

SENATE BILL 265

R2

EMERGENCY BILL

7lr2012
CF HB 285

By: **Senators Feldman, Kagan, Kelley, King, Lee, Madaleno, Manno, Pinsky, Rosapepe, Smith, and Zucker**

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CHAPTER _____

1 AN ACT concerning

2 **Washington Metrorail Safety Commission Membership Act**

3 FOR the purpose of requiring that certain members of the board of directors of the
4 Washington Metrorail Safety Commission be appointed by the Governor with the
5 advice and consent of the Senate; requiring one regular member of the board of
6 directors of the Commission who is appointed by the Governor to be a resident of
7 Montgomery County or Prince George’s County; providing that the regular member
8 of the board of directors of the Commission who is a resident of Montgomery County
9 or Prince George’s County may not be succeeded by an individual who is a resident
10 of the same county; ~~making this Act contingent on the taking effect of another Act;~~
11 establishing the Washington Metrorail Safety Commission; establishing the
12 Metrorail Safety Commission Interstate Compact; granting the Commission safety,
13 regulatory, and enforcement authority over the Washington Metropolitan Area
14 Transit Authority Rail System and the power to act as the State safety oversight
15 authority for WMATA; specifying the membership, powers, organization, and duties
16 of the Commission; making the Compact contingent on the adoption of the Compact
17 by certain other jurisdictions; making this Act an emergency measure; and generally
18 relating to ~~the membership of~~ the Washington Metrorail Safety Commission.

19 BY adding to
20 Article – Transportation

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 7-709 and 10-208
 2 Annotated Code of Maryland
 3 (2015 Replacement Volume and 2016 Supplement)

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

6 **Article – Transportation**

7 **7-709.**

8 (A) IN THIS SECTION, “COMMISSION” MEANS THE WASHINGTON
 9 METRORAIL SAFETY COMMISSION ESTABLISHED UNDER § 10-208 OF THIS ARTICLE.

10 (B) TWO REGULAR MEMBERS AND ONE ALTERNATE MEMBER OF THE BOARD
 11 OF DIRECTORS OF THE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR
 12 WITH THE ADVICE AND CONSENT OF THE SENATE.

13 (C) (1) ONE OF THE REGULAR MEMBERS OF THE BOARD OF DIRECTORS
 14 OF THE COMMISSION WHO IS APPOINTED BY THE GOVERNOR SHALL BE A RESIDENT
 15 OF MONTGOMERY COUNTY OR PRINCE GEORGE’S COUNTY.

16 (2) THE INDIVIDUAL APPOINTED UNDER THIS SUBSECTION MAY NOT
 17 BE SUCCEEDED IN OFFICE BY AN INDIVIDUAL WHO IS A RESIDENT OF THE SAME
 18 COUNTY.

19 **10-208.**

20 **PREAMBLE**

21 **WHEREAS, THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY,**
 22 **A PARTNERSHIP BETWEEN THE DISTRICT OF COLUMBIA, THE COMMONWEALTH OF**
 23 **VIRGINIA, AND THE STATE OF MARYLAND, PROVIDES TRANSPORTATION SERVICES**
 24 **TO MILLIONS OF PEOPLE EACH YEAR AND THE SAFETY OF ITS SYSTEM IS**
 25 **PARAMOUNT; AND**

26 **WHEREAS, AN EFFECTIVE AND SAFE WASHINGTON METROPOLITAN AREA**
 27 **TRANSIT AUTHORITY SYSTEM IS ESSENTIAL TO THE COMMERCE AND PROSPERITY**
 28 **OF THE NATIONAL CAPITAL REGION; AND**

29 **WHEREAS, THE TRI-STATE OVERSIGHT COMMITTEE, CREATED BY A**
 30 **MEMORANDUM OF UNDERSTANDING AMONGST THESE THREE JURISDICTIONS, HAS**
 31 **PROVIDED SAFETY OVERSIGHT OF THE WASHINGTON METROPOLITAN AREA**
 32 **TRANSIT AUTHORITY; AND**

1 (F) “PUBLIC TRANSPORTATION AGENCY SAFETY PLAN” MEANS THE
2 COMPREHENSIVE AGENCY SAFETY PLAN FOR A RAIL TRANSIT AGENCY REQUIRED
3 UNDER 49 U.S.C. 5329.

4 (G) “PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING
5 PROGRAM” MEANS THE FEDERAL CERTIFICATION TRAINING PROGRAM FOR
6 FEDERAL AND STATE EMPLOYEES, OR OTHER DESIGNATED PERSONNEL, WHO
7 CONDUCT SAFETY AUDITS AND EXAMINATIONS OF PUBLIC TRANSPORTATION
8 SYSTEMS, AND EMPLOYEES OF PUBLIC TRANSPORTATION AGENCIES DIRECTLY
9 RESPONSIBLE FOR SAFETY OVERSIGHT AS ESTABLISHED AND AMENDED FROM TIME
10 AND TO TIME BY APPLICABLE FEDERAL LAWS AND REGULATIONS.

11 (H) “SAFETY SENSITIVE POSITION” MEANS ANY POSITION HELD BY A
12 WMATA EMPLOYEE OR CONTRACTOR DESIGNATED IN THE PUBLIC
13 TRANSPORTATION AGENCY SAFETY PLAN FOR THE WMATA RAIL SYSTEM AND
14 APPROVED BY THE COMMISSION AS DIRECTLY OR INDIRECTLY AFFECTING THE
15 SAFETY OF THE PASSENGERS OR EMPLOYEES OF THE WMATA RAIL SYSTEM.

