at or next to bicycle racks.

4.8 TELECOMMUNICATIONS EQUIPMENT

WMATA has allowed the installation of fiber optic cables along WMATA's right-of-way service corridors including Metrorail stations and other operating facilities. Any fiber optic cable capacity not required by WMATA may be leased for commercial purposes.

WMATA may offer its properties as a group for a master license or lease through a competitive process for installation and operation of telecommunications equipment, including without limitation, antennas and cellular cells, for commercial purposes.

4.9 SOLAR PANELS

WMATA may choose to issue Permits for placement of solar panels on its property or facilities as a revenue generator for WMATA.

4.10 INTERCITY BUS BAY(S)

WMATA may rent bus bays to commercial bus companies operating service from Metrorail stations to cities outside the WMATA transit zone. The licenses are issued on a first-come, first-served basis, based on space availability. The license agreement requires an annual fee shown in **Appendix B**.

4.11 ART IN TRANSIT

Metro works with artists, community groups, government agencies, and businesses to install artwork and provide performances that capture the spirit and vitality of the region, making travel by Metro more attractive and inviting.

Approval and installation of all visual arts and performances on WMATA property is coordinated by WMATA's Office of Architecture, in accordance with the rules and regulations governing the Art in Transit program. The link to the Art in Transit manual is: http://cms-www.wmata.com/PIManual/documents/pi_1_13_0_M.pdf

Metro also recognizes the valuable contributions performances make to enhance the life and vitality of the transit system. AIT-approved performances must be conducted in WMATA-approved areas that do not impede pedestrian flow or negatively impact WMATA operations.

SECTION 5 – ADVERTISING

5.1 ADVERTISING GENERALLY

Advertising is a source of significant revenue to WMATA and is allowed in and on the inventory of assets listed in **Appendix A**. Contracts for Advertising between a prospective advertiser and WMATA are administered by WMATA's Office of Marketing and its selected advertising management company and are not handled via Permit. For information on how to purchase advertising space, go to WMATA's website at: www.wmata.com/business/advertising.

5.2 ADVERTISING GUIDELINES

All Advertising on WMATA property must be placed via a WMATA-approved program or contractor. All Advertising must conform to *WMATA's Guidelines Governing Commercial Advertising*. WMATA may prohibit or remove non-compliant Advertising.

5.3 COMPUTERIZED ELECTRONIC PASSENGER INFORMATION DISPLAYS

This Section applies to the implementation of Computerized Electronic Passenger Information Displays on platforms and in mezzanines of Metrorail stations as well as in Metrorail cars and on and in Metro buses. The principal function of the Computerized Electronic Passenger Information Displays is to show useful, timely, and accurate Metro service updates and/or news updates to rail and bus patrons. A secondary function is to allow commercial advertisements, subject to *WMATA's Guidelines Governing Commercial Advertising*, to be displayed in a manner that does not interfere with the principal transit function of the Metro system.

SECTION 6 – USE OF WMATA GRAPHICS AND/OR LOGO

The use of WMATA's graphics and/or logo is not permitted except as authorized by WMATA.

APPENDIX A: LIST OF BOARD OF DIRECTORS APPROVED ADVERTISING INVENTORY

A. Buses

- (1) Exterior head-liners
- (2) Video monitors
- (3) Partial exterior wraps (excluding windows on curb side)
- (4) Interior bus cards

B. Railcars

- (1) Interior car cards (21" x 22")
- (2) Interior head-liners
- (3) Video monitors
- (4) Partial exterior wraps (excluding windows)
- (5) Exterior railcar king-size displays
- (6) Interior railcar doors (excluding bulkhead doors)
- (7) Railcar ceilings

C. Metrorail Stations

- (1) Dioramas (back-lighted advertising and digital display)
- (2) Two-sheet posters (non-backlighted advertising display)
- (3) Station banners
- (4) Larger dioramas
- (5) Pylons and pillars
- (6) Floor graphics
- (7) Trash receptacles
- (8) Wall projections

D. Tunnels

E. Bus Shelters

F. Wallsapes (e.g., large format banners on WMATA-owned buildings and structures)

G. Website Advertising

APPENDIX B: APPLICATION & USE PERMIT FEE SCHEDULE

Use Permit Activity	Fee
Application Fee – Civic Use or Not-for-Profit Use	\$ 100.00
Application Fee – Commercial Use	\$ 200.00
Commercial Use/Dockless Bike or Scooter Permit Fee	\$3,500 base permit fee
Filming and Photography Fees	\$1,500 per one day in a Metrorail Station, plus 135% of any actual costs incurred by Metro for the use of Metrorail train cars
Application Fee – Adjacent Construction Permit	<p>\$3,500 one-time fee</p> <p>WMATA review and escort fees as determined by the Office of Joint Development and Adjacent Construction on a project by project basis</p> <p>Railroad Protective Liability Insurance, if applicable</p>
Intercity Bus Bay License Fee	\$5,000 per year per bus bay



Finance and Capital Committee

Information Item IV-A

October 11, 2018

FY2020 Budget Outlook

Washington Metropolitan Area Transit Authority

Board Action/Information Summary

☐ Action ☒ Information

MEAD Number:
202029

Resolution:
☐ Yes ☒ No

TITLE:

FY2020 Budget Outlook

PRESENTATION SUMMARY:

The presentation provides a preview of the FY2020 Operating Budget and FY2020-2025 Capital Improvement Program.

