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Tom Perry 1-24-04

# ASG

Alexandrians for Sensible Growth, Inc.  
January 24, 2004

An Open Letter to the Mayor, Vice Mayor and Members of City Council:

Alexandrians for Sensible Growth believe it is time to clear the air and restore integrity to the enforcement process for the developer's material breach of the requirement to complete a pedestrian tunnel under Duke St. by December 31, 2003. We believe it is time to initiate an independent investigation to restore credibility and public confidence to this vitally important process.

The decision by the City Manager to enter into a settlement agreement with the developer – and then not disclose the signed agreement – raises serious questions about staff's ability to provide unbiased and credible advice to City Council – advice that it needs and deserves to make decisions on behalf of citizens. The decision by the City Manager to refuse to make available the signed agreement, once its existence was admitted, to Council members and the public for over five weeks raises more questions. And the failure of City staff to implement Council's September 23, 2003 motion requiring benchmarks and sanctions for nonperformance raises even more questions.

Accordingly, ASG requests again that City Council: (1) appoint Independent Counsel to provide objective and credible legal advice concerning the issues raised by Council's initiative to withhold future certificates of occupancy for PTO buildings if the tunnel is not completed by June 30, 2004; and (2) initiate an investigation, with the assistance of Independent Counsel, to examine the conduct of City staff during the entire enforcement process for the PTO tunnel.

It is time to restore integrity to the process that the City engages in when making and enforcing agreements with developers. The first step toward restoring integrity is to appoint Independent Counsel who will assist City Council in addressing these major issues.

Respectfully requested,

Alexandrians for Sensible Growth Board of Directors

Ginny Hines Parry  
President

Frank Putzu  
Vice President

Katy Cannady  
Secretary

Brian Detter  
Board Member

Lynn Smith  
Board Member

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**September 9, 2003** – Council discusses tunnel delay. See Item No. 22 at:  
<http://207.192.134.164/dsr/FY04Dock.nsf/2e049dac70da53b1852566760074a3d8/795a23d3b61e427c85256dab0051a374?OpenDocument>

Meeting minutes state: "Mayor Euille said . . . that Council should revisit the matter as soon as possible with answers to the questions raised." City Manager does not disclose that settlement agreement already signed by City Manager in July 2003. Council continues to believe it will decide SUP enforcement measures.

**September 22, 2003** – Memo No. 3 to Council from City Manager with unsigned settlement agreement attached. Memo advocates that Council approve settlement detailed in unsigned agreement attached to memo. Memo does not disclose that settlement agreement already signed by City Manager in July 2003.

**September 23, 2003** – Council discusses tunnel and adopts motion (1) implementing City Manager's September 22, 2003 memo, and (2) directing City Manager to establish performance benchmarks between now and June 30, 2004 and penalties for CDC's failure to meet benchmarks. See Item No. 20 at:

<http://207.192.134.164/dsr/FY04Dock.nsf/2e049dac70da53b1852566760074a3d8/2246e006bfca014d85256dd00048d5e6?OpenDocument>

Councilman Ludwig Gaines advocates for treating matter as an SUP amendment and requests public hearing. City Manager present at Council meeting but does not disclose that settlement agreement signed. Council's discussion and action proceed with no knowledge that City Manager secretly signed in July 2003 a settlement agreement with CDC. Council continues to believe that it will decide SUP enforcement measures.

**October 29, 2003** – Community meeting at Minnie Howard School on tunnel (most of Council in attendance). Memo No. 3 (dated September 22, 2003) to Council from City Manager made available again with unsigned settlement agreement attached. The community meeting proceeds with no knowledge that City Manager secretly signed in July 2003 settlement agreement with CDC. Near end of meeting, in response to a question, City Attorney states that an agreement with CDC regarding the tunnel previously had been signed. He states he does not know when it was signed. City Manager is present for entirety of meeting but says nothing.

**October 30, 2003** – City Manager receives email from a resident of Alexandria requesting date that settlement agreement with CDC signed; Council cc'd. No response from City Manager.

**October 31 and November 3, 2003** – Councilman Ludwig Gaines emails Council colleagues that no additional certificates of occupancy for PTO buildings should be issued if tunnel not completed by June 30, 2004. Councilman Andrew Macdonald concurs. Vice Mayor Del Pepper and Councilmen Rob Krupicka and Paul Smedberg write City Manager requesting docketing of their motion that CDC and PTO be formally informed that "City Council will not approve additional Certificates of Occupancy . . . without the completion of the Duke Street Concourse."

