



Minutes

1311th Meeting of the Board of Directors October 19, 2006

Mrs. Mack called the meeting to order at 11:58 a.m. Present were:

Directors

Mrs. Gladys Mack
Mr. Charles Deegan
Mr. Christopher Zimmerman
Mr. Jim Graham
Mr. Raymond Briscuso
Mr. Dana Kauffman

Alternate Directors

Mr. William Euille
Mr. Gordon Linton

Staff

Mr. Daniel Tangherlini
Mr. James Hughes
Ms. Carol O'Keefe
Mr. Charles Woodruff
Mr. Steve Feil
Mr. Jack Requa
Ms. Debra Johnson

Mr. Raymond Feldmann
Mr. James Haggins
Ms. Brender Gregory
Mr. Edward Thomas
Mr. Fred Goodine
Mr. Dave Shaw

Approval of Agenda:

The agenda was approved as submitted.

Approval of Minutes:

The minutes of the September 21, 2006 meeting were approved as submitted.

Report by Riders' Advisory Council (RAC):

Mr. Jaffe stated that at the October 4, 2006 meeting, the members of the RAC were introduced to the RAC staff coordinator, John Pasek. At the same meeting, the RAC discussed having Council input on the 7000-series railcar design.

**Washington
Metropolitan Area
Transit Authority**

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

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

*A District of Columbia
Maryland and Virginia
Transit Partnership*

Additionally, a discussion ensued regarding implementing a public comment period at Board committee meetings. Mr. Jaffe reported that the Council commends and appreciates the opportunities for public comment at Board meetings and Town Hall meetings as well as the availability to the public of the meeting agendas in advance of the meetings. Committees are the first public look at issues before consideration by the full Board. Therefore, the RAC asserts that public comment at committee meetings is critical to ensure meaningful public input.

Additionally, the RAC endorsed having Federal legislation of \$1.5 million of dedicated funding for the Authority. The RAC also looks forward to working with the responsible parties to see passage of the dedicated funding.

Mr. Jaffe also announced that Ms. Mary Williams, a MetroAccess rider from the District of Columbia, resigned from the RAC.

Mrs. Mack expressed her disappointment in the resignation of Ms. Mary Williams. Additionally, Board committee public comment will be taken under advisement by the Board. Mr. Zimmerman stated that it is good that there is public comment at the Board meeting. He also stated that he was glad to see that the Riders' Advisory Council will have input on the 7000-series rail cars. However, he expressed that the Jurisdictional Coordinating Committee (JCC) also be given the opportunity to provide input on information provided to the RAC by WMATA staff.

Public Comment Period:

One person registered to speak during the public comment period conducted at this meeting:

1. Mr. Peter Rahimi spoke about the cost of passes available to the disabled versus standard fare.

Mrs. Mack requested that staff speak with Mr. Rahimi.

Report by Customer Service, Operations and Safety Committee:

A. Amendment to the WMATA Safety Policy Statement

Mr. Briscuso referred the Board to the request for approval to adopt the third amendment to the WMATA Board System Safety Policy Statement, originally adopted in 1983 and amended in 1987 and 1997.

Mr. Briscuso moved, seconded by Mr. Deegan, that the Board approve the amendment to the WMATA Board System Safety Policy Statement. This motion was unanimously approved.

A copy of the approved Resolution (2006-51) has been made a part of the official file.

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

Mr. Briscuso stated that the Board also received reports on four information items to include:

- 1) the Safety Annual Report-Out on the Annual FY06 safety and risk performance indicators for Rail, Bus, MetroAccess service and construction projects
- 2) the Metro Transit Police year-to-date crime report. The committee requested more specific details regarding Part II offenses by location.
- 3) an analysis on escalator conversion to stairs. The committee recommended that staff look at escalators shorter in height than what was proposed, as well as other cost-saving ideas.
- 4) an update on the policies and practices pertaining to customer notification of elevator and escalator outages, to include the Station Standard Operating Procedures. Staff will continue to enhance signage.

