

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 886 (Delegate J. Lewis)
Environment and Transportation

Public Safety – Elevator Inspections – Transit Compact Authority

This bill exempts elevators installed in a building or structure owned, operated, or controlled by the Washington Metropolitan Area Transit Authority (WMATA) from State registration, reporting, and inspection requirements and from related enforcement provisions.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations; however, under the bill, the Maryland Department of Labor (MDL) is no longer required to conduct a limited number of elevator inspections, does not receive accident reporting from WMATA, and no longer has authority to issue penalties for elevator safety violations, as discussed further below.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: Specified State registration, reporting, inspection, and enforcement requirements do not apply to an elevator unit installed in a building or structure owned, operated, or controlled by a transit compact authority with oversight provided by a State Safety Oversight (SSO) agency that is certified by the Federal Transit Administration (FTA). The only applicable entity is WMATA.

Current Law:

Elevator Inspections

Generally, each elevator owned or to be operated in the State must be registered with the Commissioner of Labor and Industry and is subject to initial and periodic inspections. An elevator unit installed in a privately owned single-family residential dwelling or installed in a building or structure under federal control is exempt from the State's registration and inspection requirements for commercial elevators.

Inspections are required for new elevators and after any modifications to existing elevators. State inspectors must make a final acceptance inspection of all new elevators prior to issuance of a first certificate. Generally, operational elevators must undergo periodic annual inspections and more comprehensive five-year inspections.

Effective October 1, 2019, a test on an elevator of a publicly owned building that requires an inspector to witness the test must be performed by a licensed elevator mechanic in the physical presence of a third-party qualified elevator inspector.

There are no jurisdictions exempt from these requirements.

Washington Metropolitan Area Transit Authority

WMATA was established in 1967 through an interstate compact among Maryland, Virginia, and the District of Columbia. Maryland's overall participation in the Washington metropolitan transit system consists of the provision of annual funding to WMATA for capital and operating costs of the Metrorail, Metrobus, and MetroAccess systems. WMATA's operations are funded through operating revenues and subsidies provided by the compact signatories: Maryland; Virginia; and the District of Columbia.

The purpose of the federal SSO Program is to oversee safety for rail transit systems. With the enactment of Chapter 3 of 2017, Maryland joined Virginia and the District of Columbia in approving the formation of the Washington Metrorail Safety Commission (WMSC) as WMATA's safety oversight entity. Among other requirements for SSO certification by FTA, each applicable state or transit authority must ensure that its SSO agency adopted and enforced relevant federal and state safety laws.

State Fiscal Effect: Until recently, WMATA conducted most of its own Maryland elevator inspections under a memorandum of understanding (MOU) with MDL, but WMATA was still required to register its elevator units with the State and report on accidents. Effective October 1, 2019, that MOU expired and inspections were required to

be made in accordance with State law, largely by third-party qualified inspectors, with physical witnessing of tests.

While State inspectors are required to conduct a limited number of inspections and do charge for their time, the amount of foregone revenue from removing these inspections under the bill is minimal and does not materially affect State finances. MDL also no longer has authority to issue penalties to WMATA for elevator safety violations; the effect on State finances is assumed to be minimal.

Additional Comments: Both MDL and the Maryland Department of Transportation (MDOT) indicate that there is a lack of clarity as to the future oversight process for routine inspections of the affected elevator units under the bill, which will be exempt from all such Maryland laws. MDOT specifically notes that the current compact does not authorize WMSC to conduct preventive maintenance or inspections on WMATA elevators.

Additional Information

Prior Introductions: HB 1237 of 2020 received a hearing in the House Economic Matters Committee, but no further action was taken.

Designated Cross File: SB 935 (Senator Augustine) - Rules.

Information Source(s): Maryland Department of Labor; Maryland Department of Transportation; Montgomery and Prince George's counties; Department of Legislative Services

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