

# SENATE BILL 279

R2

8lr1965  
CF HB 370

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By: **Senator Feldman**

Introduced and read first time: January 22, 2018

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Metro Board Member Act**

3 FOR the purpose of altering the requirement that Washington Suburban Transit  
4 Commission members appointed by the Governor serve as the Commission's  
5 appointees to be principal members of the Washington Metropolitan Area Transit  
6 Authority Board of Directors; requiring one of the Commission's appointees to the  
7 Authority's board of directors to be the Secretary of Transportation or the Secretary's  
8 designee; requiring one of the Commission's appointees to the Authority's board of  
9 directors to be one of the commissioners appointed by the Governor; requiring the  
10 Secretary's designee to meet certain qualifications; specifying that the Secretary's  
11 designee may attend meetings of the Authority's board of directors only under  
12 certain circumstances; providing that the Commission's appointee to the Authority's  
13 board of directors who is appointed by the Governor may not be succeeded by a  
14 commissioner who is a resident of the same county; prohibiting the Secretary or the  
15 Secretary's designee from receiving compensation as a member of the Authority's  
16 board of directors; encouraging each signatory of the Washington Metropolitan Area  
17 Transit Authority Compact to support certain reforms of the Authority; making  
18 conforming changes; providing for the application of this Act; and generally relating  
19 to the appointment of Washington Suburban Transit Commission members to the  
20 Washington Metropolitan Area Transit Authority Board of Directors.

21 BY repealing and reenacting, with amendments,  
22 The Public Local Laws of Montgomery County  
23 Section 87-1(b) and 87-5(a)(4) and (5)(iv)  
24 Article 16 – Public Local Laws of Maryland

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2004 Edition and September–October 2017 Supplement, as amended)

2 BY adding to  
3 The Public Local Laws of Montgomery County  
4 Section 87–5(a)(14) and 87–7(c)  
5 Article 16 – Public Local Laws of Maryland  
6 (2004 Edition and September–October 2017 Supplement, as amended)

7 BY repealing and reenacting, with amendments,  
8 The Public Local Laws of Prince George’s County  
9 Part III, Section 1(b) and Section 5(a)(4) and (5)(iv)  
10 Article 17 – Public Local Laws of Maryland  
11 (2011 Edition, as amended)  
12 (As enacted by Chapter 433 of the Acts of the General Assembly of 2012)

13 BY adding to  
14 The Public Local Laws of Prince George’s County  
15 Part III, Section 5(a)(14)  
16 Article 17 – Public Local Laws of Maryland  
17 (2011 Edition, as amended)  
18 (As enacted by Chapter 433 of the Acts of the General Assembly of 2012)

19 BY adding to  
20 The Public Local Laws of Prince George’s County  
21 Part III, Section 7(c)  
22 Article 17 – Public Local Laws of Maryland  
23 (2011 Edition, as amended)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
25 That the Laws of Maryland read as follows:

26 **Article 16 – Montgomery County**

27 87–1.

28 (b) The General Assembly finds that, due to the interest of the State in  
29 transportation facilities in the Washington Metropolitan Area, and due to the substantial  
30 level of State financial support for transportation facilities and operations provided to the  
31 Commission under §§ 10–205 and 10–207 of the Transportation Article, Annotated Code of  
32 Maryland, and the substantial level of support through the Commission to the Washington  
33 Metropolitan Area Transit Authority, it is in the State’s interest to alter the composition of  
34 the Washington Suburban Transit Commission to require that the Governor make certain  
35 appointments to the Commission and that the [Governor’s appointees] **SECRETARY OF**  
36 **TRANSPORTATION, OR THE SECRETARY’S DESIGNEE, AND ONE OF THE GOVERNOR’S**  
37 **APPOINTEES** serve as the Commission’s principal representatives on the Washington  
38 Metropolitan Area Transit Authority Board of Directors and that the State’s interests are  
39 appropriately represented in Commission decisions.

1 87-5.

2 (a) (4) (i) The governor shall appoint 2 members with the advice and  
3 consent of the senate of Maryland.