16 (I) “SIGNATORY” MEANS THE STATE OF MARYLAND, THE
17 COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA.

18 (J) “STATE”, “STATE”, “JURISDICTION”, AND “JURISDICTION”
19 INCLUDE MEAN THE DISTRICT OF COLUMBIA, THE STATE OF MARYLAND, AND THE
20 COMMONWEALTH OF VIRGINIA.

21 (K) “WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY” OR
22 “WMATA” IS THE ENTITY CREATED BY THE WMATA COMPACT, WHICH IS
23 RESPONSIBLE FOR PROVIDING CERTAIN RAIL FIXED GUIDEWAY PUBLIC
24 TRANSPORTATION SYSTEM SERVICES.

25 (L) “WMATA COMPACT” MEANS THE WASHINGTON METROPOLITAN
26 AREA TRANSIT AUTHORITY COMPACT (PUBLIC LAW 89-774; 80 STAT. 1324).

27 (M) (1) “WMATA RAIL SYSTEM” MEANS AND “METRORAIL” MEAN
28 THE RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEM AND ALL OTHER
29 REAL AND PERSONAL PROPERTY OWNED, LEASED, OPERATED, OR OTHERWISE USED
30 BY WMATA RAIL SERVICES.

31 (2) “WMATA RAIL SYSTEM” INCLUDES AND “METRORAIL”
32 INCLUDE THE ~~METRORAIL CAPITAL~~ WMATA RAIL PROJECTS UNDER DESIGN OR
33 CONSTRUCTION BY OWNERS OTHER THAN WMATA, INCLUDING THE DULLES
34 CORRIDOR METRORAIL PROJECT MANAGED BY THE METROPOLITAN WASHINGTON
35 AIRPORTS AUTHORITY.

1 ARTICLE II.

2 PURPOSE AND FUNCTIONS

3 2. THE SIGNATORIES TO THE WMATA COMPACT HEREBY ADOPT THIS
4 MSC COMPACT PURSUANT TO 49 U.S.C. 5329. THE COMMISSION CREATED UNDER
5 THIS SECTION SHALL HAVE SAFETY, REGULATORY, AND ENFORCEMENT AUTHORITY
6 OVER THE WMATA RAIL SYSTEM AND SHALL ACT AS THE STATE SAFETY
7 OVERSIGHT AUTHORITY FOR WMATA. WMATA SHALL BE SUBJECT TO THE
8 COMMISSION'S RULES, REGULATIONS, ACTIONS, AND ORDERS.

9 3. THE PURPOSE OF THIS MSC COMPACT IS TO CREATE A STATE SAFETY
10 OVERSIGHT AUTHORITY FOR THE WMATA RAIL SYSTEM, PURSUANT TO THE
11 MANDATE OF FEDERAL LAW, AS A COMMON AGENCY OF EACH SIGNATORY,
12 EMPOWERED IN THE MANNER HEREINAFTER SET FORTH TO REVIEW, APPROVE,
13 OVERSEE, AND ENFORCE THE SAFETY OF THE WMATA RAIL SYSTEM, INCLUDING,
14 WITHOUT LIMITATION, TO: (I) HAVE EXCLUSIVE SAFETY OVERSIGHT AUTHORITY
15 AND RESPONSIBILITY OVER THE WMATA RAIL SYSTEM, INCLUDING THE POWER TO
16 RESTRICT, SUSPEND, OR PROHIBIT RAIL SERVICE ON ALL OR PART OF THE WMATA
17 RAIL SYSTEM AS SET FORTH IN THIS COMPACT; (II) DEVELOP AND ADOPT A
18 WRITTEN STATE SAFETY OVERSIGHT PROGRAM STANDARD; (III) REVIEW AND
19 APPROVE THE WMATA PUBLIC TRANSPORTATION AGENCY SAFETY PLAN; (IV)
20 INVESTIGATE HAZARDS, INCIDENTS, AND ACCIDENTS ON THE WMATA RAIL
21 SYSTEM; (V) REQUIRE, REVIEW, APPROVE, OVERSEE, AND ENFORCE CORRECTIVE
22 ACTION PLANS DEVELOPED BY WMATA; AND (VI) MEET OTHER REQUIREMENTS OF
23 FEDERAL AND STATE LAW RELATING TO SAFETY OVERSIGHT OF THE WMATA RAIL
24 SYSTEM.

25 ARTICLE III.

26 ESTABLISHMENT AND ORGANIZATION

27 A. WASHINGTON METRORAIL SAFETY COMMISSION.

28 4. THERE IS HEREBY CREATED THE WASHINGTON METRORAIL SAFETY
29 COMMISSION, AN INSTRUMENTALITY OF EACH SIGNATORY, WHICH SHALL BE A
30 PUBLIC BODY CORPORATE AND POLITIC, AND WHICH SHALL HAVE THE POWERS AND
31 DUTIES SET FORTH IN THIS MSC COMPACT AND SUCH ADDITIONAL POWERS AND
32 DUTIES AS MAY BE CONFERRED UPON IT PURSUANT TO LAW.

