



MINUTES

1306th Meeting of the Board of Directors May 18, 2006

Mrs. Mack called the meeting to order at 9:11 A.M. Present were:

DIRECTORS

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

ALTERNATE DIRECTORS

Mr. Gordon Linton
Mrs. Catherine Hudgins

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
202/982-1234

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 requested that Agenda Item VIII. (A) Approval of Multi-Year Bus Procurement Program be deferred to the June 15, 2006 Board of Directors Meeting; Agenda Item XI. (A) Approval of Resolution for Public Hearing to Increase Parking Fees; and Agenda Item XI. (B) Approval of Resolution for Parking Policy be deferred to a future meeting of the Customer Service, Operations & Safety Committee. The Agenda was accepted with those deletions.

APPROVAL OF MINUTES:

Mr. Smith requested the Minutes of the April 20, 2006 meeting be amended on page 12 to state *"The motion failed for lack of vote from the State of Maryland"* on the vote to approve the amended substitute motion for the modification of the option year in the amount of \$492,360 and defer the exercise of the option year two to the next Board meeting for the Customer Assistance Parking Contract. The Minutes of April 20, 2006 were approved as amended.

The Minutes of April 24, 2006 were approved as submitted.

REPORT BY RIDERS' ADVISORY COUNCIL (RAC):

Mr. Jaffe noted the Riders' Advisory Council (RAC) met on May 3, 2006. The RAC recommends retaining the MetroBus service on the M2 route and change the reserved parking policy from 10:00 AM to 9:00 AM. The RAC is sending a letter to the Prince George's County Executive encouraging the use of SmartBenefits for county employees. Mr. Jaffe congratulated Ms. Johnson on her appointment to the position of Secretary to the Board.

PUBLIC COMMENT PERIOD:

Two people spoke during the public comment period conducted at this meeting:

1. Brooke Bernold representing D.C. Night Riders addressed the Board regarding the elimination of late night bus and rail services in the District of Columbia. She thanked the Board and staff for the continuation of the D6 MetroBus route.
2. Allen Greenberg addressed the Board regarding the proposed parking fee increases and changes to the parking lot policies.

REPORT BY CHAIRMAN:

A. Administer Oath of Office to Board Secretary:

Mrs. Mack administered the oath of office to Ms. Debra Johnson appointing her to the position of Secretary to the Board.

REPORT BY GENERAL MANAGER:

Mr. Tangherlini reported that an employee fatality occurred on Sunday, May 14, 2006 at the Dupont Circle station, involving Mr. Jong Won Lee an ATC Technician who worked at the Telegraph Road Facility. Metro officials and Amalgamated Transit Union (ATU) Local 689 are partnering to conduct a comprehensive review of employee safety and make any needed changes to make WMATA a safer place to work. The review will look at the best practices to learn what other transit agencies and industries do to emphasize safety and

minimize accidents in their day-to-day operations. The funeral for Mr. Lee will be held on Saturday, May 20, 2006 at 10:00 AM at the Fairfax Community Church, 11451 Braddock Road, Fairfax, VA. The burial will follow at the Fairfax Memorial Funeral Home, 9902 Braddock Road, Fairfax, VA. A moment of silence was observed in his honor.

Mr. Tangherlini reported on the Metro Transit Police events on Friday, May 12, 2006: The annual recognition ceremony honored individuals and teams of officers for their contributions in safeguarding Metro's employees, customers, and facilities and were joined by Board Member Charlie Deegan. Metro broke ground on the Transit Police Marlon F. Morales District 1 Substation and were joined by Board Members Gladys Mack, Jim Graham, and Charlie Deegan.

Mr. Tangherlini reported on the King Street station tour and new station opening event which Mayor Euille and Congressman Jim Moran attended this past Monday morning.

Mr. Tangherlini reported Bike to Work Day is May 19, 2006 and encourages people to ride their bike and take a bus to work and utilize the bike racks on our buses.

REPORT BY PLANNING & DEVELOPMENT COMMITTEE:

A. Approval of Multi-Year Bus Procurement Program:

This item was deleted.

B. Approval of FY07 Annual Work Program for Engineering Services Contract:

Mr. Zimmerman referred the Board to the request for approval of the FY07 Annual Work Program for Engineering Services Contract. The contract areas cover architectural and engineering services; vehicle engineering consultant services; and planning, architectural, and engineering services for future 'New Starts' projects.

Mr. Zimmerman moved, seconded by Mr. Smith, that the Board approve the Fiscal 2007 annual work program for four "on call" engineering services contracts. This motion was unanimously approved.

