

National Capital Region Transportation Planning Board

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202 TDD: (202) 962-3213

Item #5

MEMORANDUM

January 13, 2011

TO: Transportation Planning Board

FROM: Ronald F. Kirby
Director, Department of
Transportation Planning

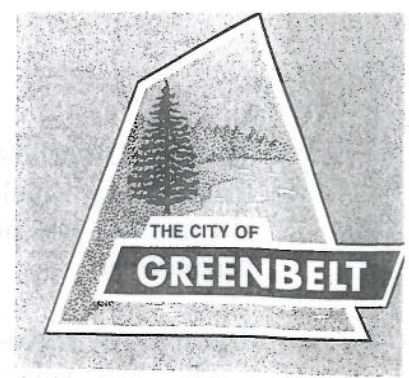
RE: Letters Sent/Received Since the December 15th TPB Meeting

The attached letters were sent/received since the December 15th TPB meeting. The letters will be reviewed under Agenda #5 of the January 19th TPB agenda.

Attachments

CITY OF GREENBELT

25 CRESCENT ROAD, GREENBELT, MD. 20770-1886



December 21, 2010

Mr. Victor Mendez, Administrator
Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

CITY COUNCIL
Judith F. Davis, Mayor
Emmett V. Jordan, Mayor Pro Tem
Konrad E. Herling
Leta M. Mach
Silke I. Pope
Edward V.J. Putens
Rodney M. Roberts

Dear Administrator Mendez:

The City of Greenbelt has recently learned that \$1 million has been approved for the Federal Highway Administration (FHWA) for a to determine the feasibility of adding a third lane to both the northbound and southbound directions of Maryland Route 295/Baltimore-Washington Parkway between Interstate 695 and New York Avenue.

The City recognizes that the Parkway is crowded, but believes there are alternatives other than building new or expanding existing roadways to address congestion. The City also strongly believes that widening the Parkway will change the very nature of the roadway from a parkway to an interstate.

The Baltimore-Washington Parkway is currently an important part of the region's green space, as well as part of its transportation network.

Besides the change in the character of the roadway, the City has other concerns about expanding the Parkway which include:

- ♦ Enabling further regional sprawl and reliance on motor vehicles rather than reinvesting in existing neighborhoods and existing mass transit infrastructure;
- ♦ Additional noise and pollution created by the vehicles utilizing the additional capacity; and
- ♦ Underutilization of available developable areas such as around Metrorail stations that could provide both smart-growth and transit oriented projects.

Studying the expansion of a roadway such as the Baltimore-Washington Parkway is only one way to address growing demands to move about the region. Will this study look at other alternatives that would reduce this demand? Alternatives could include, but not be limited to, incentivizing development around existing infrastructure, expanding mass transit between Baltimore and Washington, providing commuter shuttle service from key residential centers such as Greenbelt, Laurel, Columbia, etc., and enhancing bicycle and pedestrian opportunities.

A NATIONAL HISTORIC LANDMARK

(301) 474-8000 FAX: (301) 441-8248

www.greenbeltmd.gov



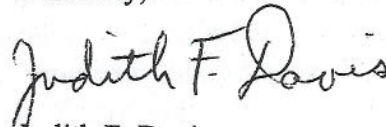
The City Council of Greenbelt is very concerned that a feasibility study will not look at whether the Parkway should even be considered for expansion at all and whether there are viable alternatives, but only whether it can be expanded from an engineering and construction perspective.

The Council requests that the FHWA come to Greenbelt in late January to conduct a public meeting to explain:

- ♦ Why the study has been requested;
- ♦ What the study's purpose is; and
- ♦ If the study will examine the feasibility of alternatives other than widening the Parkway to achieve the same purpose.

Please have someone contact Cindy Murray, City Clerk, at 301.474.8000 or cmurray@greenbeltmd.gov to schedule the meeting.

Sincerely,


Judith F. Davis
Mayor

JFD:amb

cc: City Council *12-23-10*
Honorable C.A. Dutch Ruppensberger
Honorable Steny Hoyer
Honorable Barbara Mikulski
Honorable Benjamin Cardin
Honorable Paul Pinsky
Honorable Tawanna Gaines
Honorable Anne Healey
Honorable Justin Ross
Honorable Ingrid Turner
Honorable Mary Lehman
Honorable Rushern Baker
Honorable Cheye Calvo
Honorable Andrew Fellows
Honorable Andrew Hanko
Celia Craze, Director of Planning &
Community Development
Ron Kirby, Metropolitan Washington
Council of Governments

National Capital Region Transportation Planning Board

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202 TDD: (202) 962-3213

MOMORANDUM

TO: Transportation Planning Board
FROM: Ron Kirby, Director, Department of Transportation Planning
DATE: January 12, 2011
RE: Background on Feasibility Study on widening the Baltimore-Washington Parkway

In a letter dated December 21, Mayor Judith Davis wrote that the City of Greenbelt recently became aware that \$1 million had been approved for the Federal Highway Administration (FHWA) to conduct a study to determine the feasibility of expanding Maryland Route 295/Baltimore-Washington Parkway between Interstate 695 and New York Avenue.

TPB staff has followed up on this matter, and learned that Congressman Ruppertsberger, who represents the Maryland's second district, received \$1 million for a "Baltimore Washington Parkway Feasibility Study" in the FY2010 Appropriations bill. This request is listed in Conference Report 111-366, which accompanies the Consolidated Appropriations Act of 2010. A conference report is an agreement on legislation that is negotiated between the House and Senate via conference committees, and deals with proposed legislation and issues under investigation. It is common for individual member requests to be listed in conference reports.