Report by Policy Legislative/Administration Committee:

The committee discussed the Governance Task Force Draft Action Report. The report was distributed to the public on October 13, 2006 for a 30-day public comment period to end on November 13, 2006. The committee will meet in December to discuss the comments received and present recommendations to the Board.

Mrs. Mack reported that she attended the funeral service of Mr. Charles Mason, husband of Hilda Mason, longtime City Council Member and WMATA Board Member. Mrs. Mack stated that the Authority sent a letter of condolence and flowers for the occasion.

Report by Planning and Development Committee:

A. Approval of Adjacent Construction Program and Fee Schedule

Mr. Zimmerman referred the Board to the request for approval of cost recovery for private development that requires Metro approval in accordance with the fee schedule that is to be updated annually.

Mr. Zimmerman moved, seconded by Mr. Deegan, that the Board approve to recover adjacent construction project costs in accordance with the specified fee schedule. This motion was unanimously approved.

A copy of the approved Resolution (2006-52) has been made a part of the official file.

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

B. Approval of Platform Structural Rehabilitation

Mr. Zimmerman referred the Board to the request to approve to initiate and award a competitive project for a pilot program to rehabilitate deteriorated platforms at Minnesota Avenue and Deanwood Stations by replacing sections of the platform and change the tile flooring standard design for rehabilitation of these two stations, and all new and future rehabilitated Metrorail stations. The committee directed staff to return to the committee for discussion on the standards for the new tiles, specifically, color, shape and comments received from the Riders' Advisory Council.

Mr. Zimmerman moved, seconded by Mr. Deegan, that the Board approve to initiate and award a competitive contract for rehabilitation of platform slabs at the Minnesota Avenue and Deanwood stations. This motion was unanimously approved.

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

C. Approval of Construction Agreement for Navy Yard Station Entrance Modification

Mr. Zimmerman deferred to Mr. Graham to discuss this item on the Agenda.

Mr. Graham referred the Board to the request for approval to authorize the General Manager to execute a construction agreement for the Navy Yard Station Modifications Project, in conjunction with the Navy Yard Joint Development Project.

Mr. Graham moved, seconded by Mr. Zimmerman, that the Board approve the General Manger to execute a construction agreement for the Navy Yard Station Modifications Project. This motion was unanimously approved.

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

Report by Real Estate Committee:

A. Approval to Hold Compact Public Hearing on the Dunn Loring Joint Development Site Project

Mr. Deegan referred the Board to the request for approval to hold a public hearing on the Dunn Loring Joint Development Site project. The hearing will take place after the Fairfax County Board of Supervisors approves the conceptual Development/Final Development Plan, expected prior to the end of 2006.

Mr. Deegan moved, seconded by Mr. Kauffman, that the Board approve to Hold a Compact Public Hearing on the Dunn Loring Joint Development Site Project. This motion was unanimously approved.

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

B. Approval of Sale and Construction Agreements for Navy Yard Station (West Entrance)

Mr. Deegan referred the Board to the request for approval of sale and construction agreements for the West Entrance to the Navy Yard station. Mr. Deegan deferred to Mr. Graham to make a motion.

Mr. Graham referred the Board to 1) approve MR Ballpark 5 LLC as the selected developer for the Navy Yard station (West Entrance) joint development project; 2) authorize the execution of the Sale and Development agreement, and the Funding Agreement with the District of Columbia (authorization to execute the construction agreement previously authorized by the Planning and Development Committee) subject to the Developer's agreement to provide an affordable housing component of up to 20% of the total units, regardless of whether the District of Columbia passes and Inclusionary Housing Zoning Law, provided that this is subject to funding being made available for such units in excess of any minimum legal requirements; and 3) authorize the net proceeds from the lot be held to be applied to the cost of the replacement of Southeastern Bus Garage and the net station proceeds to be placed in the TIIF.

Mr. Graham further explained that this action requires the developer, who has an adjacent mixed-use office/residential building, to comply with any applicable affordable housing law and entitles the District of Columbia to purchase affordable housing units up to 20% of the total residential capacity for both low and moderate income units.