PURPOSE:

Management will present a preview of the FY2020 Operating Budget and FY2020-2025 Capital Improvement Program. Key elements will include:

- An update on Keeping Metro Safe, Reliable and Affordable (KMSRA)
- Operating and Capital Budget Priorities
- Capital and Operating Budget Overview
- Board Policy Considerations
- Schedule

DESCRIPTION:

Key Highlights:

The presentation begins with a review of progress to date on the General Manager/CEO's plan to Keep Metro Safe, Reliable and Affordable (KMSRA). Metro is ramping up to average capital investment of \$1.5 billion annually, has established a dedicated capital trust fund, exclusive to capital investment, and is limiting jurisdictional annual capital subsidy growth to three percent. Metro continues to encourage the U.S. Congress to reauthorize the Passenger Rail Investment and Improvement Act (PRIIA) beyond FY2020, which provides \$150 million in annual federal funds match by \$150 million provided by the District of Columbia, State of Maryland, and Commonwealth of Virginia. In order to establish a sustainable operating model, Metro is limiting jurisdictional operating subsidy growth to three percent and deploying innovative competitive contracting. The items on the KMSRA agenda that remain to be completed are amending the National Capital Area Interest Arbitration Standards Act, restructuring retirement benefits, and creating a Rainy Day Fund.

The FY2020-2025 Capital Improvement Program prioritizes improving customer service, fully funding system safety and compliance, continuing the focus on system preservation and State of Good Repair, meeting program budget and schedule, and developing a capital investment pipeline using the Development and Evaluation (D&E) process.

The FY2020 operating budget prioritizes increasing ridership, maximizing operating efficiency, increasing non-fare revenues, and enhancing employee engagement and development.

Background and History:

In April 2017, GM/CEO Paul Wiedefeld announced the plan to Keep Metro Safe, Reliable and Affordable (KMSRA). The plan calls for ten actions to restore the system to a state of good repair and establish long-term financial sustainability:

- Invest \$15.5 billion over next 10 years for critical capital projects, increasing average annual investment to \$1.5 billion
- Establish a multi-year, inflation-adjusted stable revenue source generating \$500 million per year to a Capital Trust Fund
- Dedicate the Capital Trust Fund exclusively to capital investment, not day-to-day operations
- Secure Congressional reauthorization for federal capital investment (PRIIA) at least at current level of \$1.5 billion over 10 years
- Cap annual jurisdictional capital contribution growth at 3 percent
- Cap annual jurisdictional operating contribution growth at 3 percent
- Support flexibility to reduce cost through innovation and competitive contracting, where effective
- Amend the National Capital Area Interest Arbitration Standards Act (Wolf Act) to require consideration of WMATA's financial condition
- Initiate new retirement program for new hires
- Create a Rainy Day Fund to mitigate unforeseen obligations

In response to the KMSRA plan, in April 2018, the legislatures of the District of Columbia, Maryland and Virginia passed bills to provide a combined \$500 million in dedicated funding to Metro each year. The Governor of Maryland, Governor of Virginia and the Mayor of the District of Columbia have since signed each bill into law. The KMSRA plan now serves as the basis for the development of the Metro FY2020 Operating Budget and FY2020-2025 Capital Improvement Program.

Discussion:

GM/CEO Budget Guidelines

The General Manager (GM/CEO) has provided staff with a series of guidelines for the FY2020 budget development process, shown below:

- Safety trumps service
- No service cuts
- No fare increases
- Improve customer service to grow ridership
- Additional management efficiency
- Invest in employees today ... for tomorrow
- Use flexibility provided by federal funding regulations
- Build capacity to deliver \$1.5 billion average annual capital program
- Explore outsourcing where appropriate
- Meet legislative 3 percent subsidy cap

FY2020-2025 Capital Improvement Program

The presentation includes an overview of the Capital Program Planning and Management process, including planning functions such as asset management and needs prioritization, as well as program development and implementation activities including Development and Evaluation, Project Development, and Project Implementation. The presentation then provides a series of examples of projects that are underway, in development, and in the Development and Evaluation stages.

FY2020 Operating Plan

The FY2020 Operating Plan begins with two key priorities: increasing ridership and employee engagement. The plan is subject to Maryland and Virginia statutes that limit growth to three percent. It begins with the FY2019 budget and adds additional service and labor settlement commitments that will add to the FY2019 subsidy. With these additions, the FY2019 revised Base subsidy is \$1.06 billion, of which three percent is \$32 million. In considering the FY2020 budget, there are additional subsidy drivers that will exceed \$32 million. The combination of inflation and revenue losses from outages for safety and State of Good Repair capital projects, for example, is \$40 million. Additionally, the combined impact of Silver Line Phase 2, mandates from the Occupational Safety and Health Administration (OSHA), and ADA Paratransit services, is more than \$90 million.

The following are key policy considerations for the Board to consider:

- FY2020-2025 Capital Improvement Program
 - Flexible use of federal funds for preventive maintenance
- FY2020 Operating Budget
 - Which items are within or above 3 percent cap
 - Collective Bargaining Agreements (CBA) cost of \$27 million
 - Impact of \$23 million revenue loss due to major safety and state of good repair capital projects
 - Budget, service reliability and safety implications of hours of service
 - Lack of contingency fund for emergencies and special events

- Long-term structural financial issues impact on FY2020 budget and beyond
 - Pension - annual cost is \$165 million
 - OPEB - annual cost is \$45 million
 - Bus Transformation Project

FUNDING IMPACT:

This is an information item previewing the GM/CEO's proposed FY2020 budget. There is no immediate impact on funding.

TIMELINE:

Previous Actions	<p>June 2018 – Conclusion of FY2018</p> <p>September 2018 – Board approved Collective Bargaining Agreements (CBAs) that followed the August 2018 arbitration award</p>
Anticipated actions after presentation	<p>November 2018 – FY2020 Proposed Budget presented to the Board</p> <p>December/January 2019 – Board Budget Deliberations</p> <p>January/February 2019 – Public Outreach and Public Comment Period</p> <p>March 2019 – FY2020 Budget Adoption</p> <p>April 2019 – Submit Federal Grant Applications</p> <p>July 2019 – Fiscal Year 2020 Begins</p>

RECOMMENDATION:

This is an information item – no recommendation at this time. Budget adoption is scheduled for March 2019. Budget approval in March is necessary to ensure uninterrupted regional funding of the capital program and to allow for the timely application and award of FTA grants.

