



## Minutes

### 1312<sup>th</sup> Meeting of the Board of Directors November 16, 2006

Mrs. Mack called the meeting to order at 9:25 a.m. Present were:

#### **Directors**

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

#### **Alternate Directors**

Mr. Gordon Linton  
Mrs. Catherine Hudgins

#### **Staff**

Mr. Jack Requa  
Mr. Raymond Feldmann  
Mr. Fred Goodine  
Ms. Brender Gregory  
Mr. James Haggins  
Ms. Polly Hanson  
Mr. James Hughes

Ms. Debra Johnson  
Mr. Emeka Moneme  
Ms. Carol O'Keeffe  
Mr. Steve Petruccelli  
Mr. Edward Thomas  
Mr. Charles Woodruff

#### **Approval of Agenda:**

Mrs. Mack moved, seconded by Mr. Briscuso, that the agenda be amended to add the administration of the Oath of Office to a new Board Member. The agenda was approved with that amendment.

#### **Report by Chair:**

Mrs. Mack administered the Oath of Office to Michelle Pourciau of the District of Columbia.

Mrs. Mack requested staff to elaborate on the Red line service disruption. Mr. Requa responded that at 5:53 a.m. power was lost on the Red line. One train was en route from Dupont Circle to the Woodley Park station and stopped between stations. Station managers walked 75 people from inside the tunnel to the Dupont Circle

**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*

station, without injury. Buses were used to shuttle customers between stations. At 7:29 a.m. power was restored to the Red line.

Mrs. Mack moved, seconded by Mr. Zimmerman, that the Board suspend the Board meeting to convene in Executive Session to discuss personnel matters consistent with Board Procedures VI.3.

The Board Meeting was suspended at 9:31 a.m.

Mrs. Mack reconvened the meeting to 10:40 a.m. Present were:

**Directors**

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

**Alternate Directors**

Ms. Michelle Pourciau  
Mr. Marcell Solomon  
Mr. William Euille  
Mr. Gordon Linton  
Mrs. Catherine Hudgins

**Staff**

Mr. Jack Requa  
Mr. Steve Feil  
Mr. Raymond Feldmann  
Mr. Fred Goodine  
Mr. James Haggins  
Ms. Polly Hanson

Mr. James Hughes  
Ms. Debra Johnson  
Ms. Carol O'Keeffe  
Mr. Edward Thomas  
Mr. Charles Woodruff

Mr. Briscuso moved, seconded by Mr. Zimmerman, that the Board approve the appointment of Mr. John B. Catoe, Jr. as the General Manager effective January 29, 2007. This motion was unanimously approved.

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

Mrs. Mack suspended the Board Meeting to allow for a press conference with Mr. Catoe. The Board Meeting was suspended at 10:43 a.m.

Mrs. Mack reconvened the meeting to 11:08 a.m. Present were:

**Directors**

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

**Alternate Directors**

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

**Staff**

Mr. Jack Requa  
Mr. Steve Feil  
Mr. Raymond Feldmann  
Mr. Fred Goodine  
Mr. James Haggins  
Ms. Polly Hanson  
Mr. James Hughes

Ms. Debra Johnson  
Mr. Emeka Moneme  
Ms. Carol O'Keeffe  
Mr. Steve Petruccelli  
Mr. Edward Thomas  
Mr. Charles Woodruff

**Approval of Agenda:**

Mrs. Mack noted that there was no Planning and Development Committee meeting as scheduled, therefore the two action items scheduled for review in that committee will be considered by Mr. Zimmerman under the Report by the Planning and Development Committee. Information items scheduled for consideration by the committee will be considered at the next committee meeting.

Mr. Kauffman moved, seconded by Mr. Zimmerman, that the Board approve the revised agenda.

**Approval of Minutes:**

The minutes of the October 19, 2006 meeting were approved as submitted.

