

# HOUSE BILL 1190

P1

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By: **Delegates Gutierrez and Ramirez**  
Introduced and read first time: February 13, 2009  
Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Washington Metropolitan Area Transit Authority Compact – Governance and**  
3 **Finance**

4 FOR the purpose of amending the Washington Metropolitan Area Transit Authority  
5 Compact in order to comply with certain federal requirements; increasing the  
6 number of directors on the Washington Metropolitan Area Transit Authority  
7 Board to include directors representing the federal government, subject to a  
8 certain requirement; providing for the appointment of federal directors and  
9 alternates; authorizing the federal directors to participate in certain Board  
10 activities only in certain fiscal years and subject to a certain limitation;  
11 establishing an Office of the Inspector General within the Washington  
12 Metropolitan Area Transit Authority; providing for the duties and functions of  
13 the Office; providing that the Director of the Office is the Inspector General;  
14 requiring that certain payments made by signatories to the Washington  
15 Metropolitan Area Transit Authority to match certain federal funds be made  
16 from certain dedicated funding sources; clarifying language; making this Act  
17 subject to a certain contingency; and generally relating to the finance and  
18 governance of the Washington Metropolitan Area Transit Authority.

19 BY repealing and reenacting, with amendments,  
20 Article – Transportation  
21 Section 10–204 Title III Article III Sections 5 and 9 and Article VIII Section 26  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume)

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

26 **Article – Transportation**

27 10–204.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



## 1 TITLE III

## 2 Article III

## 3 5.

4 (a) The Authority shall be governed by a Board [of six Directors] consisting  
5 of two Directors for each signatory, **AND TWO FOR THE FEDERAL GOVERNMENT**  
6 **COMMENCING UPON THE ENACTMENT OF THE FIRST APPROPRIATION FOR**  
7 **GRANTS TO THE AUTHORITY AUTHORIZED BY TITLE VI OF THE PASSENGER**  
8 **RAIL INVESTMENT AND IMPROVEMENT ACT OF 2008, AS AMENDED, OR ANY**  
9 **SUCCESSOR THERETO, AND ENDING UPON THE EXPIRATION OF THAT**  
10 **AUTHORIZATION.** For Virginia, the Directors shall be appointed by the Northern  
11 Virginia Transportation Commission; for the District of Columbia, by the Council of  
12 the District of Columbia; [and] for Maryland, by the Washington Suburban Transit  
13 Commission; **AND FOR THE FEDERAL GOVERNMENT, BY THE ADMINISTRATOR OF**  
14 **GENERAL SERVICES.** For Virginia and Maryland, the Directors shall be appointed  
15 from among the members of the appointing body, except as otherwise provided herein,  
16 and shall serve for a term coincident with their term on the appointing body. **FOR**  
17 **THE FEDERAL GOVERNMENT, ONE OF THE DIRECTORS SHALL BE A REGULAR**  
18 **PASSENGER AND CUSTOMER OF THE AUTHORITY.** A Director may be removed or  
19 suspended from office only as provided by the law of the [signatory] **JURISDICTION**  
20 from which he was appointed. The appointing authorities shall also appoint an  
21 alternate for each Director, who may act only in the absence of the Director for whom  
22 he has been appointed an alternate, except that, in the case of the District of Columbia  
23 where only one Director and his alternate are present, such alternate may act on  
24 behalf of the absent Director. Each alternate shall serve at the pleasure of the  
25 appointing authority. In the event of a vacancy in the Office of Director or alternate, it  
26 shall be filled in the same manner as an original appointment.

27 (b) Before entering upon the duties of his office each Director and alternate  
28 director shall take and subscribe to the following oath (or affirmation) of office or any  
29 such other oath or affirmation, if any, as the constitution or laws of the [signatory]  
30 **JURISDICTION** he represents shall provide:

31 "I, ..., hereby solemnly swear (or affirm) that I will support and defend the  
32 Constitution of the United States and the Constitution and laws of the state or  
33 political jurisdiction from which I was appointed as a Director (alternate director) of  
34 the Board of Washington Metropolitan Area Transit Authority and will faithfully  
35 discharge the duties of the office upon which I am about to enter."

