

## **Riders' Advisory Council**

**November 6, 2019**

### **Members Present:**

Colin Reusch, Chair, At-Large  
Andrew Kierig, Vice Chair, Virginia  
Wil White, Vice Chair, Maryland  
Rob Cavese, At-Large  
Valerie Cook, District of Columbia  
Katherine Kortum, District of Columbia  
Rebekah Mason, Maryland\*  
Pat Sheehan, At-Large/Accessibility Advisory Committee Representative  
Lorraine Silva, Virginia  
Yvette Washington, Maryland

\* - via phone

### **Staff/Other Individuals Present:**

John Pasek, Assistant Board Secretary, Metro

### **Call to Order:**

Mr. Reusch called the November 2019 meeting of the Riders' Advisory Council to order at 6:09 p.m.

### **Approval of Agenda:**

The agenda was approved without objection. The approval of September and October meeting minutes were deferred until the following meeting.

### **Public Comment:**

Shemaila Fal said that she is frustrated by the ongoing Transdev strike and noted that it has impacted her commute. She said that she didn't think that the current contingency plan to run Saturday service on certain routes was well thought-out. Ms. Fal noted that the strike has had impacts not just on Metrobus service, but also rail service.

Mr. Reusch said that he sympathized with Ms. Fal's position and noted that there was an item on the agenda for discussion if she wanted to stay for that discussion.

**Rush Hour Promise:**

Mr. Kierig explained that there was an overnight collision between two trains near Farragut West in October which disrupted the following day's service. He said that, as a result of the interrupted service, the Rush Hour Promise (RHP) was in force for the next morning's rush hour but suspended for evening rush hour service the following day.

Mr. Reusch said that there was confusion and frustration among riders as to why the RHP wasn't in effect for the evening rush hour, especially given how the policy is written. He noted that the exceptions to the RHP listed in its terms and conditions include major capital work or repairs, severe weather events or *force majeure* events, but that riders may not understand where this incident fit within those exceptions to allow for the program to be suspended. He noted that the RAC has previously advocated for WMATA to have a clear and consistent refund policy. He added that prior to the implementation of the RHP, WMATA only considered refunds on a case-by-case basis, and often in an inconsistent manner, so the RHP represented an improvement in policy, but that there is still room for improvement.

Mr. Reusch told members that when the RAC presented its monthly report to the Board, Board Member Dorsey asked the group to suggest revised language for the RHP.

Mr. Kierig noted that the collision that caused the suspension of the RHP on October 7<sup>th</sup> could be considered as a *force majeure* event, but most riders are not familiar with such legal language, and in any event, the situation that disrupted service was caused by WMATA. He suggested that WMATA commit to provide a specific notice period before suspending the RHP. He noted that while he wasn't in favor of that suggestion, that it was the change most likely to be supported by the WMATA Board.

Mr. Cavese said that he thought that Mr. Kierig's suggestion would be helpful in setting rider expectations and that there needed to be specificity around what constituted "advance notification." He also noted that the RAC needed to be careful that any proposed language wouldn't have the effect of encouraging Metro to shut down service altogether to avoid suspending the RHP.

Ms. Kortum said that she didn't think that advance notification would be helpful, and that this specific instance was a case of WMATA not living up to its promise. She noted that establishing twelve-hour notice would have required Metro to send out notice at 3 a.m. about suspending the RHP for the evening rush hour, and she didn't think that was likely.

Ms. Cook said that she thinks that Metro's motivation behind establishing the RHP was to build trust with its customers, but that perhaps Metro is unable to afford the conditions of the RHP. She said that it may be time to admit that the program didn't work because it takes away needed resources from Metro.

Ms. Silva noted that the RHP program has an expiration date, and the fact that the program has an end date negates its status as a “promise.” Mr. Reusch said that he thought that the program’s end date was related to its funding source. Ms. Silva also noted that she doesn’t generally check Metro’s service status on its website before taking a trip, so advance notice of suspending the RHP wouldn’t be useful.

Ms. Mason said that she didn’t think that providing an additional exception to allow Metro to suspend the RHP is in riders’ best interest. She also noted that an advance notification requirement for suspension of the RHP would disadvantage riders who don’t use social media, since that would most likely be how notification would be provided.

