

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
DC SPORTS AND ENTERTAINMENT COMMISSION
AND THE
DC DEPARTMENT OF TRANSPORTATION**

I. Introduction

This Memorandum of Understanding (MOU) is entered into by and between the District of Columbia, Sports and Entertainment Commission (DCSEC) and the District of Columbia, Department of Transportation (DDOT), collectively known as the Parties; individually as Party.

WHEREAS, the DCSEC has been authorized under the Ballpark Omnibus Financing and Revenue Act of 2004, D.C. Law 15-320 to serve as the agent for the design and construction of a new baseball stadium (Stadium) in southeast Washington, DC (District or DC), for the Washington Nationals Baseball Team (Team);

WHEREAS, the DCSEC has prepared a proposed zoning application that has been submitted for review and approval by the DC Zoning Commission that describes Stadium development plans and plans for surrounding development related to baseball operations, including parking facilities;

WHEREAS, the DCSEC has prepared a preliminary Transportation Management Plan and Transportation Operations plan that provides a general outline of proposed transportation capital and operating projects and policies designed to promote safe and efficient mobility to and from the Stadium;

WHEREAS, DDOT is the District government agency with the authority to plan and coordinate the District transportation system, with responsibility for the management of public space within District right-of-way and responsibility for the design, construction, operation and maintenance of transportation improvements within the public rights-of-way;

WHEREAS, both Parties recognize the importance of having a detailed transportation capital improvements plan and operating plan for access to the Stadium and Stadium parking facilities;

WHEREAS, both Parties recognize the need to establish a task force to represent the various interests to address access and parking needs to the Stadium; and

WHEREAS, it is critical to engage the Parties as soon as possible in making decisions regarding access to the Stadium and parking access to parking facilities related to Stadium development.

NOW, THEREFORE, the Parties in consideration of the mutual promises herein expressed, do hereby agree as follows:

II. Overview of Goals and Objectives

- A.** The purpose of the MOU is to delineate the responsibilities of the DCSEC and DDOT regarding the development of transportation infrastructure, traffic operations, transit, bicycle and pedestrian transportation services, and streetscape amenities to be provided by the DCSEC and DDOT. This MOU also describes in details the schedule by which all transportation improvements and services are to be provided by the Parties.
- B.** Section III of this MOU describes those Traffic Management, Parking Management, and Pedestrian/Bicycle and Transit Services that shall be included in a Transportation Operations and Parking Plan, to be prepared by the DCSEC by April 30, 2007.
- C.** Streetscape and Public Realm features adjacent to the Stadium and Stadium parking lots as described in Section IV-B of this MOU, as well as Street Tree and Environmental Protection requirements adjacent to the Stadium and Stadium parking lots as described in Section IV-C of this MOU, shall be resolved prior to DDOT's consent to the issuance of any Building Permit (as defined below). Section IV also describes those Traffic Management, Parking Management, and Pedestrian/Bicycle and Transit Services improvements and services to be provided before DDOT's consent to the issuance of any Building Permit (as defined below).
- D.** For purposes of this MOU, the term Building Permit shall mean any construction permit issued by the DC Department of Consumer and Regulatory Affairs for which DDOT has review authority, related to the construction of the Stadium or parking facilities associated with the Stadium. DDOT shall not consent to the issuance of any Building Permit until all issues listed in Section IV of this MOU have been resolved to the mutual agreement of the Parties.
- E.** The DCSEC agrees that it shall use its best efforts, in conjunction with the task force, to work with DDOT to obtain funding for all transportation improvements identified under Sections III-E and IV-G of this MOU.

III. Traffic Operations and Parking Plan (TOPP)

- A. A Traffic Operations and Parking Plan (TOPP) shall be prepared by the DCSEC, which shall address the issues listed in Section III of this MOU. The TOPP shall be provided to DDOT as a final draft no later than April 30, 2007.