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

Mr. Zimmerman noted staff briefed the Committee on the Joint Development and Adjacent Construction Status Update.

REPORT BY REAL ESTATE COMMITTEE:

A. Approval to Initiate Retail Services Pilot Program:

Mr. Deegan referred the Board to the request for approval to initiate a retail services pilot program. In July 2004, the Board voted to allow commercial activities subject to Board approval of specific uses, (excluding food, beverages and tobacco) in the free areas of Metrorail stations to increase revenues for the Authority. Expanding upon the successful ATM program, staff proposes to issue a Request for Proposal (RFP) for a retail demonstration program in 12 Metrorail stations throughout the District of Columbia, Maryland and Virginia. To permit this program, the Regulation Concerning the Use By Others of WMATA Property will be amended to allow retail activities in the paid areas of the Metrorail stations, and a change in jurisdictional laws will be sought. The Committee decided that the request for alternate proposals if food were permitted should not be made at this time, and that the RFP should go forward without reference to food uses.

Mr. Deegan moved, seconded by Mr. Kauffman, that the Board approve the initiation of the retail services pilot program. This motion was unanimously approved.

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

A copy of the approved Resolution (2006-24) has been made a part of the official file.

B. Approval of Extension for Morgan Boulevard Master Development Agreement:

Mr. Deegan referred the Board to the request for approval to extend the negotiating period for 180 days on the Morgan Boulevard Master Development Agreement and authorize staff to continue negotiations with the Garrett Morgan Boulevard Joint Venture.

Mr. Deegan moved, seconded by Mr. Zimmerman, that the Board approve the 180-day extension for the Morgan Boulevard Master Development Agreement and authorize staff to continue negotiations with the Garrett Morgan Boulevard Joint Venture. This motion was unanimously approved.

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

C. Approval of Extension of Term Sheet Negotiating Period for the Grosvenor North Joint Development Property:

Mr. Deegan referred the Board to the request for approval for an extension of the negotiating period for Grosvenor North Lease and Sale Term

Sheet to July 31, 2006.

Mr. Deegan moved, seconded by Mr. Kauffman, that the Board approve the extension of the term sheet negotiating period for the Grosvenor North Joint Development Property. This motion was unanimously approved.

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

D. Approval of New Carrollton North Joint Development Project & Selection of Developer:

Mr. Deegan referred the Board to the request for approval of the New Carrollton North joint development site and selection of a developer. WMATA offered the New Carrollton North joint development site in its July 28, 2004 Joint Development Solicitation. After working with two proposing teams and obtaining additional information requested by Prince George's County, both proposals improved. However, the Federal Development proposal was the more attractive of the two. Staff's evaluation concluded that Federal Development's proposal was the preferred alternative based on its density, mix of uses, the financial offer, and compatibility with the County's New Carrollton Transit Oriented Development Strategy Planning Study. The proposed uses include office, retail, residential and hotel. Staff will be authorized to negotiate a term sheet with Federal Development as the selected developer.

Mr. Deegan moved, seconded by Mr. Zimmerman, that the Board approve the of New Carrollton North joint development site and selection of developer. This motion was unanimously approved.

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

E. Approval of Resolution for TIIF Fund Allocation Policy:

Mr. Deegan referred the Board to the request for approval of the Transit Infrastructure Investment Fund (TIIF) Allocation Policy. A resolution was presented to the Committee for a new sub-allocation of TIIF funds. Members expressed dissatisfaction that the resolution did not provide for certain future capital needs of the Authority, and that it was not clear that distributions would be made on a proportional basis. The revised Resolution addresses these points. It provides that of the \$61.8M of additional TIIF projected revenue, 60% (approximately \$37.1M) will be allocated sub-regionally, and 40% (approximately \$24.7M) will be allocated for regional purposes, as determined by the Board. TIIF revenue will be allocated and drawn down on a proportional basis, both as between the 60% category and the 40% category, and sub-regionally within the 60% category. The provision to repay the State of Maryland for funds advanced for the Silver Spring Transit Center remains the same, but the availability of such funds will be determined according to the proportional formula.

Mr. Deegan moved, seconded by Mr. Kauffman, that the Board approve the Resolution for TIF Fund Allocation Policy.

Mr. Graham requested that staff review the District of Columbia's commitments to TIF funds.