**Report by Riders' Advisory Council (RAC):**

Mr. Jaffe welcomed Mr. Catoe on behalf of the RAC. At the November 8, 2006 RAC meeting, a discussion ensued regarding improving the locations and as well as prominent visibility of the recycling containers, which the RAC believes will promote usage. Additionally, the RAC inquired about the cost recovery of the recycling

program at the Authority. Improved passenger safety when walking away from escalators, especially on the platform levels, was also discussed.

Mr. Jaffe also discussed customer service in relation to a situation that he encountered trying to get light bulbs replaced at a rail station. Mr. Jaffe suggested that Metro establish "expectation standards" so that customers are provided an estimate of time before problem resolution. In addition, Mr. Jaffe suggested that employees within the agency use consistent communication.

Finally, Mr. Jaffe expressed disappointment that the Riders' Advisory Council was not mentioned in Metro's recent press release on its decision to shelve proposals to split the 30 Line. He noted that, following a public meeting on this proposal, the RAC was asked to help find participants for discussion on this issue by Mrs. Mack; however, the RAC's efforts were not recognized.

Mrs. Mack stated that the press release was merely a formal recognition of the suspension of the proposals. Mr. Barry, asked clarifying questions regarding the customer service process with respect to the light bulb replacement. Mrs. Mack requested that Mr. Requa report to the Board regarding what needs to be done regarding delays and non-responsiveness to customer inquiries, as well as system-wide action taken to prevent this situation in the future. Mr. Barry further recommended that staff utilize an independent company to monitor customer service.

#### **Public Comment Period:**

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

1. Mr. Bill Orleans addressed the Board regarding WMATA's inability to accept payment for parking fee debts at cashier windows. Additionally, Mr. Orleans requested why the Board does not discuss the reason behind a legal decision made in Executive Session.

Mrs. Mack requested that staff speak with Mr. Orleans to assist him in settling his debt. Additionally, Mrs. Mack requested staff to address the legal decision addressed by Mr. Orleans. Ms. O'Keefe, General Counsel, replied that Board policy dictates that staff not discuss confidential information discussed in Executive Session. Mr. Zimmerman added that the reason for closed session discussion is to protect the interest of the public, as the Authority is a public agency. Mr. Barry suggested an open-forum discussion to apprise the public of the outcome of legal decisions. Mrs. Mack requested that, at a later time, Ms. O'Keefe restate to the Board the policy and rationale for having closed-meeting discussions. Mr. Barry stated that the public

should then be informed what information from Executive Session will be afforded them.

**Report by Chair:**

**A. Recognition of U.S. Senator Paul S. Sarbanes**

Mrs. Mack and Mr. Briscuso deferred to Mr. Linton to make the motion for the recognition of U.S. Senator Sarbanes. Mr. Linton referred the Board to the resolution recognizing that Senator Sarbanes has been an extraordinary supporter of public transit through his career, including leading the fight for passing Congressional transit legislation such as ISTEA, TEA-21, and SAFETEA-LU, containing funding for \$104 million for the purchase of 122 new WMATA rail cars.

As a token of the Authority's appreciation for Senator Sarbanes' career in public service, the Board of Directors formally dedicates and names the Silver Spring Transit Center as the "Paul S. Sarbanes Transit Center."

Mr. Linton moved, seconded by Mr. Solomon, that the Board approve the resolution to recognize U.S. Senator Paul S. Sarbanes. This motion was unanimously approved.

A copy of the approved Resolution (2006-56) has been made a part of the official file.

Ayes: 6 - Mrs. Mack, Mr. Solomon, Mr. Zimmerman, Mr. Graham, Mr. Linton, and Mr. Kauffman

**B. Acknowledgment of Interim General Manager**

Mrs. Mack referred the Board to the resolution to honor Dan Tangherlini as Interim General Manager. The resolution commends Mr. Tangherlini for serving as Interim General Manager and thanks him for his selfless commitment to further open the Authority to the customers, supporting employees, and commend his outstanding leadership and superb performance.

