
By: Prince George's County and Montgomery County Delegations

Introduced and read first time: February 1, 1996

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 18, 1996

CHAPTER ____

1 AN ACT concerning

2 **Washington Metropolitan Area Transit Authority - Jurisdiction, Appointments, and**
3 **Procedures**
4 **PG/MC 12-96**

5 FOR the purpose of expanding the jurisdictions included in the Washington Metropolitan
6 Area Transit Zone; altering the appointment process of the District of Columbia for
7 members of the Board of Directors of the Washington Metropolitan Area Transit
8 Authority (WMATA); altering the procedural requirements for the Board to act;
9 making stylistic changes; repealing a requirement for congressional approval for the
10 District of Columbia to create obligations in order to commit to the Authority by
11 contract or agreement; clarifying the jurisdiction of the courts of the District of
12 Columbia in actions involving the Authority; establishing the effectiveness of
13 provisions of the Compact under certain conditions; providing for a certain
14 contingency; and generally relating to the jurisdiction and activities of the WMATA.

15 BY repealing and reenacting, with amendments,

16 Article - Transportation

17 Section 10-204 Title III Article III Section 3, 5(a), and 8(a), Article VI Section

18 14(b) and 15, Article VII Section 18(c), and Article XVI Section 81,84, and

19 86

20 Annotated Code of Maryland

21 (1993 Replacement Volume and 1995 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

23 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Transportation**

2 10-204.

3 Title III

4 Article III

5 3.

6 There is hereby created the Washington [metropolitan area transit zone,]
7 METROPOLITAN AREA TRANSIT ZONE which shall embrace the District of Columbia,
8 the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington [and],
9 Fairfax, AND LOUDOUN and political subdivisions of the Commonwealth of Virginia
10 located within those counties, and the counties of Montgomery and Prince George's in
11 the State of Maryland and political subdivisions of the State of Maryland located in said
12 counties.

13 5.

14 (a) The Authority shall be governed by a [board] BOARD of six [directors]
15 DIRECTORS consisting of two [directors] DIRECTORS for each signatory. For Virginia,
16 the [directors] DIRECTORS shall be appointed by the Northern Virginia Transportation
17 Commission; for the District of Columbia, by the [City] Council of the District of
18 Columbia[, from among its members, the commissioner and the assistant to the
19 commissioner of the District of Columbia]; and for Maryland, by the Washington
20 Suburban Transit Commission. [In each instance the director] FOR VIRGINIA AND
21 MARYLAND, THE DIRECTORS shall be appointed from among the members of the
22 appointing body, except as otherwise provided herein, and shall serve for a term
23 coincident with [his] THEIR term on the APPOINTING body [by which he was
24 appointed]. A [director] DIRECTOR may be removed or suspended from office only as
25 provided by the law of the signatory from which he was appointed. The appointing
26 authorities shall also appoint an alternate for each [director] DIRECTOR, who may act
27 only in the absence of the [director] DIRECTOR for whom he has been appointed an
28 alternate, except that, in the case of the District of Columbia where only one [director]
29 DIRECTOR and his alternate are present, such alternate may act on behalf of the absent
30 [director] DIRECTOR. Each alternate shall serve at the pleasure of the appointing
31 authority. In the event of a vacancy in the [office of director] OFFICE OF DIRECTOR or
32 alternate, it shall be filled in the same manner as an original appointment.

33 8.

34 (a) Four [directors] DIRECTORS or alternates consisting of at least one
35 [director] DIRECTOR or alternate appointed from each [signatory] SIGNATORY, shall
36 constitute a quorum and no action by the [board] BOARD shall be effective unless a
37 majority of the [board] BOARD PRESENT AND VOTING, which majority shall include at
38 least one [director] DIRECTOR or alternate from each [signatory] SIGNATORY, concur
39 therein; provided, however, that a plan of financing may be adopted or a mass transit plan
40 adopted, altered, revised or amended by the unanimous vote of the [directors]
41 DIRECTORS representing any two [signatories] SIGNATORIES.

42 Article VI

43 14.

1 (b) It shall be the duty and responsibility of each member of the [board] BOARD
2 to serve as liaison between the [board] BOARD and the body which appointed him to the
3 [board] BOARD. To provide a framework for regional participation in the planning
4 process, the [board] BOARD shall create technical committees concerned with planning
5 and collection and analyses of data relative to decision-making in the transportation
6 planning process and the [Commissioners] MAYOR AND COUNCIL of the District of
7 Columbia, the component governments of the Northern Virginia Transportation District
8 and the Washington Suburban Transit District shall appoint representatives to such
9 technical committees and otherwise cooperate with the [board] BOARD in the
10 formulation of a mass transit plan, or in revisions, alterations or amendments thereof.

11 15.

12 (a) Before a mass transit plan is adopted, altered, revised or amended, the board
13 shall transmit such proposed plan, alteration, revision or amendment for comment to the
14 following and to such other agencies as the board shall determine:

15 (1) The [Commissioners] MAYOR AND COUNCIL of the District of
16 Columbia, the Northern Virginia Transportation Commission and the Washington
17 Suburban Transit Commission;

18 (2) The governing bodies of the counties and cities embraced within the
19 zone;

20 (3) The [highway] TRANSPORTATION agencies of the [signatories]
21 SIGNATORIES;

22 (4) The Washington Metropolitan Area Transit Commission;

23 (5) The Washington Metropolitan Council of Governments;

24 (6) The National Capital Planning Commission;

25 (7) The National Capital Regional Planning Council;

26 (8) The Maryland-National Capital Park and Planning Commission;

27 (9) The Northern Virginia Regional Planning and Economic Development
28 Commission;

29 (10) The Maryland Office of Planning; and

30 (11) The private transit companies operating in the zone and the labor unions
31 representing the employees of such companies and employees of contractors providing
32 service under operating contracts.

