



# MINUTES

## 1304<sup>th</sup> Meeting of the Board of Directors April 20, 2006

Mrs. Mack called the meeting to order at 11:06 A.M. Present were:

### DIRECTORS

Mrs. Gladys Mack  
Mr. Charles Deegan  
Mr. Christopher Zimmerman  
Mr. Jim Graham  
Mr. Robert Smith

### ALTERNATE DIRECTORS

Mr. William Euille  
Mr. Gordon Linton  
Mrs. Catherine Hudgins  
Mr. Marcell Solomon  
Mr. Marion Barry

### STAFF

Mr. Daniel Tangherlini  
Mr. James Hughes  
Mr. Takis Salpeas  
Ms. Carol O'Keeffe  
Mr. Charles Woodruff  
Mr. William Scott  
Ms. Polly Hanson

Mr. Emeka Moneme  
Ms. Leona Agouridis  
Mr. Edward Thomas  
Mr. Steve Feil  
Mr. Jack Requa  
Mr. Frederick Goodine  
Ms. Judy O'Leary

**Washington  
Metropolitan Area  
Transit Authority**

600 Fifth Street, NW  
Washington, DC 20001  
202/962-1234

By MetroRail:  
Judiciary Square--Red Line  
Gallery Place-Chinatown--  
Red, Green and  
Yellow Lines  
By Metrobus:  
Routes D1, D3, D6, P6,  
70, 71, 80, X2

### APPROVAL OF AGENDA:

Mrs. Mack noted that an administrative item for approval of Rail Car Simulator Agreement with Federal Railroad Administration had been added to the agenda. The Agenda was accepted with that addition.

### APPROVAL OF MINUTES:

The Minutes of the March 16, 2006 meeting were approved as submitted.

## REPORT BY RIDERS ADVISORY COUNCIL (RAC):

Mr. Jaffe noted the Riders Advisory Council (RAC) met on April 5, 2006. Mr. Jaffe stated a task force team would be established to address the issue of lighting in stations. Other matters the RAC addressed included: the installation of truncated domes at all rail stations, use of public restroom policy, RAC MetroAccess Public Forum, Rail to Dulles redundancy elevators and accessibility, and SmartBenefits program. Mr. Jaffe noted RAC members Manel Lacorte and Lataya Young had resigned.

## PUBLIC COMMENT PERIOD:

One person spoke during the public comment period conducted at this meeting:

1. Mr. Del Pino addressed the Board regarding raising the base fare rate from \$1.35 to \$1.50 to generate revenue for future reinvestment into the system.

## REPORT BY GENERAL MANAGER:

Mr. Tangherlini reported he has attended the Ballston Metrorail station event with Board member Chris Zimmerman and Congressman Jim Moran; the Federal City Council's Spring Board Luncheon; and the April 5<sup>th</sup> Riders Advisory Council meeting.

Mr. Tangherlini noted an article in this morning's newspaper that our Metro Transit Police department very quickly made an arrest in the case of a man who attacked and robbed another man this past Saturday night at our Deanwood Metrorail station. The investigation into the incident is continuing, but he wanted to take this opportunity to recognize our Police Chief Polly Hanson and her officers for their excellent work in making an arrest so quickly. This case was typical of the kind of great work our Metro Transit Police officers perform day in and day out.

Mr. Tangherlini reported that the Cardozo High School TransTech Academy "School to Work" Partnership event would be held tomorrow morning at 9 a.m. A Walking Town DC "walking tour" was scheduled this Saturday sponsored by Cultural Tourism DC, and it will start at Metro Center, 13<sup>th</sup> Street entrance, at 9 a.m. The tour will visit the five stations that comprised the original "phase one" of the Metrorail system.

Mr. Tangherlini noted key events next week include Regional Bus Maps Unveiling on Wednesday, April 26<sup>th</sup> at our Rhode Island Avenue Metrorail station; "Take Our Sons and Daughters to Work Day" on Thursday, April 27<sup>th</sup>; and Annual Student Poster Contest Awards Ceremony on Friday, April 28<sup>th</sup> here at the Jackson Graham Building.