33 5. THE COMMISSION SHALL BE FINANCIALLY AND LEGALLY INDEPENDENT
34 FROM WMATA.

35 B. BOARD OF DIRECTORS.

1 **6. THE COMMISSION SHALL BE GOVERNED BY A BOARD OF SIX MEMBERS**
2 **APPOINTED OR REAPPOINTED, INCLUDING TO FILL AN UNEXPIRED TERM,**
3 **ACCORDING TO EACH SIGNATORY'S APPLICABLE LAWS, AS FOLLOWS:**

4 **(A) TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR OF**
5 **VIRGINIA;**

6 **(B) TWO MEMBERS SHALL BE APPOINTED BY THE GOVERNOR OF**
7 **MARYLAND; AND**

8 **(C) TWO MEMBERS SHALL BE APPOINTED BY THE MAYOR OF THE**
9 **DISTRICT OF COLUMBIA.**

10 **7. THE GOVERNOR OF VIRGINIA, GOVERNOR OF MARYLAND, AND MAYOR**
11 **OF THE DISTRICT OF COLUMBIA SHALL EACH ALSO APPOINT OR REAPPOINT,**
12 **INCLUDING TO FILL AN UNEXPIRED TERM, ACCORDING TO EACH SIGNATORY'S**
13 **APPLICABLE LAWS, ONE ALTERNATE MEMBER.**

14 **8. AN ALTERNATE MEMBER SHALL PARTICIPATE AND TAKE ACTION AS A**
15 **MEMBER ONLY IN THE ABSENCE OF ONE OR BOTH MEMBERS FROM THE SAME**
16 **JURISDICTION AS THE ALTERNATE MEMBER'S APPOINTING JURISDICTION AND, IN**
17 **SUCH INSTANCES, ~~SHALL~~ MAY CAST A SINGLE VOTE.**

18 **9. MEMBERS AND ALTERNATE MEMBERS SHALL HAVE BACKGROUNDS IN**
19 **TRANSPORTATION, TRANSIT, SAFETY, PUBLIC FINANCE, OR ~~ENGINEERING~~**
20 **RELEVANT ENGINEERING DISCIPLINES.**

21 **10. NO MEMBER OR ALTERNATE MEMBER SHALL SIMULTANEOUSLY HOLD**
22 **OTHER ELECTIVE ~~OR APPOINTIVE~~ PUBLIC OFFICE, SERVE ON THE WMATA BOARD**
23 **OF DIRECTORS, BE EMPLOYED BY WMATA, OR BE A CONTRACTOR TO WMATA.**

24 **11. EACH MEMBER AND ALTERNATE MEMBER SHALL SERVE A FOUR-YEAR**
25 **TERM AND MAY BE REAPPOINTED FOR ADDITIONAL TERMS; EXCEPT THAT, EACH**
26 **SIGNATORY SHALL MAKE ITS INITIAL APPOINTMENTS AS FOLLOWS:**

27 **(A) ONE MEMBER SHALL BE APPOINTED FOR A FOUR-YEAR TERM;**

28 **(B) ONE MEMBER SHALL BE APPOINTED FOR A TWO-YEAR TERM; AND**

29 **(C) THE ALTERNATE MEMBER SHALL BE APPOINTED FOR A**
30 **THREE-YEAR TERM.**

1 12. ANY PERSON APPOINTED TO FILL A VACANCY SHALL SERVE FOR THE
2 UNEXPIRED TERM.

3 13. MEMBERS AND ALTERNATE MEMBERS SHALL BE ENTITLED TO
4 REIMBURSEMENT FOR REASONABLE AND NECESSARY EXPENSES AND SHALL BE
5 COMPENSATED FOR EACH DAY SPENT MEETING ON THE BUSINESS OF THE
6 COMMISSION AT A ~~PER DIEM~~ RATE OF \$200 PER DAY, OR AS MAY BE ADJUSTED BY
7 APPROPRIATIONS APPROVED BY ALL OF THE SIGNATORIES.

8 14. A MEMBER OR AN ALTERNATE MEMBER MAY BE REMOVED OR
9 SUSPENDED FROM OFFICE ONLY FOR CAUSE IN ACCORDANCE WITH THE LAWS OF
10 THE MEMBER'S OR ALTERNATE MEMBER'S APPOINTING JURISDICTION.

11 C. QUORUM AND ACTIONS OF THE BOARD.

12 15. FOUR MEMBERS SHALL CONSTITUTE A QUORUM, AND THE AFFIRMATIVE
13 VOTE OF FOUR MEMBERS IS REQUIRED FOR ACTION OF THE BOARD, OTHER THAN
14 AS PROVIDED IN SECTION 32. QUORUM AND VOTING REQUIREMENTS UNDER THIS
15 SECTION MAY BE MET WITH ONE OR MORE ALTERNATE MEMBERS PURSUANT TO § 8
16 OF THIS ARTICLE III.

17 16. COMMISSION ACTION SHALL BECOME EFFECTIVE UPON ENACTMENT
18 UNLESS OTHERWISE PROVIDED FOR BY THE COMMISSION.