# Alexandria Arlington

EXTRA

THURSDAY, JANUARY 22, 2004

## City Council Delays Decision On PTO Occupancy Permits

By ANNIE GOWEN  
Washington Post Staff Writer

The Alexandria City Council voted, 4 to 3, last week to delay a decision on denying occupancy permits to the U.S. Patent and Trademark Office until more progress is made on a pedestrian tunnel under construction on Duke Street.

The council plans to take up the issue again on May 25 when, council member Joyce Woodson (D) said, it will be clear whether the construction company excavating and building the tunnel will be finished on time.

The tunnel, which was supposed to transport hundreds of PTO workers from the King Street Metro station safely under Duke Street to Du-lany Street and their new offices, was to have been finished in December. Instead, it won't be completed until June 30.

City officials have cited poor planning by the developer, Carlyle Development Corp., and lack of oversight by the city transportation staff for the lengthy delay.

An official of Corman Construction Inc. told the council meeting that excavation has begun on the 196-foot tunnel and that the pedestrian concourse is expected to be completed ahead of schedule.

Given that positive forecast, Mayor William D. Euille (D) said further uproar over the delay is "water under the dam."

"The consensus is that the contractor has verbally committed in a professional manner to do this project and it will be done on time," Euille said. "The city has taken steps to ensure this never happens again."

But Vice Mayor Redella S. "Del" Pepper (D) said the council should have gone on record that it would withhold further occupancy permits if the tunnel is not finished, rather than adopting a wait-and-see approach.

"I wanted something in writing now that says we've given them fair warning," Pepper said.

Council members Andrew H. Macdonald (D) and Ludwig P. Gaines (D) also opposed the measure.

PTO has begun occupying two of the five buildings on the 15-acre campus. About 7,100 patent examiners, managers and support staff will ultimately occupy the complex when it is completed in 2005.

Meanwhile, Macdonald and three neighborhood groups are calling for an independent investigation into the city's handling of the tunnel snafu.

The activists allege that City Manager Philip G. Sunderland cut a behind-the-scenes deal to extend the tunnel's deadline as early as last summer and then failed to detail the

new agreement to council members in the fall, according to Ginny Hines Parry, president of Alexandrians for Sensible Growth.

Parry said her group will continue to push for an investigation in this matter. It's important that the integrity of the city's agreements with developers be maintained.

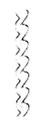
Sunderland, through a spokesman, said once it became clear that the tunnel would be late, he agreed with the developer to address the delay problems with such measures as adding a shuttle service to the Metro station, bus shelters and police protection at Duke Street crossings. He briefed the new council on the matter in September.

"This is a staff enforcement issue rather than a council policy issue, and the city is committed to making the Duke Street crossing safe for pedestrians," Sunderland said.

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he does a great  
job cleaning up  
small park at  
W. Glebe & Old Dominion

For Installation  
of "New" Trash Receptacles

contact  
Dave Peregoy @ (571) 220-  
5765

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January 24, 2004

Tesfay Berhane  
244 Stevenson Square N  
Alexandria, VA 22304

Thank you Mayor Euille, Joyce Woodson, Ludwig Gaines and Andrew Macdonald for your efforts to end our suffering, pain and discrimination in the city of Alexandria. You are all my heroes. We want to thank all of the members for meeting with us over the past weeks, expressing your concern.

We are proud to have Union representatives and customers with us today. You will also hear from AUTO representatives, supported by AUTO members in the audience.

It has been a painful and long journey. Now it is time to save the industry and to change the unfairly regulated city taxi code. Our demand is clear and fair.

1. Ownership of the Taxicab Certificate Card, which rightfully belongs to us.
2. Freedom of movement between companies, which is the core of competition.

In our study of the industry, it became clear to us that the seniors and the DOT cab programs also needed reform. We are going to make some suggestions today for that reform.

We have never demanded a cab system like DC. The cab companies need to stop their scare tactics against our seniors. We have been denied the opportunity to serve the seniors, and the seniors are being denied the freedom of choice. Now we are demanding the opportunity to give the best service the seniors have ever had.

