

## **Metro Riders' Advisory Council**

**May 6, 2009**

### **I. Call to Order:**

Ms. Zinkl called the May meeting of the Riders' Advisory Council to order at 6:42 p.m.

The following members were present:

Diana Zinkl, Chair, District of Columbia  
David Alpert, District of Columbia  
Kelsi Bracmort, District of Columbia  
Sharon Conn, Prince George's County  
Patricia Daniels, District of Columbia\*  
Frank DeBernardo, Prince George's County  
Penelope Everline, Arlington County  
Dharm Guruswamy, At-Large  
Patrick Sheehan, At-Large  
Evelyn Tomaszewski, Fairfax County\*  
Carol Carter Walker, District of Columbia

The following members were absent with from this meeting and had provided prior notification of their absence:

Mary Kay Dranzo, Montgomery County  
Chris Farrell, Montgomery County  
Susan Holland, Prince George's County  
Lora Routt, Montgomery County  
Carl Seip, At-Large  
Lillian White, City of Alexandria  
Robin White, Fairfax County

The following member was absent from this meeting:

Kenneth DeGraff, District of Columbia

\* - Arrival times for members who arrived after the beginning of the meeting are noted in the body of the minutes.

### **II. Public Comment:**

Ms. Zinkl asked if there were any members of the public who wished to make comments to the Council. Doris Ray, from the Endependence Center of Northern Virginia, said that

she understands that this is a difficult time, financially, for Metro, and thanked the Board for its recent decision to not make significant cuts to bus service. She added that members of the disability community place a premium on accessibility and that Metro needs to maintain its accessible features.

Ms. Ray also noted that, due to the creation of the MetroAccess paratransit service, people with disabilities have been able to get out of their homes like they had not been able to previously. She asked that Mr. Graham and the Board not cut back MetroAccess service by limiting its service area to within ¾-mile of existing fixed-route bus or rail service, which is the minimum under federal guidelines for paratransit service .

III. Approval of Agenda:

Ms. Zinkl asked for a motion to approve the agenda. Ms. Everline moved approval of the April meeting agenda, as presented. This motion was seconded by Mr. Alpert. Without objection, the agenda was approved as presented.

IV. Discussion with Metro Board Chairman Jim Graham:

Ms. Zinkl introduced Jim Graham, the Chairman of Metro’s Board of Directors and a member of the District of Columbia City Council.

Mr. Graham thanked the Council for inviting him to their meeting and thanked members both for coming out to the meeting and for their advocacy on behalf of transit riders. He noted that he had experience working with members of the community with disabilities, as he was previously the head of the Whitman-Walker Clinic.

Mr. Graham told the Council that he wanted to address three issues in his discussion with them:

*1. MetroAccess and Metro’s FY2010 Budget:*

Mr. Graham noted that Metro has just concluded a very important stage of its budget process and was able to avoid making significant service cuts. He added that most of the service cuts that the Board actually ended up approving were in the State of Maryland, largely because Maryland also had to deal with very high MetroAccess costs.

Mr. Graham described the budget process as a “torrent” of comments and added that he thought that much of the agitation associated with the process was unnecessary and was largely caused by dire predictions about possible, drastic service cuts such as

Metrorail having to close at 9 p.m. He told members of the Council that the public hearing process concluded with a whimper, rather than a bang and that the Board is well on its way to adopting a final budget. Mr. Graham also addressed those who advocated for a fare increase in order to preserve service – he noted that a fare increase was ultimately unnecessary because the Board only had to reduce costs by a few million dollars, with jurisdictions and other sources providing the remainder of funds to cover the budget gap. He said that he didn't think that a fare increase would have been realistic because it would have affected all transit riders while serving to preserve only a small amount of service.

2. *Dedicated Funding:*

Mr. Graham told the Council that Metro is getting closer to receiving dedicated funding. He said that he is hopeful that President Obama has included the funds for Metro in his proposed budget and added that if the federal government is able to appropriate \$150 million/year in funding for Metro, Metro's funding jurisdictions (the District of Columbia, Maryland and Virginia) will certainly come up with matching funds.

3. *Role of the Riders' Advisory Council:*

Mr. Graham said that he also wanted to discuss the role that the Riders' Advisory Council could play at Metro. He noted that there are two models of engagement for boards and councils – that of a “corporate board” which holds meetings but has limited opportunity for public engagement, and a “legislative model” which holds hearings, allows members of the public to come and testify and has a broader dialogue with members of the public, which is how the District of Columbia City Council operates. He said that the latter example is something that is at the Board's disposal.

Mr. Graham then opened the floor for questions.

Dr. Conn asked about funds from the federal economic stimulus legislation and how those funds can be used. Mr. Graham responded that there are ultimately some restrictions on how this money can be spent, though he noted that there are not necessarily restrictions on using stimulus funds to help close budget gaps.

