



MINUTES

1307th Meeting of the Board of Directors June 15, 2006

Mrs. Mack called the meeting to order at 11:04 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
Mr. Marcell Solomon
Mr. William Euille

STAFF

Mr. Daniel Tangherlini
Mr. James Hughes
Ms. Carol O'Keeffe
Mr. Charles Woodruff
Mr. Steve Feil
Mr. Jack Requa
Ms. Polly Hanson

Mr. Emeka Moneme
Ms. Leona Agouridis
Mr. James Haggins
Ms. Brender Gregory
Mr. Edward Thomas
Mr. Kevin Lyons
Ms. Debra A. Johnson

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, D.C. 20001
202/962-1234

APPROVAL OF AGENDA:

The Agenda was approved as presented.

APPROVAL OF MINUTES:

The Minutes of May 18, 2006 meeting were approved as submitted.

*By Metrorail:
Judiciary Square-Red Line
Gallery Place-Chinatown
Red, Green and
Yellow Lines*

*A District of Columbia
Maryland and Virginia
Transit Partnership*

REPORT BY RIDERS' ADVISORY COUNCIL (RAC):

Mr. Jaffe noted the Riders' Advisory Council (RAC) met on June 7, 2006. Mr. Jaffe thanked Metro's Department of Business Planning for the presentations on the joint development task force and project development. Mr. Jaffe thanked the Board, Wendy Klancher, COG, Mayor Kathy Porter, and the Transportation Planning Board for their participation in developing the MetroAccess Ad Hoc Committee's best practices report and recommendations.

Mrs. Mack thanked the RAC and all the members of the MetroAccess Ad Hoc Committee for their participation.

PUBLIC COMMENT PERIOD:

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

1. Ms. Kathleen Walsh, Disability Rights Program Manager for the Equal Rights Center, addressed the Board regarding the implementation of the MetroAccess Ad Hoc Committee recommendations.
2. Mayor Kathy Porter of Takoma Park addressed the Board regarding the implementation of the MetroAccess Ad Hoc Committee recommendations.
3. Ms. Janiece Kent, MetroAccess customer, addressed the Board regarding MetroAccess customer notification of service delays and better driver training.
4. Ms. Karen McManus, representing Congressman Chris VanHollen, read a statement in support of the efforts underway to improve the MetroAccess program. Congressman VanHollen commends WMATA's efforts in the creation of the Ad Hoc Advisory Committee and encourages the consideration of the Best Practices Work Group's recommendations. He applauds the continued efforts and ongoing dialogue with MetroAccess customers.
5. Ms. Doris Ray, Advocacy Outreach Coordinator for ENDependence Center of Northern Virginia, addressed the Board regarding the implementation of the MetroAccess Ad Hoc Committee recommendations.
6. Ms. Denise Rush, MetroAccess customer, addressed the Board regarding the MetroAccess drivers' long work hours, training, and route planning.

7. Mr. Fred Kamara, MetroAccess customer, addressed the Board regarding the poor performance of MetroAccess schedulers, dispatchers, and drivers and suggested better training.
8. Mr. Robert Coward, Executive Director of Direct Action, addressed the Board regarding MetroAccess service of shared rides, specified destination time, limit duration for riders' routes, accuracy of vehicle GPS, and redundant elevators at the proposed Dulles station.
9. Mr. Carl Schmitt, MetroAccess customer, addressed the Board regarding better route training for drivers and computer software upgrades.

REPORT BY CHAIRMAN:

A. Approval of Resolution to Appoint (2) Riders' Advisory Council Members:

Mrs. Mack referred the Board to the request for approval to appoint two Riders' Advisory Council Members to fill two vacated seats. The Resolution appoints Patricia Daniels for the District of Columbia for a duration of three years which is set to expire December 2008 and Francisco Semiao as an at-large member for a duration of two years which is set to expire December 2007.

Mr. Graham moved, seconded by Mr. Kauffman, that the Board approve the appointments of Ms. Patricia Daniels and Mr. Francisco Semiao to the Riders' Advisory Council. 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 (2006-25) has been made a part of the official file.