19 D. OATH OF OFFICE.

20 17. BEFORE ENTERING OFFICE, EACH MEMBER AND ALTERNATE MEMBER
21 SHALL TAKE AND SUBSCRIBE TO THE FOLLOWING OATH (OR AFFIRMATION) OF
22 OFFICE OR ANY SUCH OTHER OATH OR AFFIRMATION AS THE CONSTITUTION OR
23 LAWS OF THE SIGNATORY THE MEMBER REPRESENTS SHALL PROVIDE:

24 “I, _____, HEREBY SOLEMNLY SWEAR (OR AFFIRM) THAT I WILL SUPPORT AND
25 DEFEND THE CONSTITUTION AND THE LAWS OF THE UNITED STATES AS A MEMBER
26 (OR ALTERNATE MEMBER) OF THE BOARD OF THE WASHINGTON METRORAIL
27 SAFETY COMMISSION AND WILL FAITHFULLY DISCHARGE THE DUTIES OF THE
28 OFFICE UPON WHICH I AM ABOUT TO ENTER.”

29 E. ORGANIZATION AND PROCEDURE.

30 18. THE BOARD SHALL PROVIDE FOR ITS OWN ORGANIZATION AND
31 PROCEDURE. MEETINGS OF THE BOARD SHALL BE HELD AS FREQUENTLY AS THE
32 BOARD DETERMINES, BUT IN NO EVENT LESS THAN QUARTERLY. THE BOARD SHALL
33 KEEP MINUTES OF ITS MEETINGS AND ADOPT RULES AND REGULATIONS GOVERNING
34 ITS TRANSACTIONS AND INTERNAL AFFAIRS, INCLUDING POLICIES REGARDING

1 RECORDS RETENTION THAT ARE NOT IN CONFLICT WITH APPLICABLE FEDERAL
2 LAW.

3 19. THE COMMISSION SHALL KEEP COMMERCIALY REASONABLE RECORDS
4 OF ITS FINANCIAL TRANSACTIONS IN ACCORDANCE WITH GENERALLY ACCEPTED
5 ACCOUNTING PRINCIPLES.

6 20. THE COMMISSION SHALL ESTABLISH AN OFFICE FOR THE CONDUCT OF
7 ITS AFFAIRS AT A LOCATION TO BE DETERMINED BY THE COMMISSION.

8 21. ~~MEETINGS OF THE BOARD SHALL BE OPEN TO THE PUBLIC UNLESS~~
9 ~~CLOSED PURSUANT TO ADOPTED BOARD POLICY, AND COMMISSION DOCUMENTS~~
10 ~~SHALL BE AVAILABLE TO THE PUBLIC UNLESS DEEMED CONFIDENTIAL PURSUANT~~
11 ~~TO ADOPTED COMMISSION POLICY. THE COMMISSION SHALL ADOPT OPEN MEETING~~
12 ~~AND FREEDOM OF INFORMATION POLICIES BASED ON THE PRINCIPLES OF~~
13 ~~TRANSPARENCY AND PUBLIC ACCESS CONTAINED IN THE FEDERAL FREEDOM OF~~
14 ~~INFORMATION ACT, 5 U.S.C. ~~552(A)-(C)~~ 552(A)-(D) AND (G), AND, THEREFORE,~~
15 ~~SHALL NOT BE SUBJECT TO THE SOMETIMES CONFLICTING OPEN MEETING AND~~
16 ~~FREEDOM OF INFORMATION LAWS OF ANY INDIVIDUAL SIGNATORY.~~

17 22. REPORTS OF INVESTIGATIONS OR INQUIRIES ADOPTED BY THE BOARD
18 SHALL BE MADE PUBLICLY AVAILABLE. ~~THE COMMISSION SHALL DEVELOP~~
19 ~~APPROPRIATE POLICIES TO PROTECT THE INTEGRITY OF ITS INVESTIGATIONS AND~~
20 ~~THE SECURITY OF THE WMATA RAIL SYSTEM. THE COMMISSION'S POLICY SHALL~~
21 ~~ENSURE THAT THE MAYOR OF THE DISTRICT OF COLUMBIA AND THE GOVERNORS~~
22 ~~OF MARYLAND AND VIRGINIA AND THEIR DESIGNEES HAVE PROMPT AND FULL~~
23 ~~ACCESS TO ANY AND ALL RECORDS HELD BY THE COMMISSION. INVESTIGATIVE~~
24 ~~REPORTS PREPARED PURSUANT TO 49 C.F.R. 674 MAY NOT BE ADMITTED AS~~
25 ~~EVIDENCE OR USED IN A CIVIL ACTION FOR DAMAGES RESULTING FROM A MATTER~~
26 ~~MENTIONED IN THE REPORT.~~

27 23. THE COMMISSION SHALL ADOPT A POLICY ON CONFLICT OF INTEREST,
28 WHICH SHALL BE CONSISTENT WITH THE REGULATIONS ISSUED UNDER 49 U.S.C.
29 5329, AS THEY MAY BE REVISED FROM TIME TO TIME, WHICH, AMONG OTHER
30 THINGS, PLACES APPROPRIATE SEPARATION BETWEEN MEMBERS, OFFICERS,
31 EMPLOYEES, CONTRACTORS, AND AGENTS OF THE COMMISSION AND WMATA.