Mr. DeBernardo noted that many people became interested in Metro as part its budget crisis and the service reductions hearing process and asked Mr. Graham if he knew of way to sustain that interest now that Metro is no longer in the throes of a crisis. Mr. Graham responded that the Board has tried to sustain the public's interest, but that most people are only interested when there is a crisis or some direct threat to their service.

Ms. Tomaszewski arrived at 7:05 p.m.

Dr. Bracmort asked whether or not the Board had considered giving the Riders' Advisory Council additional authority in terms of the implementation of its recommendations. Mr. Graham responded that he believes that all Metro Board members possess some degree of openness on that topic and added that it would be up to members of the Council to reach out to members of the Board to try and get that to happen.

Ms. Everline said that fare increases should have been part of the discussion at the public hearings so that the public would have had the opportunity to provide their opinion on fare increases versus service cuts.

Ms. Daniels arrived at 7:07 p.m.

Ms. Tomaszewski apologized for her late arrival and added that she was late due to an issue with transit in getting to the meeting.

Mr. Guruswamy noted the story on WTOP regarding Metro's budget. He asked if it would be possible to advance the budget timeline to allow for the public to have more time for input on Metro's budget. Mr. Graham responded that this is a good idea, but that he is unsure whether people would come to provide input, even if they had the additional time to do so.

Ms. Walker thanked Councilman Graham for taking the time to come to the meeting.

Mr. Alpert said that he very much agreed with Mr. Graham's assessment of the two models of Boards of Directors – the corporate model and the council model. He said that he would support the Metro Board of Directors moving more towards the "council" model in conducting its business. Mr. Alpert added that many details of Metro's proposed FY2010 budget are still not available to the public.

Mr. Graham responded by comparing Metro's annual budget process to that of the District of Columbia, and said that Metro's process is much more open than the District's. He also discussed the Maryland and Virginia state budget processes in the context of their recent actions to amend the language in Metro's Compact. He said that the two states' budget processes are not very open and accessible to the public. Mr. Graham added that he would support more a more open process in terms of developing Metro's annual budget.

Mr. Sheehan said that he wanted to commend the Riders' Advisory Council for its wholehearted embrace of accessibility issues. He also said that Metro's decision to promote accessibility issues to a department level, through the Department of Access Services, was a wise move, and that it has meant that examination of accessibility issues are built into Metro's processes. Mr. Sheehan also said that he wanted to note Metro's initiative to move some MetroAccess riders to the fixed-route system for some of their trips, and added that he thought that this was a good program.

Ms. Zinkl told Mr. Graham that she appreciated how supportive the Board is of the Riders' Advisory Council and its work. She noted that the Council is often "the beginning of public input" but cannot be the only opportunity for the public to have input into how Metro is run. She said that there needs to be thought given to how to develop additional pathways to provide input to Metro.

Ms. Daniels suggested that Metro hold meetings closer to neighborhoods, at locations other than its headquarters building to encourage greater participation.

Mr. Graham concluded by saying that the Council needed to be aware that over the past few years, there has been a major change in the way that Metro's Board of Directors operates, specifically that it has given increased decision-making authority to the General Manager. He added that the Board needs to make sure that it is respectful of the General Manager's role and that the Board also needs to make sure that it doesn't micromanage the Authority.

Mr. Graham thanked the Council for having him as a guest at its meeting.

V. Approval of Past Meeting Minutes:

Ms. Zinkl asked for a motion to approve the March 2009 meeting minutes.

Ms. Walker moved approval of the March meeting minutes. Dr. Bracmort seconded this motion.

*In favor:* Ms. Zinkl, Mr. Alpert, Dr. Bracmort, Ms. Daniels, Mr. Guruswamy, Mr. Sheehan, Ms. Walker

*Opposed:* none

*Abstentions:* Mr. DeBernardo, Dr. Conn, Ms. Everline, Ms. Tomaszewski

This motion passed and the March 2009 minutes were approved as presented. (7-0-4)

Ms. Zinkl then asked for a motion to approve the April 2009 meeting minutes. Ms. Walker moved approval of the April meeting minutes as presented. Dr. Conn seconded this motion.

*In favor:* Ms. Zinkl, Mr. Alpert, Dr. Bracmort, Dr. Conn, Mr. DeBernardo, Ms. Everline, Mr. Guruswamy, Mr. Sheehan, Ms. Walker

*Opposed:* none

*Abstentions:* Ms. Daniels, Ms. Tomaszewski

This motion passed and the April 2009 minutes were approved as presented. (9-0-2)

VI. Reports:

a. Report By Accessibility Advisory Council:

Mr. Sheehan delivered the report from the Accessibility Advisory Council (AAC). He told the Council that the AAC was examining MetroAccess performance measures, which were trending upwards, and the effects of its recent change to providing door-to-door service. He added that the AAC also receives routine reports on late buses and elevator/escalator availability. Mr. Sheehan added that Metro is conducting a study on the “truncated dome” tiles in its rail stations and the AAC also wants Metro to study ways to get some MetroAccess users to be able to use the fixed-route bus and rail system.

