

Riders' Advisory Council
May 4, 2011

I. Call to Order:

Mr. DeBernardo called the May 2011 meeting of the Metro Riders' Advisory Council to order at 6:33 p.m.

The following members were present:

Frank DeBernardo, Chair, Prince George's County
David Alpert, District of Columbia Vice Chair
Penny Everline, Virginia Vice Chair, Arlington County
Christopher Farrell, Maryland Vice Chair, Montgomery County
Kelsi Bracmort, District of Columbia
Jamie Bresner, City of Alexandria
Stephen Clermont, Fairfax County
Sharon Conn, Prince George's County
Dharm Guruswamy, At-Large
Joseph Kitchen, Prince George's County
Christopher Schmitt, Fairfax County
Carl Seip, At-Large
Patrick Sheehan, At-Large/Accessibility Advisory Committee Chairman
Lorraine Silva, Arlington County
Deborah Titus, Fairfax County
Ron Whiting, Montgomery County
Victoria Wilder, Montgomery County

Arrival times of members who arrived after the beginning of the meeting are noted in the body of the minutes.

II. Public Comment Period:

Bill Orleans provided comments regarding federal appointments to the Metro Board and Riders' Advisory Council coordination with the Transportation Planning Board's Citizens' Advisory Committee. He suggested that the remaining federal appointment to the Metro Board should be a "regular person."

Approved June 1, 2011

Mr. Orleans also noted that he was not allowed to attend the most recent meeting of the Jurisdictional Coordinating Committee and said that he thought members of the public should be able to attend such meetings to listen to the proceedings.

III. Approval of Agenda:

Without objection, the agenda was approved as presented.

IV. Approval of April 6, 2011 Minutes:

Mr. Seip moved approval of the minutes as presented. This motion was seconded by Mr. Farrell. Mr. Alpert suggested a correction to the last page of the minutes presented.

Without objection, the minutes were approved as amended, Mr. Alpert and Ms. Silva abstaining.

V. FY2012 Budget Discussion – Proposed Rail Service Reductions:

Mr. DeBernardo introduced James Hughes, Metro's Director of Intermodal Strategic Planning, to talk about the proposed reductions in weekend rail service that will be discussed at upcoming hearings on Metro's FY2012 budget.

Mr. Hughes noted that there were no service reductions in the General Manager's Proposed FY2012 budget. He explained that staff was asked to develop some proposals to save money should the jurisdictions not be able to fully fund their proposed subsidy. Mr. Hughes outlined process by which Metro staff identified possible rail service reductions to help balance the FY2012 budget should that be the case. He said that staff focused on headway widening because it doesn't take away service from any riders as opposed to closing a station or reducing hours of service. He added that Metro looked specifically at weekend service because Metro carries less riders on the weekends. Mr. Hughes noted that the recent trackwork that Metro has been performing on weekends has had the practical effect of reducing headways similar to what is proposed for FY2012 and ridership hasn't been affected.

Mr. Hughes then reviewed the proposed changes to headways and explained that if Metro implemented all of these changes, it would realize a \$6 million annual net savings and could expect a 4-5% loss in ridership. He said that if the widened headways were implemented for FY2012, they wouldn't take effect until September because of scheduling considerations. Mr. DeBernardo then opened the floor for questions.

Ms. Titus suggested that Metro may want to look at closing some station entrances at stations with multiple mezzanines or reducing staffing to have one station manager cover both mezzanines. Mr. Hughes responded that Metro had looked at that, but having one station

manager trying to cover both entrances, thereby leaving one station entrance unstaffed, raised security and safety concerns.

Mr. Seip asked whether Metro looked at closing certain stations outright on the weekends. He noted that there are probably some stations that have very low ridership and are close to other Metro stations. Mr. Hughes replied that Metro had looked at this possibility as part of its hearings last year and it was very clear from the comments at those hearings that riders were strongly opposed to that option.

Mr. Clermont asked whether staff factored in special events into its planning for reduced headways. Mr. Hughes responded that headway reductions wouldn't be across-the-board and that Metro would continue to run extra trains for special events like it does currently.