Mrs. Mack moved, seconded by Mr. Zimmerman, that the Board approve the resolution to acknowledge Dan Tangherlini as Interim General Manager. This motion was unanimously approved.

A copy of the approved Resolution (2006-57) has been made a part of the official file.

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

**C. Appointment of Acting General Manager**

Mrs. Mack referred the Board to the resolution to appoint Mr. Jack Requa as the Acting General Manager. This action ratifies the action taken by the Board on November 5, 2006. The Board thanks Mr. Requa for the leadership and direction already provided and for that to come.

Mrs. Mack moved, seconded by Mr. Kauffman, that the Board approve the resolution to appointment Jack Requa Acting General Manager. This motion was unanimously approved.

A copy of the approved Resolution (2006-58) has been made a part of the official file.

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

**D. Recognition of Service for Gene Counihan**

Mrs. Mack deferred to Mr. Solomon to make the motion for the Board to recognize the service of Gene W. Counihan. Mr. Solomon referred to the Board the resolution to recognize the 11 years of service of Gene W. Counihan representing Metro in the State of Maryland's various governmental bodies, including the Governor, Department of Transportation, State Assembly and local leadership throughout Montgomery and Prince George's counties. Mr. Counihan also advanced the Authority's goals with Maryland business groups, civic associations, environmental groups and other stakeholders, and coordinated a variety of planning, land use, operations, construction, permitting and other activities.

Mr. Solomon moved, seconded by Mr. Briscuso, that the Board approve the resolution to recognize the service of Gene W. Counihan. This motion was unanimously approved.

A copy of the approved Resolution (2006-59) has been made a part of the official file.

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

**Report by General Manager:**

Mr. Requa briefed the Board on the status of an investigation of a bus incident that occurred on November 11, 2006 when a group of juveniles boarded a Metrobus at Good Hope Road and 15<sup>th</sup> Street, SE and began fighting with other juveniles on the bus and on the street. While there were no major injuries, the bus sustained approximately \$3100 in damage. Metropolitan Police and Metro Transit Police are working together to find those responsible for this incident. Metro Transit Police have

increased surveillance of the 92 bus route. At a press conference held Monday, November 13, 2006, staff committed to working with the community to help minimize violent incidents such as this in the future.

Mr. Requa added that the Town Hall Meeting program is continuing, in partnership with the Riders' Advisory Council. There are two remaining meetings scheduled for 2006; the next of which is Wednesday, November 29, 2006 in Arlington, Virginia at the Rosslyn Spectrum Theatre, located at 1611 North Kent Street. The final Town Hall Meeting for the year is scheduled for Tuesday, December 5, 2006, in Rockville, Maryland at the Montgomery County Council's 3<sup>rd</sup> Floor Meeting Room, in the Stella Werner Council Office Building located at 100 Maryland Avenue. Both meetings will begin at 7 p.m. and conclude at 9 p.m. preceded by an Open House from 6:30 p.m. to 7 p.m.

Mr. Requa announced that the Regional Bus Conference will be held on Thursday, November 30, 2006, from 8 a.m. to 4 p.m., to be held at the Marriott Bethesda North Hotel and Conference Center, located adjacent to the White Flint Metrorail station. The keynote speaker, Craig Keish, Marketing Manager for Southwest Airlines, will discuss ways to provide outstanding customer service. Mr. Requa added that this is a regional conference, not solely WMATA, and holds much promise for the future.

Mr. Briscuso commented that there is no monetary amount that can describe the damage that was done by the bus incident of November 11, 2006. He added that attempting to place amount on the total damage undermines the integrity of the system, diminishes the desire of those who ride the system and punishes those who have no alternative means. He emphasized the need to be sure that resources are available to have cameras on the routes that require crime-deterrent systems the most and to assure riders that every bus in the system is safe.