According to Congressman Ruppertsberger's website, the funding for this request:

"...will pay for a Federal Highway Administration study authorized by the 2008 Transportation, Housing and Urban Development and Related Agencies Appropriations bill to determine if a third lane can be added to Interstate 295, the Baltimore-Washington Parkway, from Interstate 695 to New York Avenue in the District of Columbia. Congestion on 295 is expected to increase significantly in the near future as a result of the Defense Base Closure and Realignment decision that will bring thousands of jobs to the corridor. FHA will work with the National Park Service and the Maryland Highway Administration" (<http://dutch.house.gov/fy2010-spending-requests.shtml>).

According to Congressman Ruppertsberger's staff, the Congressman made this original request during the FY08 Appropriations cycle, when he received language in House Report 110-238 that accompanies the FY08 Omnibus Appropriations bill. This language reads:

The Committee directs the FHWA's Office of Federal Lands to work with the National Park Service and the Maryland State Highway Administration to determine the feasibility of adding a third northbound and third southbound lane for Maryland Route 295/Baltimore Washington parkway from the intersection with Interstate 695 to New York Avenue in the District of Columbia. The FHWA shall prepare a report which must be submitted to the House and Senate

Committees on Appropriations, not later than one year after the date of enactment, on the feasibility of such widening. The feasibility study shall include an assessment of the impact of the Base Realignment and Closure process on traffic throughout the Maryland Rte 295 corridor between Baltimore, MD and Washington, D.C.

At the time of the original language request in 2008, the Congressman did not request funding for the study because, according to his staff, “we were told that funds were not needed for a study on federal lands like the BW Parkway.”

FOR IMMEDIATE RELEASE

January 10, 2011

Office of Governor Bob McDonnell

Contact: Stacey Johnson

Phone: (804) 225-4260

E-mail: Stacey.Johnson@Governor.Virginia.Gov

Office of Governor Martin O'Malley

Contact: Shaun Adamec

Phone: (410) 974-2316

E-mail: sadamec@gov.state.md.us

Office of Mayor Vincent Gray

Contact: Doxie McCoy

Phone: (202) 727-9691

E-mail: Doxie.McCoy@DC.Gov

Governor McDonnell, Governor O'Malley and Mayor Gray Announce Plan for Implementing Governance Reform at WMATA

*Improvements in WMATA Governance to be Delivered
Immediately and in the Medium to Long Term*

WASHINGTON, D.C. – Today, Virginia Governor Bob McDonnell, Maryland Governor Martin O'Malley and District of Columbia Mayor Vincent C. Gray announced an implementation plan and schedule for transforming governance of the Washington Metropolitan Area Transit Authority (WMATA). The plan responds to recommendations in the *Moving Metro Forward* report that was issued by the Joint WMATA Governance Task Force, sponsored by the Greater Washington Board of Trade and the Metropolitan Washington Council of Governments, and the *Report on Governance of WMATA* issued by WMATA's Riders' Advisory Council (RAC).

“Over the last 45 days, our transportation executives have discussed the recommendations with key stakeholders on the best path forward to help ensure the safety and performance of the system,” said Governor Martin O'Malley. “Some reforms can be undertaken now, but continued work with stakeholders is needed to define the broader structural changes necessary to address the significant shortcomings in WMATA's governance structure that have contributed to a decline in its performance.”

The implementation plan will deliver improvements in WMATA governance both immediately and in the medium- to long-term. Specific actions are called for within six months, twelve months and twenty-four months. “While much work remains to be done on getting all of the details right, the steps taken today will result in a better WMATA Board and ultimately better Metrobus and Metrorail service for the region’s transit riders,” said D.C. Mayor Vincent Gray. “That is first and foremost what this is all about.”

A new WMATA Governance Work Group consisting of the Virginia and Maryland Secretaries of Transportation and the Director of the District Department of Transportation will be responsible for implementation of the plan. The Work Group will interact with key stakeholders including the WMATA Board of Directors, appointing authorities, the Tri-State Oversight Committee (TOC), RAC, General Services Administration (GSA), federal partners, and others who share our interest in improving WMATA governance. The Work Group will provide more detailed recommendations on items that require further action and will report to the public on its progress.

“We are pleased that the WMATA Board of Directors has already started to help us take action. In December, the Board defined the General Manager as WMATA’s Chief Executive Officer and formed a WMATA Governance Committee that will develop a body of bylaws, seek legal opinions on the role of alternate members and the jurisdictional veto, and implement an orientation program for Board members. We are calling on the WMATA Board to take further action at their January 27, 2011 meeting to establish a multi-year regionally-focused Chair and to more closely follow the role of alternate members as stated in the WMATA Compact,” said Governor Bob McDonnell.

Stakeholders involved in the evaluation included the region’s Congressional delegation, the WMATA Board Chair, the WMATA Interim General Manager, TOC, Northern Virginia Transportation Commission Chair, Washington Suburban Transit Commission, DC Council Chair, representatives of the GSA and other stakeholders.

The U.S. Government Accountability Office (GAO) is also conducting a report, commissioned by Senator Barbara A. Mikulski, on WMATA governance. The recommendations from this report will be taken into consideration by the Work Group when they become available in mid-2011. The implementation plan report to the Governors and Mayor can be found on <http://ddot.dc.gov/WMATAGovernanceReform>.