B. Traffic Management

1. The TOPP shall provide a detailed signage / wayfinding plan that directs both vehicular and pedestrian traffic to the Stadium and to Stadium parking facilities, including variable message boards and permanent signage, with a detailed schedule for signage fabrication and installation.
2. The TOPP shall include a detailed schedule for the development of transportation facility design plans and specifications related to Stadium access and egress and Stadium parking access and egress.
3. The TOPP shall describe all additional traffic management improvements directly related to operation of the Stadium, including, but not limited to, signage and traffic controls for vehicles, shuttle buses, group buses, television or radio transmission vehicles, and public safety vehicles. The TOPP shall also describe in detail all personnel that will be responsible for implementing traffic control policies within the approaches to the Stadium area, including District government employees or private employees or contractors related to traffic management and parking management.
4. The TOPP shall provide specific capital and operating recommendations to minimize and mitigate traffic and parking impacts to the adjacent neighborhood streets.
5. The TOPP shall include an Emergency Response Plan in conjunction with DDOT, the DC Fire Department (DCFD), Emergency Management Services (EMS), and the Metropolitan Police Department (MPD). This Emergency Response Plan shall be included in the TOPP.
6. The TOPP shall include an evacuation plan for the Stadium and related parking facilities.

C. Parking Management

1. The TOPP shall provide a description of other privately owned parking facilities that will be available for Baseball patron use, including access and egress points, anticipated travel patterns to and from the parking facilities, and pedestrian routes that minimize pedestrian/vehicular conflicts.

D. Pedestrian/Bicycle and Transit Services

1. The TOPP shall evaluate the impact of travel demand on District streets and shall recommend the development and implementation of programs and policies to reduce travel demand by automobile as described below.
 2. The TOPP shall provide a detailed strategy that describes capital improvements, policies and plans designed to achieve a goal of more than fifty percent (50%) of Stadium patrons arriving at the Stadium by transit, bicycle, shuttle bus, group bus, or other non-automobile methods.
 3. The TOPP shall provide a detailed description of promotions that encourage public transit use and other alternative forms of transportation. Season ticket packages, for example, should include the option to purchase Metrorail transit passes, in addition to or in lieu of parking spaces.
 4. The TOPP shall provide specific recommendations for shuttle bus service from major transit hubs, such as L'Enfant Plaza Metrorail station, as well as the Anacostia Metrorail Station to relieve some of the transit demand from the Navy Yard Station.
 5. The TOPP shall provide a detailed pedestrian access plan describing sidewalk dimensions from major transit and parking facilities to Stadium entrances, wayfinding signage, crosswalks and other capital projects and policies to ensure a safe pedestrian environment.
- E.** The DCSEC, working with the task force, shall provide a budget and proposed funding mechanism for all proposed capital and traffic operation improvements, parking improvements and pedestrian, bicycle and transit improvements described in Section III of this MOU.
- F.** DDOT shall review, modify, and approve the TOPP within thirty (30) days of receipt of the draft TOPP from DCSEC.

IV. Building Permit Related Issues

A. General Requirements

1. Prior to DDOT providing its consent to the issuance of any Building Permit, DCSEC shall provide DDOT with information that addresses the issues listed in Section IV of this MOU.
2. The DCSEC shall be responsible for the design of all required transportation improvements, including sidewalks, curbs, gutters, travel lanes, crosswalks, handicapped ramps, tree boxes, street trees, and other streetscape improvements within the Stadium site, defined as the area bounded by Potomac Avenue, SE, First Street, SE, N Street, SE and South Capitol Street, SE, except that DDOT shall be responsible for the design of public right-of-way for Potomac Avenue, SE, N Street, SE, First Street, SE and South Capitol Street, SE, up to an including the curb line adjacent to the Stadium.
3. The DCSEC shall be responsible for the construction of any required transportation improvements within the Stadium site.

B. Streetscape and Public Realm Design

- 1 The Stadium design and surrounding streetscape must be consistent with the Anacostia Waterfront Initiative (AWI) Architecture Design Standards.
2. All curb lines shall provide 8-inch granite curb.
- 3 Security bollards shall not be placed in the public space, and all security measures shall be provided on the Stadium site using hardened street furniture, planters and other methods.
4. Consistent with AWI Architecture Design Standards, South Capitol Street must feature a double row of trees, as opposed to the single row as currently proposed.
5. As advised in the AWI Standards, the Stadium must institute a 2-foot walkway on South Capitol Street between the curb and the exterior row of trees to prevent the trampling of tree pits and to improve pedestrian access from the curb to the sidewalk.
6. Streetlight selection and installation must follow the DDOT "Streetlight Policy and Design Guidelines," dated March 2005, and be coordinated with AWI standards.