Mr. Whiting noted that Saturday mornings aren't particularly crowded when he riders, but service during the late evenings (10 p.m. – midnight) can get extremely crowded. He asked whether Metro had a breakdown of ridership by hour. Mr. Hughes said that Metro has ridership data (entries and exits) broken down by 15-minute periods, but isn't able to calculate ridership by individual train. He added that Metro has measured the ridership on its late night trains (after midnight) and will be looking further at ridership levels prior to any changes in service.

Dr. Bracmort asked why there was no headway change proposed for Saturday and Sunday mornings on the Red line. Mr. Hughes responded that Metro only operates the Shady Grove – Glenmont trains during the early morning, and not the supplemental Silver Spring – Shady Grove trains, and when Metro looked at early morning ridership, it was heavier on the Red line than on other lines. Dr. Bracmort suggested increasing headways on the Red line during these periods to match the other lines. Mr. Hughes noted that it may not be possible at that point to revise the proposal being sent to public hearings.

Mr. Schmitt asked how the reductions in service proposed for FY2012 compare between bus and rail service. Mr. Hughes said that the estimated \$6 million in rail subsidy savings is somewhat more than the proposed savings for bus service. He noted that bus service has more proposed cuts, but also some reinvestment of money saved into other service. Mr. Hughes said that cuts to both bus and rail service are relatively minor.

Mr. Guruswamy said that he would have rather seen an option for fare increases to stave off service cuts. He added that he would also like to see Metro's service levels benchmarked against other similarly-sized transit agencies. Mr. Hughes said that Metro had done such a study and would provide it through the Council's staff coordinator.

Ms. Everline asked whether Metro had studies how many riders make transfers, either between rail lines or between rail and bus. She said that riders making transfers could have significant time added to their

trips if longer headways are implemented. Mr. Hughes responded that he didn't think these proposed reductions would have a large impact except during late night hours (after 9:30 p.m.) because most riders during these time periods are in the downtown area and served by multiple lines. He noted that people are already seeing increased headways on the Red line now due to ongoing trackwork.

Mr. Alpert noted that it might make sense to show the proposed headways for lines that run together through downtown (Orange/Blue and Green/Yellow) to help riders better understand the effect on these services if the proposed reductions are implemented. He also noted, in response to Dr. Bracmort's comment, that while the Red line would still have more frequent service at some times of the day than other lines, the reductions in service on the Red line would be proportionally larger than those on other lines if adopted as proposed.

Mr. DeBernardo thanked Mr. Hughes for coming to provide information and answering questions.

VI. Metro Board Governance/Bylaws:

Mr. DeBernardo introduced Metro Board members Mary Hynes and Kathy Porter to discuss Metro's governance and its proposed bylaws and procedures.

Mrs. Hynes provided an overview of the draft bylaws that the Board has put out for public comment. She noted that the Board is looking for the bylaws to become its governing document that isn't changed much from year to year, and that the Board is also working on developing revised Board Procedures, which could be changed more frequently to reflect changes in how the Board wants to operate. Mrs. Hynes also reviewed the Board Governance Committee's work plan with the Council and the status of proposed governance changes or recommendations.

Ms. Hynes thanked the Council for its report on Metro governance and said that the Board is discussing many of the issues that report raised. She noted that a number of items that were discussed as part of the Riders' Council's report on Metro governance are being discussed now as the Board reviews its procedures. She added that the Board hasn't adopted all of any one group's recommendations.

Mrs. Hynes explained that she and Ms. Porter were attending the Council's meeting to hear where the Board may need to make changes to the bylaws as proposed and why. She said that the bylaws would be available for comment until the June Board meeting, though the Board's Governance Committee will have its last discussion of the bylaws on June 9th. Mrs. Hynes encouraged the Council to think of tonight's discussion as a first conversation, with the opportunity for additional dialogue on the topic of governance.

Ms. Porter added that she thought the Council had clearly put a great deal of thought and effort into its earlier report on governance that was completed in late 2010.

Mrs. Hynes said that she didn't want to go through the bylaws line-by-line, but that she would rather focus on the three specific issues where her colleagues on the Board were looking for the Council's feedback.