Mr. Barry commented that the efforts staff is undertaking should add to a permanent solution to the bus crime situation. Mr. Requa responded that staff would continue to work with Mr. Barry to address the issues in Ward 8. Chief Hanson added that Metro Transit Police are working with the Metropolitan Police Gang Unit, having some WMATA officers trained by the unit. Additionally, staff is liaising with Peaceaholics and schools to integrate with the Metropolitan Police efforts to further prevent incidents of this nature and identify the perpetrators. Mr. Barry added that he would like to be invited to next meeting with Metro Transit Police and Metropolitan Police to address gang issues and bus stop locations.

## **Report by the Customer Service, Operations and Safety Committee**

Mr. Briscuso stated that some of the issues discussed by Mr. Barry could be considered at the next committee meeting and would welcome Mr. Barry's input there.

### **A. Approval of Resolution to Update Rail Fleet Management Plan**

Mr. Briscuso, referred the Board to the request for approval to update WMATA's Metrorail Fleet Management Plan. The plan was last adopted in 2004. The current plan provides for rail cars and facilities to support future growth of the existing system, and the extension of the rail to Dulles Airport and Loudoun County.

Mr. Briscuso moved, seconded by Mr. Zimmerman, that the Board approve to update WMATA's Metrorail Fleet Management Plan. This motion was unanimously approved.

A copy of the approved Resolution (2006-60) has been made a part of the official file.

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

### **B. Approval of Resolution for Elevator and Escalator Outage Signage**

Mr. Briscuso, referred the Board to the request to approve a resolution pertaining to elevator and escalator signs and other communication posted during outages outlining the time period of the outage.

Mr. Briscuso moved, seconded by Mr. Zimmerman, that the Board approve to update a resolution for elevator and escalator outage signage. This motion was unanimously approved.

A copy of the approved Resolution (2006-61) has been made a part of the official file.

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

## **Report by Budget Committee**

Mr. Graham stated that one action was conditionally referred to the Board by committee, provided that outstanding issues related to this item were addressed concerning amending the FY07 Paratransit Budget. It has been determined that further staff work will be necessary to address committee member concerns. Therefore, the Acting General Manager and Mr. Graham agreed that the item would come before the Board at a future time. Mr. Kauffman requested that staff expedite



the resolution of the issues so that the Board could consider the item at the December Board meeting.

Mr. Graham also stated that the Metro Transit Police Firearms Training Range was deferred by the committee until meetings with the Prince George's County Council and community outreach have been completed at the request of Mr. Solomon.

There following financial reports were discussed at the November 9, 2006 Budget Committee:

FY06 - Operating Budget Fourth Quarter Financial Report

FY07 - Operating Budget First Quarter Financial Report

FY06 - Metro Matters Year End Status

FY07 - Metro Matters Quarterly Financial Report

### **Report by Planning and Development Committee:**

Mr. Zimmerman discussed that the Planning and Development Committee was scheduled to have been conducted today but, due to scheduling constraints, it was agreed to take up the action items in the Board meeting and to defer the information items to the next committee meeting.

#### **A. Approval of Master Agreements**

Mr. Zimmerman referred the Board to the request to approve the General Manager to, as necessary, renegotiate, modify, or amend, and execute the Authority's current Master Utility and/or Operating Agreements with utility companies, local jurisdictions and Federal agencies.

Mr. Zimmerman requested additional information from staff. Mr. Haggins responded that the agreements have been in place since the early phases of the Authority, some dating back to the 1970s. As the Authority moves forward with some of the agencies, it is becoming increasingly difficult to conduct business under the old agreements. Therefore staff is seeking to modify, amend or delete the agreements so that Authority's business may be handled more effectively. Mr. Zimmerman asked if, on a go-forward basis, agreements be reviewed and updated more frequently than those being considered; staff agreed.