36 (c) **THE FEDERALLY APPOINTED DIRECTORS AND ALTERNATES MAY**  
37 **PARTICIPATE IN BOARD DELIBERATIONS AND VOTING ONLY DURING ANY**  
38 **FEDERAL FISCAL YEAR IN WHICH THERE IS AN APPROPRIATION FOR GRANTS TO**  
39 **THE AUTHORITY IN AN AMOUNT OF AT LEAST ONE HUNDRED FIFTY MILLION**

1 **DOLLARS (\$150,000,000) AUTHORIZED BY TITLE VI OF THE PASSENGER RAIL**  
2 **INVESTMENT AND IMPROVEMENT ACT OF 2008, AS AMENDED. THERE SHALL**  
3 **CEASE TO BE FEDERALLY APPOINTED DIRECTORS AND ALTERNATES UPON THE**  
4 **EXPIRATION OF AUTHORIZATION FOR FUNDING BY THE UNITED STATES**  
5 **CONGRESS FOR GRANTS TO THE AUTHORITY IN TITLE VI OF THE PASSENGER**  
6 **RAIL INVESTMENT IMPROVEMENT ACT OF 2008, AS AMENDED.**

7 9.

8 (a) The officers of the Authority, none of whom shall be members of the  
9 board, shall consist of a general manager, a secretary, a treasurer, a comptroller, **AN**  
10 **INSPECTOR GENERAL**, and a general counsel and such other officers as the board  
11 may provide. Except for the office of general manager, **INSPECTOR GENERAL**, and  
12 comptroller, the board may consolidate any of such other offices in one person. All such  
13 officers shall be appointed and may be removed by the board, shall serve at the  
14 pleasure of the board and shall perform such duties and functions as the board shall  
15 specify. The board shall fix and determine the compensation to be paid to all officers  
16 and, except for the general manager who shall be a full-time employee, all other  
17 officers may be hired on a full-time or part-time basis and may be compensated on a  
18 salary or fee basis, as the board may determine. All employees and such officers as the  
19 board may designate shall be appointed and removed by the general manager under  
20 such rules of procedure and standards as the board may determine.

21 (b) The general manager shall be the chief administrative officer of the  
22 Authority and, subject to policy direction by the board, shall be responsible for all  
23 activities of the Authority.

24 (c) The treasurer shall be the custodian of the funds of the Authority, shall  
25 keep an account of all receipts and disbursements and shall make payments only upon  
26 warrants duly and regularly signed by the chairman or vice-chairman of the board, or  
27 other person authorized by the board to do so, and by the secretary or general  
28 manager; provided, however, that the board may provide that warrants not exceeding  
29 such amounts or for such purposes as may from time to time be specified by the board  
30 may be signed by the general manager or by persons designated by him.

31 **(D) THE INSPECTOR GENERAL SHALL REPORT TO THE BOARD AND**  
32 **HEAD THE OFFICE OF INSPECTOR GENERAL, AN INDEPENDENT AND OBJECTIVE**  
33 **UNIT OF THE AUTHORITY THAT CONDUCTS AND SUPERVISES AUDITS, PROGRAM**  
34 **EVALUATIONS, AND INVESTIGATIONS RELATING TO AUTHORITY ACTIVITIES;**  
35 **PROMOTES ECONOMY, EFFICIENCY, AND EFFECTIVENESS IN AUTHORITY**  
36 **ACTIVITIES; DETECTS AND PREVENTS FRAUD AND ABUSE IN AUTHORITY**  
37 **ACTIVITIES; AND KEEPS THE BOARD FULLY AND CURRENTLY INFORMED ABOUT**  
38 **DEFICIENCIES IN AUTHORITY ACTIVITIES AS WELL AS THE NECESSITY FOR AND**  
39 **PROGRESS OF CORRECTIVE ACTION.**