Mrs. Hynes first asked whether the Council thought it would be useful for the Board to designate a member to serve as a liaison between the Board and the Council.

Mr. Seip said that he is concerned that a liaison might dilute the involvement of other Board members with the Council. He said that Board members should develop relationships with Council members from their respective jurisdictions and that the Council as a whole should have a relationship with the Board.

Ms. Everline said that she appreciated the spirit of the idea, and that if the Board chooses to have such a liaison, it will be important for that member to "self-select"- someone who was truly interested in working with the Board's advisory groups. She added that the Board would still want to ensure that the lines of communication between Council and Board members from each jurisdiction remained open.

Dr. Bracmort said that she agreed with previous concerns expressed about establishing a specific Board/Council liaison and said that such a role may not be necessary at this point.

Ms. Titus suggested that as part of the review, the Board compare its bylaws with that of its advisory groups, such as the Riders' Council.

Mr. Alpert said that he wanted to address one comment made at the previous week's Governance Committee meeting by Mr. McKay – whether or not Board members had a standing invitation to attend Council meetings. He said that Board members are always welcome, though if they wanted to be on the agenda for the meeting, the Council would appreciate some advance notice. Mr. Seip added that any Board member is always welcome to request a meeting with Riders' Council members from their respective jurisdictions. Mr. Sheehan added that since the Accessibility Advisory Committee now reports to the Board, Board members might get a better feel for the work that the AAC does by coming to one of its meetings rather than relying on more formal communications.

Mrs. Hynes suggested that the Council may want to develop language for the section of the bylaws pertaining to the RAC (Article XIV) to formalize its relationship with the Board.

Mrs. Hynes noted that the Council had a great deal to say in its governance report about public comment and asked members' thoughts on allowing public comment at Board Committee meetings. She said that there is an openness to having certain comments at its Committee meetings but that it is looking for ways to structure those comments so that they relate to items on its agenda. She also asked for suggestions on how the Board would let members of the public know that it is seeking comment on specific items being discussed at its meetings.

Ms. Porter noted that the Board is trying to somewhat reduce amount of time it spends in Committee.

Mr. Alpert said that he appreciated the comments at the previous week's Governance Committee meeting and Board members' openness to allowing greater input at Committee meetings. He noted that he understands that the Board would be looking for input on action items, but that in some instances, staff changes its proposals in response to comments on information items.

Mr. Alpert said that public input didn't need to be in person, and said that because of the schedule of committee meetings, it may be better to solicit comments through other means. He also noted that currently members of the public don't have a direct way to contact Board members and that there is not always sufficient information posted about agenda items to allow members of the public to provide comments. He also suggested that the Board look for a broad range of feedback on items, not just from its established advisory groups.

Mr. Kitchen said that opening up any meeting of the Board for comments from the public is a good thing, especially since many of the Board's decisions are made at the Committee level. He said that the Board needs to focus on the kind of input that it wants.

Mr. Seip said that the board runs a risk in opening up its meetings to in-person public comment, both in terms of extending its meetings and to hear comments on unrelated items. He said that members of the public have the opportunity to contact Board members prior to meetings and that allowing for public comment at committee meetings presupposes that Board members aren't available at times other than at meetings.

Dr. Bracmort said that the Board needs to be explicit with the public about the kinds of comments it's looking for and that she would like to see the Board accept comments in forms other than in person, such as via email, a telephone message line or other methods. She added that there are many ways to get information out to the public, such as community listservs, or put information on Metro buses and that the Board needs to figure out how to let the public know that it is soliciting their comments on a particular issue.

Mr. Schmitt said that Metro needs more openness and that the Board should take any opportunity to provide greater openness and transparency. He said that he would also urge the Board not to rule out allowing for comments from the public as part of its oversight duties in addition to its policy duties.

Ms. Everline suggested having a sign-up for people to comment on specific agenda items.

Mr. Alpert responded to Mr. Seip's comment about Board members being accessible outside of meetings; he said that isn't always the case, especially for appointees who are not public officials. He said that one way for having a level playing field to address all Board members is to allow for comments at the time and place where all of the Board members are. He added that another way is to require a certain amount of accessibility to the public of Metro Board members.