Mr. Tangherlini noted the proposed agenda item approval of the creation of an Inspector General Office. It is a historic achievement for this nearly 40-year-old organization and would not have happened without a lot of hard work from a lot of people, and he wanted to thank everyone who was involved.

Mr. Tangherlini reported at our Carmen Turner emergency training facility, we now have the Emergency Response Evacuation Simulator, also known as the "Rollover Rig". This Rollover Rig is designed to "roll" a passenger railcar 180 degrees to simulate a worst case derailment. WMATA has partnered with the Federal Railroad Administration to build this simulator, which is the "first of its kind" anywhere in the U.S. Mr. Fred Goodine, our Assistant General Manager for System Safety and Risk Protection, showed a video demonstrating rail car rollover training simulator.

REPORT BY PLANNING & DEVELOPMENT COMMITTEE:

A. Approval of Vienna/Fairfax-GMU Station Access Program:

Mr. Zimmerman referred the Board to the request for authorization for the General Manager to negotiate and execute agreements and leases with Fairfax County and Fairfax County Economic Development Authority and to submit land use applications to Fairfax County for the Vienna Station improvements. Staff will return to the Budget Committee and Board for approval of the projects, the agreements and leases, and project budgets.

Mr. Zimmerman moved, seconded by Mr. Deegan, that the Board authorize the General Manager to negotiate and execute agreements and leases with Fairfax County and Fairfax County Economic Development Authority and to submit land use applications to Fairfax County for the Vienna Station improvements. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

Mr. Zimmerman noted that staff briefed the Committee on the current status of the Metrobus Capital Improvement Program and the Bus Facilities' Improvement Program.

REPORT BY POLICY, LEGISLATIVE & ADMINISTRATION COMMITTEE:

A. Approval of Resolution to Establish The Office of Inspector General:

Mrs. Mack referred the Board to the request for approval to establish an Office of Inspector General (OIG). The OIG will report directly to the Board and will replace our existing Office of Auditor General, which reports to the General Manager. The proposal generally follows the models of federal OIGs, whose responsibilities include investigating and auditing; reviewing policies; and recommending corrective actions. The OIG shall have the

greatest possible independence and freedom from interference, consistent with the Compact. We are able to meet the spirit of proposed congressional legislation without having to undertake the lengthy and cumbersome process of an amendment to our Compact. A new OIG is expected to add \$314,000 to the fiscal 2007 budget and we anticipate that an Inspector General will be on board by October 1, 2006. The establishment of an OIG is just one of a number of actions our Board has taken in recent months to increase the transparency of the organization. This proposal represents a significant step for WMATA and shows the Board's commitment to openness and accountability.

Mrs. Mack moved, seconded by Mr. Deegan, that the Board approve the Resolution to establish the Office of Inspector General. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

A copy of the approved Resolution (2006-18) has been made a part of the official file.

#### REPORT BY BUDGET COMMITTEE:

A. Approval of Resolution for Capital Improvement Program FY06 Adjustments:

Mr. Graham referred the Board to the request for approval of a resolution to adjust FY06 and FY08 program elements in the Metro Matters. The adjustments are for the Infrastructure Renewal Program, rail cars, and facilities elements.

Mr. Graham moved, seconded by Mr. Deegan, that the Board approve the Resolution for Capital Improvement Program FY06 Adjustments. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

A copy of the approved Resolution (2006-19) has been made a part of the official file.

B. Approval of Resolution FY07 Annual Work Plan & Distribution of FY07-12 Program to Jurisdictions for Review & Comment:

Mr. Graham referred the Board to the request for approval to distribute the final FY07 Annual Work Plan and the FY07-12 Capital Improvement Program to jurisdictions for review and comment. The draft FY07 Annual Work Plan was approved for distribution to jurisdictions by the Committee on March 16, 2006.

