

**April 10, 2019 Budget Hearing on Deputy Mayor on Planning & Economic Development  
testimony of Marcia Bernbaum,  
Mentor & Advisor to the PFFC Downtown DC Public Restroom Initiative**

Committee Chair McDuffie; members of the Committee on Business and Economic Development;  
Deputy Mayor for Planning & Economic Development Director Kenner,

My name is Marcia Bernbaum. I serve as mentor and advisor to the People for Fairness Coalition (PFFC) Downtown DC Public Restroom Initiative.

I am testifying today to request assistance from the Committee on Business and Economic Development in identifying \$336,000 in the DC Council's markup for first year funding for two public restroom pilots.

In December 2018 you and your colleagues passed Bill 22-0223, Public Restroom Facilities Installation and Promotion Act of 2019 by unanimous vote<sup>1</sup> This Bill, estimated to become law tomorrow, calls for an Interagency Working Group to be formed, one of whose members is the Deputy Mayor for Planning & Economic Development. This Working Group is tasked with determining the feasibility of and recommending two public restrooms pilots in areas of DC with high levels of pedestrian traffic.

1. Install and maintain two clean, safe stand-alone public restroom available 24/7
2. Pilot, through one BID, a program to provide incentives to businesses to open their restrooms to the public.

Bill 22-0223 was inspired by our research. The guidelines included for selecting the two pilots are based on lessons learned and best practices that we have identified in cities in the US and elsewhere that have, in recent years, been successful in installing clean, safe public restrooms<sup>2 3</sup>. The Financial Impact Statement (FIS), prepared for Bill 22-0223, estimates the costs of the pilots, over a four-year period, to be \$722,000. First year expenses are estimated to be \$336,000 which is front loaded with \$260, for purchasing and installing two stand-alone public restrooms. <sup>4</sup>

To our disappointment, the Mayor did not set aside funding in her FY 2020 budget for the first year of the public restroom pilots. Unless the DC Council is able to identify and set aside \$336,000 for this purpose in its FY 2020 markup, this law will remain on the books with no action taken.

I would like to focus the remainder of this testimony on how businesses in the US and elsewhere have both played a key role in advocating for, and benefited from, having clean, safe public restrooms nearby.

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<sup>1</sup> Highlight of Bill 22-0223 may be found in Attachment 2, page 5.

<sup>2</sup> Attachment 2 provides guidelines for siting stand-alone public restrooms, pg. 6

<sup>3</sup> Attachment 3 provides illustrations, with information on each, of two stand-alone public restroom options (The Portland Loo and Automated Public Toilets) and the Community Toilet Scheme where businesses receive incentives to open their restrooms to the public, pages 7 & 8..

<sup>4</sup> Attachment 4 contains a table taken from the FIS which identifies anticipated expenditures by year, page 9.

## **PORTLAND, OREGON:**

### **Local businesses team up with residents and the Portland government to design a stand-alone public restroom open 24/7 that is clean, safe, and discourages criminal activity**

In the early 2000s, merchants in Portland Oregon's Chinatown found themselves facing a serious problem. Chinatown is located near the water front which attracts many bathers and tourists. Many people come to shop. There are a number of bars and nightclubs open until the wee hours with people coming out at 2 or 3 am full of liquor (a diuretic) urinating on the sidewalks, in alleys, and on the steps of stores. Chinatown also has a large population of individuals experiencing homeless many of whom sleep outside at night.

Tom Carrollo, a merchant in Chinatown in the early 2000s, shared his story with me

*I was a restaurant owner in Old Town China Town. I had a door stoop that needed to be cleaned up every day since it smelled of urine and at times defecation. I was also near the waterfront park which meant that I and my fellow restaurateurs were having people coming and asking "can we use your bathroom?".*

*This was a hard position to be put in. You don't want to discriminate. However, after having to pay a plumber \$250 to fix your toilet from coke cans that got flushed down it, you had to say "no". It is very costly to say "yes" to the wrong person. To do that you have to evaluate each person to decide whether you say "yes" or "no" when s/he asks to use your restroom. I hated that part. At some point you start saying "no" to everybody.*

In 2002 Tom and other business owners in Chinatown teamed up with a group of concerned Chinatown residents, PHLUSH<sup>5</sup>, the City of Portland, the Portland Police and Fire Departments, the Portland Water Bureau, Portland Parks & Recreation, the Bureau of Development Services, Environmental Services of the City of Portland, Clean & Safe (Portland's BID), and Madden Fabrication to design a stand-alone public restroom open 24/7 that was clean, safe, economical and designed to avoid criminal activity.

In designing this stand-alone public restroom they took into consideration the needs of its anticipated users: people who are restroom challenged, families with young children, the elderly, people in wheel chairs, bikers, joggers, and walkers, tourists, construction workers.

The outcome was the Portland Loo, a prefabricated unit the size of a parking place that can be installed along a wide sidewalk or in a park which is: economical to purchase/install and maintain; designed with parts that are easily replaced on the local market; designed for maximum use; minimizes use of water; is safe (there is lighting inside and outside at night and one can see and hear what is happening inside through louvers along the bottom and top); and designed specifically to prevent criminal activity.

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<sup>5</sup> PHLUSH (Public Hygiene Let Us Stay Health) was established in Portland in \_\_\_ by activists. Through education and advocacy, PHLUSH helps local governments and citizen groups to provide equitable public restroom availability

Today there are 78 Portland Loos in 28 cities in the US, Canada, and New Zealand, With the exception of one, where siting guidelines were not used, there have been no problems with cleanliness, safety or illicit use. It has been well received by businesses in the areas where it has been installed.