Dr. Conn said that she had heard that MetroAccess is starting a “penalty process” for its riders and asked Mr. Sheehan for further detail on this process. Mr. Sheehan said that MetroAccess is looking at the issue of cancelled trips. He noted that Metro hasn’t done a good job in determining who is at fault, the rider or MetroAccess, when a passenger is unable to complete a trip. He added that the restrictions being proposed are not new restrictions on MetroAccess riders who do not show up for scheduled trips, it’s just that Metro is going back to look at this issue more closely.

Ms. Walker asked for clarification as to whether or not this policy is, in fact, in effect. Mr. Sheehan said that the policy is in effect and explained both MetroAccess’ late/no-show policy and the new “EZ-Pay” payment system. He noted that Metro is not allowed to indefinitely bar riders from using MetroAccess, but can restrict their use for a certain time period.

Ms. Walker also asked if he or other members of the AAC had any issues with the new Metrobuses which have front doors that swing outward when opening. There

was discussion among members about the pros and cons of bus doors that open outward vs. bus doors that open inward.

Ms. Tomaszewski asked if there were any openings on the AAC. Mr. Sheehan responded that the AAC is currently filling its vacancies and should be up to full membership by July 1<sup>st</sup>. Ms. Daniels expressed an interest in joining the Committee, and Mr. Sheehan invited her to attend one of its regularly-scheduled meetings.

b. Report by Customer Delivery Standards Working Group:

Ms. Everline gave a report on behalf of the R.A.C. group that is working with Metro staff on its Customer Service Delivery Standards. She said that the group had its initial meeting, but that members were somewhat overwhelmed by the document that outlines these standards. She told members that the group is trying to regroup and figure out the best way to provide feedback to Metro both on the standards document as well as on the most effective ways to convey the information in the document to Metro's riders.

Ms. Zinkl said that she thinks that there are ways to provide feedback other than simply going through the document on a chapter-by-chapter basis.

Ms. Zinkl then brought up the idea of having regular dates for Council working group meetings. After discussion, it was decided that Council working groups would schedule their meetings for the 2<sup>nd</sup> Monday and 3<sup>rd</sup> Tuesday of each month.

c. Service Cuts and Congressional Hearing Debrief:

Ms. Zinkl provided an overview of Metro's recent public hearings and the Board's decision about service cuts to help balance Metro's FY2010 Budget. She noted that the service reductions ultimately approved by the Board were greatly reduced from what was initially proposed and sent out to public hearings. Ms. Zinkl added that there was at least one Council member in attendance at each of the six public hearings and thanked those members who helped work on the Council's letter to the Board on the subject of the public hearings, possible reductions in service and Metro's FY2010 Budget.

Ms. Zinkl also noted that she recently provided testimony on behalf of the Council to the House Committee on Oversight and Government Reform's Subcommittee on the Federal Workforce, Postal Service and the District of Columbia concerning Metro. She thanked Council members for their assistance. Mr. Sheehan offered his congratulations to Ms. Zinkl on her testimony.

Mr. Guruswamy noted some of the routes approved for elimination by Metro's Board of Directors will actually be taken over by local transit operators, and, in fact, the 24P route will see increased service when its operation is taken over by Arlington Transit (ART) in July.

VII. New Business:

a. Retail Station Demonstration Program:

Ms. Zinkl introduced Cynthia Jachles from Metro's Office of Station Area Planning to discuss Metro's plans to allow for retail services at some Metrorail stations.

Ms. Jachles said that she hoped that people feel like this proposal is both a good amenity for Metro's customers as well as a revenue generator for Metro. She then gave an overview of the proposed program, noting that when surveyed, 57% of Metro riders said that they would use newsstands if they were allowed in the Metro system, while 53% said that they would patronize a "convenience store" type of business in the Metro system.

Ms. Jachles provided a brief history of Metro's earlier attempts at allowing retail in stations and noted that in researching other transit properties that allow retail uses within their systems, newsstands with packaged food and beverages are viewed to be the most lucrative retail endeavors. She then provided an overview of the proposed Request for Proposals (RFP) that Metro staff is asking the Board of Directors to approve later in the month, including information on possible types of retail uses that would be allowed in the system and the locations where they would be allowed. She also noted that Metro's prohibitions against the sale of tobacco product and against eating and drinking within the system would still remain in place with the addition of retail establishments within the Metro system.