###

TRANSFORMING GOVERNANCE OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

* * * * *

IMPLEMENTATION PLAN AND SCHEDULE FOR WMATA GOVERNANCE REFORM



January 7, 2011



presented by

Interim Director Terry Bellamy
District of Columbia

Secretary Beverley K. Swaim-Staley
State of Maryland

Secretary Sean T. Connaughton
Commonwealth of Virginia

to

Mayor Vincent C. Gray
District of Columbia

Governor Martin O'Malley
State of Maryland

Governor Robert F. McDonnell
Commonwealth of Virginia

THIS PAGE INTENTIONALLY LEFT BLANK

TABLE OF CONTENTS

Executive Summary	4
WMATA Governance Reform Implementation Plan	6
Immediate Actions	6
Months One to Six	6
Months Seven to Twelve	8
Months Thirteen to Twenty-Four	9
WMATA Governance Reform Work Plan Implementation Schedule	10
Summary of Joint Task Force Recommendations and Recommended Actions	11
Appendix: Summary of Joint Task Force, Riders’ Advisory Council, and Safety Oversight Recommendations	14

EXECUTIVE SUMMARY

On November 17, 2010, the Joint WMATA Governance Task Force (Task Force), sponsored by the Greater Washington Board of Trade (BOT) and the Metropolitan Washington Council of Governments (COG), issued *Moving Metro Forward: Report of the Joint WMATA Governance Review Task Force*. The Commonwealth of Virginia (VA), the State of Maryland (MD), and the District of Columbia (DC) welcomed the results of the report and remain united in their commitment to work together to advance reforms of WMATA. Since then, WMATA's Riders' Advisory Council (RAC) issued their *Report on Governance of the Washington Metropolitan Area Transit Authority*. Both the Task Force report and the RAC report reflect timely, significant, and thoughtful work on the part of Task Force and RAC members, which MD, DC, and VA, the Signatory jurisdictions to the WMATA Compact (Signatories), applaud.

As indicated in the Task Force report, "A growing number of area leaders and industry experts believe that significant shortcomings in the Washington Metropolitan Area Transit Authority's (WMATA) governance structure have contributed to a serious decline in Metro's performance." This has led to "declining public confidence in the ability of the Metro system to meet the region's needs" that has become "a major concern for regional leaders in both the public and private sectors." Furthermore, an April 2010 report by the Congressional Research Service (CRS) highlighted concerns that the WMATA Board of Directors "lacks the subject expertise and political independence" necessary to make the best decisions for WMATA.

The Signatories agree that while the original framework for the Board may have been appropriate, a new approach is needed to effectively oversee the management and operations of the nation's second largest rail transit system and sixth largest bus network. WMATA must ensure the safety, security and reliability of its services. To accomplish this goal, it is critical that an effective governance structure is in place. MD, VA, and DC must work together with the WMATA Board of Directors, its federal partners, and other stakeholders in the immediate-, medium-, and long-term to make certain that Metro's governance structure strengthens WMATA's role in meeting the mobility needs of the National Capital Region (Region).

On November 23, 2010, then-Mayor-elect Vincent C. Gray, Governor Martin O'Malley, and Governor Robert F. McDonnell directed their transportation executives to develop a comprehensive implementation plan and schedule for WMATA governance within 45 days. To do so, MD Transportation Secretary Beverley K. Swaim-Staley, VA Transportation Secretary Sean T. Connaughton, former District Transportation Director Gabe Klein, and Interim District Transportation Director Terry Bellamy reached out to and solicited input from key stakeholders, including Congressional members that represent WMATA's service area, the WMATA Board Chair, the Tri-State Oversight Committee (TOC), WMATA Interim General Manager Richard Sarles, the Washington Suburban Transit Commission Chair (WSTC), the Northern Virginia Transportation Commission Chair (NVTC), the DC Council Chair, representatives of the General Services Administration (GSA), and the WMATA Riders' Advisory Council (RAC). Due to the limited time to complete this Implementation Plan and Schedule, this outreach was

informal. However, to achieve the goals of the Task Force report, stakeholders were and must continue to be involved.

This Implementation Plan and Schedule is intended to serve as an aggressive response to strong concerns the Governors and Mayor have about WMATA performance and accountability, with immediate actions, as well as a process to resolve longer-term issues. It is a means to presenting concrete actions to be taken by the Signatories and the WMATA Board in the immediate-, medium-, and long-term to address WMATA's governance problems. Many of the recommendations contained in this Implementation Plan and Schedule appear to have wide acceptance among VA, MD, and DC. However, structural changes to the Board membership and WMATA Compact amendments require additional work. Certain questions remain among key stakeholders about those issues, though there appears to be a growing consensus that some actions to improve governance at WMATA are needed. It is important to note that a U.S. Government Accountability Office (GAO) report on WMATA governance was commissioned by U.S. Senator Barbara A. Mikulski, and is expected to be completed by July 1, 2011. This report will inform the U.S. Congress and federal executive branch's approach to WMATA governance and their deliberations on any potential Compact amendments.

The Board should be commended for defining the next General Manager as a Chief Executive Officer, with a clear delineation from the Board's policy-setting role. The Board also recently established a Committee on Governance to review the recommendations of the Task Force report directed to the Board, which also represents a positive step. To further these efforts, this Implementation Plan and Schedule recommends that immediate actions be taken, including urging the WMATA Board of Directors to implement a multi-year, regionally-focused chairmanship, working within the existing Compact. A joint letter will be sent to the WMATA Board to communicate this intent. This would assist in providing a longer-term policy focus of the Board, as well as ensuring a regional approach.

Additionally, the Signatories' Transportation Secretaries and Director will continue as the WMATA Governance Work Group (Work Group), in order to implement some of the recommendations, with appropriate input from appointing authorities, local jurisdictions and stakeholders. The WMATA Board should formally be consulted in the process. While the Task Force recommended creation of a WMATA Governance Commission, the Secretaries and Director believe that, given the questions regarding such structural changes, a non-permanent working group is appropriate to undertake a number of recommendations in the near-term.

Within the first six months of this implementation plan, the Work Group will define roles and responsibilities of the Board and Chair, in consultation with the Board of Directors. These roles and responsibilities may include business and financial planning practices recommended for adoption that will assist the Board in focusing on regional policy-level activities from a long-term perspective. Attaining regional and federal government consensus on roles and responsibilities is a critical step to informing potential future legislative actions. This will require additional outreach to appointing authorities defined in the Compact (WSTC, NVTC, DC Council, and GSA) and other key stakeholders, including partners in the federal executive branch (including GSA and the

U.S. Department of Transportation). Additionally, the Work Group will recommend a coordinated process for appointing Board members, including staggered terms and a uniform compensation policy.