Mr. Graham moved, seconded by Mr. Deegan, that the Board approve the Resolution for FY07 Annual Work Plan and distribution of FY07-12 Program to Jurisdictions for review and comment. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

A copy of the approved Resolution (2006-20) has been made a part of the official file.

C. Initiate & Award Contract for Managing Metro Emergencies Training:

Mr. Graham referred the Board to the request for approval to initiate and award a contract for managing Metro emergencies training courses, and to ratify a sub-grant agreement with the D.C. Office for Domestic of Preparedness. Staff also requested approval to include \$335,250 in revenue and \$335,250 in expense in the proposed FY07 operating budget to award the training contract.

Mr. Graham moved, seconded by Mr. Deegan, that the Board approve the initiation and award of a contract for managing Metro emergencies training. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

D. Approval to Initiate & Award Customer Satisfaction Measurement Contract:

Mr. Graham referred the Board to the request for approval to initiate and award a contract for customer satisfaction measurement with a three-year base period, and two one-year options. The total cost for the base period is \$555,000, and \$420,000 for the option years. Funding of \$175,000 to award the first year of the base contract is included in the proposed FY07 operating budget.

Mr. Graham moved, seconded by Mr. Deegan, that the Board approve the initiation and award of a contract for customer satisfaction measurement. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

E. Approval to Initiate & Award Legal Expert Services Contract:

Mr. Graham referred the Board to the request for approval to initiate and award one or more contracts for professional and technical litigation services to provide support for the Authority during a trial. The requested funding of \$250,000 is contained in the approved FY06 operating budget.

Mr. Graham moved, seconded by Mr. Deegan, that the Board approve the initiation and award one or more contracts for professional and technical litigation services. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

F. Approval to Modify Labor Legal Contract:

Mr. Graham referred the Board to the request for approval to modify the current labor legal professional support contract by \$100,000. The contract modification is required to provide support during collective bargaining negotiation. The funding of \$100,000 for this action is contained in the approved FY06 operating budget.

Mr. Graham moved, seconded by Mr. Deegan, that the Board approve the modification to the current labor legal professional support contract. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

Mr. Graham noted the Committee approved a request by staff to distribute the proposed FY07 operating budget to jurisdictions for review and comment. Staff provided responses from the March 9th Budget Committee to the follow-up questions and answers. Staff reported on the progress and action plans based on recommendations made by the JCC; the RAC and public budget input meetings held in March.

Mrs. Mack requested a report from the public budget input meetings. Staff stated the report will be presented at the May Budget Committee meeting.

REPORT BY AUDIT & PERFORMANCE COMMITTEE:

A. Approval of Resolution for FY05 External Audit & Related Material:

Mr. Euille referred the Board to the request for approval of the external audit and related materials submitted by KPMG, LLP, F.S. Taylor are consistent with previous years and the financial audit provided an unqualified opinion. The

OMB Circular a-133 single audit provided an unqualified opinion. Staff concurs with the recommendations. Mr. Zimmerman pushed back from the table.

Mr. Euille moved, seconded by Mr. Deegan, that the Board accept the FY05 External Audit and related materials. This motion was unanimously approved.

Mr. Linton noted the policy issues cited in the audit report relating to the allocation of deferred revenue in the SmarTrip and SmartBenefits programs. Staff will present a report at a future committee meeting.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Euille, Mr. Graham, Mr. Smith, and Mrs. Hudgins

A copy of the approved Resolution (2006-21) has been made a part of the official file.

B. Approval of Exercise Option Year One for External Auditor Services Contract:

Mr. Euille referred the Board to the request for approval to exercise the first of two one-year options to extend the contract with KPMG for external audit services for FY 2006 audit for a total of \$205,100. Mr. Zimmerman pushed back from the table.