C. Street Tree and Storm Water Management

1. All storm water management improvements must be provided on the Stadium site and not in public space, and should include Low Impact Design storm water control measures, where possible.
2. Per the AWI Architectural Design Standards, tree boxes on all streets adjacent to the Stadium must adhere to 6' width by 12' length dimensions.
3. As advised in the AWI Architectural Design Standards, "permeable pavers" must be used in the area between tree boxes known as the furnishing zone. DDOT has determined that rough-cut granite cobblestones are best for permitting water filtration and therefore shall serve as the paver choice along all furnishing zones between tree boxes. The cobblestones must also be used inside tree boxes situated on streets that have especially high pedestrian traffic (such as First Street, SE).
4. In the zone between tree boxes, a continuous root trench must also be constructed. These root trenches run beneath the granite cobblestones for the length of the street, breaking only for driveways and other similar infrastructure needs. The root trenches are very important to the survival of street trees and absorption of storm water.
5. Tree pits in exterior tree rows (along the curb line) must feature ornamental fences to dissuade people from walking in tree boxes and compacting the soil. These tree pits must also be recessed 3" to capture storm water and prevent runoff. For those exceptional tree boxes that require cobblestones due to location and/or pedestrian conditions, the recess is not necessary. Final design plans for tree boxes shall be reviewed and approved by DDOT's Urban Forestry Administration prior to construction.
6. DDOT has recently devised new "Great Streets" tree box standards, which support better tree health and reduce storm water runoff. The DCSEC must integrate these standards into its streetscape plans.
7. The DCSEC must continue to work with DDOT's Urban Forestry Administration to choose the appropriate species and spacing of street trees. Although species selection and spacing will depend on placement of such infrastructure as streetlights, wheelchair ramps, and traffic control devices, generally DDOT will aim to plant mid to large canopy trees with 30-40 ft. spacing.

D. Traffic Management

1. DCSEC shall conduct an analysis of travel demand to Stadium events, describing transit, bicycle, pedestrian, and vehicular estimates, including taxis, shuttle bus, group bus, and any other transit systems. The travel demand analysis shall estimate travel requirements for various types of

Stadium events, including week nights, week days, weekend day-time and weekend evening events.

2. DCSEC shall prepare a detailed description of circulation and drop-off sites for group buses, taxis, city buses, shuttle buses, and other modes of transportation. DCSEC shall also provide a detailed schedule for the development of preliminary transportation facility design plans and specifications required to accommodate group buses, taxis, city buses, shuttle buses, and other modes of transportation.
3. DCSEC shall specify any roadway, operational control, intelligent transportation system (ITS) and any pedestrian/sidewalk improvements necessary to accommodate access to the Stadium for alternative baseball game starting times, including:
 - a. Providing specific design plans and operating procedures to accommodate traffic arriving from eastbound and westbound I-395, including any need to revise signal timings, provide for turning movements north of M Street, and/or other proposed traffic control measures;
 - b. Providing specific design plans and operating procedures to accommodate traffic arriving from northbound South Capitol Street, including proposed traffic control measures; and
 - c. Providing specific design plans and operating procedures to accommodate traffic arriving from eastbound and westbound M Street, including any proposed traffic control measures.
4. DCSEC shall provide a detailed plan for the location and operation of loading docks to service the Stadium, as well as a detailed description of proposed access to any retail operations associated with the Stadium, including ticket sales.
5. DCSEC shall provide a detailed description of the size and use of sidewalks surrounding the Stadium, as well as proposed pedestrian paths from major transit generators, including, but not limited to, Metrorail, Metrobus, shuttle buses, and group buses.

