

Chapter 354

(Senate Bill 279)

AN ACT concerning

Metro Board Member Act

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

BY repealing and reenacting, with amendments,
The Public Local Laws of Montgomery County
Section 87-1(b) and 87-5(a)(4) and (5)(iv)
Article 16 – Public Local Laws of Maryland
(2004 Edition and September–October 2017 Supplement, as amended)

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

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

BY adding to

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

BY adding to

The Public Local Laws of Prince George's County
 Part III, Section 7(c)
 Article 17 – Public Local Laws of Maryland
 (2011 Edition, as amended)

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

Article 16 – Montgomery County

87–1.

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

87–5.

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

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

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

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

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

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

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

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

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

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

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

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

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

87-7.

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

Part III

1.

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

5.

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

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

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

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

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

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

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

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

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

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

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

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

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

7.

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

SECTION 2. AND BE IT FURTHER ENACTED, That a commissioner of the Washington Suburban Transit Commission appointed as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors before the effective date of this Act may continue to serve as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors until the expiration of the commissioner's current term of appointment.

SECTION 3. AND BE IT FURTHER ENACTED, That:

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

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

- (1) reducing the size of the Washington Metropolitan Area Transit Authority's Board of Directors;
- (2) improving the independent investigation and oversight of the Authority;
- (3) prohibiting elected officials from serving on the Board of Directors;
- (4) removing a Compact signatory's veto authority;
- (5) requiring eligibility criteria for Board members, such as possessing qualifications in relevant fields;
- (6) providing equitable compensation for each Board member;
- (7) enhancing transparency; and
- (8) improving stakeholder input, including input from users of the Authority's services.

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

Approved by the Governor, April 25, 2018.