Mr. Euille moved, seconded by Mr. Deegan, that the Board approve the request to exercise the option to extend the contract with KPMG for external audit service for the FY06 audit. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Euille, Mr. Graham, Mr. Smith, and Mrs. Hudgins

REPORT BY CUSTOMER SERVICE, OPERATIONS, & SAFETY COMMITTEE:

A. Approval of Vertical Transportation Rehabilitation & Maintenance:

Mr. Smith referred the Board to the request for approval for authorization to extend the contracting authority for preventive maintenance through FY10. This action may result in modifications to the existing contracts (FJ0957, FK0243, and FM1201). The approval is to initiate and award procurement actions to rehabilitate approximately 200 Westinghouse MOD 100 escalators.

Mr. Smith moved, seconded by Mr. Zimmerman, that the Board approve the contract actions for Vertical Transportation Maintenance and Rehabilitation. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith,  
and Mrs. Hudgins

B. Approval of Resolution for FY07 Rail Service Strategies for Off Peak  
Service Improvements:

Mr. Smith referred the Board to the request for approval of: 1) an 18-month demonstration District of Columbia reimbursable project to extend the Yellow Line extension to Fort Totten in the off-peak. The projected operating expense of \$4.5 million for this 18 month demonstration project and a one time capital expense of \$1.25 million shall be borne by the District of Columbia with no increase in subsidy to the non-sponsoring jurisdictions; and 2) approval of an 18-month demonstration Maryland Reimbursable project to eliminate the Grosvenor turnback in the off-peak. The projected expense of \$2.25 million for a 18-month demonstration project shall be borne by Maryland with no increase in subsidy to the non-sponsoring jurisdictions.

Mr. Smith moved, seconded by Mr. Graham, that the Board approve the Resolution for the FY07 Rail Service Strategies for the Yellow Line to Fort Totten and elimination of Grosvenor Turnback Off-Peak Service Improvements. This motion was unanimously approved.

Mr. Graham and Mr. Barry stated on behalf of the District of Columbia they support the Yellow line extension pilot program moving forward. It is a major service expansion that effects District of Columbia and Virginia. The Yellow Line will have a new connection to the Red Line, the mid-city neighborhoods will have a direct line to the airport, off-peak service will be relevant for District stations and provide new service to the surrounding retail centers. The dedication ceremony for the new District of Columbia retail center will be on May 5<sup>th</sup> and 6<sup>th</sup>.

Mrs. Hudgins requested information on the subsidy impact, if the pilot programs becomes an integrated operating service. Staff responded the estimated operating cost for permanent service will be \$3 million annually without the relative revenue change. Staff will examine the ridership and revenue figures during the 18-month pilot program to determine the actual impact on subsidy.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith,  
and Mrs. Hudgins

A copy of the approved Resolution (2006-22) has been made a part of the official file.



## ADMINISTRATIVE ACTIONS:

### OTHER ITEMS:

Mrs. Mack referred the Board to fourteen Administrative Actions. Mr. Zimmerman requested that the Board approve, en bloc, Administrative Items Numbered 2 through 14.

2. Initiate & Award - Contracts for Snow & Ice Removal Services for WMATA Facilities:

Approval is requested to initiate and award by competitive sealed bid, a multi-year contract with two year base period and three one year options to augment WMATA's in-house forces for snow and ice removal from rail station parking lots and bus garage locations.

3. Initiate & Award - Contract for Four Emergency Back-up Generators:

Approval is requested to initiate and award a contract by competitive procurement of four emergency back-up generators to be installed at various Metrorail stations.

4. Initiate & Award - Contract with Trapeze Software Group for Site License Software & Maintenance Support:

Approval is requested to initiate and award a contract with Trapeze Software Group, Inc., for providing site license software and maintenance for its use throughout the Authority.

5. Initiate & Award - Contract with MRO Software for Site License & Maintenance Support:

Approval is requested to initiate and award a contract with MRO Software, Inc., for providing site license software and maintenance for its use throughout the Authority.