REPORT BY GENERAL MANAGER:

Mr. Tangherlini noted his original one point plan: putting the customer first. He additionally noted that the organization was not structured in a way to accomplish that goal. For example, the individuals responsible for our most critical functions – our Police Chief, our Chief Safety Officer, and the persons who oversee day-to-day operations of rail, bus, and paratransit – did not report directly to the General Manager. He stated that we needed an organizational structure that brought the General Manager closer to the front line employees who, each and every day, “put the customer first.”

In the first round of realignments a top layer of management – the Deputy General Manager position – was removed and the Chief of Police, Chief Safety Officer, and Chief Operating Officers for bus, paratransit and rail were made direct reports to the GM. The parking program was realigned with operations and the SmarTrip® card program with the CFO's office. Unrelated to the WMATA

realignment, Leona Agouridis will become the new Executive Director of the Golden Triangle BID.

During the second phase of the realignment Steve Yaffe, former transportation planner at Fastran in Fairfax County, was appointed to be the new Chief Operating Officer for Community Transportation Services. Christian Kent, who had been overseeing this program and is responsible for much of the improvement we have seen in recent months, will serve as Chief Operating Officer for MetroAccess, managing day-to-day operations from the Silver Spring offices. The large division known as Planning, Development, Engineering, and Construction (PDEC) has been split into two separate departments: Planning and Joint Development, managed by Edward Thomas, and Chief Engineer and Project Management, managed by Jim Haggins. Following the recommendations of the Information Technology Peer Review group, the position of Chief Information Officer will be filled by Rod Burfield as a direct report to the GM.

All of the realignment decisions were designed with one goal in mind: putting the customer first, by delivering the very best service we possibly can to the millions of citizens in this National Capital Region. Ongoing organizational discussions have been held with staff to receive input throughout the organization about what kind of overall structure makes the best sense for our customers and our employees. The end result of this process will be work plans for FY07, which begins in a little more than two weeks.

REPORT BY PLANNING & DEVELOPMENT COMMITTEE:

A. Approval of Resolution for FY07 Project Development Program:

Mr. Zimmerman referred the Board to the request for approval of the proposed FY07 Project Development Program as part of the FY07 CIP. Staff was directed to provide: copies of the 2005 Development-Related Ridership Survey for the Committee members, state the visions for the jurisdictions using graphic illustrations, clarify the actual FY 06 budget versus the proposed FY 07 budget considering the same/new projects and the carry-over, and add Largo station to the FY07 budget.

Mr. Zimmerman moved, seconded by Mr. Deegan, that the Board approve the FY07 Project Development 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 (2006-26) has been made a part of the official file.

B. Approval to Initiate & Award Contract for the Replacement of Existing WMATA Telephone System:

Mr. Zimmerman referred the Board to the request for approval to advertise and award a contract to replace a competitive contract to replace the existing telephone instruments and telephone switching components of WMATA's telephone system.

Mr. Zimmerman moved, seconded by Mr. Deegan, that the Board approve the initiation and award of a contract for the replacement of the existing WMATA telephone system. This motion was unanimously approved.

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

C. Approval of Multi-Year Bus Procurement:

Mr. Zimmerman referred the Board to the request for approval to initiate and award a one-year base contract with four one-year options competitive procurement of hybrid electric buses. The Board will be advised of the vendors that competed in the solicitation prior to award; and exercise existing contract options to procure 25 additional CNG buses for FY07 service needs utilizing Metro Matters Expansion Bus funding.

Mr. Graham made a substitute motion, seconded by Mr. Deegan, to initiate a multi-year bus procurement only and delete the words "and award."

Mrs. Mack called for the vote on the amended motion to initiate a multi-year bus procurement. This motion was unanimously approved.

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

Mr. Zimmerman reported staff briefed the Committee on the findings and recommendations of WMATA's IT Peer Review and the Annual Update on Metro Matters Yards was deferred.