FY2020 Budget Outlook

Finance & Capital Committee

October 11, 2018



- **Preview FY2020 Operating Budget and Capital Program**
 - Keeping Metro Safe, Reliable and Affordable (KMSRA) Update
 - Operating and Capital Budget Priorities
 - Capital and Operating Budget Overview
 - Board Policy Considerations
 - Schedule

■ **Safety, Reliability and Fiscal Accountability**

- ✓ Average annual capital investment ramp up to \$1.5 billion
- ✓ Dedicated Capital Trust Fund
- ✓ Trust Fund exclusive to capital investment, not operations
- ✓ Limit jurisdictional annual capital subsidy growth to 3%
- ✗ Reauthorize PRIIA

■ **Toward a sustainable operating model**

- ✓ Limit jurisdictional operating subsidy growth to 3% cap
- ✓ Innovative competitive contracting
- ✗ Amend National Capital Area Interest Arbitration Standards Act
- ✗ Restructure retirement benefits
- ✗ Create a Rainy Day Fund

■ **FY2020-2025 Capital Improvement Program**

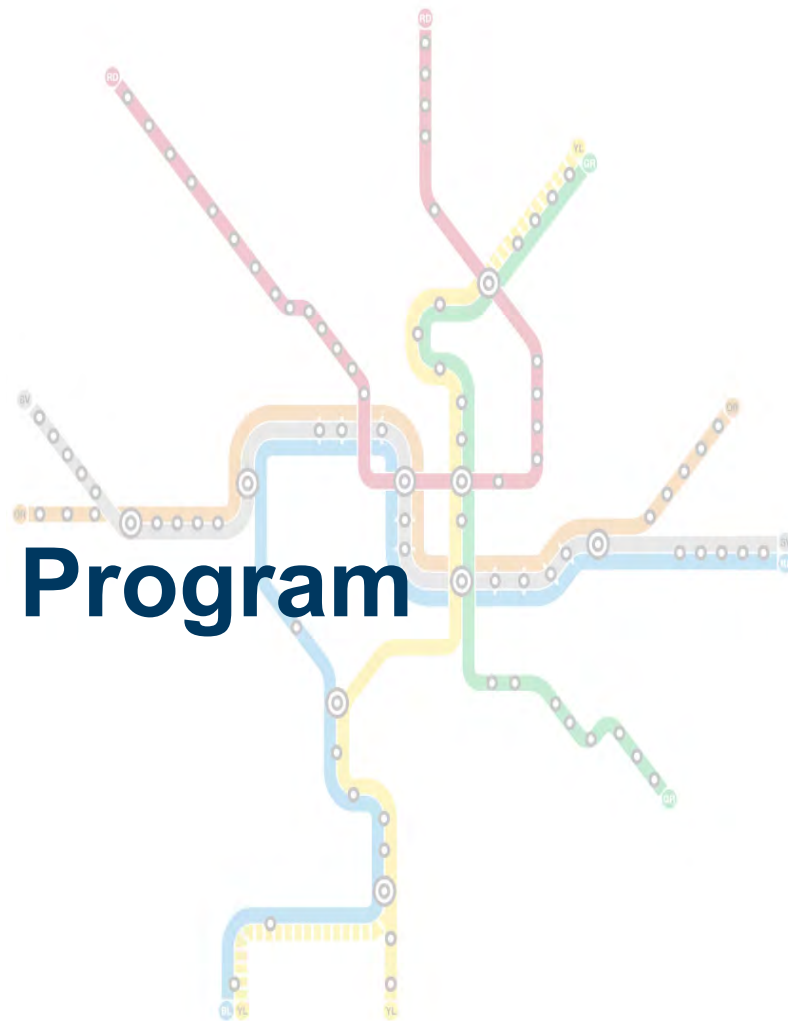
- Improve customer experience
- Fully fund system safety and compliance
- Continue focus on system preservation and State of Good Repair
- Meet program budget and schedule
- Ramp up to \$1.5 billion average annual program
- Develop capital investment pipeline (D&E)

■ **FY2020 Operating Budget**

- Increase ridership
- Maximize operating efficiency
- Increase non-fare revenues
- Enhance employee engagement and development

- **Major parameters to meet key priorities**
 - Safety trumps service
 - No service cuts
 - No fare increases
 - Improve customer service (to grow ridership)
 - Additional management efficiency
 - Invest in employees today ... for tomorrow
 - Use flexibility provided by federal funding regulations
 - Build capacity to deliver \$1.5 billion average annual capital program
 - Explore outsourcing where appropriate
 - Meet mandated jurisdictional 3% subsidy cap
- **Budget is still under development**
 - Details will be provided in November 2018

FY2020-2025 Capital Improvement Program



Capital Program Planning and Management

PROGRAM PLANNING		PROGRAM DEVELOPMENT AND IMPLEMENTATION		
Asset Management	Needs Prioritization	Development and Evaluation	Project Development	Project Implementation
<ul style="list-style-type: none">• Asset Management Plans• Maintenance Schedules• Inspections Condition Assessments	<ul style="list-style-type: none">• Capital Needs Inventory• Fleet Plans• Duty Cycle• Rehabilitation schedule• Business & Work Plans	<ul style="list-style-type: none">• Project Justification• Concept Planning• Feasibility & Alternatives Analysis• Draft Scope, Schedule, Cost Estimates• Assess Readiness	<ul style="list-style-type: none">• Concept Design• Define Scope, Schedule, Budget• Coordination & Outreach• Assess Risk• Advance Design• Begin Procurement	<ul style="list-style-type: none">• Complete Procurement• Complete Design• Begin Construction or Acquisition• Manage Risk & Change• Inspect, Accept & Begin Operation