Mr. Graham moved, seconded by Mrs. Mack, to amend the Resolution to add: 1) Resolved TIF funds will be deposited in individual jurisdictional accounts and the balance in those accounts will be reported quarterly; and 2) Resolved no jurisdictional requests for funding projects for individual TIF accounts will be honored unless adequate funds are available to meet the request, and the required proportionate amounts have been deposited in each individual jurisdictional account.

Mr. Zimmerman requested staff provide a redacted version for a comparison when proposing a change to a existing policy.

Mr. Kauffman requested staff provide a report on the difference between the percentage allocation of the sub-regional funds in Resolution 2002-44 versus the percentage allocation of the sub-regional funds using the IRP formula in the proposed resolution.

Mr. Kauffman proposed a friendly amendment that the percentage allocation be subject to review to ensure it closely approximates the previous allocation. Mr. Graham and Mrs. Mack accepted.

Mrs. Mack called for the vote to approve the amendment to the Resolution to add: 1) Resolved TIF funds will be deposited in individual jurisdictional accounts and the balance in those accounts will be reported quarterly; and 2) Resolved no jurisdictional requests for funding projects for individual TIF accounts will be honored unless adequate funds are available to meet the request, and the required proportionate amounts have been deposited in each individual jurisdictional account. This motion was unanimously approved.

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

Mr. Graham moved, seconded by Mrs. Mack, to defer the TIF Allocation Policy as amended to committee and the next Board of Directors meeting.

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

REPORT BY BUDGET COMMITTEE:

A. Approval of Staff Report & Recommendations on Proposed Elimination of Regional Metrobus Routes 9B Hunting Towers/Crystal City & 10P Mount Vernon Avenue/Crystal City:

Mr. Graham referred the Board to the request for approval of Staff Report & Recommendations on Proposed Elimination of Regional Metrobus Routes 9B Hunting Towers/Crystal City and 10P Mount Vernon Avenue/Crystal City. This action requested approval of staff report and recommendations to eliminate the 9B and 10P bus routes on June 25, 2006. The public hearing was held on March 9, 2006 in Alexandria, Virginia. The FY07 subsidy will be reduced by \$1.1 million.

Mr. Graham moved, seconded by Mr. Deegan, that the Board approve the Staff Report & Recommendations on Proposed Elimination of Regional Metrobus Routes 9B Hunting Towers/Crystal City and 10P Mount Vernon Avenue/Crystal City. This motion was unanimously approved.

Mr. Zimmerman noted that after conducting a study the route elimination is a restructuring of service that will result in improved service and frequency on some routes.

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

B. Approval to Initiate & Award Contracts for Installation of ITRP Learning Management Application:

Mr. Graham referred the Board to the request for approval to initiate and award contracts for installation of ITRP Learning Management Application. Staff requested approval to initiate and award contracts to provide installation support for the PeopleSoft learning management information system with the estimated cost not to exceed \$900,000. Funding of \$700,000 is available from the approved FY06 operating budget, and \$200,000 is included in the proposed FY07 operating budget.

Mr. Graham moved, seconded by Mr. Deegan, that the Board approve the initiation and award contracts for installation of ITRP Learning Management Application. This motion was unanimously approved.

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

Mr. Graham noted the staff briefed the Committee on FY07 Proposed Passenger Fares and Parking Fees for Four Holidays, and Service Changes. Staff provided information and staff report on public hearings held in April in the

District, Maryland and Virginia. FY05 Metro Matters Year End Financial Report Staff presented the Committee on the status of the FY05 program. Recommendations will be made to the Committee for approval on unused funds in June. FY06 Operating Budget 3rd Quarter Financial Report: Jul 05 – Mar 06. Staff updated the Committee with the status and projections of the FY06 operating budget.

REPORT BY CUSTOMER SERVICE, OPERATIONS, & SAFETY COMMITTEE:

A. Approval of Resolution for Public Hearing to Increase Parking Fees:

This item was deleted.

B. Approval of Resolution for Parking Policy:

This item was deleted.

C. Approval to Exercise Option Year 2 for Parking Management Contract with Modification:

Mr. Smith referred the Board to the request for approval to exercise option year two and modify the contract to allow the Authority to schedule staff for system expansion, tourist season, and events at Fed-Ex Field.

Mr. Smith moved, seconded by Mr. Deegan, that Board approve the request to exercise option year two and modify the contract to allow Authority staff to schedule staff for system expansion, tourist season, and events at Fed-Ex Field. This motion was unanimously approved.

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

ADMINISTRATIVE ACTIONS:

OTHER ITEMS:

Mrs. Mack referred the Board to eleven Administrative Actions. Mr. Zimmerman requested that the Board approve, en bloc, Administrative Items Numbered 1 through 11.