6. Initiate & Award - Contract for Auction Services For Surplus Buses, Vehicles, Material & Equipment:

Approval is requested to initiate and award a competitive contract for auction services to dispose of surplus buses, non-revenue vehicles, material and equipment. The contract term is for one year with options for two additional one year periods. The current contract has been extended until May 2006.

7. Modify - Contract & Increase Quantities for Rehab of Steel Tunnel Liner:

Approval is requested to modify contract and authorize notice to proceed for a change to the Steel Tunnel Liner Rehabilitation Contract (FN5012) to increase bid item quantities for caulking replacement.

8. Initiate & Award - Contract for Weed & Brush Control Services:

Approval is requested to initiate and award the competitive procurement of a requirements contract for a base year with two one year options to provide labor, material, and equipment to cut and remove weeds, brush, and trees from the WMATA's right of way on various lines. The existing contract (FN3065/KN) expires June 2006.

9. Initiate & Award - Contract for Electric Supply Procurement for All WMATA Facilities:

Approval is requested to initiate and award the competitive procurement of a one year base contract with three one year options for the supply of electricity to all WMATA's facilities.

10. Authorization to Execute Agreements Indemnifying Various Motor Vehicle Agencies:

Approval is requested to execute agreements indemnifying and holding the various Motor Vehicle Administrations harmless for any misuse or misappropriation of any personal information in a record obtained by the Authority in connection with the receipt of drivers license information; and to obtain Board authorization to execute agreements indemnifying the various Motor Vehicle Administrations against any and all liabilities, costs, expenses, damages, losses, and judgements that arise in relation to laws restricting access to and/or disclosure of information from motor vehicle records, including, without limitation, reasonable attorneys fees and all other costs of defending against such action or claim.

11. Modify - Contract for Ballston-MU Station West Entrance Temporary Decking & Associated Work:

Approval is requested to enter into a Supplemental Agreement with Clark Design Build, LLC and subsequently modify Contract 1K0045 to provide out of scope work related to west entrance temporary decking and associated work in a negotiated amount not to exceed \$700,000.

12. Modify - Contract for Fire & Intrusion Alarm System:

Approval is requested to increase contract FM8205 by \$750,000 to fund the Fire and Intrusion Alarm (FIA) system at the last two above ground stations and to modify the contract to replace faulty deluge valves at 24 locations.

13. Authorization of Agreement with APTA for Expert Reviews:

Approval is requested to execute a sole source agreement with the American Public Transit Association (APTA) for expert reviews of on-going capital programs and operations matters, to authorize funding of the APTA administrative fee from the capital program, and to indemnify APTA and its contractors and transit agency employees for activities associated with the assessment and review.

14. Approval of Rail Car Simulator Agreement with Federal Railroad Administration:

Approval is requested for the General Manager to execute a Memorandum of Agreement with the Federal Railroad Administration, U.S. Department of Transportation (FRA) and ENSCO, Inc. In connection with the passenger rail vehicle emergency simulator purchased by FRA and to be given to WMATA. The agreement also requires WMATA to indemnify FRA and ENSCO against loss while it is being used by WMATA or another entity.

Mr. Zimmerman moved, seconded by Mr. Smith, that the Board approve the thirteen Administrative Action Items numbered 2-14 listed above. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

1. Modify - Contract for Customer Assistance Parking & Exercise Option Year Two:

Approval is requested for modification to the Customer Assistance Parking contract for the option year and exercise option year two with a modification for increased service. The current Parking Customer Assistance Contract requires additional contract authority of \$492,360 to accommodate additional staffing requirements for the system expansion, expanded staffing during the tourist season and for staffing required to manage the non Metro rail rider fee at Morgan Blvd, and Largo Town Center stations during events at Fed-Ex Field. In addition, staff requests authorization to exercise the option year two of the Parking Customer Assistance contract and its related modification of the contract to allow for the additional staff requirement necessary to effectively provide operational and customer service provisions to our customers.