Ms. Jachles told members that Metro hopes to find out how much money allowing such retail activities would generate as part of the RFP process. She also provided information about the length of the proposed contracts with vendors and the criteria Metro used in selecting potential locations for retail services. She noted that the sites identified were specifically chosen so as not to impede passenger traffic and that at some locations with high numbers of bus-to-bus transfers, retail locations are proposed to be located closer to the bus bays, to be more convenient for bus riders.

Ms. Jachles concluded her presentation and opened the floor for questions.

Ms. Zinkl noted that Metro is proposing to use a Master License Agreement as part of this RFP and asked whether there would be opportunities for small businesses or seasonal operations. Ms. Jachles responded that the RFP would request that the Master Licensee use small businesses as part of its operations.

Mr. Alpert asked whether there are currently any transit agencies which have retail in their systems but prohibit the consumption of food and drink within their systems. Ms. Jachles responded that San Francisco (BART), Chicago and Atlanta all have retail while also prohibiting eating and drinking.

Ms. Walker noted that there would possibly be an increase in crime at stations if retail services were allowed. Ms. Jachles responded that in talking with other agencies that have this kind of program, they have actually seen a decrease in crime because the retail business would provide an additional set of eyes in the stations.

Ms. Walker also noted that she had concerns about selective enforcement by Metro Police of the system's no eating/no drinking rules. She also asked why Metro is choosing to go with a Master Licensee rather than looking for small/disadvantaged businesses to participate in the program.

Nat Bottigheimer, Metro's Assistant General Manager for Planning and Joint Development said that Metro isn't only looking to have a Master Licensee, but that if a business wants to be a Master Licensee, it has to propose retail at a minimum of twelve stations. He said that staff still needs to get the Board's feedback on this proposal. In response to Ms. Walker's concerns about increased crime and trash, Mr. Bottigheimer said that Metro is trying to be as open as possible with the RFP and allowing the private sector respondents to come back with proposals to address these issues as part of their proposals.

Ms. Tomaszewski said that selling food and drink in the Metrorail system while still prohibiting food and beverage consumption would send a mixed message to Metro riders.

Ms. Everline asked if there would be any physical accessibility issues created by having people congregating in locations where they are not currently doing so. Ms. Jachles responded that Metro looked at issues of accessibility and passenger flow when suggesting locations for possible retail facilities.

Dr. Bracmort asked if Metro has had any discussions as to the types of payment that would be accepted at these retail locations and whether it would be possible for customers to use their SmarTrip cards to pay for items at these locations.

Mr. DeBernardo suggested that Metro look into offering postal service at one of these locations, noting that on his regular commute, he doesn't pass near any locations that offer such services.

Dr. Conn said that she would like to see Metro look into the possibility of customers being able to pay with either debit or SmarTrip cards. She also noted her opposition to the Master Licensee process. Ms. Jachles reviewed Metro's position on having a Master Licensee as part of this RFP.

Ms. Daniels asked if Metro had considered a florist as one of the possible retail uses. Ms. Jachles said that Metro is not mandating any specific type of business in its RFP and that someone wanted to propose having a florist, they would have the opportunity to do so. Ms. Daniels also noted her concern about selling food. Ms. Jachles reiterated that the proposal is for packaged food only.

Ms. Zinkl said that the retail services can also be looked at as an amenity for riders exiting the system, especially in locations where there aren't other retail options. She also suggested that Metro reach out to local neighborhood business associations and economic development authorities to identify community interest and specific businesses that might be interested in participating in this program.

Ms. Tomaszewski asked Ms. Jachles what kind of feedback that staff was seeking from the Council. Ms. Jachles noted that, at this point, Metro is just going out to get proposals from the private sector, and that staff doesn't know what kind of response the RFP will generate. Mr. Alpert thanked staff for coming to talk to the Council in the early stages of this process.

Ms. Zinkl said that she thinks that the program needed to be more expansive. Mr. Bottigheimer noted that the guidelines being proposed by staff are a minimum and that respondents to the RFP could propose retail in additional locations as well. Ms. Jachles also noted that there were limits as to the amount of retail operations that Metro would be able to support, since the system wasn't designed for retail.

Dr. Bracmort left the meeting at 8:37 p.m.

Dr. Conn said that she thought twelve locations is too few and that there should be more locations around the system.

Ms. Tomaszewski noted to Ms. Jachles and Mr. Bottigheimer that members of the Council clearly had very divergent opinions on this RFP and that the evening's discussion shouldn't be considered an endorsement of the proposal by the Council.

b. Council Procedural Issues

Ms. Tomaszewski suggested that for the Council's next meeting, it have as its first item of business a discussion of the group's meeting time, as there had been discussion about changing the time of the meeting. Mr. Alpert said that there also needs to be sufficient time in the agenda to discuss Council procedural issues.

VIII. Adjournment:

Without objection, Ms. Zinkl adjourned the meeting at 8:40 p.m.