
By: **Prince George's County Delegation and Montgomery County Delegation**

Introduced and read first time: February 11, 2004

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Metropolitan Area Transit Authority - Facilities - State**
3 **Approval**
4 **PG/MC 116-04**

5 FOR the purpose of prohibiting the Washington Metropolitan Area Transit Authority
6 from constructing, acquiring, owning, operating, maintaining, controlling,
7 selling, or conveying certain interests in property in certain areas of the State
8 without the approval of the State Secretary of Transportation; prohibiting the
9 Authority from designating or locating transit facilities in certain areas of the
10 State without the approval of the State Secretary; providing for a contingent
11 effective date for this Act; and generally relating to State approval for
12 Washington Metropolitan Area Transit Authority property and facilities in
13 certain areas of the State.

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 10-204 Title III Article V Section 12 and Article VI Section 13
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2003 Supplement)

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

21 **Article - Transportation**

22 10-204.

23 Title III

24 Article V

25 12.

1 (A) In addition to the powers and duties elsewhere described in this title, and
2 except as limited in this title, the Authority may:

3 [(a)] (1) Sue and be sued;

4 [(b)] (2) Adopt and use a corporate seal and alter the same at pleasure;

5 [(c)] (3) Adopt, amend, and repeal rules and regulations respecting the
6 exercise of the powers conferred by this title;

7 [(d)] (4) [Construct] SUBJECT TO SUBSECTION (B) OF THIS SECTION,
8 CONSTRUCT, acquire, own, operate, maintain, control, sell and convey real and
9 personal property and any interest therein by contract, purchase, condemnation,
10 lease, license, mortgage or otherwise but all of said property shall be located in the
11 zone and shall be necessary or useful in rendering transit service or in activities
12 incidental thereto.

13 [(e)] (5) Receive and accept such payments, appropriations, grants, gifts,
14 loans, advances and other funds, properties and services as may be transferred or
15 made available to it by any signatory party, any political subdivision or agency
16 thereof, by the United States, or by any agency thereof, or by any other public or
17 private corporation or individual, and enter into agreements to make reimbursement
18 for all or any part thereof;

19 [(f)] (6) Enter into and perform contracts, leases and agreements with any
20 person, firm or corporation or with any political subdivision or agency of any
21 signatory party or with the federal government, or any agency thereof, including, but
22 not limited to, contracts or agreements to furnish transit facilities and service;

23 [(g)] (7) Create and abolish offices, employments and positions (other than
24 those specifically provided for herein) as it deems necessary for the purposes of the
25 Authority, and fix and provide for the qualification, appointment, removal, term,
26 tenure, compensation, pension and retirement rights of its officers and employees
27 without regard to the laws of any of the signatories;

28 [(h)] (8) Establish, in its discretion, a personnel system based on merit and
29 fitness and, subject to eligibility, participate in the pension and retirement plans of
30 any signatory, or political subdivision or agency thereof, upon terms and conditions
31 mutually acceptable;

32 [(i)] (9) Contract for or employ any professional services;

33 [(j)] (10) Control and regulate the use of facilities owned or controlled by the
34 Authority, the service to be rendered and the fares and charges to be made therefor;

35 [(k)] (11) Hold public hearings and conduct investigations relating to any
36 matter affecting transportation in the zone with which the Authority is concerned
37 and, in connection therewith, subpoena witnesses, papers, records and documents; or
38 delegate such authority to any officer. Each director may administer oaths or
39 affirmations in any proceeding or investigation.

1 [(l)] (12) Make or participate in studies of all phases and forms of
2 transportation, including transportation vehicle research and development
3 techniques and methods for determining traffic projections, demand motivations, and
4 fiscal research and publicize and make available the results of such studies and other
5 information relating to transportation; and

6 [(m)] (13) Exercise, subject to the limitations and restrictions herein imposed,
7 all powers reasonably necessary or essential to the declared objects and purposes of
8 this title.

9 (B) IN THE PORTION OF THE ZONE LOCATED IN MARYLAND, THE AUTHORITY
10 MAY NOT CONSTRUCT, ACQUIRE, OWN, OPERATE, MAINTAIN, CONTROL, SELL, OR
11 CONVEY REAL OR PERSONAL PROPERTY, OR ANY INTEREST IN THE PROPERTY,
12 UNDER SUBSECTION (A)(4) OF THIS SECTION WITHOUT THE APPROVAL OF THE
13 MARYLAND SECRETARY OF TRANSPORTATION.

14 Article VI

15 13.

16 (a) [The] SUBJECT TO SUBSECTION (C) OF THIS SECTION, THE board shall
17 develop and adopt, and may from time to time review and revise, a mass transit plan
18 for the immediate and long-range needs of the zone. The mass transit plan shall
19 include one or more plans designating (1) the transit facilities to be provided by the
20 Authority, including the locations of terminals, stations, platforms, parking facilities
21 and the character and nature thereof; (2) the design and location of such facilities; (3)
22 whether such facilities are to be constructed or acquired by lease, purchase or
23 condemnation; (4) a time table for the provision of such facilities; (5) the anticipated
24 capital costs; (6) estimated operating expenses and revenues relating thereto; and (7)
25 the various other factors and considerations, which, in the opinion of the board,
26 justify and require the projects therein proposed. Such plan shall specify the type of
27 equipment to be utilized, the areas to be served, the routes and schedules of service
28 expected to be provided and the probable fares and charges therefor.

29 (b) In preparing the mass transit plan, and in any review or revision thereof,
30 the board shall make full utilization of all data, studies, reports and information
31 available from the National Capital Transportation Agency and from any other
32 agencies of the federal government, and from signatories and the political
33 subdivisions thereof.

34 (C) THE DESIGNATION AND LOCATION OF TRANSIT FACILITIES IN THE
35 PORTION OF THE ZONE LOCATED IN MARYLAND IS SUBJECT TO THE APPROVAL OF
36 THE MARYLAND SECRETARY OF TRANSPORTATION.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take
38 effect until similar Acts are enacted by the District of Columbia and the
39 Commonwealth of Virginia; that the District of Columbia and the Commonwealth of
40 Virginia are requested to concur in this Act of the General Assembly of Maryland by
41 the enactment of substantially similar Acts; that the Department of Legislative
42 Services shall notify the appropriate officials of the District of Columbia, the

1 Commonwealth of Virginia, and the United States Congress of the enactment of this
2 Act; and that, upon the concurrence in this Act by the District of Columbia, the
3 Commonwealth of Virginia, and the United States, the Governor of the State of
4 Maryland shall issue a proclamation declaring this Act valid and effective and shall
5 forward a copy of the proclamation to the Executive Director of the Department of
6 Legislative Services.