E. Parking Management

1. DCSEC shall provide detailed plans for the location of parking facilities, including access and egress points, anticipated travel patterns to and from the parking facilities, and pedestrian routes that minimize pedestrian/vehicular conflicts, including:

- a. Specifying underground parking facility entrances and exits, so as to minimize vehicular/pedestrian conflicts; and
 - b. Specifying surface parking facility entrances and exits, so as to minimize vehicular/pedestrian conflicts.
2. DCSEC shall prepare a plan to park satellite broadcast vans on private space adjacent to the Stadium.
 3. DCSEC shall identify sites for staging emergency vehicles, such as ambulances and police cruisers.
 4. DCSEC shall provide a detailed description of proposed loading and unloading locations for group buses and shuttle buses, as well as proposed parking locations for group buses and shuttle buses, including access and egress points, anticipated travel patterns to and from the parking facilities, and pedestrian routes that minimize pedestrian/vehicular conflicts.

F. Pedestrian/Bicycle and Transit Services

1. DCSEC shall identify locations for bicycle parking. Specific site plans showing facilities, including protected bicycle racks at each entrance, bicycle lockers, and/or a central bicycle storage lot are required. Bicycle storage facilities must serve approximately two hundred (200) bicycles at a combination of the Stadium and Stadium parking facilities. Bicycle valet services are also strongly recommended, as used in other high caliber stadiums around the country.
- G.** The DCSEC, working with the task force shall provide a budget and proposed funding mechanism for all proposed improvements described in Section IV of the MOU.

V. Quarterly Reporting

- A.** DCSEC shall provide written quarterly status reports, or more often as needed, to DDOT's Key Official and to the Washington Nationals, describing those elements of Section III and Section IV of this MOU that have been completed, those elements of Section III and Section IV of this MOU that have not been completed, and those actions that have been taken during the preceding quarter to complete these actions. The quarterly status reports shall be provided to DDOT's Key Official within thirty (30) days of the end of each quarter as described below:
1. July 1 – September 30
 2. October 1 – December 31
 3. January 1 – March 31
 4. April 1 – June 30

VI. Term

This MOU shall be effective upon the date the last signature is affixed hereto, and shall remain in effect through December 31, 2008.

VII. Modification

Any modification of this MOU shall be valid only when reduced to writing, duly signed by the Parties, and attached to the original of this MOU.

VIII. Termination

This MOU may be terminated in whole or in part upon the written agreement of the Parties.

IX. Resolution of Disputes

The Key Officials listed in Section X of this MOU or their authorized representatives shall resolve disputes between the Parties.

X. Key Officials

The following personnel represent the Parties in the completion of any activities related to the MOU. They may designate other officials to work on specific aspects of their respective responsibilities under this MOU. All notices, requests, modifications, and other communications that are required to be in writing shall be personally delivered or mailed to the addresses below:

DCSEC:

Allen Y. Lew
Chief Executive Officer
DC Sports and Entertainment Commission
2300 East Capitol Street
Washington, DC 20003
(202) 608-1130 (phone)

DDOT:

Michelle Pourciau
Acting Director
District Department of Transportation
2000 14th Street, NW – 6th Floor
Washington, DC 20020
(202) 673-6813 (phone)

XI. Anti-Deficiency Act

Pursuant to the Anti-Deficiency Act, 31 U.S.C. sec. 1341(a)(1), nothing in this MOU shall be construed as binding on the District of Columbia, including the DCSEC, to expend in any one fiscal year any sum in excess of the appropriations made by Congress for the purposes of this MOU for that fiscal year, or as involving the District of Columbia in any contract or other obligation for the further expenditure of money in excess of such appropriations.

XII. Compliance with Applicable Law

The Parties shall comply with all applicable District laws, regulations, and rules.

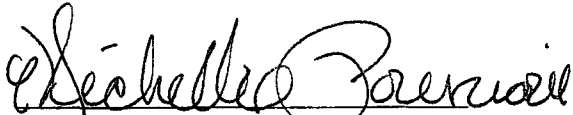
XIII. Liability

The Parties accept full responsibility for any property damage, injury, or death caused by the acts or omissions of their respective employees or agents, acting within the scope of their employment or scope of work, or their contractors' scope of work, to the fullest extent of the law. All claims shall be processed pursuant to applicable governing law.