The whole City has been a victim of paid lobbyists that only serve the interests of the cab companies, not the seniors, not the DOT riders, not the regular customers, not the drivers, not the taxi industry.

We have developed a plan that can serve as a model in the taxi industry, not only for Alexandria but also for the whole nation. We have worked very hard to develop a system that fixes the problems and is fair. Now is the time to act on it.

Our suffering has to end with us, we don't want to pass it on to the next generation. Until our goal is met, we will not rest.

If you have any questions, I will be glad to answer them.

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January 24, 2004

Augustine Agbenaza  
14894 Hyatt Place  
Woodbridge, VA 22191

Honorable Mayor and City Council members. Good morning. My name is Augustine Agbenaza and I am a member of AUTO.

There are two distinct interests involved in providing service to Alexandria, the dispatch companies and the driver owner-operators. The dispatch companies do not own any cabs.

When the City changed the taxi system in 1982, they did not take into consideration putting in checks and balances for the protection of the drivers. They never talked about the interests of the drivers, who owned the cabs. The companies did not own the cabs.

The unintended consequence is that an unfair system that is against the drivers has evolved. For more than ten years, we have brought this to the attention of the city council. Until now, our concerns have fallen of deaf ears. For over ten years, we have cries and wailed, but our cries and wailing have never been sufficiently heard.

All that we are asking for is a system that is fair to both the owner-operators and the dispatch companies. In the past, we have heard excuses such as the income of the dispatch companies had to be guaranteed so that they could remain in business. Is there any business entity in Alexandria or the United States that is guaranteed an income in a capitalist and competitive system? This has made the dispatch companies highly inefficient and indolent since they have realized that they don't have to work for their income because it is guaranteed by the City Council. Yellow Cab owner Jim Yates is a minimalist. He puts in a little, and tries to get as much as he can out of it.

We have a parasitic system where the dispatch companies prey upon the defenseless drivers. They provide basically no service, but they demand payment of stand rent every week. Don't they need to provide dispatch service for this stand rent? Is there any free lunch in this country?

We have put a plan before you. Our plan does not seek to destroy the dispatch companies. Our plan will inject equity and fairness into the system. It will also bring about competition and accountability. And most important, it will provide a permanent check and balance between the interests of the dispatch companies and the interests of the taxi owner-operators.

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Balwinder Singh Sahi  
9507 Cherry Oak Court  
Burke, VA 22015

January 24, 2004

Mr. Mayor, members of the City Council. My name is Balwinder Singh Sahi and I am organizer for AUTO. I am a 67 year old citizen, driving a taxi cab since 1974. I have three children and six grandchildren.

I get some help, me and my wife get social security and get help from my children. I don't know how my fellow drivers make it and support their families. My kids are grown up, but many drivers are still raising their families. How they are doing it, God knows, or how long they can.

The cab companies are scaring people, especially the seniors, by saying that if the City allows the movement, that the drivers will not pick up the seniors and the handicapped.

Citizens of Alexandria, especially the senior citizens and handicapped persons, we are here to serve you, to feed our families, and to keep our driving privilege. The City has bought this crazy idea of one dispatch service, that if there are any more dispatch services there will be chaos. We are asking for more dispatch services to serve you. We are asking for competition.

Senior citizens will be better served if the City allows freedom of movement for the cab owner-operators. AUTO is asking for more than one dispatch.

Thank you.

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January 24, 2004

Sayed Hussain  
5705 Overly Drive  
Alexandria, VA 22310

Good morning Honorable Mayor, respected members of City Council, and the citizens of Alexandria. My name is Sayed Hussain and I am a member of AUTO.

As you may know, we've been struggling for the last twenty years to improve the cab business in the city of Alexandria. Right now, there is no competition in the cab industry. There is no freedom of movement for the drivers between companies. These two basic things caused the deterioration of service to the public, including the seniors and the handicapped. Because of the lack of freedom of movement and the lack of competition, there is no marketing, dispatch is not reliable, and there is rudeness to customers.

Drivers have, for a long time, approached the companies to try to resolve the problems. The companies have refused to speak to the leaders and their response to individuals has been, "If you don't like how things are, why don't you leave and go to work for MacDonalds?"

So over time, the drivers' movement has come before the City with a proposal with two basic elements:

1. The Taxicab Certificate Card needs to be in the owner-operator's name.
  2. We need freedom of movement.
- We have concluded that without these two steps, business will not improve.