Mr. Deegan moved, seconded by Mrs. Mack, that the Board approve the modifications and exercise the option year two for the Customer Assistance Parking Contract.

Mr. Zimmerman noted a letter from the Board Members expressing concern regarding LAZ Parking's treatment of the employees and their effort to organize. Staff stated it has reviewed the legal and contractual requirements WMATA has with the parking provider. The employees of LAZ Parking have the

right to organize an union by partitioning the National Labor Relations Board for recognition of an election. Staff stated a meeting is scheduled for next week with Unite and LAZ to discuss their mutual interests and options.

Mr. Zimmerman made a substitute motion, seconded by Mr. Graham, to defer this item to the next meeting of the Board.

Mr. Smith requested information regarding the \$492,360 for additional staff and service to finish this contract year and the contract notice requirements if the option year two was not exercised. Staff stated it is for this tourist season with the level of service that is required. The \$527,640 modification to option year two is in addition to the \$3,345,775 base amount for services for Redskins parking, additional staffing for tourist season, and system expansion. Staff stated if the Board did not approve option year two to extend the contract beyond June 30, 2006, it would make provisions for the removal of PCARs from their locations by June 30, 2006 and terminate the contract. There is not sufficient time to issue a RFP, and it would have adverse impact on customers. The contractor's performance has been satisfactory.

Mr. Zimmerman moved to amend the substitute motion, seconded by Mr. Graham, to approve the modification of the option year one in the amount of \$492,360 and defer the exercise of the option year two to the next Board meeting.

Ayes: 4 - Mrs. Mack, Mr. Zimmerman, Mr. Graham, Mrs. Hudgins  
Nays: 2 - Mr. Smith, Mr. Deegan

Mrs. Mack called for a vote on the original motion to approve the Customer Assistance Parking contract modification for option year one and exercise option year two with a modification for increased service

Ayes: 2 - Mr. Smith, Mr. Deegan  
Nays: 4 - Mrs. Mack, Mr. Zimmerman, Mr. Graham, Mrs. Hudgins

Mr. Zimmerman moved, seconded by Mr. Graham, to approve the modification to option year one in the amount \$492,360. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

Mr. Smith moved, seconded by Mr. Deegan, that the Board approve the exercise and modification to option year two.

Ayes: 2 - Mr. Smith, Mr. Deegan  
Nays: 4 - Mrs. Mack, Mr. Zimmerman, Mr. Graham, Mrs. Hudgins

Mr. Deegan noted Administrative Item #10, authorization to execute agreements indemnifying the various Motor Vehicle Administrations against any

Mr. Deegan noted Administrative Item #10, authorization to execute agreements indemnifying the various Motor Vehicle Administrations against any and all liabilities, costs, expenses has resulted in a cost savings to WMATA. Staff responded the indemnification agreements will be a cost savings of \$50,000 annually.

REPORT BY D.C.: No report given.

REPORT BY WSTC: No report given.

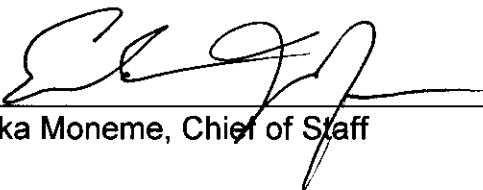
REPORT BY NVTC: Mr. Zimmerman noted the Virginia Transit Association will hold its annual meeting on May 11,12,13, 2006 in the City of Alexandria.

ADJOURNMENT:

Mrs. Mack moved, seconded by Mr. Deegan, that the Board meet in Executive Session immediately following this meeting to discuss contractual matters. This motion was unanimously approved.

Ayes: 6 - Mrs. Mack, Mr. Deegan, Mr. Zimmerman, Mr. Graham, Mr. Smith, and Mrs. Hudgins

This meeting was adjourned at 12:43 P.M.

  
\_\_\_\_\_  
Emeka Moneme, Chief of Staff