

**April 4, 2019 Department of General Services Budget Oversight Hearing  
Testimony of Marcia Bernbaum**

Committee Chair White, members of the Committee on Services & Procurement, Department of General Services (DGS) Director Anderson,

My name is Marcia Bernbaum. I serve as Mentor & Advisor to the People for Fairness Coalition (PFFC) Downtown DC Public Restroom Initiative.

When I testified at the February 28, 2019 DGS Oversight Hearing my objective was to justify why the District should invest \$336,000 in its FY 2020 Budget to fund the first year of the two public restrooms pilots provided for under [Bill 22-0223, Public Restroom Facilities Installation & Promotion Act of 2018](#), now [Act 22-0608](#), and estimated to become law on April 11.

Bill 22-0223 directs an interagency Working Group, composed of 9 DC Agencies (of which DGS is one) and 5 representatives from private sector entities, to explore the feasibility of installing clean, safe public restrooms in needed areas of DC and, if considered feasible, recommend two pilots: (1) two stand-alone public restrooms available 24/7; and (2) a pilot program to provide incentives to businesses to open their restrooms to the public (*highlights of Bill 22-0223 may be found in Attachment 1 on page 4*).

When I and several of my colleagues testified on February 28 our hope was that, when the Mayor issued her FY 2020 Budget on March 20, the \$336,000 needed for the first year of the public restroom pilots would be included. Sadly, they were not. Without having these funds in the FY 2020 budget, it will not be possible to take any action on implementing the guidelines provided in Bill 22-0223.

For this reason, I and several colleagues/supporters of Bill 22-0223 have signed up to testify at today's budget oversight hearing, this time to request that the Committee on Services & Procurement, do everything it can to ensure that \$336,000 are set aside in the DC Council's FY 2020 Markup to fund the first year of the public restroom pilots.

Since Bill 22-0223 was introduced in April of 2017 we have been active in raising consciousness of the need for clean, safe public restrooms in/near downtown DC; educating on why they are needed; and advocating for Bill 22-0223 to become law. As a result (*see Attachment 2, page 5*): thirteen (13) ANCs, mostly in areas with high levels of pedestrian traffic during the day

and/or at night have sent resolutions to the DC Council; 25 churches and non-profit organizations have endorsed Bill 22-0223 and our Initiative; and over 2,000 individuals have signed petitions.

We have already shared with you the rationale for why DC needs more clean, safe public restrooms (see text box below).

**Downtown DC lacks access to clean, safe public restrooms: access is a human right, critical for personal and public health, and contributes to urban livability**

- Only 5 public restrooms, off the Mall, are available in downtown DC during the day and 2 are open 24/7 (Lincoln & Jefferson Memorials), neither with signs to tell you where they are.
- By way of contrast, clean, safe [public restrooms](#) are readily available in commercial areas of most European & Asian capitals with signs to tell you where they are.
- Businesses in downtown DC are increasingly limiting restroom access to patrons. In 2017, 11 of 85 facilities visited had restrooms open to the public.

**Many benefit from access to clean, safe public restrooms: restroom challenged, businesses, tourists, people exercising, taxi/Uber drives, people experiencing homelessness**

- Restroom challenged (among term: pregnant women, small children, elderly, people with bowel incontinence); when they have to go they have to go urgently.
- Businesses: restroom challenged people more apt to come to shop if they know there is a public restroom nearby, less poop to scoop
- Tourism/economy: tourists (over 20 million in 2017) are more apt to leave the Mall to visit other areas and shop.
- Bikers, runners, joggers: often can't find a restroom nearby when they need to go.
- Taxi, Uber drivers: often have a hard time finding a place to go, end up going in alleys
- Housing unstable: indignity of having to go in the open; up to \$500 fine/90 days in jail for public urination/defecation

Through our research on lessons learned and best practices from other cities in the US and elsewhere that have been successful in installing and maintaining clean, safe public restrooms in areas with a high level of foot traffic, we identified the two options included in Bill 22-0223: (1) stand-alone public restrooms available 24/7 (the Portland Loo and Automated Public Toilets or APTs) and incentives to businesses to open their restrooms to the public (Community Toilet Scheme). *(Information on each of these options is available in Attachment 3 - page 7).*

As you are aware, Greg Madden -- President of Madden Enterprises which manufactures and helps install the Portland Loo, and was involved in its design -- took time from his yearly trip to DC in March to visit relatives to deliver presentations on the Portland Loo at DGS (Deputy Construction Director Brown and representations from the Department of Parks & Recreation) and to Shawn Hilgendorf, Director of the Committee on Facilities & Procurement.