We are not asking for independence. We will affiliate with a company. But the competition will make the companies do a better job.

We can see a lot of positive movement toward a solution. We hope it continues.

The Italian philosopher Dante once said, "There are a lot of places reserved in hell for those who keep their neutrality in a time of crisis." So don't be neutral. Step forward. Thank you.

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January 24, 2004

Donna Clarke  
1225 Martha Custis Drive  
Apt. 804  
Alexandria, VA 22302

Mr. Mayor and members of the City Council, good morning. I have been talking with a representative of Alexandria United Taxi-drivers Organization (AUTO) and I know that the taxi owner-operators have proposed a plan to make the business competitive so that companies have a reason to provide better dispatch.

I frequently take cabs under the DOT system for disabled residents because I am visually impaired. I would first like to say that a lot of the people who use the DOT taxi system are taxpaying citizens and depend on the service to get to their jobs. If they loose their job, they loose their ability to support themselves and contribute to the community. I am concerned because, especially lately, have noticed that the service is deteriorating. The majority of the time, the pick-up is late, even though I call in ahead. On at least one occasion, the taxi owner-operator was given the dispatch to pick me up after the pick-up time I had scheduled. Several other times, the taxi owner-operator was sent to the wrong place. On at least one occasion, the taxi owner-operator was sent to the wrong address *and* he was told to take me to the wrong address.

When I schedule my pick-up the day before, the person who takes the information reads it back correctly, so I know the problem has to be in the computer entry at night or in the dispatch system. I do know that my experience with DOT was much better before Yellow and Diamond Cab Companies combined their dispatch system.

I am also aware that Diamond Cab provides little or no training for taxi owner-operators with regards to disabled residents. AUTO has expressed an interest in working with me to develop training they will offer to taxi owner-operators. I am exited by that prospect.

AUTO has also discussed the possibility of changing the DOT program to provide better and more readily accessible service to DOT customers. I have the following suggestions for changes:

1. I would like the ability to take any cab. I often catch a cab at a metro station, and currently I have to wait for a dispatched Diamond Cab while a line of cabs is right in front of me.
2. I would like to see a voucher system, where the vouchers are sent out by mail after approval. The matching of the voucher to the holder could be done through the DOT ID Card. I would like to note that no one has ever looked at my DOT ID Card.
3. It is inconvenient and sometimes impossible to call twenty-four hours ahead. For instance, I recently had an allergic reaction to medicine. I could not use the DOT system to get to the doctor because it was an emergency. When I travel, I cannot arrange a pick-up when I get back to Alexandria at the bus or train station because the bus or train might not be on time.

Thank you for hearing me this morning. I support the AUTO proposal because the AUTO owner-operators seek a permanent solution to the problems in the taxi industry today.

Donna Clark

Gattew Teferi  
6914 Ashbury Drive  
Springfield, VA 22152

### AUTO's Plan on DOT and Seniors Cab System

Currently seniors get transport services from Diamond Cab Company.

Diamond was given the blessing of monopolizing this service by the city. This monopoly has caused and is causing serious problems for the seniors.

If for any reason Diamond Cab does not show up, seniors cannot make their appointments.

Here is what happened: it's a fact, not hypothetical.

A senior called Diamond Cab Co. to be picked up from Braddock Road Metro Station. Unfortunately Diamond Cab did not show up. Because he was in a hurry, he approached the first of the six cabs lined up at the cabstand. He asked if the cab owner-operator could take DOT. The owner operator responded no because Columbus Cab Company does not take DOT.

He went to the second cab, where the response was no because VIP Cab does not take DOT.

With hope, he motioned to the third cab and asked a ride with DOT. The response was no because Yellow Cab does not take DOT.

Frustrated by this, he shouted at the owner-operators and vowed to complain because they had not given him a ride.

Is this the fault of the owner-operators? Not at all. The fault lies in the Senior Cab Program and the DOT system locks the seniors and the disabled in one company only. We therefore appeal to the public and especially to our seniors to understand and to help us get our plan passed and to stop blaming us for not picking up the seniors.

Our plan has a simple solution to solve this problem. This plan gives freedom of choice to seniors and disabled residents by adopting a voucher system to be accepted by all companies.