32 24. THE COMMISSION SHALL ADOPT AND UTILIZE ITS OWN
33 ADMINISTRATIVE PROCEDURE AND PROCUREMENT POLICIES IN CONFORMANCE
34 WITH APPLICABLE FEDERAL REGULATIONS AND SHALL NOT BE SUBJECT TO THE
35 ADMINISTRATIVE PROCEDURE OR PROCUREMENT LAWS OF ANY SIGNATORY.

36 F. OFFICERS AND EMPLOYEES.

1 (A) ADOPT, REVISE, AND DISTRIBUTE A WRITTEN STATE SAFETY
2 OVERSIGHT PROGRAM;

3 (B) REVIEW, APPROVE, OVERSEE, AND ENFORCE THE ADOPTION AND
4 IMPLEMENTATION OF THE WMATA PUBLIC TRANSPORTATION AGENCY SAFETY
5 PLAN;

6 (C) REQUIRE, REVIEW, APPROVE, OVERSEE, AND ENFORCE THE
7 ADOPTION AND IMPLEMENTATION OF ANY CORRECTIVE ACTION PLANS THE
8 COMMISSION DEEMS APPROPRIATE;

9 (D) IMPLEMENT AND ENFORCE RELEVANT FEDERAL AND STATE LAWS
10 AND REGULATIONS RELATING TO SAFETY OF THE WMATA RAIL SYSTEM; AND

11 (E) AUDIT EVERY THREE YEARS THE COMPLIANCE OF WMATA WITH
12 THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN OR CONDUCT SUCH AN
13 AUDIT ON AN ONGOING BASIS OVER A THREE-YEAR TIME FRAME.

14 31. IN PERFORMING ITS DUTIES, THE COMMISSION, THROUGH ITS BOARD
15 OR DESIGNATED EMPLOYEES OR AGENTS, MAY:

16 (A) CONDUCT, OR CAUSE TO BE CONDUCTED, INSPECTIONS,
17 INVESTIGATIONS, EXAMINATIONS, AND TESTING OF ~~THE~~ WMATA PERSONNEL AND
18 CONTRACTORS, PROPERTY, EQUIPMENT, FACILITIES, ROLLING STOCK, AND
19 OPERATIONS OF THE WMATA RAIL SYSTEM, INCLUDING ELECTRONIC
20 INFORMATION AND DATABASES, THROUGH REASONABLE MEANS, WHICH MAY
21 INCLUDE THE ISSUANCE OF SUBPOENAS;

22 (B) ENTER UPON THE WMATA RAIL SYSTEM AND, UPON
23 REASONABLE NOTICE AND A FINDING BY THE CHIEF EXECUTIVE OFFICER THAT A
24 NEED EXISTS, UPON ANY LANDS, WATERS, AND PREMISES ADJACENT TO THE
25 WMATA RAIL SYSTEM, INCLUDING PROPERTY OWNED OR OCCUPIED BY THE
26 FEDERAL GOVERNMENT, FOR THE PURPOSE OF CONDUCTING INSPECTIONS,
27 INVESTIGATIONS, EXAMINATIONS, AND TESTING AS THE COMMISSION MAY DEEM
28 NECESSARY TO CARRY OUT THE PURPOSES OF THIS MSC COMPACT, AND THE ENTRY
29 SHALL NOT BE DEEMED A TRESPASS. THE COMMISSION SHALL MAKE REASONABLE
30 REIMBURSEMENT FOR ANY ACTUAL DAMAGE RESULTING TO THE ADJACENT LANDS,
31 WATERS, AND PREMISES AS A RESULT OF SUCH ACTIVITIES;

32 (C) COMPEL COMPLIANCE BY WMATA WITH ANY CORRECTIVE
33 ACTION PLAN OR ORDER OF THE COMMISSION BY MEANS THE COMMISSION DEEMS
34 APPROPRIATE, INCLUDING;

1 (1) ~~ISSUING SUBPOENAS;~~

2 (2) TAKING LEGAL ACTION IN A COURT OF COMPETENT
3 JURISDICTION;

4 (3) (2) ISSUING CITATIONS OR FINES, WITH FUNDS
5 DEPOSITED INTO AN ESCROW ACCOUNT FOR USE BY WMATA ON
6 COMMISSION-DIRECTED SAFETY MEASURES;

7 (4) (3) DIRECTING WMATA TO PRIORITIZE SPENDING ON
8 SAFETY-CRITICAL ITEMS;

9 (5) (4) REMOVING A SPECIFIC VEHICLE, INFRASTRUCTURE
10 ELEMENT, OR HAZARD FROM THE WMATA RAIL SYSTEM; AND

11 (6) (5) RESTRICTING, SUSPENDING, OR PROHIBITING RAIL
12 SERVICE, WITH APPROPRIATE NOTICE, ON ALL OR PART OF THE WMATA RAIL
13 SYSTEM;

14 (D) DIRECT WMATA TO SUSPEND OR DISQUALIFY FROM
15 PERFORMING IN A SAFETY SENSITIVE POSITION AN INDIVIDUAL WHO HAS
16 VIOLATED OR IS ALLEGED TO HAVE VIOLATED SAFETY RULES, REGULATIONS,
17 POLICIES, OR LAWS IN A MANNER THAT THE COMMISSION DETERMINES MAKES THAT
18 INDIVIDUAL UNFIT FOR THE PERFORMANCE IN THE POSITION; AND

19 (E) COMPEL WMATA'S OFFICE OF THE INSPECTOR GENERAL OR
20 ANY SUCCESSOR OFFICE TO CONDUCT SAFETY-RELATED AUDITS OR
21 INVESTIGATIONS AND TO PROVIDE ITS FINDINGS TO THE COMMISSION; AND

22 (F) TAKE ANY OTHER ACTIONS THAT THE COMMISSION DEEMS
23 APPROPRIATE, CONSISTENT WITH ITS PURPOSES AND POWERS.