Dr. Conn said that the Board needs to ensure that members of the public understand the "ground rules" when they are providing their comments – whether they are just providing comments, whether questions

they raise will be answered, etc. She added that there also needs to be a way for comments to be followed up on.

Mr. DeBernardo said that he would encourage the Board to offer more opportunities for the public to give input. He noted that there are many ways for riders to give input to Metro but most riders aren't aware of those opportunities and these opportunities aren't well publicized.

Mrs. Hynes asked how the Board can let more people know that they have the opportunity to provide comments on specific agenda items. Dr. Conn suggested that there be information prominently displayed on the Metro website and that items for which the Board is seeking comment should be highlighted. Mr. Alpert suggested that Metro establish an email list to notify interested members of the public when agendas are posted, rather than requiring them to actively seek out materials when they are posted. He also suggested putting a link within the agenda page that would allow people to provide comments on individual items. He noted that some organizations display those comments so that members of the public can see them.

Mr. Sheehan noted that any type of web-based comment system would need to meet accessibility guidelines.

Dr. Bracmort suggested that each agenda item should note whether comments are welcome or not, and that members of the public should be able to view the comments provided to help better understand the issue being discussed.

Mr. Seip said that he agreed with Mr. Alpert's suggestion to have an email list so that interested members of the public can get this information.

Mr. Clermont said that the Metro Board should look at social media such as Facebook and Twitter to seek out input.

Mr. Guruswamy noted that Metro, as an organization, isn't open to public comment. He said that prior to an item coming to the Board, Metro management should already be working to incorporate feedback from the public. He said that public comments to the Board shouldn't be the only opportunity for the public to provide comment on items.

Ms. Titus said that Metro needs to ensure that any outreach it does through social media is accessible.

Mrs. Hynes noted that the Board made changes to the procedures for comment at Board meetings – it removed the restriction on comments from employees regarding non-personnel manners and the restriction that allowed individuals to comment only once every three months.

In response to a question from Ms. Everline, Mrs. Hynes explained that meetings of the Jurisdictional Coordinating Committee meetings are not open to the public. Mrs. Hynes said that the JCC was established in the 1980s to allow for jurisdictional and Metro staff to communicate and facilitate staff-to-staff communication. Carol O'Keeffe, Metro's General Counsel said that she researched the issue of

whether the JCC was open to the public when the issue came up a few years ago and concluded that the JCC was intended to be an extended staff meeting and therefore wasn't open to the public. Ms. Porter added that there is sometimes a misinterpretation of staff's role in the decision-making process and explained that decisions aren't made until the Board votes and decides.

Mr. Alpert said that he appreciated the opportunity to have such a detailed and thoughtful conversation with Board members on this issue. Ms. Porter said that the Council helped set the stage for this evening's conversation by providing thoughtful comments in its governance report.

Mrs. Hynes said that this conversation is just an opening discussion and the Board is welcome to additional comments.

VII. FY2012 Budget – Public Hearings:

Mr. DeBernardo encouraged Council members to attend the upcoming hearings on Metro's budget. He said that the hearings provide an opportunity to let members of the public know about the Council. There was discussion among Council members about the locations and notice for the hearings.

Mr. Pasek, the Council's staff coordinator, provided an overview of the upcoming hearings on Metro's FY2012 budget and associated changes or reductions to bus and rail service. He also provided information on the status of Metro's budget FY2012 budget development and other options available to close Metro's budget gap without reducing service.

VIII. Committee Meetings:

Mr. Alpert said that there will be a RAC Governance Committee meeting on June 11th to discuss how the Council requests information from Metro staff.

IX. Questions/Comments on RAC and AAC Chair Reports:

Mr. Sheehan noted that the AAC has established a process to track and respond to comments and concerns brought to it at its meetings. He added that Metro has exercised its two-year option with its contractor that provides MetroAccess service and the AAC will be working with Metro staff as they develop a new contract. Mr. Sheehan also announced that there would be a meeting the following afternoon with stakeholders concerning the MetroAccess eligibility process.

Ms. Everline noted that the Bus Committee would not be meeting in May to allow members to attend the upcoming public hearings and that the committee was working on a recap of the issues it had covered over the past few years to provide to Board members, especially new Board members.