The advantages of the voucher system:

1. Efficient and dependable - Seniors and disabled will get cabs quickly and they are sure to get the cab in the specified time.
2. Direct contact - Seniors can directly call any company they want. They do not have to go through Utah or Buena Vista to get in touch with Diamond Cab.
3. Seniors can present the vouchers to any owner-operator on the street or cabstand.
4. Control of budget – The City can track the flow of money and control the budget allocation to seniors for transport services. Our plan would have less overhead and free more money for cab rides.
5. Participation – Owner-operators will participate in providing transport services to our seniors to get paid.

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January 24, 2004

Evion Council  
6101 Edsall Road  
#1204  
Alexandria, VA 22304

Good morning Honorable Mayor and City Council members. My name is Evion Council. I live in the city of Alexandria.

I have been a cab rider for fifteen years. I do not drive. For year after year, every morning I took my son to day care or to school in a cab, and then had the same cab drop me at the Metro Station. Every evening I reversed the process. I took a cab from the Metro Station to pick up my son and then we both took the cab home. I know a lot of long term drivers, and I am used to good customer service.

Over the years, I have noticed deterioration in the cab service in Alexandria, and it suddenly got worse when Diamond and Yellow dispatches were combined. I waited on hold a lot. The computer was down a lot. Sometimes the cab didn't show up. Then, when I tried to call in to let dispatch know, I found myself on hold again. Lately it has gotten a little better in the daytime, but in the evening there are still problems.

Recently, I called for a Yellow Cab from Samuel Tucker Elementary School. My son had just finished performing in a program there and we were trying to get home. The call taker asked for the address of the school. I told her the corner of Edsall Road and Pickett Street at Cameron Station. She told me that she needed the exact address or I could not get a cab. I got off the phone, went and got the address, and called the cab company again and told them the address on Ferdinand Day Drive. The call taker told me to spell the street name. I told her I wasn't sure of the spelling. She told me I could not get a cab unless I could spell the name of the street. I got off the phone, got the spelling, and called back a third time before I got the cab.

Another time, I was at the grocery store. I called for a cab. When the cab had not arrived after fifteen minutes, I called again. After ten minutes and still no cab, I called again. I asked for the number of the cab they had dispatched. The call taker said she could not give me that information. I

called again after ten more minutes without a cab, and I was told then that the computer was down. In all, I waited over an hour for that cab.

I support AUTO and their solution to the problem.

Cab service is a key part of transportation in Alexandria, especially for people like myself who don't drive but who need to get to work, to get my child to school, who need to get to doctor's appointments, and who need to get groceries. For me, my life is built around that service being there.

I have a question. Why is it that Mr. Yates is the main person allowed to have a cab service? Why isn't there competition? The City is supporting a monopoly. There are numerous cab companies in Washington, DC and other jurisdictions. The City belongs to the residents, not the business interests. We would be better served if there were competition. Why are you so afraid of competition? If someone comes in and can't provide service, they will go out of business. But if new companies provide better service, they will stay and the residents will benefit. Each side will have to get better and better to stay in business.

Thank you for hearing me today.

Nation

# Trash talk: States waging war on litterbug

## As road rubbish grows, officials try fines, shame ad campaigns

By Hava El Nasser  
USA TODAY

Awash in roadside litter, several states are stepping up efforts to persuade Americans to stop trashing their streets and highways. Thirty years after ads featuring an American Indian crying at the sight of litter helped launch a national cleanup movement, states are using aggressive publicity campaigns to get the message out. "Litter and It Will Hurt," Washington, state's program warns, "Don't Trash California" signs flash over mounds of refuse on that state's highways. Mississippi uses a parent's language: "I'm not your Mama. Pick it up, Mississippi."

The problem is simple: More people, more roads, more cars on the road and more people eating and smoking in their vehicles mean more trash tossed from car windows onto roadsides. "There's a new generation of litterers coming along every day," says Dan Syrek, a Sacramento consultant who has studied litter behavior for decades. "When traffic volume triples, litter doubles on urban freeways."

The biggest offenders: Young men who drive a lot, eat fast food and go to parties and nightclubs. The piles of litter are too much to handle for states where tight budgets are forcing cutbacks in highway cleanups. At the same time



Don't do it: A state truck dumps trash bags next to Highway 101 in Santa Clara, Calif., as a sign flashes an anti-litter message. Litter is growing with more cars; people on