As I observed in my February 28 testimony at the DGS Oversight Hearing, both options make sense for DC. In areas with a high level of pedestrian traffic during the day but not at night it makes sense to enter into contracts with businesses to open their restrooms to the public during the hours that they are open. In areas with a high level of pedestrian traffic during the day AND at night (into the wee hours) stand-alone public restrooms open 24/7 are probably more appropriate.

In closing, we urge you to do everything possible to ensure that \$336,000 (*see Attachment 4, page 8, for the table included in the FIS for a breakdown of costs over a 4-year period*) is set aside in the FY 2020 DC Council mark up to fund the first year of the public restroom pilots. Without this first-year funding, it will not be possible to form the Working Group and start implementing the guidelines included under Bill 22-0223.

Thank you for giving me this opportunity to testify.

Attachments:

1. Highlights of Bill 22-0223 (*pg. 4*)
2. Support for Bill 22-0223 and clean, safe public restrooms from ANCs and churches/non-profit organizations (*pg. 5*)
3. Illustrations of the three public restroom options with commentary on each (*pg. 7*)
4. Fiscal Impact Statement for Bill 22-0223 (*pg. 9*)

# ATTACHMENT 1

## Highlights of Law 22-0280, Public Restroom Facilities Installation & Promotion Act of 2018

Directs the DC government to establish a Working group to explore solutions to the lack of public restrooms in downtown DC. Working Group to consist of DC Water, DPW, DDOT, DGS, DPR, DOH & DHS, MPD, DMPED and five non-governmental representatives: two from DC nonprofits that address homeless issues, one non-profit with a focus on issues affecting seniors, one nonprofit with a focus on public health, and one individual with expertise in urban planning.

Action begins with having BIDs, ANCs, and other community organizations submit information on areas within their jurisdictions where they consider that there is a need for public restrooms.

With this information in hand, the working group is formed and tasked with proposing the number and type of public restroom facilities, if any, that would best serve the District's needs.

Recommends two pilot programs:

1. Install and maintain two stand-alone public restrooms open 24/7 in high need locations in the District (providing opportunities, once the sites are selected, for public comment with the ANC in the area where the restroom is to be installed to vote on its installation);
2. Create a program to provide financial incentives to businesses in a selected Business Improvement District to open their restrooms to the public.

Charges the MPD with collecting information on police reports at/near the restrooms and the nature of the reports. At the end of the first year the Mayor shall report to the Council on the actual annual costs of installing, maintaining, policing, and repairing the public restroom facilities.

MPD monitoring information and report to be used to decide whether to continue and/or expand one or both pilot programs.

**ATTACHMENT 2**  
**RESOLUTIONS & SUPPORT FOR**  
**PFFC Downtown DC Public Restroom Initiative & Bill 22-0223**  
**Public Restroom Facilities Installation & Promotion Act of 2017**

**Support for Public Restroom Access in DC <sup>1</sup>**

- Downtown DC BID
- Georgetown BID
- Capitol Hill BID

**Resolutions**

ANCs:

- ANC1A (Columbia Heights & Park View)
- ANC1B (14<sup>th</sup> St & U St corridors)
- ANC1C (Columbia Rd & 18<sup>th</sup> St corridor)
- ANC2A (Foggy Bottom)
- ANC2B (Dupont Circle and surroundings)
- ANC2C (Logan Circle and surroundings)
- ANC2F (Gallery Place and surroundings)
- ANC3C (Cleveland Park Woodley Park, Cathedral Heights)
- ANC3D (Spring Valley and Palisades)
- ANC3E (Tenleytown, AU Park, Friendship Heights)
- ANC3F (Vanness, North Cleveland Park)
- ANC5E (Bloomingdale, Brookland, Edgewood)
- ANC8D (Bellevue and surroundings)

**Endorsements**

Churches

- Foundry United Methodist Church
- Friends Meeting of Washington DC
- Church of the Epiphany
- Western Presbyterian Church

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<sup>1</sup> The BIDs cannot formally endorse either the Downtown DC Public Restroom Initiative or a Bill. However, they can support public restroom access for all members of the Downtown DC community to support a higher quality life for our residents, workers and guests.