Mr. Sheehan said that he felt that the RHP should continue to be in place. He said that he wanted to know how much money has been returned to customers through this program and would there be other scenarios where the RHP would be suspended, such as if there’s a fire. Mr. Reusch said that the RAC is looking at the extraordinary circumstances or *force majeure* category that allows for suspension of service and said that he didn’t think that the events in October that led to the suspension of the promise fell under those circumstances. Mr. Sheehan said that the RAC needs to be careful with the language it recommends.

Mr. Cavese said that there are a couple questions that need to be answered – 1. What is Metro able to fulfill in terms of customer service, which is something that Metro will have to answer; and 2. Are there ways to change the language to make the RHP more precise.

Mr. Sheehan said that he wanted to know whether the RHP has been effective. Mr. Cavese noted that more than 90% of riders who received the credit came back to the system. Mr. Reusch said that the RHP has been cited as a factor in Metro’s rebounding ridership, but he said that there isn’t necessary a connection between the two.

Mr. Reusch asked whether this program will be extended into FY2021. He noted that, in terms of the RAC’s recommendations to improve the program, there are a couple of options:

- Align the program with current practice; or
- Suggest language that would prevent Metro from making decisions that aren’t in line with the idea of a service promise for factors within its control.

Mr. Reusch said that the RAC might recommend amending the language regarding “extraordinary circumstances” must be beyond Metro’s control and not caused by Metro’s infrastructure or employees.

Ms. Cook noted that it may not be worth amending the policy if it expires in July of 2020.

A member of the public noted that the RHP disadvantages bus riders, who are more likely to be low-income, since it isn’t automatic for delayed Metrobus trips and that it’s an issue of equity. Ms. Mason said that she doesn’t agree with changing the language to give Metro additional

conditions to suspend the RHP, and that the RAC should ask for data on the program in terms of its budget impact and its effect on customer retention.

Ms. Kortum said that she recognizes the equity concern in terms of the RHP's applicability to bus passengers, but that it's more difficult to automatically credit bus riders since they don't tap in/tap out of their Metrobus trip.

Mr. Reusch suggested that the RAC take the following steps:

- Develop changes to the policy's language as it stands;
- Determine whether or not the program will be continued into Metro's next fiscal year;
- Get data on the cost and effectiveness of the program;
- Consider a recommendation for a more comprehensive program that sets better-defined parameters for when refunds are issued.

Mr. Sheehan noted that MetroAccess has a refund policy for late pick-ups, though not for on-time performance of the entire trip. He noted that MetroAccess on-time performance is currently below the contractually-obligated 94%.

Ms. Kortum suggested adding language to the section under "extraordinary circumstances" to state "...when service is affected due to WMATA's action or inaction."

Mr. Kierig suggested that bus trips that arrive at their endpoint more than 10 minutes late should be eligible for the RHP credit. Ms. Cook said that she agreed that buses are unpredictable but that she isn't sure that it's reasonable to penalize Metro for bus punctuality issues since Metro doesn't have control over the roadways on which it operates.

Mr. Kierig noted that the RHP currently applies to Metrobus.

There was further discussion regarding who is eligible for credits under this program and how those credits are calculated and provided to riders.

Mr. Reusch said that while he's not opposed to proposing broad recommendations on a more equitable refund policy, he thinks that the RAC should try to provide some narrowly-tailored recommendations to this policy.

Ms. Kortum moved to amend the language of the "extraordinary circumstances" exception to the RHP as follows:

Extraordinary circumstances or "force majeure" events, such as a region-wide blackout or major security incident, that is not due to WMATA's action or inaction, when service is affected.

Ms. Cook seconded this motion, and it was approved unanimously.

Mr. Reusch noted that there are still several outstanding issues regarding refund policies and asked whether anyone would be willing to work on this issue. Ms. Kortum said that she would

research other transit agencies' policies and best practices. Mr. Sheehan said he would also raise this issue with the Accessibility Advisory Committee.