Capital Improvement Program

Major Projects and Safety and Reliability Programs Underway

Active Major Projects

New 7000 Series Railcars

748 cars in service in 2019

Radio & Wireless Upgrades

Cellular by 2020
Radio by 2022

Andrews Federal Center Bus Facility

Open for operation in 2019

WMATA Office Consolidation

In progress

Ongoing Safety, Reliability and State of Good Repair Programs

Track Rehabilitation

New Buses & Paratransit Vans

Railcar & Bus Rehabilitation & Maintenance

Elevator & Escalator Rehabilitation & Replacement

Parking Garage Rehabilitation

Station Lighting & Cooling Programs

Rail Power System Rehabilitation & Upgrades

Train Control System Rehabilitation

Capital Improvement Program

Upcoming Projects & Programs in Development / Procurement

Station
Rehabilitation
Program

Potomac Yard
Station
(Reimbursable)

Railcar Heavy
Maintenance &
Overhaul Facility

Replacement of
Bladensburg Bus
Garage

Replacement of
Northern Bus
Garage

New 8000 Series
Railcars

Tunnel Water
Mitigation
Program

Bus Shelter
Replacement
Program

Transit Signal
Prioritization
Program
Expansion

Bicycle &
Pedestrian Access
Improvement
Program

Rail & Bus Control
Centers

Track
Maintenance
Equipment

Capital Improvement Program

Key Highlights: Development and Evaluation Program

Blue, Orange,
Silver Line
Corridor Reliability
& Capacity

Bridge & Aerial
Structure
Rehabilitation
Program

Tunnel Ventilation
Program

Core Station
Customer
Circulation &
Access
Improvements

Bus
Transformation
Strategy

Shady Grove
Station & Track
Infrastructure

Capacity
Reliability of &
D&G Junction
near Stadium-
Armory

Bus Facility
Rehabilitation
Program

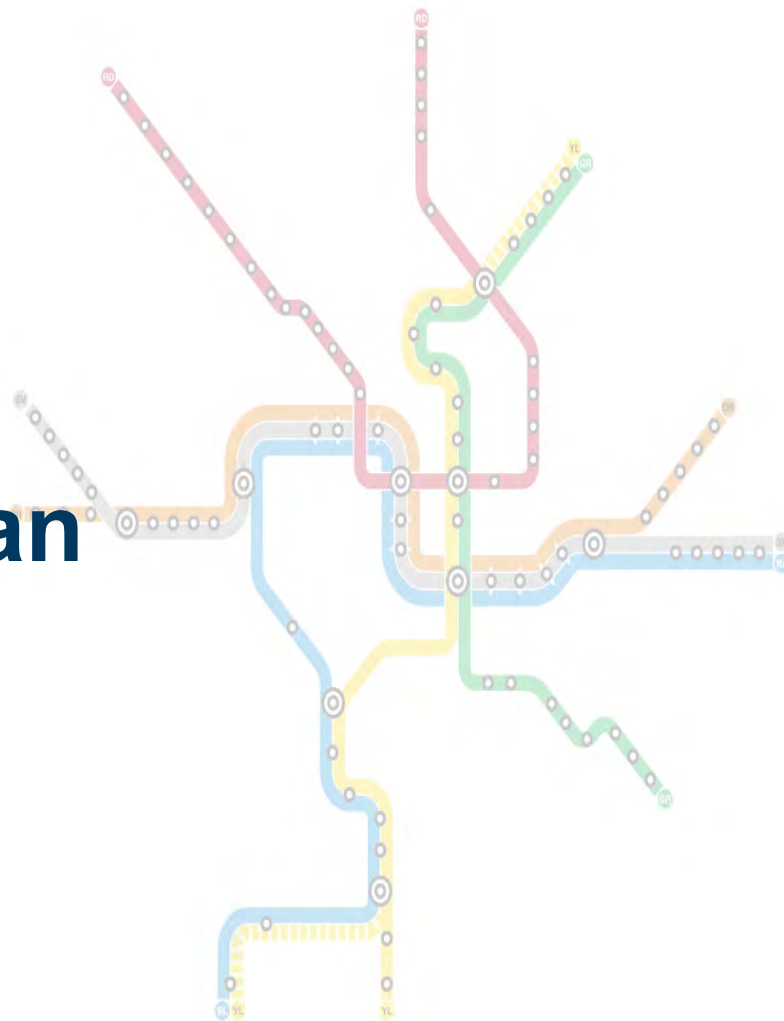
Rail Yard
Rehabilitation &
Upgrades

Western Bus
Garage
Replacement

Station Audio &
Digital
Engagement
Improvements

Train Control
System
Modernization

FY2020 Operating Plan



Increase Ridership

- **Focus on Reliability and Customer Service**

Rush Hour
Promise

Passes

Faster
Buses

Customer
Marketing

Service
Hours

Service
Frequency



Employee Engagement

■ Focus on Employee Development and Accountability

Improve Metro's
recruiting
strategy and
process

Develop and
engage Metro's
frontline
management

Establish a new
performance
management
system

Initiate a labor
relations
improvement
plan

Improve
employee
facilities

Mandated 3% Cap

Maryland and Virginia legislation mandates 35% reduction in State funding to Metro if annual operating subsidy growth exceeds 3%; excluding:

- (i) any service, equipment, or facility that is required by any applicable law, rule, or regulation;
- (ii) any capital project approved by the WMATA Board before or after the effective date of this provision;
- (iii) any payments or obligations of any kind arising from or related to legal disputes or proceedings between or among WMATA and any other person or entity.”