24 32. ACTION BY THE BOARD UNDER SECTION 31(C)(5) SHALL REQUIRE THE
25 UNANIMOUS VOTE OF ALL MEMBERS PRESENT AND VOTING. THE COMMISSION
26 SHALL COORDINATE ITS ENFORCEMENT ACTIVITIES WITH APPROPRIATE FEDERAL
27 AND STATE GOVERNMENTAL AUTHORITIES.

28 **B. GENERAL POWERS.**

29 33. IN ADDITION TO THE POWERS AND DUTIES SET FORTH ABOVE, THE
30 COMMISSION MAY:

31 (A) SUE AND BE SUED;

1 **(B) ADOPT, AMEND, AND REPEAL RULES AND REGULATIONS**
2 **RESPECTING THE EXERCISE OF THE POWERS CONFERRED BY THIS MSC COMPACT;**

3 **(C) CREATE AND ABOLISH OFFICES, EMPLOYMENTS, AND POSITIONS**
4 **(OTHER THAN THOSE SPECIFICALLY PROVIDED FOR IN THIS MSC COMPACT) AS IT**
5 **DEEMS NECESSARY OR DESIRABLE FOR THE PURPOSES OF THE COMMISSION;**

6 **(D) DETERMINE A STAFFING LEVEL FOR THE COMMISSION THAT IS**
7 **COMMENSURATE WITH THE SIZE AND COMPLEXITY OF THE WMATA RAIL SYSTEM,**
8 **AND REQUIRE THAT EMPLOYEES AND OTHER DESIGNATED PERSONNEL OF THE**
9 **COMMISSION, WHO ARE RESPONSIBLE FOR SAFETY OVERSIGHT, BE QUALIFIED TO**
10 **PERFORM SUCH FUNCTIONS THROUGH APPROPRIATE TRAINING, INCLUDING**
11 **SUCCESSFUL COMPLETION OF THE PUBLIC TRANSPORTATION SAFETY**
12 **CERTIFICATION TRAINING PROGRAM;**

13 **(E) CONTRACT FOR OR EMPLOY CONSULTING ATTORNEYS,**
14 **INSPECTORS, ENGINEERS, AND OTHER EXPERTS THAT ARE DEEMED NECESSARY OR**
15 **DESIRABLE AND WITHIN THE LIMITATIONS PRESCRIBED IN THIS MSC COMPACT,**
16 **PRESCRIBE THEIR POWERS AND DUTIES, AND FIX THEIR COMPENSATION;**

17 **(F) ENTER INTO AND PERFORM CONTRACTS, LEASES, AND**
18 **AGREEMENTS AS MAY BE NECESSARY OR DESIRABLE FOR THE PERFORMANCE OF ITS**
19 **DUTIES AND IN THE EXECUTION OF THE POWERS GRANTED UNDER THIS MSC**
20 **COMPACT;**

21 **(G) APPLY FOR, RECEIVE, AND ACCEPT PAYMENTS,**
22 **APPROPRIATIONS, GRANTS, GIFTS, LOANS, ADVANCES, AND OTHER FUNDS,**
23 **PROPERTIES, AND SERVICES THAT ARE TRANSFERRED OR MADE AVAILABLE TO IT**
24 **BY THE UNITED STATES GOVERNMENT OR ANY OTHER PUBLIC OR PRIVATE ENTITY**
25 **OR INDIVIDUAL, SUBJECT TO THE LIMITATIONS SPECIFIED IN § 42 OF ARTICLE V;**

26 **(H) ADOPT AN OFFICIAL SEAL AND ALTER THE SEAL AT ITS PLEASURE;**

27 **(I) ADOPT AND AMEND BYLAWS, POLICIES, AND PROCEDURES**
28 **GOVERNING THE REGULATION OF ITS AFFAIRS;**

29 **(J) APPOINT ONE OR MORE ADVISORY COMMITTEES; AND**

30 **(K) DO ALL ACTS AND THINGS NECESSARY OR DESIRABLE TO THE**
31 **PERFORMANCE OF ITS DUTIES AND THE EXECUTION OF ITS POWERS UNDER THIS**
32 **MSC COMPACT.**

1 SHALL BE PREPARED IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING
2 PRINCIPLES AND SHALL BE DISTRIBUTED IN THE SAME MANNER PROVIDED BY § 35
3 OF THIS ARTICLE V FOR THE ANNUAL SAFETY REPORT. MEMBERS, EMPLOYEES,
4 AGENTS, AND CONTRACTORS OF THE COMMISSION SHALL PROVIDE ACCESS TO
5 INFORMATION NECESSARY OR DESIRABLE FOR THE CONDUCT OF THE ANNUAL
6 AUDIT.