#### **RICHMOND UPON THAMES, ENGLAND:**

##### **Under the Community Toilet Scheme businesses receive incentives to open their restrooms to the public**

In 2003 the City of Richmond Upon Thames in England realized that they needed more public restrooms for their many tourists and visitors. Instead of building new restrooms they started the "Community Toilet Scheme" (CTS). Under the Scheme, businesses receive incentives to open their restrooms to the public during the hours they are open; they agree to put a decal on their windows; and appear on an app/website which provides information on where they are located, their hours, characteristics. The CTS has now spread throughout England, has been applied in Germany, and has recently come to Australia.

Benefits to participating businesses include: showing that they are socially conscious, finding that people who use their restrooms are apt to shop or purchase food or drink.

#### **AND WASHINGTON DC ????**

Capitals in large cities in Europe and Asia that appreciate how important ready access to clean, safe public restrooms is for personal and public health and have taken action to make clean, safe public restrooms readily available in high-trafficked areas.

By way of contrast, our Nation's Capital has only 5 public restrooms downtown open during the day (4 with limited hours) and two open 24/7 at night (the Lincoln and Jefferson memorial that are off the beaten track). Businesses are increasingly limiting restroom access to the public.<sup>6</sup>

We have been told by many people we talk that that piloting options for increasing restroom availability in commercial areas of DC is a "no brainer", that it is a "win-win".

For a relatively small investment, and building on successful experiences elsewhere, our Nation's Capital can become a place where:

- Tourists (over 20 million in 2017) can be confident, as they are when they travel to cities in Europe and Asia, that when they visit DC that clean, safe public restrooms will be available nearby when they need them.
- Residents with health conditions that cause them to have to go urgently when nature calls will feel more comfortable leaving their houses to go downtown shopping or exercise knowing they can find a clean, safe public restroom nearby when they need it

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<sup>6</sup> These data come from research we have done in areas of DC with high levels of pedestrian traffic. The studies may be found at [www.pffcdc.org/what-we-do/public-restrooms](http://www.pffcdc.org/what-we-do/public-restrooms).

- Parents with little children; bikers, walkers, joggers; shoppers, people getting on and off buses and going in and out of our Metro system can also be assured when they need a restroom they can find one.
- Businesses will benefit by having fewer people coming in to use their restrooms; having an increased possibility that tourists will come to their areas to shop, having less poop to scoop.

And...there will be fewer chances of walking down a smelly alley or walking by a church which is graced with feces in its green areas.

I am attaching to this testimony:

1. Highlights of Bill 22-0223
2. Lessons learned from cities that have successfully installed and maintained clean, safe public restrooms
3. Three public restroom options with information on each
4. A table with estimated costs for implementing Bill 22-0223 included in the FIS

Thank you for giving me this opportunity to testify. I look forward to answering any questions you might have.

# **ATTACHMENT 1**

## **Highlights of Bill 22-0223, 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**

### **Lessons Learned/Best Practices from Cities that have Successfully Installed and Maintained Clean, Safe Stand-Alone Public Restrooms**

#### **Key considerations in selecting site for stand-alone public restroom**

1. Located in visible area
2. High level of pedestrian traffic
3. Input and support from the surrounding community (ANCs, community associations, businesses)
4. Near water and sewer facilities,
5. Provisions in place for community, business, and police monitoring.

#### **Key considerations in selecting appropriate stand-alone public restroom model**

1. Designed with safety considerations in mind
2. Includes provisions to discourage illicit use
3. Encourages users to spend a limited amount of time in the facility in order to maximize restroom use
4. Kept clean
5. Reasonable in price
6. Easy to maintain
7. Arranging for signs for users to identify restrooms locations

## ATTACHMENT 3

### Three Public Restroom Options

#### ***PORTLAND LOO***<sup>7</sup> (size of a parking space)



[www.portlandloo.com](http://www.portlandloo.com)

Designed using crime prevention measures to avoid being used for illicit activities and for easy maintenance.

Installed and successfully maintained in 28 cities in US and Canada; number of cities in US & growing.

Attractive  
Open 24/7  
Clean  
Safe

\$94,000 purchase/transport.  
\$32,000 - \$38,000 installation if close to water/sewer lines  
\$12,000 - \$20,000/yr. maintenance

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



<https://en.wikipedia.org/wiki/Sanisetette>

Found in New York City, San Francisco, many cities in Europe & Asia

Attractive  
Open 24/7  
Clean, issues in some locations  
Safety issues in some locations

\$250,000 - \$1,000,000 purchase  
\$25,000 - \$35,000 installation if close to water/sewer lines  
\$100,000 - \$150,000/yr. maintenance

<sup>7</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

### Estimated Implementation costs for Bill 22-0223<sup>8</sup>

Public Restroom Facilities Installation and Promotion Act of 2018 Bill 22-223 Implementation Costs Fiscal Year 2019 - Fiscal Year 2022 (\$000s)					
	FY 2019	FY 2020	FY 2021	FY 2022	Total
Two Facility Pilot <sup>a</sup>					
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>
Community Restroom Incentive Pilot Program					
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>8</sup> Taken from Fiscal Impact Statement for Bill22-0223 dated Oct. 28, 2018