**Blue/Orange/Silver Line Capacity and Reliability Study:**

Mr. Kierig provided an overview of Metro's ongoing study of options to improve capacity on the Blue/Orange/Silver lines, where he serves on the study's advisory panel. He noted that the study is looking at a broad array of options, and explained some of the issues that the study is trying to address, including:

- Capacity constraints in the tunnel between Rosslyn and Stadium-Armory;
- Delays caused by interlining between Metro lines;
- Crowding at transfer points;
- Vertical circulation (elevator/escalator);
- Automatic train and door operations;
- Changes to rolling stock – additional doors and changes to seating layouts or articulated rolling stock.

He provided an overview of some of the previously-proposed options to deal with Metrorail crowding, including new lines, stations and connections.

In response to a question from Mr. Sheehan, Mr. Kierig described the options for separating out the Blue Line through the District of Columbia and Prince George's County.

Ms. Cook asked Mr. Kierig what will come from his involvement in the study. He said that one of the planners leading the project said that she would like to come talk with the RAC to give an overview of the study, which would allow the RAC to provide input both on this study and to address other areas that lack reliable transit service.

There was further discussion regarding proposed changes to train layouts and seating, including proposal for articulated trains. Mr. Sheehan noted that the AAC has been working on recommendations for Metro's new 8000 Series cars and that he would welcome the opportunity to share those with the RAC.

**Proposed FY2021 Budget:**

Mr. Pasek provided an overview of Metro's proposed FY2021 budget, including a timeline for adoption, constraints on revenue and spending, and proposed changes to hours of service, service and fares. He noted that a detailed list of proposed bus service changes hasn't been released.

Ms. Cook asked about the proposed changes to ridership from service changes and fare changes and noted that the numbers didn't line up. She also said that she was pleased to see the extension of late-night hours, given the RAC's prior advocacy on this issue.

Mr. Reusch suggested that members email him in the next few weeks with questions or clarifications on the budget that he would compile and send to Mr. Pasek

#### **Transdev Strike:**

Mr. Kierig explained that Transdev employees who operate Metrobuses from the Cinder Bed Garage went on strike beginning approximately two weeks ago. He said that he tweeted a request for stories from affected riders and received fourteen responses and noted that several of the responses were difficult to read.

Ms. Kortum noted that there is nothing the RAC can do about this situation and asked whether the RAC should make a statement on how this affects Metro riders. Mr. Kierig said that the buses affected by the strike are owned by Metro and said that he doesn't think that the frustration and anger that this strike is getting through to the Metro Board and that the RAC needs to explain to the Board the damage that the strike is doing to Metro.

Ms. Mason said that she is concerned that there are "second-class" Metro riders and that Metro needs to take responsibility for the needs of its riders, even if they use services that Metro has contracted out. She asked whether the Compact can be used to require Metro to act.

Mr. Cavese said that WMATA isn't necessarily in a position to solve this dispute, but if the RAC does issue a statement, it needs to recognize the need for both Transdev and the ATU local to recognize the impact of the strike on riders.

Ms. Kortum said that the RAC needs to highlight that Metro's communications around this issue came too late for riders to make alternate plans and to ask for clarity around Metro's contingency plans with regard to this contract. Mr. Kierig said that he would work with Ms. Kortum to draft a statement on this issue within the next few days.

#### **Announcements/New Business:**

Kirti Suri, from CM Robert White's office, announced that the DC Council is holding a public oversight hearing of the Metro Transit Police on Tuesday, November 12<sup>th</sup> at 2 p.m., specifically as it relates to policies regarding juveniles and communities of color.

In response to a question from Ms. Mason, Ms. Suri said that it is still possible to sign up to testify at this hearing. Ms. Mason said that she would like to testify at the hearing on Tuesday. Mr. Reusch suggested that it may be more practical for Ms. Mason to testify as an individual.

Ms. Cook announced that she will be stepping down from her position on the RAC when her term ends in December.

Ms. Kortum suggested that the RAC move its January meeting to January 8th, since the first Wednesday of January is January 1<sup>st</sup>. She also expressed her appreciation that the new DC Board member who has been nominated is a regular transit user.

**Adjournment:**

Without objection, Mr. Reusch adjourned the meeting at 8:06 p.m.

DRAFT