7 D. FUNDING.

8 40. COMMISSION OPERATIONS SHALL BE FUNDED, INDEPENDENTLY OF
9 WMATA, BY THE SIGNATORY JURISDICTIONS AND, WHEN AVAILABLE, BY FEDERAL
10 FUNDS. THE COMMISSION SHALL HAVE NO AUTHORITY TO LEVY TAXES.

11 41. THE SIGNATORY JURISDICTIONS SHALL UNANIMOUSLY AGREE ON
12 ADEQUATE FUNDING LEVELS FOR THE COMMISSION AND MAKE EQUAL FUNDING
13 CONTRIBUTIONS, SUBJECT TO ANNUAL APPROPRIATION, TO COVER THE PORTION
14 OF COMMISSION OPERATIONS NOT FUNDED BY FEDERAL FUNDS.

15 42. THE COMMISSION MAY BORROW UP TO 5% OF ITS LAST
16 APPROPRIATIONS BUDGET IN ANTICIPATION OF RECEIPTS, OR AS OTHERWISE SET
17 FORTH IN THE APPROPRIATIONS BUDGET APPROVED BY ALL OF THE SIGNATORIES,
18 FROM ANY LAWFUL LENDING INSTITUTION FOR ANY PURPOSE OF THIS COMPACT,
19 INCLUDING ADMINISTRATIVE EXPENSES. THE LOANS SHALL BE FOR A TERM NOT TO
20 EXCEED TWO YEARS, OR A LONGER TERM APPROVED BY EACH JURISDICTION
21 PURSUANT TO THEIR LAWS AS EVIDENCED BY THE WRITTEN AUTHORIZATION OF THE
22 MAYOR OF THE DISTRICT OF COLUMBIA AND THE GOVERNORS OF MARYLAND AND
23 VIRGINIA AND AT THE RATES OF INTEREST THAT ARE ACCEPTABLE TO THE
24 COMMISSION.

25 43. WITH RESPECT TO THE DISTRICT OF COLUMBIA, THE COMMITMENT OR
26 OBLIGATION TO RENDER FINANCIAL ASSISTANCE TO THE COMMISSION SHALL BE
27 CREATED, ~~FOR EACH FISCAL PERIOD,~~ BY APPROPRIATION OR IN SUCH OTHER
28 MANNER, OR BY SUCH OTHER LEGISLATION, AS THE DISTRICT OF COLUMBIA SHALL
29 DETERMINE, PROVIDED THAT ANY COMMITMENT OR OBLIGATION MUST BE
30 APPROVED BY ~~THE FEDERAL GOVERNMENT PURSUANT TO SECTION 603 OF THE~~
31 ~~DISTRICT OF COLUMBIA HOME RULE ACT, APPROVED DECEMBER 24, 1973, 87~~
32 ~~STAT. 790, PUB. L. 93-198, D.C. OFFICIAL CODE § 1-206.03 (2012 REPL.)~~
33 CONGRESS.

34 44. PURSUANT TO THE PROVISIONS OF (I) THE FEDERAL ANTI-DEFICIENCY
35 ACT, 31 U.S.C. §§ 1341, 1342, 1349-1351, AND 1511-1519 (2008) (THE "FEDERAL
36 ADA"), AND D.C. OFFICIAL CODE ~~§§ 1-206.03(E) AND~~ § 47-105; (II) THE DISTRICT
37 OF COLUMBIA ANTI-DEFICIENCY ACT, D.C. OFFICIAL CODE §§ 47-355.01 - 355.08
38 (THE "D.C. ADA" AND (I) AND (II) COLLECTIVELY, AS AMENDED FROM TIME TO

1 TIME, THE “ANTI-DEFICIENCY ACTS”); AND (III) SECTION 446 OF THE DISTRICT OF
2 COLUMBIA HOME RULE ACT, D.C. OFFICIAL CODE § 1-204.46, THE DISTRICT OF
3 COLUMBIA CANNOT OBLIGATE ITSELF TO ANY FINANCIAL COMMITMENT IN ANY
4 PRESENT OR FUTURE YEAR UNLESS THE NECESSARY FUNDS TO PAY THAT
5 COMMITMENT HAVE BEEN APPROPRIATED BY THE CONGRESS OF THE UNITED
6 STATES (THE “CONGRESS”) AND ARE LAWFULLY AVAILABLE FOR THE PURPOSE
7 COMMITTED. THUS, PURSUANT TO THE ANTI-DEFICIENCY ACTS, NOTHING IN THIS
8 MSC COMPACT CREATES AN OBLIGATION OF THE DISTRICT OF COLUMBIA IN
9 ANTICIPATION OF AN APPROPRIATION BY CONGRESS FOR SUCH PURPOSE, AND THE
10 DISTRICT OF COLUMBIA’S LEGAL LIABILITY FOR THE PAYMENT OF ANY AMOUNT
11 UNDER THIS MSC COMPACT DOES NOT AND MAY NOT ARISE OR OBTAIN IN ADVANCE
12 OF THE LAWFUL AVAILABILITY OF APPROPRIATED FUNDS FOR THE APPLICABLE
13 FISCAL YEAR AS APPROVED BY CONGRESS.

