
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 - Conditional**
3 **Appropriation - Conveyance of Real Property to State**
4 **PG/MC 114-04**

5 FOR the purpose of prohibiting the State from appropriating certain funds to the
6 Washington Metropolitan Area Transit Commission unless certain property is
7 conveyed to the State; prohibiting the Governor from approving a certain
8 appropriation to the Commission unless certain property is conveyed to the
9 State; prohibiting the Washington Metropolitan Area Transit Authority from
10 acquiring or owning certain property; making this Act subject to a certain
11 contingency; and generally relating to the conveyance to the State of Maryland
12 of certain land used by the Washington Metropolitan Area Transit Authority.

13 BY repealing and reenacting, without amendments,
14 Article - Transportation
15 Section 10-203 Title I Article I
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2003 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Transportation
20 Section 10-203 Title I Article IV Section 1 and 2 and 10-204 Title III Article V
21 Section 12
22 Annotated Code of Maryland
23 (2001 Replacement Volume and 2003 Supplement)

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

1

Article - Transportation

2 10-203.

3 Title I

4 Article I

5 There is created the Washington Metropolitan Area Transit District, referred to
6 as the Metropolitan District, which shall include: the District of Columbia; the cities
7 of Alexandria and Falls Church of the State of Virginia; Arlington County and Fairfax
8 County of the State of Virginia, the political subdivisions located within those
9 counties, and that portion of Loudoun County, Virginia, occupied by the Washington
10 Dulles International Airport; Montgomery County and Prince George's County of the
11 State of Maryland, and the political subdivisions located within those counties; and
12 all other cities now or hereafter existing in Maryland or Virginia within the
13 geographic area bounded by the outer boundaries of the combined area of those
14 counties, cities, and airports.

15 Article IV

16 1. (a) The signatories shall bear the expenses of the Commission in the
17 manner set forth here.

18 (b) The Commission shall submit to the Governor of Virginia, the
19 Governor of Maryland, and the Mayor of the District of Columbia, when requested, a
20 budget of its requirements for the period required by the laws of the signatories for
21 presentation to the legislature.

22 (c) The Commission shall allocate its expenses among the signatories in
23 the proportion that the population of each signatory within the Metropolitan District
24 bears to the total population of the Metropolitan District.

25 (d) (i) The Commission shall base its allocation on the latest available
26 population statistics of the Bureau of the Census; or

27 (ii) If current population data are not available, the Commission
28 may, upon the request of a signatory, employ estimates of population prepared in a
29 manner approved by the Commission and by the signatory making the request.

30 (e) [The] SUBJECT TO SUBSECTION (F) OF THIS SECTION, THE governors
31 of the two states and the Mayor of the District of Columbia shall approve the
32 allocation made by the Commission.

33 (F) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW, THE
34 GOVERNOR OF MARYLAND MAY NOT APPROVE THE ALLOCATION MADE BY THE
35 COMMISSION FOR FISCAL YEAR 2005 AND EACH FISCAL YEAR THEREAFTER UNTIL
36 ALL OF THE REAL PROPERTY LOCATED IN MARYLAND AND OWNED BY THE
37 COMMISSION IS CONVEYED TO THE STATE OF MARYLAND.

1 2. (a) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
2 signatories shall appropriate their proportion of the budget for the expenses of the
3 Commission and shall pay that appropriation to the Commission.

4 (2) NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW,
5 THE STATE OF MARYLAND MAY NOT APPROPRIATE ANY FUNDS TO THE COMMISSION
6 IN FISCAL YEAR 2005 AND EACH FISCAL YEAR THEREAFTER UNTIL ALL OF THE REAL
7 PROPERTY LOCATED IN MARYLAND AND OWNED BY THE COMMISSION IS CONVEYED
8 TO THE STATE OF MARYLAND.

9 (b) The budget of the Commission and the appropriations of the
10 signatories may not include a sum for the payment of salaries or expenses of the
11 commissioners.

12 (c) The provisions of § 2.1-30 (1979) of the Code of Virginia do not apply
13 to any official or employee of the Commonwealth of Virginia acting or performing
14 services under this Act.

15 10-204.

16 Title III

17 Article V

18 12.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (B) THE AUTHORITY MAY NOT ACQUIRE OR OWN REAL PROPERTY IN THE
31 PORTION OF THE ZONE LOCATED IN MARYLAND.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take
33 effect until similar Acts are enacted by the District of Columbia and the
34 Commonwealth of Virginia; that the District of Columbia and the Commonwealth of
35 Virginia are requested to concur in this Act of the General Assembly of Maryland by
36 the enactment of substantially similar Acts; that the Department of Legislative
37 Services shall notify the appropriate officials of the District of Columbia, the
38 Commonwealth of Virginia, and the United States Congress of the enactment of this
39 Act; and that, upon the concurrence in this Act by the District of Columbia, the
40 Commonwealth of Virginia, and the United States, the Governor of the State of
41 Maryland shall issue a proclamation declaring this Act valid and effective and shall

- 1 forward a copy of the proclamation to the Executive Director of the Department of
- 2 Legislative Services.