- HB 372/SB 277 (MD) and HB 1539/SB 856 (VA)

FY2020 Operating Subsidy

■ FY2020 3% “Base” Subsidy Growth Level

(\$ in Mil)	Expense	Revenue	Subsidy
FY2019 Base	\$1,837	\$828	\$1,009
+ Additional Service	\$7	\$1	\$6
+ CBA/Labor Settlements	\$45	\$0	\$45
FY2019 Revised Base	\$1,889	\$829	\$1,060
+ 3% Subsidy Cap			\$32
FY2020 "Base"			\$1,092

3% Subsidy Cap = \$32 million

(\$ in Mil)	Value
Inflation	\$17
Revenue loss from outages	\$23
Initial Challenge	\$40

Operating Subsidy Growth Drivers

- **Additional FY2020 operating subsidy drivers are at least \$90 million above the baseline:**
 - Silver Line Phase 2
 - Occupational Safety and Health Administration Mandates
 - Paratransit Services

Key Policy Considerations

- **FY2020-2025 Capital Improvement Program**
 - Flexible use of federal funds for preventive maintenance
- **FY2020 Operating Budget**
 - Within or above 3% cap
 - CBA cost of \$27 million
 - Impact of \$23 million revenue loss due to major safety and state of good repair capital projects
 - Budget, service reliability and safety implications of hours of service
 - Lack of contingency fund for emergencies and special events
- **Long-term Structural Financial Issues Impact on FY2020 Budget and Beyond**
 - Pension - \$165 annual cost
 - OPEB - \$45 million annual cost
 - Bus Transformation Project

Timeline for FY2020 Operating Budget and FY2020-2025 Capital Improvement Program include:

- ✓ **October 2018:** FY2020 Budget Policy Discussion
- **November 2018:** FY2020 Proposed Budget presented to the Board; Submit Proposed Annual Funding Plan to FTA
- **December – January 2019:** Board Budget Deliberations
- **January – February 2019:** Public Outreach and Public Comment Period
- **March 2019:** FY2020 Budget Adoption
- **April 2019:** Submit Federal Grant Applications
- **July 2019:** FY2020 Fiscal Year Begins



Notice of Public Hearing

Washington Metropolitan Area Transit Authority

Docket B18-05: Parking Program Proposal

Purpose

Notice is hereby given that a public hearing will be held by the Washington Metropolitan Area Transit Authority on the docket mentioned above as follows:

Hearing No. 621
Tuesday, October 23, 2018
Metro Headquarters Building
600 5th Street, NW
Washington, DC 20001

Open House at 5:30 pm – Public Hearing at 6:00 pm

Please note that this date is subject to the facility's cancellation policy.
In the event of a cancellation, Metro will post information about the new hearing on
wmata.com

The locations for all Metro public hearings are wheelchair accessible. Any individual who requires special assistance such as a sign language interpreter or additional accommodation to participate in the public hearing, or who requires these materials in an alternate format, should contact Danise Peña at (202) 962-2511 or TTY: 202-962-2033 as soon as possible in order for Metro to make necessary arrangements. For language assistance, such as an interpreter or information in another language, please call (202) 962-2582 as soon as possible prior to the public hearing date.

For more information please visit wmata.com/hearings

In accordance with Sections 62 and 76 of the WMATA Compact, Metro will conduct a public hearing at the location listed in this notice. Information on the hearing will be provided in Metrorail stations, at Park & Ride facilities, at area libraries, and online at wmata.com/hearings.

HOW TO REGISTER TO SPEAK – All organizations or individuals desiring to be heard with respect to this docket will be afforded the opportunity to present their views, make supporting statements and to offer alternative proposals. Public officials will be allowed five minutes each to make their presentations. All others will be allowed three minutes each. Relinquishing of time by one speaker to another will not be permitted.

There will be no advance registration to speak. Those wishing to provide oral testimony will sign up to speak at the hearing, will be called to testify in the order they sign up, and can sign up to speak at any time prior to the close of the hearing. Elected public officials will be allowed to provide their testimony as soon as feasible after their registration. If you will not be able to stay to provide your testimony orally when your name is called, staff will help you to submit your comments into the public record, including through the use of a digital recorder to record your oral comments.

Please note that all comments received are releasable to the public upon request, and may be posted on WMATA's website, without change, including any personal information provided.

HOW TO SUBMIT TESTIMONY NOT AT THE PUBLIC HEARING – Testimony about this proposal may be submitted online via a survey at wmata.com/hearings. The survey will open by 9 a.m. on Saturday, October 6, 2018 and will close on Monday, October 29, 2018 at 9 a.m. The survey will also provide the opportunity to submit freeform comments. This is in addition to your ability to speak at a public hearing. For those without access to computers or internet, testimony may also be mailed to the Office of the Board Secretary, Washington Metropolitan Area Transit Authority, 600 Fifth Street, NW, Washington, DC 20001. All comments must be received by the Office of the Secretary by 9 a.m. on Monday, October 29, 2018 to be included in the public record.

The comments received by the Office of the Board Secretary, along with the survey results and public hearing comments, will be presented to the Board and will be part of the official public hearing record. Please note all statements are releasable to the public upon request, and may be posted on WMATA's website, without change, including any personal information provided.

For those who do not have access to computers or internet, note that copies of the docket in its entirety can be requested from Metro's Office of the Board Secretary by calling 202-962-2511, and are available for inspection during normal business hours at Metro's Headquarters at 600 Fifth Street, NW, Washington, DC 20001. Please call 202-962-2511 in advance to schedule an appointment.

BACKGROUND – Metro owns and operates approximately 62,000 parking spaces at 44 Metrorail stations throughout the Washington region. Metro parking is managed and priced primarily to provide access to automobile drivers and to encourage them to use the Metrorail system. Parking is also a source of revenue for Metro and is used to support transit system operations. Metro staff is proposing several new parking programs, and is seeking public input on the impact of these proposals.

Current Parking Pilots

Some of the proposals in this package are already being tested through a pilot program that was authorized by the Metro Board of Directors in July 2017. These proposals were initiated on

February 5, 2018 and have been approved to extend through December 2018. The three pilot programs that are currently implemented are:

- (i) weekday revenue collection hours begin at 7:30 a.m. instead of at 9:30 a.m. and weekday revenue collection hours end at 2 a.m.;
- (ii) Saturday revenue collection hours from 10am to 2am; and,
- (iii) Reduced parking fees at underutilized Metro parking facilities (pilot at Landover and West Falls Church Metrorail stations).

After reviewing the results of the pilot to date, Metro staff has decided not to pursue reduced parking fees at underutilized stations as part of the parking programs proposal package, because this pilot did not increase ridership or revenues for Metro. However, extending weekday revenue collection hours and introducing weekend revenue collection hours are being considered for permanent adoption and therefore require public input.

This docket also seeks comment regarding three programs that have not been piloted, but that are anticipated to enhance revenues and improve customer experience:

- (i) Expand Special Event non-rider rate program to include all parking facilities;
- (ii) Authorize the use of innovative technologies for parking fee collection; and
- (iii) Revise and expand the multi-day parking program and fees associated therewith.

PARKING PROGRAMS PROPOSALS FOR PUBLIC INPUT AND CONSIDERATION

(1) Extending weekday revenue collection hours

Historically, Metro closed its Park & Ride gates at 9:30 a.m., after the morning rush hour, after which point parking customers would be required to pay to leave the Park & Ride facility. Over time, WMATA has observed people parking in Metro's Park & Ride facilities overnight who are not riding the Metrorail or Metrobus system; these people park overnight and leave before 9:30 a.m., thereby parking for free. Between the implementation of the parking pilot on February 5, 2018, and May 31, 2018, Metro recorded 38,312 transactions between 7:30 a.m. and 9:30 a.m. The majority of these early morning transactions are non-transit riders. Closing the exit gates before 9:30 a.m. is primarily capturing revenue from non-transit users and therefore generating new revenue for the Metrorail system without impacting transit riders.

Metro's proposal for public feedback is the permanent adoption of weekday revenue collection hours that begin as early as when the Metrorail stations open and that end one hour after the Metrorail station closes.

(2) Revenue collection on weekends and on Federal holidays

Metro has not historically charged for parking on Federal holidays or weekends. However, most other public (including public street parking) and private parking operators charge parking fees at least on Saturdays, if not also on Sundays and Federal holidays. Metro's proposal for public feedback is to charge up to weekday daily parking rates on Saturday, Sunday and Federal holidays during revenue collection hours. Weekend and Federal holiday revenue collection hours of operation are proposed to match weekday hours of operation, which is to begin as early as when the Metrorail station open and to end one hour after the Metrorail station closes.

(3) Regional Event parking rate

Should the Board of Directors determine that Metro will not permanently implement a parking fee on all weekends and on federal holidays, Metro staff proposes to charge a “Regional Event” parking rate on weekends and on federal holidays during regional events, defined as follows: “events, festivals, marches, and other activities that draw large crowds to use Metro parking facilities and ride the Metrorail system.” Examples of such Regional Events include: the Fourth of July fireworks on the National Mall, Presidential inaugurations, visits by national or global dignitaries, festivals held on the National Mall (such as the Cherry Blossom Festival), and the 2018 Women’s March. The reason for implementing a Regional Event parking rate on weekends and on federal holidays, if weekend and federal holiday parking rates are not authorized year-round, is because these events could be an important source of new revenue to Metro that supports the ultimate mission of providing transit services to the region. For example, on the Saturday of the Women’s March in January 2017, Metro estimated it would have earned \$296,000 in parking revenue if it had been permitted to charge the daily rider parking rate that Saturday.

The proposal to implement a Regional Event parking rate on weekends or federal holidays is distinct from Metro’s proposal (in Docket B18-06) to charge peak rail fares during certain Regional Events when providing peak levels of rail service. Metro is proposing to implement a Regional Event parking rate on weekends and federal holidays whether or not additional Metrorail service is provided. Determinations of whether an event is a Regional Event triggering this parking rate would be made by the General Manager and Chief Executive Officer.

(4) Special Event fee for non-riders system-wide

Metro has long had a “Special Event” non-rider rate at Park & Ride facilities for events that take place near or around the Largo Town Center, Morgan Blvd, and College Park Metrorail stations. These three stations are permitted to charge a Special Event fee because FedEx Field (in Landover, Maryland) and the University of Maryland (in College Park) each host major sporting events and concerts that draw large crowds, and many attendees park at Metro’s parking facilities without riding the Metrorail station and walk to the nearby event. The current parking fee for Special Events is up to \$25 per day for non-riders and is a source of revenue that does not impact Metro’s transit riders, while at the same time makes full use of Metro’s parking facilities.

Metro seeks public feedback on its proposal to apply the Special Event non-rider fee at any Metrorail station, not limited to the three stations listed above. For example, if a circus or festival or other local event took place near a Metrorail station, Metro could apply a Special Event fee of up to \$25 per day for non-riders and provide parking for people going to that event. This Special Event fee would not apply to people who have ridden Metrorail or Metrobus within two hours of exiting the parking facility fare gate and would be applied only at the impacted parking facility.

(5) Parking fee collection using new technologies

Metro is proposing new payment technologies to allow parking customers to pay with phone-based and/or computer-based parking applications. Examples of these technologies include: ParkMobile, MobileNOW!, SpotHero, license plate recognition software, and pay stations. The purpose of offering new payment methods and technologies is to provide more convenient access to Metro’s parking customers. This proposal would add a convenience fee to Metro’s regular parking fee for those customers who choose to pay using these methods, because the software application companies will require Metro to pay a fee for offering this service. Metro’s parking customers will still have the option of other forms of payment (that is, with coins/cash, credit card or SmarTrip®).

card). Metro seeks public feedback on the use of new payment technologies for the payment of parking rates.