Mr. Zimmerman moved, seconded by Mr. Briscuso, that the Board approve to authorize the General Manager to as necessary, renegotiate, modify, or amend, and execute the Authority's current Master Utility and/or Operating Agreements with utility companies, railroads, local jurisdictions and Federal agencies.

Mr. Barry asked if the original agreements were ratified by the Board or did the General Manager have the authority to execute the agreements. Staff responded that most of them were reviewed by the Board. Mr. Barry suggested the Board review the

agreements before execution. Mrs. Mack stated that there should be a term for the agreements so that there is Board review and, if the agreement historically required Board approval, then those agreements should then return to the Board for approval. Mr. Barry also inquired about budgetary impacts of the agreements. Mr. Haggins, responded that some of the utility agreements could have rate structure terms. He added that it would be appropriate to set term limits and bring each agreement to the Board as negotiated to receive Board approval.

Mr. Zimmerman requested the unanimous consent of the Board to withdraw the motion and to defer this item to the next Planning and Development Committee meeting.

**B. Approval of Dulles PE Refinement Public Hearing Staff Report and Authorization for the General Manager to Execute an Agreement with the Washington Airports Authority (MWAA) for Design-Build Services**

Mr. Zimmerman referred the Board to the request to adopt the Supplemental Public Hearing Report on the Preliminary Engineering design refinements, approve the modifications to the General Plans for the Dulles Corridor Metrorail Project, and authorize the General Manager to negotiate with MWAA for all aspects of the project. Mr. Zimmerman requested staff to provide more details.

Mr. Haggins responded that following the public hearing held earlier in the year, there were changes to the general plans such as reinstatement of the redundant elevator, reduction of the platform canopy length, and a design change to the pedestrian bridge connection between the station and remote entrances to incorporate fire protection and lessen the width to 16 feet. Next, the Department of Rail and Public Transportation has requested that work within the WMATA right-of-way, to facilitate the Dulles extension, be accomplished by separate contract or using Authority forces. Finally, negotiating a reimbursable agreement with the MWAA will allow MWAA to be the successor program manager in April 2007 while WMATA will remain in the role as technical manager.

Mr. Zimmerman moved, seconded by Mr. Kauffman, that the Board approve to adopt the Supplemental Public Hearing Report on the Preliminary Engineering design refinements, approve the modifications to the General Plans for the Dulles Corridor Metrorail Project, and authorize the General Manager to negotiate with MWAA for all aspects of the project. This motion was unanimously approved.

Mr. Graham reiterated that the resolution states that the agreements would return to the Board for approval. Mr. Kauffman acknowledged the regional support for this project in moving toward a Record of Decision, highlighted the excellent staff work of Messrs. Haggins and Pant, and commended Secretary Pierce, representing the Governor, in recognizing that, what was ostensibly advanced as cost-savings changes were rejected because of the need to ensure quality service, particularly to those with

disabilities, and to make this system extension in keeping with the quality that riders have come to expect.

A copy of the approved Resolution (2006-62) has been made a part of the official file.

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

## **Administrative Actions**

### Other Items

Mrs. Mack requested that Administrative Item XIII.A.6, involving an estimated cost of \$11.7 million for the IT program and realignment of funds from Metro Matters be withdrawn from the agenda and referred the Board to the remaining Administrative Actions. Mr. Zimmerman moved, seconded by Mr. Kauffman, that the Board approve, en bloc, Administrative Items XI.A numbered 1 through 5 and 7 through 9. This motion was unanimously approved.

Mrs. Mack moved, seconded by Mr. Solomon, that Administrative Item XI.A.6 be referred to the Budget committee.

1. Approval to Initiate a Contract for Bus Seat Refurbishment

Approval to initiate and award a contract for bus seat refurbishment and repair of buses for a two-year base and three one-year options.

2. Approval to Initiate & Award a Contract for Leased Bus Tires and Tire Service

Approval to initiate and award a contract to provide leased bus tires and tire service for a three-year base period and two one-year options. The tire service will include, but not be limited to, providing tires, replacing worn out tires, fixing flat tires, checking tire pressures, wheel refurbishing and providing support requirements.