REPORT BY POLICY LEGISLATIVE & ADMINISTRATION COMMITTEE:

Mrs. Mack reported the Policy Legislative & Administration Committee met on Thursday, June 1, 2006. The following items were presented to the Committee: Approval of WMATA's Annual Disadvantaged Business Enterprise Goal for Federal Fiscal Year 2007. Staff presented a recommendation for Committee and Board approval of an overall 16% Annual Disadvantage Business Enterprise Goal for Federal Fiscal Year 2007. The overall goal is to be achieved 15% through race conscious measures and 1% through race neutral measures. Staff reported that the goal tracks the reduction of federal dollars to WMATA for construction and the

recently published guidelines for setting DBE goals by the U. S. Department of Transportation. The Committee approved staff's recommendation. Staff's recommendation on this action item will be presented for approval by the full Board at the July 2007 meeting rather than today's Board meeting so as to afford WMATA the opportunity to seek public comment (for a period of 45 days ending on July 17, 2006) on the proposed goal.

Mrs. Mack moved, seconded by Mr. Deegan, that the Board approve WMATA's Annual Disadvantaged Business Enterprise Goal for Federal Fiscal Year 2007. This motion was unanimously approved.

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

Mrs. Mack moved, seconded by Mr. Zimmerman, to reconsider the vote on the staff's recommendation on this item that will be presented for approval by the full Board at the July 2007 meeting rather than today's Board meeting so as to afford WMATA the opportunity to seek public comment (for a period of 45 days ending on July 17, 2006) on the proposed goal. This motion was unanimously approved.

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

Mrs. Mack moved, seconded by Mr. Deegan, to seek public comment (for a period of 45 days ending on July 17, 2006) on the proposed goal. This motion was unanimously approved.

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

Mrs. Mack noted the Committee briefed the Board on a proposed WMATA Management Exchange Program.

REPORT BY BUDGET COMMITTEE:

A. Approval of Resolution for FY07 Operating Budget:

Mr. Graham referred the Board to the request for approval of a FY07 Operating Budget which included: Revenues of \$643.9M; Expenses of \$1,104.9M; Subsidy of \$461.0M; Debt Service of \$27.5M.

Mr. Graham moved, seconded by Mrs. Mack, that the Board approve the FY07 Operating Budget.

Mr. Smith noted during discussions at the Budget Committee WMATA had not answered various questions in his mind. He stated that the living wage is a political and social policy issue; it is not a transit issue and does not belong as a line item in the operating budget.

Mr. Kauffman moved, seconded by Mr. Smith, a substitute a motion to add *“Resolved, That the execution of a Board policy requiring contractors to compensate their employees at a living wage be held in abeyance pending 1) A report to the Board (by mid-FY07) on the implication of this policy; and 2) an affirmative action by the Board to authorize this policy for execution.”*

Mr. Graham moved, seconded by Mr. Zimmerman, to amend the substitute motion to strike: *“2) an affirmative action by the Board to authorize this policy for execution.”*

Mrs. Mack called for a vote on the amended substitute motion to strike 2) *an affirmative action by the Board to authorize this policy for execution.*

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

The amendment to the substitute motion fails for a lack of a vote from the State of Maryland.

Mr. Graham called for a vote on the substitute amendment, *that the execution of a Board Policy requiring contractors to compensate their employees at a living wage be held in abeyance pending: 1) A report to the Board (by mid FY07) on the implications of this policy; and 2) An affirmative action by the Board to authorize this policy for execution.*

Ayes 4 - Mr. Kauffman, Mr. Mack, Mr. Deegan, Mr. Smith
Nays 2 - Mr. Graham, Mr. Zimmerman

Mr. Graham called for a vote that the Board approve the FY07 Operating Budget, as amended that execution of a Board Policy requiring contractors to compensate their employees at a living wage be held in abeyance pending: 1) A report to the Board (by mid FY07) on the implications of this policy; and 2) An affirmative action by the Board to authorize this policy for execution.

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

A copy of the approved Resolution (2006-27) has been made a part of the official file.

Mr. Zimmerman requested staff provide a list of any contracts that are forthcoming and any information when changes are made.

B. Approval of Resolution for FY07-12 Capital Improvement Program:

Mr. Graham referred the Board to the request for approval of the FY07 Capital Improvement Program with the total budget of \$734.5M. The total budget

includes: IRP of \$293.4M; Rail Cars Program of \$293.4M; Bus Program of \$45.9M; Security Program of \$45.6M subject to receipt of federal funds; Credit Program and Debt Service of 29.6M; System Expansion Planning of \$1.5M; System Access/Capacity Program of \$21.4M; System Expansion Program of \$3.7M.