1. Initiate & Award - Contract for Brake Shoes:

Approval is requested to initiate and award a competitive requirements contracts for rebuilt and new brake shoes used in the maintenance and overhaul of WMATA buses for a two year base period and three one-year options. These rebuilt and new brake shoes must be both bonded and riveted in accordance with WMATA technical specifications. The programmatic

approval is to adjust the contract for changes in demand and add different bonded riveted brake shoes or delete existing ones as necessary during the life of the contract to meet customer requirements. The total cost of the two-year base period is estimated at \$4.5M. The total estimated value of this procurement is \$11.3M, if all three option years are exercised.

2. Initiate & Award - Contract for Traffic Control Services:

Approval is requested to obtain authority to initiate and award a competitive contract for a base year with two one year options, to provide traffic control services for the maintenance and inspection of WMATA's bridge structures.

3. Initiate & Award - Contract for Thermite Rail Welding Services:

Approval is requested to initiate and award the competitive procurement of a contract to provide labor and materials to thermite weld running rail joints. Contract shall include a three-year base period for 300 welds each year, with options for up to 200 additional welds in each year. The total quantity of this contract is all options are exercised is 1500 welds. Weld locations are throughout the WMATA system. The existing contract will expire on June 30, 2006.

4. Initiate & Award - Contract for Cross Ties:

Approval is requested to initiate and award the competitive procurement of a contract to procure cross ties to include a three-year base period for 10,000 ties in FY07 and 5,000 each in FY08 and FY09 with options for 5,000 additional ties in FY08 and FY09. The total quantity of this contract is all options are exercised is 30,000 cross ties.

5. Initiate & Award - Contract for Lease & Maintenance of Copiers & Scanners:

Approval is requested to initiate and award a multi-year contract with a base period of two years and three one-year option periods for lease and maintenance of approximately 300 pieces of black and white digital copying and scanning equipment located at all WMATA operating facilities and the Jackson Graham Building.

6. Initiate & Award - Contract for MTPD Computer Aided Dispatch & Records Management System:

Approval is requested to initiate and award a contract through the competitive bid process to procure a replacement for the Metro Transit Police Department (MTPD) Computer Aided Dispatched (CAD) and Records Management System (RMS).

7. Authorization of License Agreement for Fiber Optic System:

Approval is requested for the General Manager to: 1) negotiate and execute a non-exclusive License Agreement with FiberLight LLC (FiberLight) for installation and operation of a fiber optic cable system within the Metrorail system; and 2) as part of the Agreement for WMATA to indemnify FiberLight for WMATA's gross negligence or willful and/or wanton misconduct.

8. Ratify - Transportation Security Administration K-9 Cooperative Agreement:

Approval is requested for endorsement and support of the Metro Transit Police Canine Unit for Rail Explosives Detection by granting approval: 1) to ratify a five year \$602,500 (\$120,500 per year) non-matching Cooperative Agreement with the U.S. Transportation Security Administration; 2) to increase the proposed MTPD FY07 Operating Budget by \$120,500 to pay for TSA reimbursable costs accruable in FY07.

9. Modify - Contract for Specification Changes for Rehab of HVAC System:

Approval is requested to modify Contract FL-0712 for Transportation and Transit Associates, LLC (TTA) to incorporate specification changes to the rehabilitation of the HVAC system on 286 railcars of the 1000 Series Rohr Car Fleet.

10. Modify - Contract for Debit/Credit Card Transactions:

Approval is requested to increase the spending level of the second contract option year for Debit/Credit processing.

11. Initiate & Award - Contract for Corel Site License Software & Maintenance:

Approval is requested to initiate and award a GSA contract for Corel Site License Maintenance with a one year base and three one-year options.

Mr. Zimmerman moved, seconded by Mr. Deegan, that the Board approve the 11 Administrative Action Items listed above. This motion was unanimously approved.

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

REPORT BY D.C.:

Mr. Graham noted the Officer Marlon F. Morales station dedication at Fort Totten was a special event.

REPORT BY WSTC:

Mr. Deegan commended the Metro Transit Police Department for their distinguished and meritorious services that is provided everyday. Mr. Deegan congratulated Ms. Johnson on her appointment as Board Secretary.

REPORT BY NVTC:

Mr. Kauffman thanked Chief Hanson and the MTPD for their attendance at the funeral services for the Fairfax County Police Detective Vicky Armel.

ADJOURNMENT:

This meeting was adjourned at 10:11 A.M.



Debra A. Johnson, Board Secretary