Within the first year of this implementation plan, the Work Group will draft any legislation needed to implement governance changes. Specifying those actions will be the Work Group's detailed, critical thinking and recommendations on roles and responsibilities, stakeholder input, and consultations with the Region's Congressional delegation, as well as federal partners.

Within 24 months, any necessary legislation or WMATA Compact amendments would be the subject of action by the legislative and executive branches of the federal government, and local and state governments in VA, MD, and DC. Although discussions on the amendments will be initiated immediately in the coming year, it is the Signatories' shared understanding, based on prior experience, that it may take at least two years to have the Compact amendments adopted by all three legislative bodies, and the federal government, in identical form.

WMATA GOVERNANCE REFORM IMPLEMENTATION PLAN

IMMEDIATE ACTIONS

There is an immediate need to improve governance, leadership, and accountability at WMATA. The WMATA Board of Directors is scheduled to meet on January 27, 2010. Prior to this meeting, certain members have and will be appointed to take the place of others. During this meeting, the Board would normally select a new Chair, welcome new members, and adopt a new set of Board Procedures. While structural changes to the Board are under consideration and will require additional input, it is clear from the Task Force and RAC reports that WMATA would benefit from immediate action where there is consensus. Therefore, the Board should be notified of regional expectations that certain practices and policies be replaced with others consistent with Task Force and RAC recommendations.

ACTION ITEM #1: Urge WMATA, in writing, to establish a multi-year regional Chairman and implement the Task Force's recommendations directed to the WMATA Board (see **Appendix**, page 14).

MONTHS ONE TO SIX

This phase will focus on defining roles and responsibilities of the Board and Chair, and developing regional and federal government consensus, a critical step in informing any actions to enact structural changes. Fundamental to that is a spirit of cooperation among the Signatories,

which created WMATA. The Governors and Mayor meet regularly on important regional issues, providing a forum for continued discussion about WMATA governance.

Because of the importance of WMATA to the individual Signatory jurisdictions and to the Region, a spirit of cooperation among the WMATA Signatories is critical. As the Task Force pointed out in *Moving Metro Forward*, in April 2010, Governor O'Malley, Governor McDonnell, and then-DC Mayor Adrian Fenty met to agree on a plan of action to cooperatively address WMATA's safety problems, focusing on improvements to the Tri-state Oversight Committee (TOC), the State Safety Oversight (SSO) agency for the WMATA Metrorail system designated under federal law and regulation. As a result of this meeting, the Governors and Mayor granted authority and policy-making discretion to the MD and VA Transportation Secretaries and the Director of the District Department of Transportation (DDOT), as the TOC Executive Committee, to formulate uniform policies and protocols for the TOC and solve oversight issues in a more rapid, efficient manner.

The spirit of cooperation that the Signatories demonstrated through their April 2010 meeting to improve safety at WMATA should continue such that the Governors and Mayor, and their Transportation Secretaries and Director, work together with the appointing authorities to improve governance, leadership, and accountability at WMATA. Establishment of a larger WMATA Governance Commission, as envisioned by the Task Force, however, would be premature without further discussions with the appointing authorities and other stakeholders. Still, it is important that the Governors and Mayor cooperate with key stakeholders to respond to those Task Force recommendations directed to the WMATA Governance Commission for implementation (see **Appendix**, page 14). Key stakeholders include the appointing authorities, representatives from the TOC and RAC, the GSA Administrator, and others who share a vested interest in improving WMATA governance.

During this initial phase of implementation, the MD and VA Transportation Secretaries and DDOT Director will continue as the WMATA Governance Work Group (Work Group), with appropriate input from appointing authorities, local jurisdictions, stakeholders, and the WMATA Board. Its focus will be on critical, deliberative discussions to propose, analyze, and finalize reforms for legislative action and/or Compact amendments that will be pursued for enactment in later phases of implementation.

While not addressed by the Task Force report, the role of the federal government in WMATA governance should be considered, in light of the federal government's unique interest in WMATA with respect to the dedicated funding it provides and the significant role WMATA's transit systems play in transporting the federal workforce. Such consideration will be undertaken in consultation with federal partners, including points of contact in the federal executive branch (GSA Administrator and U.S. Department of Transportation).

It is also important during the initial phase of implementation to consider two other issues not addressed in the Task Force report, in consultation with key stakeholders and regional and federal partners. This includes the RAC recommendation that the Board be required to focus on high-

level policy and objectives, act as a regional body so that WMATA staff responds less to guidance from individual members outside of official regional action, and decide matters through a clear, accessible public input process (see **Appendix**, page 15). Second, consideration should be given to safety-related Compact amendments (either through a new SSO Compact or through WMATA Compact amendments) that provide for a legal SSO entity with enforcement powers, as recommended by the Governors and Mayor in April 2010 as a long-term means to enhance safety oversight of WMATA's Metrorail system (see **Appendix**, page 15). During this time, the TOC Executive Committee will continue to meet regularly to address safety issues at WMATA and advise the Governors and Mayor of issues and concerns that may need their level of attention.

ACTION ITEM #2: The Work Group will report back within six months to the Governors and Mayor with:

- Defined roles and responsibilities for the Board and Chair, including a recommendation on whether and how to require the Board to focus on high-level policy and objectives, and act as a regional body so that it takes official regional, rather than unofficial individual, action;
- A recommended coordinated process for appointing Board members with an appropriate mix of attributes and qualifications, including staggered terms and a uniform compensation process;
- A recommendation on whether the jurisdictional veto should be limited through legislative action and/or Compact amendments, based on consultations with the Board's Governance Committee;
- A recommendation on whether to establish a legal SSO entity with enforcement powers;
- A recommendation on whether and how to require the Board to decide matters through a clear, accessible public input process;
- A defined role for the federal government in WMATA governance, in light of its unique interest in WMATA, based on consultations with points of contact identified in the federal executive branch; and
- Implementation options to achieve reform.