Mr. Graham moved, seconded by Mr. Kauffman, that the Board approve the FY07-12 Capital Improvement Program. This motion was unanimously approved.

Mr. Linton requested information regarding the Silver Spring Metrorail Southwest Entrance proposal to move forward. Staff stated the budget can be amended to include jurisdictional reimbursable projects, capital balance, or federal appropriations.

A copy of the approved Resolution (2006-28) has been made a part of the official file.

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

C. Approval to Modify a Contract to Provide a Single Access Telephone Number for All WMATA Services:

Mr. Graham referred the Board to the request for approval to modify a contract to provide a single access telephone number for all WMATA services. Staff requested permission to have a contractor design and implement a consolidated, single telephone number so all callers to that number will have access to all WMATA services: The cost of \$150,000 can be funded through a modification of an existing contract with available funds provided in the FY06 Operating Budget to the Department of Customer Communications, Marketing and Sales.

Mr. Graham moved, seconded by Mr. Deegan, that the Board approve to modify a contract to provide a single access telephone number for all WMATA services. This motion was unanimously approved.

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

Mr. Graham noted that the committee received reports on the Follow-Up Questions and Answers from the May 11, 2006 Budget Committee; Purchase Card and Telecom Improvements; and review of Jurisdictional Comments on FY2007 Operating Budget and FY2007-2012 CIP.

REPORT BY REAL ESTATE COMMITTEE:

A. Approval of Staff Report for Compact Public Hearing for Silver Spring Transit Center and Amendment to the Adopted Regional System and General Plans for the Silver Spring Metrorail Station:

Mr. Deegan referred the Board to the request for approval of the Public Hearing Staff Report for the Silver Spring Transit Center and Amendment to the Adopted Regional System and General Plans for the Silver Spring Metrorail Station. WMATA conducted a Compact Public Hearing for the Silver Spring Transit Center on April 24, 2006. A total of 22 individuals and organizations testified or presented written comments. There was general support for the project. However, those testifying or commenting offered a number of suggestions to improve the transit center. The staff report sets forth how WMATA will follow up on these suggestions.

Mr. Deegan moved, seconded by Mr. Graham, that the Board approve the Public Hearing Staff Report for the Silver Spring Transit Center and Amendment to the Adopted Regional System and General Plans for the Silver Spring Metrorail Station. This motion was unanimously approved.

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

Mr. Linton recommended pursuing construction of the southwest entrance, which was mentioned in the staff report as a related project, prior to the construction of the Silver Spring Transit Center to provide better public access during the course of construction and as well as accommodating the southwest entrance construction within the FY07 budget.

A copy of the approved Resolution (2006-33) has been made a part of the official file.

Mr. Deegan noted the Committee was also provided information concerning an item on today's administrative agenda to update and revise the resolution which establishes the policy for use of the Transit Infrastructure Investment Fund (TIIF).

REPORT BY CUSTOMER SERVICE, OPERATIONS, & SAFETY COMMITTEE:

A. Approval of MetroAccess Ad Hoc Advisory Committee Report:

Mr. Smith referred the Board to the request for approval of the Ad Hoc Committee's review and findings, approval is requested for policy and procedural changes, and initiation and award of a consultant contract for financial analysis of cost-bearing recommendations.

Mr. Smith moved, seconded by Mr. Kauffman, that the Board approve the Ad Hoc Committee's review and findings of MetroAccess; approval for policy and procedural changes; and initiation and award of a consultant contract for financial analysis of cost-bearing recommendations. 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 (2006-29) has been made a part of the official file.

B. Approval of Resolution for Jackson Graham Building Lobby Artwork:

Mr. Smith referred the Board to the request for approval to install D.C. Arts Commission-sponsored artwork in the lobby of the Jackson Graham Building.

Mr. Smith moved, seconded by Mr. Zimmerman, that the Board approve the installation of D.C. Arts Commission-sponsored artwork in the lobby of the Jackson Graham Building. This motion was unanimously approved.

Mrs. Mack thanked the D.C. Arts Commission for the donation of this artwork and their continued interest and support for art in Metro Stations.

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

A copy of the approved Resolution (2006-30) has been made a part of the official file.