Mr. Graham moved, seconded by Mr. Kauffman, that the Board approve the sale and construction agreements for the West Entrance to the Navy Yard station. This motion was unanimously approved.

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

Report by General Manager:

Mr. Tangherlini stated that he recently met with the internal advisory panel on establishing a scholarship fund and memorial for those who have given their lives in service to the Authority. The panel presented a scholarship proposal that will use an established non-profit, such as the Community Foundation of the National Capital Area, to provide a mechanism for raising and distributing scholarship funds. The programs will be overseen by a panel with representatives of each WMATA labor union and management of the Authority.

The committee also proposed both a plaque for placement at the Jackson Graham Building, as well as a memorial to be placed at the Carmen Turner Facility. The latter memorial will incorporate information about each employee who gave their life and some description of the circumstances that led to their sacrifice to serve as a "teaching tool" for employees. A proposal for the form type and budget for the memorials is expected to be brought to the relevant committees before the end of the calendar year.

The committee agreed to formally request a partnership with the American Public Transportation Association (APTA) to explore developing a national memorial at a location within the Metro system, such as Metro Center. The Board will receive a report on the response and interest of APTA.

Administrative Actions

Other Items

Mrs. Mack referred the Board to the 16 Administrative Actions. Mr. Zimmerman moved, seconded by Mr. Deegan, that the Board approve, en bloc, Administrative Items XIII.A numbered 1 through 16. This motion was unanimously approved.

1. Approval to Initiate & Award a Sole Source Contract to American Brake & Clutch, Inc.

Approval to initiate and award a sole-source requirements contract to American Brake & Clutch, Inc. (ABC) for rebuilt and new brake shoes used in the maintenance and overhaul of WMATA buses for a one-year base and four one-year options. Additionally, approval to programmatically modify 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.

2. Approval to Initiate & Award a Sole Source Contract to Orion Bus Industries, Inc.

Approval to initiate and award a sole-source requirements contract to Orion Bus Industries, Inc with a one-year base period and two one-year options for the procurement of Orion bus inventory parts required for bus maintenance and stock replenishment.

3. Approval to Initiate & Award a Sole Source Contract to New Flyer Industries, Ltd.

Approval to initiate and award a sole-source requirements contract to New Flyer Industries, Ltd. with a one-year base period and two one-year options for the procurement of New Flyer bus inventory parts required for bus maintenance and stock replenishment.

4. Approval to Initiate & Award a Sole Source Contract to Rail Bearing Service Corporation

Approval to initiate and award a sole source requirements contract to Rail Bearing Service Corporation with a one-year base and three one-year options to recondition 1,800 axle journal bearings in the base period and 2,000 bearings during each option period for WMATA stock item number V18-35-0012.

5. Approval to Execute a Commodity Swap for FY08 Diesel Fuel Supplies

Approval to execute a commodity swap to limit the potential impact of adverse price movement on FY08 diesel fuel supplies.

A copy of the approved Resolution (2006-53) has been made a part of the official file.

6. Approval to Initiate & Award a Contract for Rehabilitation of Structural Concrete and Joint Seals

Approval to initiate and award a multi-year competitive contract for rehabilitation of structural concrete and joint seals at 14 bridges on the B, C, and D Route: H, K, L, and M Street Bridges; Florida Venue Bridge; Rhode Island Aerials; Takoma Park Bridge; Georgia Avenue; Kansas Avenue; Four Mile Run; National Airport Aerials; 580 Bridge; Watts Creek Bridge; Nannie H. Burroughs Avenue; and Eastern Avenue Bridges.

7. Approval to Award Contracts for Lease & Maintenance of Copiers and Modify Existing Contract

Approval to award two separate contracts under the GSA schedules for the lease and maintenance of black and white digital copying and scanning devices to Ricoh for five years and to Kodak for a two-year base period plus three one-year options, and to modify the existing Xerox contract number N-04737 for a four-month period until each new digital device can be installed at all locations. Authorization for the General Manager to award a third contract for medium duty copiers pending the resolution of discrepancies between the contract terms and the bidders' proposals.