4 (ii) One member shall be a resident of Montgomery County and one  
5 member shall be a resident of Prince George's County.

6 [(iii) The Governor's appointees shall serve as the Commission's  
7 appointees to be principal members of the Washington Metropolitan Area Transit  
8 Authority Board of Directors.]

9 (5) A Commissioner serving as a principal or an alternate member on the  
10 Washington Metropolitan Area Transit Authority Board of Directors:

11 (iv) [Shall] **EXCEPT FOR THE SECRETARY OF**  
12 **TRANSPORTATION, OR THE SECRETARY'S DESIGNEE, SHALL** be a regular passenger  
13 and customer of the bus, rail, or paratransit services of the Washington Metropolitan  
14 Transit Authority; and

15 **(14) (I) THE FOLLOWING COMMISSIONERS SHALL SERVE AS THE**  
16 **COMMISSION'S APPOINTEES TO BE PRINCIPAL MEMBERS OF THE WASHINGTON**  
17 **METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS:**

18 **1. SUBJECT TO SUBPARAGRAPH (II) OF THIS**  
19 **PARAGRAPH, THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S**  
20 **DESIGNEE, AS AN EX OFFICIO PRINCIPAL MEMBER; AND**

21 **2. SUBJECT TO SUBPARAGRAPH (III) OF THIS**  
22 **PARAGRAPH, ONE OF THE COMMISSIONERS APPOINTED BY THE GOVERNOR UNDER**  
23 **PARAGRAPH (4) OF THIS SUBSECTION.**

24 **(II) THE SECRETARY OF TRANSPORTATION'S DESIGNEE UNDER**  
25 **SUBPARAGRAPH (I)1 OF THIS PARAGRAPH:**

26 **1. SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF**  
27 **TRANSPORTATION;**

28 **2. SHALL HAVE EXPERIENCE WITH AND POSSESS**  
29 **QUALIFICATIONS RELATED TO TRANSIT; AND**

30 **3. MAY ATTEND MEETINGS OF THE WASHINGTON**  
31 **METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS ON BEHALF OF**  
32 **THE SECRETARY ONLY IF A SCHEDULING CONFLICT ARISES.**

1                   **(III) THE COMMISSION'S APPOINTEE UNDER SUBPARAGRAPH**  
 2 **(I)2 OF THIS PARAGRAPH MAY NOT BE SUCCEEDED IN OFFICE BY A COMMISSIONER**  
 3 **WHO IS A RESIDENT OF THE SAME COUNTY.**

4 87-7.

5                   **(C) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S**  
 6 **DESIGNEE, MAY NOT RECEIVE COMPENSATION FOR SERVICE AS A PRINCIPAL**  
 7 **MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD**  
 8 **OF DIRECTORS.**

9                   **Article 17 – Prince George's County**

10 Part III

11 1.

12                   (b) The General Assembly finds that, due to the interest of the State in  
 13 transportation facilities in the Washington Metropolitan Area, and due to the substantial  
 14 level of State financial support for transportation facilities and operations provided to the  
 15 Commission under Sections 10-205 and 10-207 of the Transportation Article, Annotated  
 16 Code of Maryland, and the substantial level of support through the Commission to the  
 17 Washington Metropolitan Area Transit Authority, it is in the State's interest to alter the  
 18 composition of the Washington Suburban Transit Commission to require that the Governor  
 19 make certain appointments to the Commission and that the [Governor's appointees]  
 20 **SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE, AND ONE OF**  
 21 **THE GOVERNOR'S APPOINTEES** serve as the Commission's principal representatives on  
 22 the Washington Metropolitan Area Transit Authority Board of Directors and that the  
 23 State's interests are appropriately represented in Commission decisions.

24 5.

25                   (a) (4) (i) The Governor shall appoint 2 members with the advice and  
 26 consent of the Senate of Maryland.

27                                   (ii) One member shall be a resident of Montgomery County and 1  
 28 member shall be a resident of Prince George's County.

29                                   [(iii) The Governor's appointees shall serve as the Commission's  
 30 appointees to be principal members of the Washington Metropolitan Area Transit  
 31 Authority Board of Directors.]