3. Approval to Initiate & Award a Contract for Track Geometry and Third Rail Measurement Systems

Approval to initiate and award a contract with a one-year base period and four one-year options for track geometry and third rail measurement systems for the evaluation of the WMATA track system. The automated Track Geometry Inspection Service provides measurements that are necessary for safety inspections, maintenance forecasts and budgeting. Maintenance requirements are also identified from the measurement data.

4. Approval to Initiate & Award or Modify Competitive Contracts for the Consolidated Non-revenue Vehicle Procurement

Approval to initiate and award or modify competitive contracts for the Consolidated Non-Revenue Vehicle procurement. This procurement of up to 56 vehicles contingent upon pricing (53 replacement and 3 additional) are required to support the Department of Operations, Bus and Rail and other Authority Offices.

5. Ratification of FY07 Operations Insurance Program & Associated Premium Payments

Approve budgeted FY07 operations insurance program and associated premium payments to maintain insurance coverages.

6. Approval to Implement the Office of Information Technology Strategic and Business Plan

Referred to the Budget Committee.

7. Approval of MOU & Stipulation for Amendment to Interest Arbitration Award for K-9 Officers

Approval of the negotiated Memorandum of Understanding and Stipulation for Amendment to Interest Arbitration Award with the Fraternal Order of Police (FOP) settling the Fair Labor Standards Act (FLSA) claims of the K-9 officers. Subsequent to the 2004 collective bargaining and interest arbitration process with FOP, a FLSA-grounded claim made by the K-9 officers seeking overtime compensation for time spent at home caring for the assigned canine. An agreement was reached with the FOP and approved by the neutral chairman resolving the dispute by amending the interest arbitration award.

A copy of the approved Resolution (2006-63) has been made a part of the official file.

8. Approval to Indemnify U.S. Bank National Association, Escrow Agent

As a condition of approval of Contract C44444 with Cubic Transportation Systems (CTS) that handles the Regional SmartCard program, several provisions are designed to assure both product quality and schedule adherence. \$8.5 million, or 75%, of the contract amount is to be deposited into an escrow account until the project is complete and ready for use by the public. The use of the escrow account was agreed to as the vehicle to assure both product quality and schedule adherence. Since the bank assumes fiduciary responsibilities to provide this service to WMATA and CTS, they are seeking standard indemnification protections within the agreement. Only the WMATA Board is empowered to provide such indemnification.

A copy of the approved Resolution (2006-64) has been made a part of the official file.

9. Approval to Indemnify Wachovia Bank for the Employer Direct Pay Card Program

Approval to approval of the resolution to indemnify Wachovia Bank against losses not due to the negligence or willful misconduct of Wachovia Bank as it pertains to the Employer Direct Pay Card program, which is designed for employees who do not have a traditional bank account by giving them access to their funds through ATMs or point-of-sale facilities wherever MasterCard or VISA is accepted and assisting WMATA in achieving full participation in direct deposit.

A copy of the approved Resolution (2006-65) has been made a part of the official file.

**REPORT BY D.C.:** There was no report.

**REPORT BY WSTC:** Mr. Briscuso thanked Dan Tangherlini for his role as Interim General Manager, welcomed Mr. Requa to his role as Acting General Manager, and stated anticipation in working with Mr. Catoe as General Manager in late January.

**REPORT BY NVTC:** Mrs. Hudgins welcomed Mr. Catoe and stated the anticipation of working with him in regional spirit.

Mr. Kauffman acknowledged Mrs. Mack's leadership in hiring a General Manager within the specified time frame. Mrs. Mack expressed her appreciation for the Board members' participation and assistance.

**ADJOURNMENT:**

This meeting was adjourned at 12:18 p.m.

  
Debra A. Johnson, Board Secretary