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March 9, 2011

Senator Conway and Members of the Education, Health and Environmental Affairs Committee:

On behalf of Metro's Riders' Advisory Council, I am writing to you in reference to Senate Bill 323, which would change the requirements for Washington Suburban Transit Commission members who serve on the Board of Directors for the Washington Metropolitan Area Transit Authority (Metro).

The Riders' Advisory Council is a 21-member body appointed by Metro's Board of Directors to advise the Board on issues affecting Metrobus, Metrorail and MetroAccess service. In its role as an advisory body, the Council interacts regularly with Metro Board members, Metro staff and Metro's riders.

In order to address the issues faced by Metro's leadership from the riders' perspective, the Riders' Advisory Council conducted a thorough review of Metro's governance during the latter part of 2010. This review included several discussion sessions with current and former Metro Board members and representatives from labor, business, and transit advocacy organizations. The Council's final report can be viewed at:  
[http://www.wmata.com/about\\_metro/riders\\_advisory\\_council/documents/ApprovdGovRptFinal01Dec10.pdf](http://www.wmata.com/about_metro/riders_advisory_council/documents/ApprovdGovRptFinal01Dec10.pdf)

The report offered several recommendations on the roles and responsibilities of Metro Board members. The Council wanted to provide its comments on how the report's recommendations pertain to the provisions of this bill.

A section of text from the bill is below, with the Council's comments in *italics* following each section.

"The governor's appointees [shall]:

"2. May not hold any elected office in federal, state or county government at any time during the term of their appointment;"

*The Council believes that the Board should include elected representatives, as is the case with some DC and Virginia members. Elected representatives are often most accessible to hearing rider concerns as part of the Board's decision-making process. Additionally, there is value in having Board members also directly involved in setting budgets, as Delegates and Senators are, or in local land use decisions, notably development at or near transit facilities, as County Councilmembers are.*

*Some have suggested that the Maryland state constitution may prohibit elected officials from serving on the Board. However, elected officials do serve on some bodies such as the Metropolitan Washington Council of Governments (MWCOCG). An analysis should be conducted to determine whether the WMATA Board can be treated similarly, given the unique regional role of WMATA and the value of having elected officials represent jurisdictions on the Board.*

*For more information on the Council's recommendations concerning public officials, please see Section 1 and Recommendation 1.1 on pages 9 and 10 of our report, and Recommendation 2.5 on page 13.*

"4. Shall have experience in at least one of the following areas:

- A. Transportation or land use planning;
- B. Transportation or other public sector management;
- C. Engineering
- D. Finance
- E. Public Safety
- F. Homeland Security' or
- G. Law;"

*While the Council supports appointing knowledgeable and capable individuals to serve on the Metro Board of Directors, we worry that imposing specific criteria may preclude otherwise qualified candidates from serving. The Council recommends that the Board should focus on setting policy and specific performance objectives; those are not necessarily dependent on experience in the areas cited above.*

*For more information on the Council's recommendations concerning Board qualifications, please see Sections 2 and 3 on pages 11-14 of our report.*

"5. Shall be regular passengers of the bus or rail service of the Washington Metropolitan Area Transit Authority;"

*The Council fully supports this provision and would also suggest including language that would allow for MetroAccess patrons to serve on the Board.*

*For more information on the Council's recommendations concerning regular ridership, please see Recommendations 2.3 and 2.4 on pages 12 and 13 of our report.*

"6. Shall submit semiannual reports to the Governor by June 20 and December 31 of each year during the term of their appointment..."

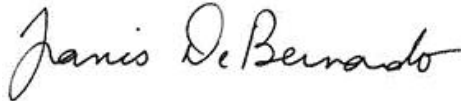
*The Council supports actions that such as this semiannual report that would improve the accountability and transparency of the members of Metro's Board of Directors. We would ask that this report be made available to the public at such time as it is presented to the Governor.*

The Council's report did not specifically make recommendations regarding:

- The governor's appointees serving as the WSTC's representatives to the Metro Board;  
or
- The requirement for an individual to not have been employed by Metro for a set period prior to their appointment to the Board.

Please feel free to contact me or John Pasek, the Council's staff coordinator, should you have questions about any of the Council's comments.

Sincerely,

A handwritten signature in black ink that reads "Frank DeBernardo". The signature is written in a cursive, flowing style.

Frank DeBernardo, Chairman

cc: Members, Metro Board of Directors