33 (b) [Information with respect thereto shall be released to the public.] A copy of
34 the proposed mass transit plan, amendment or revision, shall be kept at the office of the
35 [board] BOARD and shall be available for public inspection. INFORMATION WITH
36 RESPECT THERETO SHALL BE RELEASED TO THE PUBLIC. After thirty days' notice
37 published once a week for two successive weeks in one or more newspapers of general
38 circulation within the [zone] ZONE, a public hearing shall be held with respect to the
39 proposed plan, alteration, revision or amendment. The thirty-days' notice shall begin to
40 run on the first day the notice appears in any such newspaper. The [board] BOARD shall

4

1 consider the evidence submitted and statements and comments made at such hearing and
2 may make any changes in the proposed plan, amendment or revision which it deems
3 appropriate and such changes may be made without further hearing.

4 Article VII

5 18.

6 (c) With respect to the [District of Columbia and the] federal government, the
7 commitment or obligation to render financial assistance shall be created by appropriation
8 or in such other manner, or by such other legislation, as the Congress shall determine. [If
9 prior to making such commitment by or on behalf of the District of Columbia, legislation
10 is enacted by the Congress granting the governing body of the District of Columbia
11 plenary power to create obligations and levy taxes, the commitment]COMMITMENTS by
12 the District of Columbia shall be by contract or agreement between the governing body of
13 the District of Columbia and the Authority, pursuant to which the Authority undertakes,
14 subject to the provisions of [§] SECTION 20 hereof, to provide transit facilities and
15 service in consideration for the undertaking by the District of Columbia to contribute to
16 the capital required for the construction and/or acquisition of facilities specified in a mass
17 transit plan adopted as provided in Article VI, or in any alteration, revision or
18 amendment thereof, and for meeting expenses and obligations incurred inthe operation
19 of such facilities.

20 Article XVI

21 81.

22 The United States District Courts shall have original jurisdiction, concurrent with
23 the courts of Maryland [and], Virginia AND THE DISTRICT OF COLUMBIA, of all actions
24 brought by or against the Authority and to enforce subpoenas issued under this [title]
25 TITLE. Any such action initiated in a [state] STATE OR DISTRICT OF COLUMBIA court
26 shall be removable to the appropriate United States District Court in the manner
27 provided by Act of June 25, 1948, as amended (28 U.S.C. 1446).

28 84.

29 Amendments and supplements to this [title] TITLE to implement the purposes
30 thereof may be adopted by legislative action of any of the signatory parties concurred in
31 by all of the others. WHEN ONE SIGNATORY ADOPTS AN AMENDMENT OR
32 SUPPLEMENT TO AN EXISTING SECTION OF THE COMPACT, THAT AMENDMENT OR
33 SUPPLEMENT SHALL NOT BE IMMEDIATELY EFFECTIVE, AND THE PREVIOUSLY
34 ENACTED PROVISION OR PROVISIONS SHALL REMAIN IN EFFECT IN EACH
35 JURISDICTION UNTIL THE AMENDMENT OR SUPPLEMENT IS APPROVED BY THE
36 OTHER SIGNATORIES AND IS CONSENTED TO BY CONGRESS.

37 86.

38 This [title] TITLE shall be adopted by the [signatories] SIGNATORIES in the
39 manner provided by law therefor and shall be signed and sealed in four duplicate original
40 copies. One such copy shall be filed with the Secretary of State of each of the [signatory]
41 SIGNATORY parties or in accordance with the laws of the [State] STATE in which the
42 filing is made, and one copy shall be filed and retained in the archives of the AUTHORITY
43 upon its organization. This [title] TITLE shall become effective ninetydays after the

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1 enactment of concurring legislation by or on behalf of the District of Columbia, Maryland
2 and Virginia and consent thereto by the Congress and all other acts or actions have been
3 taken, including the signing and execution of the [title] TITLE by the Governors of
4 Maryland and Virginia and the [Commissioners] MAYOR AND COUNCIL of the District
5 of Columbia.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take
7 effect until similar Acts are passed by the District of Columbia and the Commonwealth of
8 Virginia; that the District of Columbia and the Commonwealth of Virginia are requested
9 to concur in this Act of the General Assembly by the passage of substantially similar Acts;
10 that the Department of Legislative Reference shall notify the appropriate officials of the
11 District of Columbia, the Commonwealth of Virginia, and the United States Congress of
12 the passage of this Act; and that, upon the concurrence in this Act by the District of
13 Columbia, the Commonwealth of Virginia, and the United States, the Governor of the
14 State of Maryland shall issue a proclamation declaring this Act valid and effective and
15 shall forward a copy of the proclamation to the Director of the Department of Legislative
16 Reference.

17 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to the provisions
18 of Section 2 of this Act, this Act shall take effect October 1, 1996.