The Work Group will seek to provide these recommendations to the Governors and Mayor with formal input from the WMATA Board and key stakeholders. The process should allow for public participation.

ACTION ITEM #3: The Work Group will engage the WMATA Board's Governance Committee in order to assist the Board in implementing recommended reforms that require Board action.

MONTHS SEVEN TO TWELVE

This phase will include developing any legislation or Compact amendments that are absolutely necessary to agreed-upon WMATA governance reforms. A number of Task Force recommendations will require the Executives of the Signatories to coordinate consideration of the issues they seek to address, in consultation with local jurisdictions, the MD, VA, and DC Congressional delegations, and the federal executive branch. This includes coming to agreement

prior to pursuing Compact amendments on how the Governors, Mayor, and GSA will coordinate the process for appointing Board members, the role of alternate members, and firmly defining the roles and responsibilities of the Board and Chair. Such agreement must, at minimum, come from the Signatories, area delegation members, and the federal executive branch since MD, VA, and DC, and the federal government must enact Compact-amending legislation containing identical language.

These and other reforms will be the subject of actions taken by the Signatory jurisdictions, in consultation with local jurisdictions, the MD, VA, and DC Congressional delegation, and federal executive branch agencies (including GSA and DOT) in the first twelve months of implementation to prepare the way for the adoption of Compact amendments during the 2012 state legislative sessions in MD and VA.

ACTION ITEM #4: The Work Group will develop any draft legislation needed to implement reforms. This will follow consultations with the Congressional delegation, federal executive branch agencies, appointing authorities and local jurisdictions in the Region. Consultations will focus on the role of alternate members, Board member terms and/or term limits, qualifications and the selection process for the Chair. Federal interests should also be considered, including appropriate federal participation on the Board, given the dedicated funding the federal government provides to WMATA and the significant role WMATA's transit systems play in the effectiveness and efficiency of the federal workforce in the Region. Implementation of reforms may take the form of Compact amendments, and/or local and state legislation. The intent of this action is to ensure consensus on any necessary Compact amendment language prior to the Signatories' 2012 legislative sessions.

ACTION ITEM #5: Introduce and enact local and state legislation identified as appropriate vehicles for WMATA governance reform.

ACTION ITEM #6: Draft and finalize Compact amendments that would reflect the outcome of consultations with the Congressional delegation, federal executive branch agencies, and all the Appointing Authorities and local jurisdictions in the Region.

MONTHS THIRTEEN TO TWENTY-FOUR

Any absolutely necessary legislation or WMATA Compact amendments would be the subject of action by the legislative and executive branches of the federal government, and local and state governments in VA, MD, and DC. Based on prior experience, it may take at least two years to have the Compact amendments adopted by all three legislative bodies, and the federal government, in identical form.

ACTION ITEM #7: Finalize and advocate for enactment of the Compact amendments.

WMATA GOVERNANCE REFORM

WORK PLAN IMPLEMENTATION SCHEDULE

<p>January 2011 <i>Immediate Action Items</i></p>	<ul style="list-style-type: none"> • Communicate to WMATA Board regional expectations that they implement procedural reforms. • Establish WMATA Governance Work Group.
<p>January through June 2011 <i>Defining roles and responsibilities</i></p>	<ul style="list-style-type: none"> • Board of Directors to implement procedural changes. • Workgroup to report back with: <ul style="list-style-type: none"> - Defined roles and responsibilities for the Board and Chair, including a recommendation on whether and how to require the Board to focus on high-level policy and objectives, and act as a regional body so that it takes official regional action; - A recommended coordinated process for appointing Board members with an appropriate mix of attributes and qualifications, including staggered terms and a uniform compensation process; - A recommendation on whether the jurisdictional veto should be limited through legislative action and/or Compact amendments, based on consultations with the Board's Governance Committee; - A recommendation on whether to establish a legal SSO entity with enforcement powers; - A recommendation on whether and how to require the Board to decide matters through a public input process; - A defined role for the federal government in WMATA governance, in light of its unique interest in WMATA, based on consultations with points of contact identified in the federal executive branch; and - Implementation options to achieve reform. • Workgroup to seek input from WMATA Board, NVTC, WSTC, Congressional staff, legislators, the federal Executive branch, other stakeholders and the public. • Review GAO report on WMATA Governance; develop and evaluate benefits of alternatives for implementation of structural changes.
<p>July through December 2011 <i>Agreement on structural changes, draft legislation</i></p>	<ul style="list-style-type: none"> • The Governors and Mayor will meet in Summer 2011 to finalize agreement on legislative steps and any necessary structural changes, and communicate regional expectations to the WMATA Board. • Draft legislation to implement structural changes.
<p>January through December 2012 <i>Legislative action</i></p>	<ul style="list-style-type: none"> • Introduce any necessary legislation for January 2012 legislative sessions. • Seek federal approval of Compact amendments.

Summary of Joint Task Force Recommendations and Recommended Actions

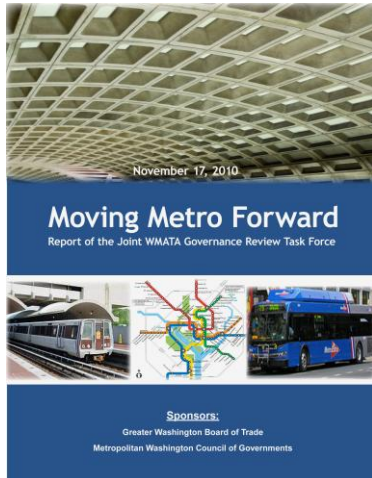
Board of Trade Recommendations	Comments	Recommended Action
Delineation of Responsibilities		
Create a WMATA Governance Commission.	Decisions on structural changes require consultations with the Congressional delegation. Some Task Force-recommended tasks for the Governance Commission are short-term in nature and can be achieved through other means.	Create a jurisdictional Work Group to undertake Task Force-recommended tasks for the Governance Commission.
Define the Board's responsibilities.	Implement. Regional consensus will benefit the Board.	Work Group to take action, in consultation with key stakeholders and federal partners.
Define the General Manager as the Chief Executive Officer.	The Board has already implemented this through their December 16, 2010 resolution and their recruitment process for the next WMATA General Manager.	Completed.
Composition of the Board		
Implement a coordinated process for appointing a Board with the right balance of attributes.	Such a process should be defined.	Work Group to take action, in consultation with key stakeholders and federal partners.
Amend the Compact to enable selection of the most qualified Board members.	There should be agreement on Board member qualifications and a process to achieve the appropriate balance of attributes. This recommendation may or may not require Compact amendments.	Work Group to take action, in consultation with key stakeholders and federal partners.
The Board should immediately restore the role of alternate members to that stated in the Compact.	The Board's Governance Committee is reviewing, having requested WMATA's General Counsel to provide a legal opinion on the role of alternates by January 16, 2011.	Work Group to take action, in consultation with key stakeholders and federal partners.
The Signatories should eliminate the role of alternates and increase the number of primary members from 2 to 3 for each Appointing Authority. One member should be designated by the Chief Executive of each Signatory.	Decisions on structural changes to the Board should occur following consultation with the delegation and definitions of roles and responsibilities.	Work Group to take action, in consultation with key stakeholders and federal partners.

Board of Trade Recommendations	Comments	Recommended Action
Composition of the Board (continued)		
The WMATA Governance Commission should introduce 4-year terms, staggered to ensure stability, including a maximum of one renewal.	This recommendation has merit and will be considered as part of the definition of a coordinated appointment process.	Work Group to take action, in consultation with key stakeholders and federal partners.
The WMATA Governance Commission should develop a uniform compensation policy.	Compensation levels need to take into account how jurisdictions treat this matter for similar Boards and Commissions.	Work Group to take action, in consultation with key stakeholders and federal partners.
Role of the Chair		
Develop a role description for the Board Chair.	Implement. Regional consensus will benefit the Board.	Work Group to take action, in consultation with key stakeholders and federal partners.
The Board should end the custom of rotating the Chairmanship and select a regionally-focused Chair from among its members, immediately under existing Compact.	Implement.	Executives to urge Board to implement immediately under existing Compact.
The Board should increase the term length of the Chair from one to two years.	Implement. The Compact requires an annual election of the Chair, but this recommendation may be implemented through Board policy.	Executives to urge Board to implement immediately under existing Compact.
The Signatories should amend the Compact to allow for selection of a Chair from outside the Board's membership, increase the Chair's term to 4 years, and agree on appropriate compensation for the Chair.	Decisions on structural changes to the Board should occur following consultation with the delegation and definitions of roles and responsibilities.	Work Group to take action, in consultation with key stakeholders and federal partners.
Decision-Making		
The Board should adopt a policy to limit use of the veto to matters relating to the budget or to system expansion.	The MD, VA, and DC transportation executives support a review of appropriate use of the veto. The Board's Governance Committee is reviewing the issue, having requested WMATA's General Counsel to provide a legal opinion on the role of the jurisdictional veto by January 16, 2011.	Executives will urge the Board to complete their review of the issue and provide input to the Signatories.
The Signatories should determine the appropriate role of the jurisdictional veto in WMATA's decision-making process and give serious consideration to eliminating it entirely through a Compact amendment.		Work Group to take action, in consultation with key stakeholders and federal partners.

Board of Trade Recommendations	Comments	Recommended Action
Decision-Making (continued)		
<p>The Board should adopt a policy that all changes to committees and procedures require a majority vote, and establish a committee structure that is better-suited to WMATA's challenges, including committees on governance, safety and customer relations.</p>	<p>The Board created a Governance Committee, and has tasked it with reviewing the Task Force and RAC recommendations, as well as recommending a standing set of bylaws formalizing the Board's committee structure.</p>	<p>Executives to urge Board to implement immediately under existing Compact.</p>
<p>The Board should develop an orientation process and other leadership activities for Board members.</p>	<p>The Board's Governance Committee is to develop an orientation process.</p>	<p>Executives to urge Board to implement immediately under existing Compact.</p>

APPENDIX:

SUMMARY OF JOINT TASK FORCE, RAC, AND SAFETY OVERSIGHT RECOMMENDATIONS



“The [Joint] Task Force recommends that the WMATA Governance Commission take the following actions in the immediate future, working within the terms of the Compact:

- ❖ Clearly define the Board’s responsibilities and set a uniform role description for Board members
- ❖ Clearly define the Chair’s responsibilities and role description
- ❖ Agree to and implement a coordinated process for appointing a WMATA Board with the right balance of attributes to serve Metro and the region
- ❖ Introduce staggered, 4-year terms, including a maximum of one renewal, for all Board members
- ❖ Develop a uniform compensation policy for all Board members to address inconsistencies in the current arrangements”

“The [Joint] Task Force recommends that the WMATA Board take the following actions in the immediate future to improve the functionality of the Board and its relationship with the General Manager and WMATA staff:

- ❖ Define the General Manager as WMATA’s Chief Executive Officer and give him or her clear authority and autonomy to oversee day-to-day management of WMATA
- ❖ Restore the role of alternate members to that stated in the Compact, which provides for their participation only when primary members are absent
- ❖ End the custom of annual rotation of the Chairmanship and select a regionally-focused Chair from among its membership
- ❖ Increase the term of the Chair from one to two years
- ❖ Adopt a policy to limit use of the veto to matters relating to the budget or to system expansion
- ❖ Adopt a policy that all changes in committees and procedures require a majority vote of the Board and establish a formal committee structure with committees on governance, safety, and customer relations at a minimum
- ❖ Develop an orientation process and other leadership activities for Board members”

“The [Joint] Task Force recommends that the Signatories to the WMATA Compact initiate action to make the following changes to the Compact:

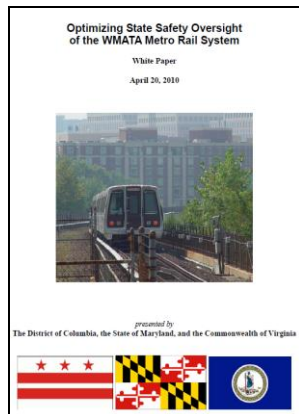
- ❖ Give the Appointing Authorities greater flexibility to select the most qualified Board members, whether they be elected or non-elected
- ❖ Eliminate the role of alternates and increase the number of primary members from two to three for each Appointing Authority, resulting in a 12-member Board, with one member appointed by the Chief Executive of each Signatory
- ❖ Enable the WMATA Governance Commission to appoint a Chair from outside the Board’s membership, agree on the compensation for the Chair, and increase the length of the Chair’s term to four years
- ❖ Determine the appropriate role for the veto in WMATA’s decision-making process, and give serious consideration to eliminating it entirely”



“The following recommendations in the RAC report were not addressed in the BOT/COG report, but we urge implementation:

- **The Board should focus on high-level policy and objectives.**
- **The Board should act as a body and staff should respond less to guidance from individual members outside of official action.**
- **Board decision-making should include a clear and accessible public input process.”**

-- Dec. 1, 2010 Response to COG and BOT Report on WMATA Governance, p. 6



“The Metro Safety Commission would provide for the safety oversight of the WMATA Metro Rail system, having the power to conduct and enforce the safety oversight of Metro, sue and be sued, and hire and fire staff. In this way, the MSC would ensure that all issues identified, from policy to staff-level, are no longer facilitated and processed by the three jurisdictions individually. The MSC, under its legal authority, would promulgate its own policies, rules, and regulations that dictate staff-level decisions and ensure that the MSC can effectively respond to critical oversight issues in a timely manner.”

-- Optimizing State Safety Oversight of the WMATA Metro Rail System, p. 6

THIS PAGE INTENTIONALLY LEFT BLANK



600 Fifth Street NW
Washington, DC 20001
202-962-2891

January 10, 2011

Dear Chairman Snyder, Director Kirby and Members of the National Capital Region Transportation Planning Board:

Your December meeting included a presentation and discussion of the "Moving Metro Forward" task force report. As you are aware, the Metro Riders' Advisory Council (R.A.C.) recently concluded a five-month process in which a special committee of the R.A.C. thoroughly examined the issue of Metro's governance and crafted its own report. This report was approved in December by the Council and is available at:

http://www.wmata.com/about_metro/riders_advisory_council/documents/ApprovdGovRptFinal01Dec10.pdf

We would appreciate the opportunity to present our report to the Transportation Planning Board at your January meeting, so that your members are able to hear about and discuss both viewpoints for reforming governance of the Washington Metropolitan Area Transit Authority. One or more members of the RAC's committee would be happy to attend your meeting. We also hope it would be possible for you to include the RAC report in the packet of the materials presented to TPB members at the upcoming meeting.

Please contact John Pasek at jpasek@wmata.com or (202) 962-2891 with any questions or to make any arrangements.

Sincerely,

A handwritten signature in black ink that reads "Frank DeBernardo". The signature is written in a cursive style with a large, prominent "F" and "D".

Frank DeBernardo, Chairman

National Capital Region Transportation Planning Board

777 North Capitol Street, N.E., Suite 300, Washington, D.C. 20002-4290 (202) 962-3310 Fax: (202) 962-3202 TDD: (202) 962-3213

MEMORANDUM

TO: Transportation Planning Board

FROM: Monica Bansal
Department of Transportation Planning

SUBJECT: TIGER II Debrief from USDOT Staff

DATE: January 13, 2011

In the December 2010 TPB meeting materials was enclosed a letter from Arthur Holmes, Jr., Director of the Montgomery County Department of Transportation, requesting that TPB staff schedule a debriefing with the U.S. Department of Transportation on the TIGER II regional bikesharing application, which was not selected for funding. The specific intent for the request was to determine if USDOT would be receptive to another regional bikesharing application. In accordance with Mr. Holmes' request, TPB staff scheduled a debriefing with USDOT on January 5, 2011. This memo provides a summary of this debriefing.

In August 2010, TPB staff submitted an application for a TIGER II competitive grant from the U.S. DOT Office of the Secretary for \$12.1 million for the regional expansion of bikesharing in six jurisdictions. In the debriefing, Robert Mariner from USDOT stated that the TPB TIGER II application was very well received by USDOT reviewers. Around 1,000 applications requesting a total of \$20 billion were submitted. Nearly 350 projects were highly recommended, and 128 of these were advanced by USDOT reviewers. TPB's regional bikesharing project was among these 128 projects that were recommended and advanced by USDOT reviewers. Of these 128 projects, only 42 capital projects were funded.

Mr. Mariner also indicated that although the TPB application was highly recommended and advanced for funding, it was not funded due to other factors not pertaining to the strength of the application or the support of USDOT for the concept of bikesharing. TIGER II applications were held to strict geographic and modal equity constraints. Projects had to be spread around the country, taking TIGER I awards into account. Projects also had to achieve a balance across all modes of transportation. Lastly, the amount of funding available for urban projects was limited. TIGER II funding was divided into two pots, one for urban projects and one for rural projects. Of the \$600 million total TIGER II pot, only \$425 million was available for urban projects. Ultimately, there was not enough funding and final project selection was severely limited by geographic/political constraints.

The debriefing validated the strength of the bikesharing concept and application and provided encouragement for further attempts to secure TIGER funding for this project. It was also stated that between TIGER I and TIGER II all fifty states and the District have received TIGER funding, potentially reducing geographic equity pressure for a possible TIGER III.



DEPARTMENT OF TRANSPORTATION

Isiah Leggett
County Executive

Arthur Holmes,
Director

December 7, 2010

The Honorable David Snyder, Chairman
National Capital Region
Transportation Planning Board
Metropolitan Washington Council of Governments
777 North Capitol Street, N.E., Suite 300
Washington, D.C. 20002

Dear Mr. Snyder:

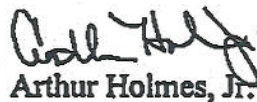
I am writing to you as a follow up to a meeting I had with Congresswoman Donna Edwards and her staff to discuss regional bike sharing and other transportation issues that Congress will face as it begins its new term. We discussed the regional TIGER II bike sharing application and how bike sharing can complement access to transit and improve livability and mobility.

Congresswoman Edwards inquired as to the reasoning behind the U.S. Department of Transportation's decision not to fund the regional bike sharing application, and specifically whether the proposal was deficient or whether bike sharing is not fundable with TIGER funding.

I could not answer Congresswoman Edwards' questions as to the viability of federal funding for bike sharing. Congresswoman Edwards recommended, and I formally request, that the Transportation Planning Board staff schedule a debriefing with the U.S. Department of Transportation to determine whether they would be receptive to another regional bike sharing application.

Thank you in advance for your support. I appreciate the leadership role the Transportation Planning Board has taken and I look forward to working together on other regional transportation projects.

Sincerely,



Arthur Holmes, Jr.
Director

AH:mi

cc: Congresswoman Donna Edwards

Office of the Director



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, VA 22030

GREGORY A. WHIRLEY
COMMISSIONER

Letter of Authorization For
Regional Value Pricing Study Grant
FY 2010 FHWA Value Pricing Program
Funds

Mr. David J. Robertson
Executive Director
Metropolitan Washington Council of Governments
777 North Capitol Street, N.E., Suite 300
Washington, D.C. 20001-4239

Dear Mr. Robertson:

The Virginia Department of Transportation (VDOT) is pleased to allocate the entire Federal share of FHWA's Value Pricing Pilot Program funds to the Metropolitan Washington Council of Governments (MWCOC) to conduct the National Capital Region Transportation Planning Board's **Regional Value Pricing Study titled, Public Acceptability Of Regional Road-Use Pricing: Can It Be Designed To Garner Public Support?** Execution of this letter authorizes MWCOC to begin work on the study and invoice VDOT for 80 percent of the total cost of the study not to exceed \$320,000. MWCOC will provide matching non-Federal funds in an amount representing 20 percent of the total cost of the study not to exceed \$80,000.

The VDOT is the primary recipient of the grant funds from the FHWA and is authorized to enter into agreement with other entities for the receipt of these funds in the conduct of the Study. The VDOT has entered into an agreement with the FHWA for the receipt of these funds. All of the terms and conditions of this Federal aid funding agreement, and any amendments thereto, shall be binding on the Metropolitan Washington Council of Governments (MWCOC). The Federal aid funding agreement is hereby included, in its entirety, by reference and as attachment (A) to this LOA. Since the grant funds are Federal planning funds, the provisions of the National Capital Region's PL Agreement dated October 30, 2003 and any amendments thereto, included by reference, shall also govern the expenditure of the funds made available through this LOA. VDOT is waiving the requirement for approval of out-of-state travel as denoted in Article V – Basis of Payment of the PL Agreement. Copies of the FHWA award notification memorandum and the Federal Aid Funding Agreement with FHWA are included for reference as attachments B and C respectively.

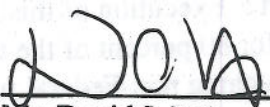
MWCOG will provide VDOT project progress reports, on a quarterly basis, no later than the first day of January, April, July and October of each year the grant study is underway, briefly summarizing work accomplished, work planned, and problems encountered recommended solutions, expenditures and other pertinent information. VDOT authorizes MWCOG to submit these quarterly reports directly to FHWA will use these report for the FHWA's VPPP Quarterly Progress report. Additionally MWCOG will furnish an annual progress report, including a summary of expenditures, progress made, findings, work planned will be submitted, at least 15 days prior to the completion of a full year from the date of execution of this LOA.

MWCOG will further offer full membership to the Federal Highway Administration's representatives on all subcommittees, working groups, task forces and other groups related to this study as specified in the Federal aid funding agreement, including section 3, FHWA Participation.

The funding provided is for duration of 12 months from the date of execution of this agreement (date of VDOT signature). MWCOG shall submit its invoices to the Northern Virginia District Office of VDOT (Attn: Mr. Kanathur Srikanth, 4975 Alliance Drive, Suite 4E-336, Fairfax, VA 22030 (703-259-2220).) using the format outlined in attachment D.

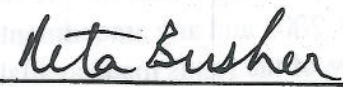
The Department and the Council have executed this Letter of Authorization agreeing to the provisions contained in this letter on the dates indicated below.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

By: 
Mr. David J. Robertson
Executive Director

Date: 12/1/10

COMMONWEALTH OF VIRGINIA DEPARTMENT OF TRANSPORTATION

By: 
Ms. Reta Busher
Chief of Planning and Programming

Date: 12/5/11 1/5/11