X. Audio/Video Recording of Council Meetings:

Mr. DeBernardo then introduced discussion on whether or not the Council should allow its meetings to be recorded.

Mr. Sheehan said that if Metro will be recording its meetings, it will need to meet specific accessibility requirements, such as by providing captions for audio or video recordings.

Mr. DeBernardo clarified that this discussion was intended to more directly address recordings made of meetings by private citizens. He noted that Ms. Walker, a member of the Council who wasn't in attendance, had raised a concern about this after someone had videotaped a previous Council meeting.

Mr. Seip said that he isn't sure why people would want to record a Council meeting since the audio is already posted online. He said that he doesn't think it would be out of line to ask people wishing to videotape a meeting to sign in with name/organization, etc. if they plan to tape and to note this in the minutes.

Mr. Kitchen asked whether the RAC had been advised by Metro Counsel to develop a policy. Mr. DeBernardo said that the question was put to Counsel and their response was that if this was something that was an issue for the RAC, then it should develop a policy for such situations. Mr. Kitchen said that the RAC can consider a policy if someone wished to draft it, and noted that since the RAC is a public body, it should allow people to record its meetings. He added that he understood why the Council might want to ask for information about the people who were making the recordings, but that by agreeing to be on a public body, Council members agreed to being recorded. Mr. Kitchen said that he couldn't agree to putting restrictions on recording meetings.

Ms. Wilder noted that at a previous meeting, the person taping the proceedings was disruptive to the meeting. She said that while she didn't understand why someone would want to record a meeting that the Council shouldn't restrict such recordings. She added that she thinks it is acceptable to ask the person recording for their information.

Mr. Schmitt said that by agreeing to serve on a public body, members consented to having their meetings recorded and that it should not be the Council's business to decide why someone would want to record a meeting. He added that, as a practical matter, the Council couldn't make a distinction between who would or wouldn't be allowed to record meetings.

Ms. Titus noted that one of the sign language interpreters had raised concerns to her about being videotaped as part of a Council meeting.

Ms. Everline said that meetings should be fully open to being recorded as long as those recording aren't being disruptive to the proceedings. She said that someone with a cognitive disability may need to record to assist them in understanding the meeting.

Dr. Bracmort said that she wasn't clear on whether a policy needed to be established and that there is already an official medium – the Council's website – to get information. She added that she found people recording the meeting to be distracting. She said that she was also concerned because members weren't fully aware that they would be recorded when they applied to be on the Council and that there could be concerns about the purposed of these recordings.

Mr. Whiting said that the Council should have the right to control what happens at its meetings and while the Council can't prohibit people from recording, he doesn't see why the Council couldn't ask those wishing to record for information on why they want to record the meeting.

Mr. Alpert said that the Council doesn't ask people who are listening in person or online to identify themselves or why they're listening to the meeting. He said that making it easier to for members of the public to view the Council's proceedings, especially comments that senior Metro staff or other public officials make at meetings advances the Council's public purpose. Mr. Alpert said that if the Council were to establish a policy on recording meetings, it should be to allow it so long as it isn't disruptive. He said that Council could ask Metro's General Counsel to develop language around such a policy.

Mr. Clermont added that, as a practical matter, he didn't understand how the Council could enforce a registration requirement for those recording meetings, especially given the prevalence of very small recording devices that can be easily concealed.

Ms. Wilder said that the Council needs to ensure that individuals coming to make public comment are comfortable with being recorded. She added that since the Council already asks those making public comment to sign in, asking those who are recording the meeting to do the same thing wouldn't be an unreasonable burden.

Mr. Kitchen asked whether Metro has an overall policy about recording meetings. He noted that any time a body starts restricting access, it opens itself to potential legal action.

Mr. DeBernardo noted that this item was only intended for discussion and that he will ask Ms. Walker, who had initially raised this concern, to review the comments from this meeting and determine whether she'd like to go forward with developing a policy. He said that he would also seek further guidance from Metro's Office of Counsel.

XI. Adjournment:

Without objection, the meeting was adjourned at 8:36 p.m.