



May 7, 2014

Delivery via Courier

Timothy L. Firestine
Chief Administrative Officer
Executive Office Building (EOB)
101 Monroe Street, 2ndFloor
Rockville, MD 20850

Re: Silver Spring Transit Center ("SSTC")

Dear Mr. Firestine:

Thank you for forwarding the Report of the Independent Advisory Committee Regarding the Status of the Silver Spring Transit Center dated April 21, 2014 (the "Report"). We have reviewed the Report and have serious concerns about the safety issues raised as well as the findings of significant technical deficiencies. Please be advised that the Washington Metropolitan Area Transit Authority ("WMATA") will be unable to accept the SSTC with conditions that threaten both the safety of the general public and the efficiency of WMATA's transit operations and expects Montgomery County (the "County") to take corrective action to remedy these hazardous conditions before presenting the SSTC to WMATA for acceptance.

The Independent Advisory Committee (the "Committee") forms an opinion that there are two principal issues which should be addressed prior to opening the SSTC. These are: 1) remediation of exposed post tensioning ducts and lack of concrete cover to reinforcement associated with the varying slab thickness; and 2) the stress levels produced by combined shear and torsion on interior beams and girders. The Committee concludes that the preferred solution to these deficiencies is to apply a two-inch, latex-modified concrete overlay on the two upper driving and parking lanes and install additional reinforcing and beams, respectively. This conclusion is consistent with the recommendations earlier proposed by the County consultants, Parsons Brinckerhoff ("PB") and KCE Structural Engineers, P.C. ("KCE").

The Committee further concludes there are several safety issues which may result from the identified deficiencies. The Report finds, for example, that there is a likelihood that repaired cracks will reopen and new cracks will appear over the lifetime of the facility; that the cracking could immediately reduce the structural

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load and interfere with the structural integrity of the SSTC; and that voids in concrete coupled with temperature cycling could result in spalling which could pose a local safety hazard for the general public using the SSTC. These conditions are unacceptable to WMATA as they pose unacceptable safety risks to our patrons.

In addition to the foregoing, the Report raises several additional technical shortcomings that require attention. The technical issues raised by the Report should be added to the list of deficiencies the parties, through the Cooperative Remediation Working Group, have been working to resolve. WMATA expects that the County will continue to provide WMATA with full disclosure of the findings and conclusions regarding the SSTC. WMATA will continue to review the County's remediation efforts with the goal that these issues are resolved prior to the time the facility is presented by the County to WMATA for acceptance, so that the SSTC ultimately will provide a safe and efficient multi-modal facility for the general public.

It is our understanding that KCE has designed an approach for shear and torsion design deficiencies. We also understand that PB has indicated that performing the shear and torsion remediation as designed by KCE would be detrimental to the structure. Whether the County chooses to move forward with the KCE design or reject the KCE design and have design work performed by another consulting firm, any proposed torsion solution will be a material deviation from the Contract Drawings and Specifications, as well as a change to the WMATA-approved Bid-Set Construction Documents. As such, WMATA requests that the County follow the process specified in the Memorandum of Understanding ("MOU") between the parties and formally submit the drawings and specifications for the shear and torsion repairs to WMATA for review and approval. Consistent with the MOU, WMATA expects the County to provide a specific and comprehensive corrective action plan to address all deficiencies of the SSTC which deviate from the construction documents.

WMATA expects the County to complete and present a MOU-compliant facility. If the County is unable to present a MOU-compliant facility, WMATA expects the County to clearly identify the requirements of the MOU that cannot be satisfied, *i.e.*, deviations from the Contract Drawings and Specifications and Bid-Set Construction Documents, and the rationale for such deviations. WMATA will review these deviations and determine to what extent the MOU must be amended and/or WMATA and the County must enter into a new agreement.

The Report also concludes that the identified deficiencies will require an active long-term maintenance program be put in place with regular biannual inspections

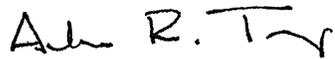
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by a specialty engineer. Inasmuch as the long term maintenance required by this situation was not contemplated by the parties' original agreement, WMATA will require that a new agreement between the County and WMATA be put in place to adequately protect WMATA from the liability and expense associated with these new conditions.

At a minimum, the County must agree to provide WMATA with an adequate fund to address the financial burden of substantial lifetime maintenance on a major transportation facility with the SSTC's history. Please be advised that WMATA will not accept any agreement that purports to place unreasonable or burdensome terms regarding WMATA access to or withdrawals from a long-term maintenance fund. Additionally, due to the long-term and unpredictable maintenance burdens that WMATA may face as a result of the significant design and construction deficiencies in the SSTC, WMATA will not agree to release any parties from the events leading to the conditions at the SSTC.

Please contact me should there be any questions regarding this letter.

Sincerely,



A. Robert Troup
Deputy General Manager, Operations

cc: Ernest Lunsford
Contract Administrator
Montgomery County
Division of Building Design and Construction
Executive Office Building (EOB)
101 Monroe Street, 11th Floor
Rockville, MD 20850

John Fisher
General Counsel
Montgomery County
Executive Office Building
101 Monroe Street, 11th Floor
Rockville, MD 20850