XIV. Insurance

If any Party hires a contractor or consultant to provide any of the services specified in this MOU, then the contractor or consultant shall procure liability insurance in amounts set forth below and with a carrier licensed to do business in the District naming the District as an additional insured. The insurance shall provide coverage in the following minimum amounts per incident or occurrence: (1) public liability for bodily injury or death sustained by any one person, \$1,000,000, with a total limit of liability for bodily injury or death sustained by all persons in any one incident or occurrence, \$2,000,000, (2) property damage of \$500,000 per claim, with an aggregate of \$1,000,000 per incident or occurrence; and worker's compensation as required by statute. Prior to beginning the work authorized herein, the contractor shall provide the Parties with certificates of insurance confirming such insurance coverage, including any such coverage required by a third party, and when requested, a copy of any contractual provisions requiring the third party to maintain insurance.

IN WITNESS WHEREOF, the Parties hereto have caused this MOU to be executed as of the date herein written:


Michelle Pourciau, Acting Director
District Department of Transportation

Date: 6/30/06



Allen Y. Levy, Chief Executive Officer
DC Sports and Entertainment Commission

Date: 06-30-06

Signature required pursuant to D.C. Official Code § 1-301.01(k) (2006):



Herbert R. Tillery, Interim Chief Procurement Officer
Office of Contracting and Procurement

Date: 6/30/06

Suggestions NOT to be included in the MOU

Traffic Management Comments

The streets surrounding the ballpark (with the exception of N Street and Half Street, SE) must carry adequate traffic flow to circulate vehicles arriving at the stadium.

First and Potomac Streets SE, in particular, must be fully open to traffic during games.

Parking and Curbside Recommendations

DDOT has consistently stated that there be no curb cuts for entry/exit on South Capitol Street, except as may be negotiated for the development of a slip ramp from northbound South Capitol Street

N Street garage entry/exits on Parcel A are too close to South Capitol Street. Daily rush hour queuing is a concern to DDOT, especially on game days. Queues would be likely for the northbound South Capitol Street right turn and even more problematic southbound lefts to the garage on N Street. Special event traffic control would need to assume that N Street would be closed to the east side of the garage entry/exit to prohibit pedestrian conflicts. One thing that would help would be to move the N Street entry

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Traffic Management Comments

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First and Potomac Streets SE, in particular, must be fully open to traffic during games.

Parking and Curbside Recommendations

DDOT has consistently stated that there be no curb cuts for entry/exit on South Capitol Street, except as may be negotiated for the development of a slip ramp from northbound South Capitol Street

N Street garage entry/exits on Parcel A are too close to South Capitol Street. Daily rush hour queuing is a concern to DDOT, especially on game days. Queues would be likely for the northbound South Capitol Street right turn and even more problematic southbound lefts to the garage on N Street. Special event traffic control would need to assume that N Street would be closed to the east side of the garage entry/exit to prohibit pedestrian conflicts. One thing that would help would be to move the N Street entry/exit closer to the Half Street right-of-way to allow additional queuing on N Street.

Regarding the garage entry/exit on First Street, SE Option 1 has two driveways and loading dock; Option 2 has one driveway and a loading dock. These result in very wide driveway area that a high volume of pedestrians would need to cross to arrive at the stadium entrance further south. This results in the possibility of serious pedestrian conflicts and would necessitate this location being posted with an MPD or Traffic Control Officers during game days. Left turn entry/exit to this location would be problematic on First Street, SE only about 160 feet south of the N Street intersection.

No arrival/departure traffic volumes have been provided for rush hour or game time to gauge the amount of traffic enter/exiting each driveway. DDOT was only provided with the number of proposed parking spaces. Anticipated traffic volumes must be examined as a dynamic analysis

Finally DDOT is concern that even with recent conversation with DC Sports and Entertainment Commission representatives, different parties are not coordinating designs that have traffic/transportation impacts the appropriate agencies (DDOT) or for that matter transportation consultants hired to provide professional advice.

Section D.9 Site Design (Section numbers refer to the zoning application)

Discussions with the architects indicate the following AWI standards are not being followed: