

METROPOLITAN COUNCIL
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TRANSPORTATION **A**CCESSIBILITY **A**DVISORY **C**OMMITTEE **M**EETING
Wednesday, April 6, 2011

1. Call to Order

At 12:38 p.m. the meeting was called to order by Chair Ron Biss. **Public present:** Karen Hubescher from H.S.I., Semela Rice and Cynthia Lothenbach. **Council staff present:** Pam Steffen, Jan Dietrich, Paul Colton, Mike Kuehn, Clay Stenback, Cole Hiniker, Andy Streasick and Alison Coleman.

Members Present: Ron Biss, Dave Bruflodt, Bruce Lattu, Heidi Myhre, Darrell Paulsen, Jerolyn Pofahl, Rozanne Severence, Nichole Villavicencio, Willie Daniels and Margot Imdieke Cross on the phone. **Members Absent:** James Williams and Christian Knights. **Members excused:** Wayne Wittman.

2. Approval of the Agenda

Paulsen moved to approve the agenda. Severence seconded the motion.

3. Approval of March 2, 2011 Minutes

Lattu moved to approve the minutes. Bruflodt seconded the motion.

4. Legislative Update

Mike Kuehn spoke to the TAAC committee. Both the House and Senate Transportation Committees have passed their omnibus finance bills. The House bill underfunds us by \$120 million by eliminating the entire general fund dollars that we have been getting for transit. The Senate bill underfunds us by \$32 million from the previous biennium. The bills have solutions on how we can close those gaps.

The House bill allows the Council to transfer to its transit operating budget up to 100 percent of the funds budgeted for the following departments or functions at the Council: the Government Affairs Department, the Public Affairs Department, regional systems planning and growth strategy and also the local planning assistance functions of the Met Council in calendar years 2012 and 2013. The County Transportation Improvement Board that dispenses the ¼ cent metro wide sales tax in the five counties could contribute a portion of the regional sales tax collected for transit that are not already committed to grant programs for transitways or park and ride facilities. This transfer would be subject to a voter referendum in the participating counties.

The bill would also require us to transfer 100 percent of our property tax levies from the Livable Communities funds and the RALF fund. This is in the \$20 million to \$25 million range.

The House did also add language that would prohibit the Council from reducing the level of service for Metro Mobility.

The Chair of the Metropolitan Council sent a letter to the House Transportation Chair that strongly objected to the House bill as it came off of the floor.

The Senate bill cuts \$32 million. To make up that gap the Council is to use the maximum amount of our reserves for transit. Based on the recent auditor's report our reserves are about \$28 million. It is exactly where it should be based on the auditor's recommendations. It would allow us to use 50 percent of the Livable Community funds and 75 percent of the RALF funds to assist in making up the shortfalls. That is in the range of \$15 million to \$18 million. The Council may not increase fares unless both of those steps listed have been taken and service cuts have been made.

The Senate bill also added a couple of other amendments. One is to transfer \$8 million of excess reserves from the suburban transit operations or Opt Outs and to use that to replace the funding shortfall in the out state transit systems. One of the systems has enough reserves to operate for 2½ years. The Senate recommendation was to eliminate the Office of Passenger Rail at MnDOT. It was about \$1 million in expense for the biennium that was reduced to \$600,000.

In the Senate Transportation Committee there are 15 members. Of that 15 only six were metro and seven were freshman members.

The House and Senate versions are headed to a conference committee.

The governor's recommendation was no general fund reductions to Metro Transit.

We provide fact sheets to the metro legislators on transit, regional parks, sewer, housing and on the livable communities program. Those fact sheets are given on their own districts how many miles of transit service, what are the routes, how many riders and how many grant dollars are given for livable communities and other programs.

We are also in the process of estimating about an \$11 million problem with fuel costs over the next two years. Metro Transit uses about eight million gallons of fuel each year. Each 10 cent increase in diesel fuel increases our operating costs about \$750,000 to \$800,000 annually.

We are seeking \$35 million for transit capital. The regional authorization to sell Metro Council bonds which we do every year. That goes for bus purchases and other things that are laid out in our Transit Capital Plan. That bill has been introduced. We are hoping to get it added to a bill called the Public Finance Bill, which deals with local government finance.

One other bill that we got introduced is exempting Metro Transit from the statute that deals with rehabilitation of criminal offenders. It would allow an exemption for transit vehicle operators. That bill has been introduced.

Our two other bills that we were pursuing this session have not been signed off on by the Department of Finance to deal with the assault on drivers and the crossing of the light rail tracks by pedestrians. The crossing of the light rail tracks could lead to \$100 fine for disobeying that new law.

A lot of focus is on the Council, whether it should be elected or appointed. Whether the appointed members should serve staggered terms. Whether there should be a combination of appointed and elected officials on it.

The Council is taking applications for appointment and reappointment to the TAAC. The applications are due by April 18.

The committee briefly discussed sending a letter to the conferees of the Omnibus Transportation Finance Bill (HF 1140) urging them to maintain public transit at its current levels of service.

5. Transitway Guidelines Update

Cole Hiniker spoke to the TAAC committee. This is a proposal to identify our transitway network with a system of colors. Moving away from the names like Hiawatha, Central and Southwest and moving more towards a user friendly color system. We are working towards a final recommendation which will be taken to the Met Council for approval likely in May. We do plan to go to the Council with this as an information item this month.

This is a DRAFT. LRT for Central Corridor and Southwest Corridor would become the Green Line. It would be one line where a user that gets on at Eden Prairie could travel all the way to downtown St. Paul without transferring or getting off of a train. That operates as one line. The Cedar corridor likes red. Hiawatha prefers blue. Orange would be for I-35W South BRT.

Cedar and I-35W are planning to open in late 2012. Central Corridor construction is starting this year and will continue on until 2014. Southwest is to open in late 2017.

There are some corridors out there like Bottineau and Northwest Minneapolis that are still looking at their alternatives. They don't know which mode they are going to be in yet. As they identify their preferred mode and enter the engineering phase they would be assigned a color.

LRT and BRT offer similar types of service. They will be all day and frequent service and travel at a more rapid speed than some of our local buses. Northstar has the speed component but they don't have the all day components. Northstar will continue to maintain its existing brand.

6. Onboard Camera Update

Clay Stenbak spoke to the TAAC committee. As of right now we have installed all of the cameras and camera systems in the vehicles that are going to be installed. There are approximately 170 vehicles out of the 215 demand route vehicles that have been installed. The reason we haven't installed the cameras in the rest of the 215 vehicles is because those vehicles are going to be replaced this year. The system is functioning in a limited capacity right now. That means the vehicles that are within range of the access point or antennas at the garages are communicating back and forth from our servers to the vehicles themselves.

We are in the process of ordering and installing the remaining access points at both Transit Team and First Transit. At First Transit all of the vehicles have everything installed and the systems are functioning but they are not communicating right now because we don't have the access points installed. Next week we will have a team out there to do the installations at both First Transit and Transit Team.

The uploading of videos is working for those vehicles that are communicating. I can sit at my desk and plug in a vehicle and a time that I want and it will capture the video when the bus pulls into the garage and upload it to my computer so I can see the video. We have assigned a temporary maintenance agreement with a company to do the warranty work and do some final tweaking of the system also.

The remaining access points in all of the garages have to be put in. There are some connectivity issues with some of the vehicles. The system self diagnoses. It is telling me there are some issues. I can see the video and wrap it with a software password protection and place it in a file so Transit Team or First Transit can look at it.

We are running four camera systems in our systems except in sedans where we are running a three camera system. There are audio and visual recordings. They are a fixed lens system. We do not have any blind spots in our vehicles.

Paul Colton spoke to the TAAC committee. We want to utilize digital video recording technology to promote driver and passenger safety and assist Metro Mobility staff and its providers of service towards resolving reported incidents, injuries, accidents, crimes, as well as other business needs as determined by the Metropolitan Council. We are trying to verify what occurred with the use of the video technology.

Our procedures relate back to Metropolitan Council policies 2-4A, which is consistent with Metro Transit's video policy and 2-4E relating to media relations procedures and employed communications procedures. We are working with our legal and policy staff right now to see if there is an additional one that we need to have in there. We deal with video in a different way than Metro Transit is going to because of the next items I am going to discuss.

The key issue is video recordings of Metro Mobility customers on Metro Mobility vehicles with this system is private data on those individuals. As that term is defined by the Minnesota Data Practices Act. This act governs transportation services data. What that information includes is personal information, medical, financial, familial or location information data pertaining to applicants for or users of services providing transportation for the disabled or elderly with the exception of the name of the applicant or user of the service are private. The only thing that is public is the name of the individual. Video is the same as the driver manifest. The video of a passenger is private data.

All information in any form, written, computerized, recorded and disseminated by government is considered data covered under the Data Privacy Act. Because of this video recording of Metro Mobility customers on Metro Mobility vehicles is considered private data on individuals. Therefore the private data on individuals may not be copied or disseminated to any persons or parties not engaged in the delivery of Metro Mobility service without the express written consent of the Metropolitan Council. The responsibility of the staff is the protection of that data.

How will accessing videos work under the data privacy situation? It is a chain of custody of the video. Who gets access to it? Who takes responsibility for it? Where can it go? Where can it not go? At a staff level at the Met Council, managers and two other staff persons would have access to videos and can call up videos through those access points. Paul, Andy, Clay, Dana and Brian are the only ones who can access the videos. We cannot do it live. The others who would have access to the videos are Metro Transit Police in the event of a crime, Metropolitan Council Office of General Council who are our attorneys and our Metropolitan Council Risk Management staff may have access to that depending on the situation. This is for business reasons.

The contractors won't have direct access to the video software system. They may make a written request to the Metro Mobility Service Center to view video clips. A video request must be made in writing and include the following information: the vehicle number, the date of the video they want, the approximate start time and the approximate end time. Then the reason for the request. The scope we want to keep this in is incidents where there is injury or some sort of illegal activity. There are some fringe things we need some clarification on. A passenger could make a data request to the Met Council and arrange to see the video. That would be part of their right because it is their data.

We are not going to change how we do investigations of customer complaints. We will continue to contact customers and providers and talk to them about what the situation was. Video clarification helps us to figure out where the truth lies. We view the video first before it is given to the provider. If we see something that is illegal or activity that raises any safety concerns the Metropolitan Council reserves the right to take all appropriate action even if the activity is incidental to the original reason for the request to view the video.

After viewing the video clip Metro Mobility Service Center will save the video in the contractor's designated file folder on the Met Council's hardware and servers. Each contractor will have its own

video folder on the Council's network and the video file will be protected using active directories so that only that contractor will have access to the folder. Only certain staff is authorized to view videos in the contractor's video file. That authorized staff is the contract manager or owners, the operation's manager, the customer service manager of that provider and the safety manager.

Requests for a copy of any video must be made by the contractor to the Metro Mobility Service Center in writing and shall include the following: the date of the video, start and end time, description of the video clip, the type and copy to be made (DVD or flash drive), purpose of the copy and to whom the copy shall be given.

The contractor shall be given two sets of access keys to the hard drive on each Metro Mobility vehicle in the contractor's possession. The keys will be assigned to the contractor's general manager and the maintenance manager and the key shall not be given to other contractor employees. Metro Mobility staff will have access keys to the hard drives on each Metro Mobility vehicle.

The chain of custody form must be completed and followed every time a hard drive is removed from a vehicle for any reason. The hard drive will be the responsibility of the last person listed on the chain of custody. The chain of custody form must be started before the hard drive is pulled. The form must contain the following: all of the vehicle information, date and time of the video, the reason for removing the hard drive, person who pulled the video must sign off on it, name of the person requesting the hard drive and the name and signature of each person who takes custody of it. It can only be viewed at the Metro Mobility Service Center.

Any illegal activity viewed by Met Council staff will be referred to the Metro Transit Police or the Office of the General Council. Metro Transit Police shall act as liaison between the Met Council and local law enforcement.

7. Task Force Update - CCLRT

Bruce Lattu spoke to the TAAC committee. I will continue to send email updates as I receive them.

8. Metro Mobility Statistics

Andy Streasick spoke to the TAAC committee. Our stats software did not function this month because of a hardware failure.

9. Member Comment

None.

10. Public Comment

Pam Steffen spoke to the TAAC committee. Metro Transit has a specific web page related to Central Corridor construction, our bus routes and transit routes and detours. That can be found at [Metrotransit.org\construction](http://Metrotransit.org/construction). On Metrotransit.org there is below the check balance an orange box that says construction. Anything related to Central Corridor construction and bus detours is going to be sitting there.

11. Adjourn

The meeting adjourned at 2:33 p.m.