32                   (5) A commissioner serving as a principal or an alternate member on the  
 33 Washington Metropolitan Area Transit Authority Board of Directors:

1 (iv) [Shall] EXCEPT FOR THE SECRETARY OF  
2 TRANSPORTATION, OR THE SECRETARY'S DESIGNEE, SHALL be a regular passenger  
3 and customer of the bus, rail, or paratransit services of the Washington Metropolitan  
4 Transit Authority; and

5 (14) (I) THE FOLLOWING COMMISSIONERS SHALL SERVE AS THE  
6 COMMISSION'S APPOINTEES TO BE PRINCIPAL MEMBERS OF THE WASHINGTON  
7 METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS:

8 1. SUBJECT TO SUBPARAGRAPH (II) OF THIS  
9 PARAGRAPH, THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S  
10 DESIGNEE, AS AN EX OFFICIO PRINCIPAL MEMBER; AND

11 2. SUBJECT TO SUBPARAGRAPH (III) OF THIS  
12 PARAGRAPH, ONE OF THE COMMISSIONERS APPOINTED BY THE GOVERNOR UNDER  
13 PARAGRAPH (4) OF THIS SUBSECTION.

14 (II) THE SECRETARY OF TRANSPORTATION'S DESIGNEE UNDER  
15 SUBPARAGRAPH (I)1 OF THIS PARAGRAPH:

16 1. SHALL BE AN EMPLOYEE OF THE DEPARTMENT OF  
17 TRANSPORTATION;

18 2. SHALL HAVE EXPERIENCE WITH AND POSSESS  
19 QUALIFICATIONS RELATED TO TRANSIT; AND

20 3. MAY ATTEND MEETINGS OF THE WASHINGTON  
21 METROPOLITAN AREA TRANSIT AUTHORITY BOARD OF DIRECTORS ON BEHALF OF  
22 THE SECRETARY ONLY IF A SCHEDULING CONFLICT ARISES.

23 (III) THE COMMISSION'S APPOINTEE UNDER SUBPARAGRAPH  
24 (I)2 OF THIS PARAGRAPH MAY NOT BE SUCCEEDED IN OFFICE BY A COMMISSIONER  
25 WHO IS A RESIDENT OF THE SAME COUNTY.

26 7.

27 (C) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S  
28 DESIGNEE, MAY NOT RECEIVE COMPENSATION FOR SERVICE AS A PRINCIPAL  
29 MEMBER OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY BOARD  
30 OF DIRECTORS.

31 SECTION 2. AND BE IT FURTHER ENACTED, That a commissioner of the  
32 Washington Suburban Transit Commission appointed as a principal member of the  
33 Washington Metropolitan Area Transit Authority Board of Directors before the effective  
34 date of this Act may continue to serve as a principal member of the Washington

1 Metropolitan Area Transit Authority Board of Directors until the expiration of the  
2 commissioner's current term of appointment.

3 SECTION 3. AND BE IT FURTHER ENACTED, That:

4 (a) Each signatory of the Washington Metropolitan Area Transit Authority  
5 Compact is encouraged to support reform of the Washington Metropolitan Area Transit  
6 Authority's governance structure to improve efficiency, accountability, and effectiveness of  
7 the Authority's performance, oversight, safety, accessibility, environmental quality,  
8 economic development, and quality of life in Maryland.

9 (b) Reforms of the Authority's governance structure may include:

10 (1) reducing the size of the Washington Metropolitan Area Transit  
11 Authority's Board of Directors;

12 (2) improving the independent investigation and oversight of the  
13 Authority;

14 (3) prohibiting elected officials from serving on the Board of Directors;

15 (4) removing a Compact signatory's veto authority;

16 (5) requiring eligibility criteria for Board members, such as possessing  
17 qualifications in relevant fields;

18 (6) providing equitable compensation for each Board member;

19 (7) enhancing transparency; and

20 (8) improving stakeholder input, including input from users of the  
21 Authority's services.

22 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 2018.