Mr. Smith noted the committee staff will be providing to the Board information regarding similar entertainment programs at other transit systems and seeking the Board's guidance on the various approaches which could be pursued to implement such a program in the Metro system.

ADMINISTRATIVE ACTIONS:

OTHER ITEMS:

Mrs. Mack referred the Board to seven Administrative Actions. Mr. Graham requested that the Board approve, en bloc, Administrative Items Numbered 1 through 7.

1. Initiate & Award - Contract to Process Debit/Credit Card Transactions:

Approval is requested to initiate and award a competitively negotiated procurement for payment processing services in support of the Authority's debit and credit payment network.

2. Ratify - Action of Issuance of a Sole Source Contract to Railquip, Inc. to Furnish and Install Portable Railcar Lifts at Greenbelt Yard:

Approval is requested for a sole source contract for Railquip, Inc. To furnish and install portable lifts at the Greenbelt Service and Inspection (S&I) Shop. Pursuant to an emergency situation as referenced in Chapter 1 of the Procurement Procedures Manual, a Board action is required to report on the issuance of sole source contract to Railquip, Inc. To furnish and install 16 reconditioned portable mobile railcar lift columns at the Greenbelt Service and Inspection (S&I) Shop for the purpose of servicing the 6000 Series Railcar Procurement Program during acceptance testing.

Mr. Solomon noted corrections to the dates in the first paragraph of the narrative from January 11, 2005 to *January 11, 2006* and January 19, 2005 and January 20, 2005 to *January 19, 2006 and January 20, 2006* in the second paragraph of the MEAD #99334 under the discussion section. Staff will make the revisions to the MEAD #99334.

3. Award - Multiple Temporary Services Contracts to (2) Temporary Employment Agencies:

Approval is requested to award a competitively negotiated procurement to a primary and secondary Temporary Employment agency for the placement of temporary staff within the Authority, as needed. The contracts will be for a three - year base with two one-year options.

4. Approval of License Agreement with FiberGate for Fiber Optic System:

Approval is requested for the General Manager to: 1) negotiate and execute a non-exclusive License Agreement with FiberGate, Inc. for installation and operation of a fiber optic cable system within the Metrorail system; 2) as part of the Agreement for WMATA to indemnify FiberGate for WMATA's gross negligence or willful and/or wanton misconduct; and 3) to negotiate and execute a three-party agreement with FiberGate and Arbros for the sale of two existing fiber optic cables within the Metrorail system.

5. Modify - Contract to Issue Credit Modification for the Deletion of Labor Costs Associated with Installation Contract FM8204:

Approval is requested to issue a credit modification to Contract FM8204 for the deletion of labor costs associated with installation.

6. Initiate & Award - Contract for Bus Batteries for WMATA Buses:

Approval is requested to competitively advertise and award a requirements contract for the procurement of bus batteries for a two year base period and three one-year options. Total costs of this contract is estimated at \$735,000 for the base period and the total cost is \$2,136,785 if the option years are exercised.

7. Approval of Resolution for TIIF Fund Allocation Policy:

Approval is requested for the Transit Infrastructure Investment Fund (TIIF) Allocation Policy.

A copy of the approved Resolution (2006-31) has been made a part of the official file.

Mr. Graham moved, seconded by Mr. Zimmerman, that the Board approve the seven Administrative 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 referred to a statement for the Metro Board regarding Robert Smith to the effect that Mr. Smith had made highly charged and negative statements during a televised debate. Mr. Graham noted that he could not remain silent with respect to these comments and Mr. Smith's confirmation of their substantive accuracy. Mr. Graham stated that Mr. Smith must disavow these views and apologize or, if unwilling to do so, resign or, in the alternative, be removed by the Governor of Maryland as a member of the Board.

REPORT BY WSTC:

Mr. Smith noted that his personal views have nothing to do with the management and operation of running the trains and buses of this transit system and have not in anyway affected his actions or decisions with members of the Board or policy matters.

Mr. Deegan commended Mr. Tangherlini for the proposal on Entertainment on Metro.

REPORT BY NVTC:

Mrs. Hudgins reported Fairfax County has begun to provide free service to MetroAccess ID cardholder customers on its Connector bus service.

ADJOURNMENT:

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

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

This meeting was adjourned at 12:50 P.M.


Debra A. Johnson, Board Secretary