### Organizations that support the underserved/social justice

- DC Fiscal Policy Institute (DCFPI)
- Jews United for Justice
- Washington Legal Clinic for the Homeless
- Fair Budget Coalition
- Crohn's & Colitis Foundation
- Collective Action for Safe Spaces (CASS)
- Coalition for Non-profit Housing and Economic Development (CNHED)
- Miriams Kitchen
- Pathways to Housing DC
- National Coalition for the Homeless
- Catholic Charities
- The DC Center
- Community of Hope

### Other

- Food & Friends
- Greater Greater Washington
- Washington Area Bicyclist Association (WABA)
- Potomac Communications Group
- DC Statehood Green Party
- Dupont Circle Citizens Association
- Foggy Bottom Citizens Association
- Dupont Circle Village

## ATTACHMENT 3

### Three Public Restroom Models

#### **PORTLAND LOO<sup>2</sup>** (size of a parking space)

	<p>Designed using crime prevention measures to avoid being used for illicit activities and for easy maintenance.</p> <p>Installed and successfully maintained in 23 cities in US and Canada; number of cities in US &amp; growing.</p> <p>Attractive Open 24/7 Clean Safe</p> <p>\$94,000 purchase/transport. \$32,000 - \$38,000 installation if close to water/sewer lines \$12,000 - \$ 20,000/yr. maintenance</p>
<p><a href="http://www.portlandloo.com">www.portlandloo.com</a></p>	

#### **AUTOMATED PUBLIC TOILET** (size of a parking space)

	<p>Found in New York City, San Francisco, many cities in Europe &amp; Asia</p> <p>Attractive Open 24/7 Clean, issues in some locations Safety issues in some locations</p> <p>\$250,000 - \$1,000,000 purchase \$25,000 - \$35,000 installation if close to water/sewer lines \$100,000 - \$150,000/yr. maintenance</p>
<p><a href="https://en.wikipedia.org/wiki/Sanisette">https://en.wikipedia.org/wiki/Sanisette</a></p>	

<sup>2</sup> Preferred by PFFC Downtown DC Public Restroom Initiative based on research on lessons learned/best practices elsewhere: designed using crime prevention measures (louvers so can see and hear what is happening inside, lighting inside and outside at night, blue light to discourage needle use), lower cost to install and maintain (utilities are solar powered, 1.25-gallon flush, easier to keep clean., maximizes use by not having hand wash on outside).

## **LONDON COMMUNITY TOILET SCHEME**



[https://www.cityoflondon.gov.uk/services/transport-and-streets/clean-streets/Pages/Community-Toilet-Scheme-\(CTS\).aspx](https://www.cityoflondon.gov.uk/services/transport-and-streets/clean-streets/Pages/Community-Toilet-Scheme-(CTS).aspx)

Government provides a financial incentive (600 Euro/year) to private businesses to make their toilets available to public

Businesses display special stickers in their windows

Signs indicate where they are located

75 participating businesses in downtown London borough.

In use in other cities in England, Germany, and throughout Australia

## ATTACHMENT 4

### Implementation costs for Bill 22-0223<sup>3</sup>

<b>Public Restroom Facilities Installation and Promotion Act of 2018</b>					
<b>Bill 22-223</b>					
<b>Implementation Costs</b>					
<b>Fiscal Year 2019 - Fiscal Year 2022</b>					
<b>(\$000s)</b>					
	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>	<b>Total</b>
<b>Two Facility Pilot<sup>a</sup></b>					
Purchase and Installation	\$270	\$0	\$0	\$0	\$270
Maintenance	\$0	\$24	\$24	\$24	\$72
Staff	\$0	\$40	\$43	\$45	\$128
<b>Total Facility Pilot Costs</b>	<b>\$270</b>	<b>\$64</b>	<b>\$67</b>	<b>\$69</b>	<b>\$470</b>
<b>Community Restroom Incentive Pilot Program</b>					
Financial Incentive	\$60	\$60	\$60	\$60	\$240
Signage Costs	\$6	\$2	\$2	\$2	\$12
<b>Total Program Costs</b>	<b>\$66</b>	<b>\$62</b>	<b>\$62</b>	<b>\$62</b>	<b>\$252</b>
<b>Total Implementation Costs</b>	<b>\$336</b>	<b>\$126</b>	<b>\$129</b>	<b>\$131</b>	<b>\$722</b>

Table Notes

<sup>a</sup> Analysis assumes that the two facilities will be installed by the end of fiscal year 2019 and become operational beginning in fiscal year 2020.

<sup>3</sup> Taken from Fiscal Impact Statement for Bill22-0223 dated Oct. 28, 2018