(6) Multi-day parking

Multi-day parking can be a benefit to Metro, particularly along Metrorail lines that easily access other transportation hubs, such as airports, train stations, or national bus stations. Currently, Metro has three multi-day parking lots at Franconia Springfield, Greenbelt, and Huntington Metrorail stations. Parking customers are currently allowed to park up to 10 consecutive days, but only pay a fee that equals one day of parking. In the future, Metro is proposing to expand multi-day parking to multiple Metrorail stations, as well as to charge for each day of parking. The proposed multi-day parking fee is:

- First Day: Highest applicable parking fee (e.g., Non-Rider Parking Fee if present) for that Metrorail station
- For each subsequent day: Daily Rider Parking Fee for that Metrorail station

The above fee structure is needed to prevent non-riders from avoiding the non-rider fee by parking in the multi-day lot. Metro seeks public input on both its proposal to expand where multi-day parking is offered as well as the proposed multi-day parking fee structure.



Notice of Public Hearing

Washington Metropolitan Area Transit Authority

Docket B18-06: Peak Rail Fares for Peak Service During Regional Events

Purpose

Notice is hereby given that a public hearing will be held by the Washington Metropolitan Area Transit Authority on the docket mentioned above as follows:

**Hearing No. 621
Tuesday, October 23, 2018
Metro Headquarters Building
600 5th Street, NW
Washington, DC 20001**

Open House at 5:30 pm – Public Hearing at 6:00 pm

**Please note that this date is subject to the facility's cancellation policy.
In the event of a cancellation, Metro will post information about the new hearing on
wmata.com**

The locations for all Metro public hearings are wheelchair accessible. Any individual who requires special assistance such as a sign language interpreter or additional accommodation to participate in the public hearing, or who requires these materials in an alternate format, should contact Danise Peña at (202) 962-2511 or TTY: 202-962-2033 as soon as possible in order for Metro to make necessary arrangements. For language assistance, such as an interpreter or information in another language, please call (202) 962-2582 as soon as possible prior to the public hearing date.

For more information please visit wmata.com/hearings

In accordance with Section 62 of the WMATA Compact, Metro will conduct a public hearing at the location listed in this notice. Information on the hearing will be provided in Metrorail stations, at area libraries, and online at wmata.com/hearings.

HOW TO REGISTER TO SPEAK – All organizations or individuals desiring to be heard with respect to this docket will be afforded the opportunity to present their views, make supporting statements and to offer alternative proposals. Public officials will be allowed five minutes each to make their presentations. All others will be allowed three minutes each. Relinquishing of time by one speaker to another will not be permitted.

There will be no advance registration to speak. Those wishing to provide oral testimony will sign up to speak at the hearing, will be called to testify in the order they sign up, and can sign up to speak at any time prior to the close of the hearing. Elected public officials will be allowed to provide their testimony as soon as feasible after their registration. If you will not be able to stay to provide your testimony orally when your name is called, staff will help you to submit your comments into the public record including the use of a digital recorder to record your oral comments.

Please note that all comments received are releasable to the public upon request, and may be posted on WMATA's website, without change, including any personal information provided.

HOW TO SUBMIT TESTIMONY NOT AT THE PUBLIC HEARING – Testimony about this proposal may be submitted online via a survey at wmata.com/hearings. The survey will open by 9 a.m. on Saturday, October 6, 2018 and will close on Monday, October 29, 2018 at 9 a.m. The survey will also provide the opportunity to submit freeform comments. This is in addition to your ability to speak at a public hearing. For those without access to computers or internet, testimony may also be mailed to the Office of the Board Secretary, Washington Metropolitan Area Transit Authority, 600 Fifth Street, NW, Washington, DC 20001. All comments must be received by the Office of the Secretary by 9 a.m. on Monday, October 29, 2018 to be included in the public record.

The comments received by the Office of the Board Secretary, along with the survey results and public hearing comments, will be presented to the Board and will be part of the official public hearing record. Please note all statements are releasable to the public upon request, and may be posted on WMATA's website, without change, including any personal information provided.

For those who do not have access to computers or internet, note that copies of the docket in its entirety can be requested from Metro's Office of the Board Secretary by calling 202-962-2511, and are available for inspection during normal business hours at Metro's Headquarters at 600 Fifth Street, NW, Washington, DC 20001. Please call 202-962-2511 in advance to schedule an appointment.

BACKGROUND & PROPOSAL – Metro plays a vital role in transporting riders during regional events. There are additional costs associated with supporting these events that must be recovered to Keep Metro Safe, Reliable, and Affordable (KMSRA). The use of peak-period fares would enable Metro to recover a portion of the extraordinary costs associated with providing staff and support services for these regional events.

Metrorail ridership demand during regional events is strong, requiring peak service levels. To accommodate the need, Metro provides rush-hour service levels on Metrorail throughout the day for these events. Additional support is also required for operations, customer service and Transit Police.

Metro needs to recover service delivery costs for regional events to stay within the KMSRA budget. Metro is proposing the use of the peak-period fare structure during regional events when it provides peak levels of rail service. Peak fares are currently in effect weekdays (except holidays) from opening to 9:30 am and 3-7 pm. During periods of peak fares, the cost of a rail trip is \$2.25 rather than \$2.00 for short trips, while the maximum fare is \$6.00 rather than \$3.85.

Recent examples of regional events that required peak service levels include:

- Independence Day
- Presidential Inauguration
- Papal Visit – September 2015
- Women’s March – January 2017
- March for Our Lives – March 2018

Service

Peak service would be provided at peak headways, which currently contemplates trains leaving terminals every 8 minutes and more frequent service on interlined segments in the region’s core. Service would scale up and scale down around the expected timing of the event, e.g. for 4th of July it would be timed around the fireworks displays.

Metro seeks public input on its proposal to implement peak fares during peak service hours on regional event days (or portions of those days, as appropriate), whether the day occurs on a weekday, weekend or holiday, when it is required to provide additional service in support of these regional events.

Cost

The average fare increase would be less than \$1 each way. The cost of additional services is greater than the additional fare revenues collected, and charging higher fares will reduce jurisdictional subsidies required to cover the provision of these services. Commenters are invited to propose criteria, beyond the provision of peak-service that would trigger the imposition of this regional event peak fare.