8. Approval to Use Arlington County TIIF for Shirlington Bus Terminal Project

Approval to obligate \$1,000,000 for the Shirlington Bus Terminal project from Arlington County's share of WMATA's Transportation Infrastructure Investment Funds (TIIF).

9. Approval to Modify Contract 1C1011 for the Shirlington Bus Terminal

Approval to modify Contract 1C1001 with Grunley-Walsh JV in a negotiated amount not to exceed \$1,700,000 to accommodate design changes directed by Arlington County to meet county requirements.

10. Approval to Initiate & Award Multiple Contracts for Repairable Parts

Approval to initiate and award multiple contracts for repairable parts in support of rail car, facilities, elevator/escalator, systems and bus maintenance by competitive and sole-source procurement as required. Multiple awards may be made.

11. Approval to Initiate & Award a Contract for Replacement of Fire Intrusion Alarm Systems

Approval to initiate and award a contract for the replacement of fire and intrusion alarm (FIA) systems at Royal and Four Mile Run Bus Garages, as well as Stone Straw and Metro Supply Facility to comply with current fire codes. In addition, modify ADT Contract FM8205 for replacement of FIA systems at Northern and

Western Bus Garages in order to bring these locations into compliance with current fire codes.

12. Approval to Exercise Option for the Design and Conduct of the Public Perceptions of Transit Tracking Study

Approval to exercise the final of three one-year options for the design and conduct of the Public Perceptions of Transit Tracking Study to include travel behavior, mode choice and demographic data instrumental to the Authority's long-term planning.

13. Approval to Increase the Budget for the Navy Yard Station Modifications Project, Increase the FY07 System Access/Capacity Program and Initiate & Award a Design/Build Contract

Approval to increase the budget for the Navy Yard Station Modifications Project from \$5000,000 to \$20,000,000 and increase the FY07 System Access/Capacity Program from \$23,037,000 to \$42,537,000, subject to the availability of funds and initiate a design/build contract and award if within budget.

A copy of the approved Resolution (2006-54) has been made a part of the official file.

14. Approval to Modify Contract FH3802 for the Replacement of Dry Standpipe Fire Suppression System

Approval to issue a final contract modification for the multi-year replacement of of dry standpipe fire suppression system contract FH3802.

15. Approval of Indemnification and Hold Harmless Language in Retiree Drug Subsidy Agreement

Approval of the resolution to incorporate the required Indemnification and Hold Harmless language in the CareFirst BlueCross/BlueShield Retiree Drug Subsidy (RDS) Reporting Agreement, to ensure the Authority's compliance with the RDS Program's requirements.

A copy of the approved Resolution (2006-55) has been made part of the official file.

16. Approval of Issuance of Request for Proposal for the Consolidation and Operation of Communications Infrastructure

Approval of issuance of Request for Proposal (RFP) for the consolidation and operation of communications infrastructure to carry cellular telephone and other broadcast transmissions within the subsurface Metrorail system.

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

REPORT BY WSTC: Mr. Deegan stated that the Landover division hosted the Bus Roadeo and acknowledged Mr. Robert Miles, winner of the Roadeo for the 18th time. Mr. Deegan stated that he accompanied Messrs. Miles, Kenneth Lee, and Charles Jackson, the three bus operator winners to a Redskins football game on behalf of Governor Ehrlich and Lieutenant Governor Steele.

Additionally, Mr. Deegan stated that on behalf of Maryland, he expressed sorrow relating to the departure of Mr. Tangherlini as Interim General Manager of the Authority.

REPORT BY D.C.: Mr. Graham stated the delight of the District of Columbia to have Mr. Tangherlini join the Office of the Mayor as City Administrator. Mrs. Mack reiterated Mr. Graham's remarks, noting that projects implemented during Mr. Tangherlini's tenure will prove beneficial for the Authority.


REPORT BY NVTC: Mr. Kauffman thanked Mr. Tangherlini for his services. NVTC discussed the Virginia General Assembly's Special Session, which convened to address stable and reliable funding for Metro.

ADJOURNMENT:

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

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

This meeting was adjourned at 12:29 p.m.


Debra A. Johnson, Board Secretary