Benefits

By providing additional service during regional events, system crowding levels decrease thereby reducing safety concerns. Both visitors and everyday riders benefit from reduced crowding and improved reliability provided by additional service during these events.

Determination of Regional Events

The determination of whether an event is a Regional Event triggering the Regional Event Fare, and whether the event requires all day or less-than-all day support, is proposed to be delegated to the General Manager and Chief Executive Officer such that WMATA may respond timely to requests made by event sponsors and jurisdictional partners to support events that occur without time to seek express approval from our Board of Directors.



Chairman
Hon. Paul C. Smedberg

October XX, 2018

Vice Chairman
Hon. Matthew F. Letourneau

Secretary/Treasurer
Hon. Katie Cristol

City of Alexandria
Hon. Timothy B. Lovain
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Virginia General Assembly

Senate
Sen. Adam Ebbin
Sen. Jennifer Wexton

House of Delegates
Del. David LaRock
Hon. James M. LeMunyon
Mr. M. David Skiles
Mr. Raul "Danny" Vargas

Executive Director
Katherine A. Mattice

Mr. Paul Wiedefeld
General Manager and Chief Executive Officer
Washington Metropolitan Area Transit Authority (WMATA)
600 Fifth Street, NW
Washington, D.C. 20001

Re: Comments on Parking Programs

Dear Mr. Wiedefeld:

I submit this letter to you as part of WMATA's public comment period on parking programs. The Northern Virginia Transportation Commission appreciates WMATA's efforts to optimize revenue sources in order to keep operating subsidy increases within the 3 percent cap as required by recently-passed transit funding legislation. At meetings of our newly created Interim WMATA Committee and our Commission, we have reviewed publicly available material provided by WMATA on the Parking Programs and wish to convey our comments.

NVTC supports WMATA's general efforts to generate revenue through paid parking, including additional weekday hours of revenue collection. While the Commission has concerns about charging for weekend parking, we support the application of weekend parking fees for special events.

NVTC also supports the concept of lowering weekday parking fees at stations with low ridership and parking utilization. However, the Commission recognizes that this may draw away existing transit riders rather than attract new riders and we acknowledge the need for additional analysis to illustrate the potential revenue and ridership tradeoffs.

NVTC recognizes that there are ongoing revenue and budgetary implications related to WMATA's parking programs. We question whether charging fees for parking on weekends, in light of existing weekend rail service and parking fees, would negatively impact fare and parking-fee revenues due to a potential loss in ridership. We support additional research and analysis before any policy decisions are made.

Through additional consultation with our jurisdictions, NVTC has identified the potential for disparate parking policies along existing and planned Silver Line Metrorail stations with parking facilities. At the Wiehle-Reston East Station, the Fairfax County Board of Supervisors has the authority to set parking policies. For planned stations to the west, the Loudoun County and Fairfax County Boards of Supervisors will have the authority to set parking policies at stations in their jurisdictions. To avoid any unintended consequences, NVTC encourages WMATA to coordinate parking policy decisions with Loudoun and Fairfax counties.

Non-Rider Fee

While not part of the compact public hearing docket, NVTC has additional comments regarding the non-rider fee that were generated while discussing the parking programs. The Commission recognizes the non-rider fee is a tool to generate additional parking revenue while prioritizing transit riders as users of the facilities. At present, Metrorail riders pay the regular parking fee, while other transit riders, with the exception of recently exempted VRE and MARC riders, pay the higher non-rider fee.

It is our understanding that WMATA has agreed to exempt Metrobus riders from the non-rider fee so that those riders would pay the regular fee should they park at a WMATA parking facility and ride Metrobus. Given the diversity of transit service providers in Northern Virginia, NVTC supports this direction and asks WMATA to extend this exemption to relevant local transit providers that utilize SmarTrip. NVTC is willing to engage with WMATA and local transit providers to further explore this concept.

NVTC would like to express its gratitude for finding a solution where VRE riders can pay the regular parking fee and park at the Franconia-Springfield station. Over the last 30 years, transit options in Northern Virginia have grown in diversity and complexity, and the Commission appreciates the resolution of the unintended consequences borne by VRE riders that resulted from the extension of the non-rider fee at this station.

Lastly, noting our concerns with implementation of the non-rider fee and in accordance with NVTC's regional goal of improving access and mobility throughout Northern Virginia by connecting the regional and local transit systems, we ask that you coordinate with us before considering extending the non-rider fee to additional stations in Northern Virginia to avoid any additional unintended consequences.

Thank you for the opportunity to comment. We look forward to a WMATA Board decision on parking programs in the fall so that WMATA can provide riders and funding partners with stability and certainty regarding parking policies and their relevant impacts.

Best regards,

Paul C. Smedberg
Chairman



**NVTC INTERIM WMATA COMMITTEE MEETING
WEDNESDAY, NOVEMBER 8, 2018
NVTC Conference Room – Suite #620
2300 Wilson Blvd. – Arlington, VA 22201**

8:30 A.M.

PRELIMINARY AGENDA – SUBJECT TO CHANGE

1. Approval of the October 17, 2018 Interim WMATA Committee Meeting Summary
2. Upcoming WMATA Committee and Board of Directors Items
 - a. November 2018 WMATA Board and Committee Agenda Items
 - i. Cash Free Bus Pilot
 - ii. GM Proposed WMATA FY2020 Budget
 - b. WMATA Parking Pilots and Additional Parking Revenue
 - c. Rainy Day Fund
 - d. Other Anticipated Items
3. Fare Collection Update
4. Other Items of Jurisdictional Importance
 - a. Other items

Interim WMATA Committee Members:

Paul Smedberg, Chairman
Christian Dorsey
Cathy Hudgins
Matt Letourneau
Dave Snyder