14 ~~IF, PRIOR TO SUCH COMMITMENT BEING MADE BY OR ON BEHALF OF THE~~
15 ~~DISTRICT OF COLUMBIA, LEGISLATION IS ENACTED BY THE CONGRESS GRANTING~~
16 ~~THE GOVERNING BODY OF THE DISTRICT OF COLUMBIA PLENARY POWER TO~~
17 ~~CREATE OBLIGATIONS, THE COMMITMENT BY THE DISTRICT OF COLUMBIA SHALL~~
18 ~~BE BY CONTRACT OR AGREEMENT BETWEEN THE GOVERNING BODY OF THE~~
19 ~~DISTRICT OF COLUMBIA AND THE COMMISSION TO UNDERTAKE ITS ROLE IN SAFETY~~
20 ~~OVERSIGHT.~~

21 **E. EXERCISE OF POWERS.**

22 **45. THE EXERCISE OF THE POWERS GRANTED BY THIS MSC COMPACT**
23 **SHALL IN ALL RESPECTS BE FOR THE BENEFIT OF THE PEOPLE OF THE DISTRICT OF**
24 **COLUMBIA, COMMONWEALTH OF VIRGINIA, AND STATE OF MARYLAND AND FOR**
25 **THE INCREASE OF THEIR SAFETY, COMMERCE, AND PROSPERITY, AND AS THE**
26 **ACTIVITIES ASSOCIATED WITH THIS MSC COMPACT SHALL CONSTITUTE THE**
27 **PERFORMANCE OF ESSENTIAL GOVERNMENTAL FUNCTIONS, THE COMMISSION**
28 **SHALL NOT BE REQUIRED TO PAY ANY TAXES OR ASSESSMENTS UPON THE SERVICES**
29 **OR ANY PROPERTY ACQUIRED OR USED BY THE COMMISSION UNDER THE**
30 **PROVISIONS OF THIS MSC COMPACT OR UPON THE INCOME THEREFROM, AND**
31 **SHALL AT ALL TIMES BE FREE FROM TAXATION WITHIN THE DISTRICT OF**
32 **COLUMBIA, COMMONWEALTH OF VIRGINIA, AND STATE OF MARYLAND.**

33 **F. WMATA RIGHT TO PETITION COMMISSION.**

34 **46. WMATA SHALL HAVE THE RIGHT TO PETITION THE COMMISSION FOR**
35 **RECONSIDERATION OF AN ORDER BASED ON RULES AND PROCEDURES DEVELOPED**
36 **BY THE COMMISSION.**

37 **47. CONSISTENT WITH § 16 OF ARTICLE III, THE FILING OF A PETITION FOR**
38 **RECONSIDERATION SHALL NOT ACT AS A STAY UPON THE EXECUTION OF A**

1 COMMISSION ORDER, OR ANY PART OF IT, UNLESS THE COMMISSION ORDERS
2 OTHERWISE. WMATA MAY APPEAL ANY ADVERSE ACTION ON A PETITION FOR
3 RECONSIDERATION AS SET FORTH IN SECTION 48.

4 G. COURTS OF JURISDICTION.

5 48. THE UNITED STATES DISTRICT COURTS FOR THE EASTERN DISTRICT
6 OF VIRGINIA, ALEXANDRIA DIVISION, UNITED STATES DISTRICT COURTS FOR
7 MARYLAND, SOUTHERN DIVISION, AND UNITED STATES DISTRICT COURTS FOR
8 THE DISTRICT OF COLUMBIA SHALL HAVE EXCLUSIVE AND ORIGINAL JURISDICTION
9 OVER ALL ACTIONS BROUGHT BY OR AGAINST THE COMMISSION AND TO ENFORCE
10 SUBPOENAS UNDER THIS MSC COMPACT.

11 49. THE COMMENCEMENT OF A JUDICIAL PROCEEDING SHALL NOT
12 OPERATE AS A STAY OF A COMMISSION ORDER UNLESS SPECIFICALLY ORDERED BY
13 THE COURT.

14 H. LIABILITY OF COMMISSION AND ITS MEMBERS, OFFICERS, AGENTS,
15 EMPLOYEES, OR REPRESENTATIVES.

16 50. THE COMMISSION AND ITS MEMBERS, ALTERNATE MEMBERS,
17 OFFICERS, AGENTS, EMPLOYEES, OR REPRESENTATIVES SHALL NOT BE LIABLE FOR
18 SUIT OR ACTION OR FOR ANY JUDGMENT OR DECREE FOR DAMAGES, LOSS, OR
19 INJURY RESULTING FROM ACTION TAKEN WITHIN THE SCOPE OF THEIR
20 EMPLOYMENT OR DUTIES UNDER THIS MSC COMPACT, NOR REQUIRED IN ANY CASE
21 ARISING OR ANY APPEAL TAKEN UNDER THIS MSC COMPACT TO GIVE A
22 SUPERSEDEAS BOND OR SECURITY FOR DAMAGES. NOTHING IN THIS PARAGRAPH
23 SHALL BE CONSTRUED TO PROTECT A PERSON FROM SUIT OR LIABILITY FOR
24 DAMAGE, LOSS, INJURY, OR LIABILITY CAUSED BY THE INTENTIONAL OR WILLFUL
25 AND WANTON MISCONDUCT OF THE PERSON.

26 51. THE COMMISSION SHALL BE LIABLE FOR ITS CONTRACTS AND FOR ITS
27 TORTS AND THOSE OF ITS MEMBERS, ALTERNATE MEMBERS, OFFICERS, AGENTS,
28 EMPLOYEES, AND REPRESENTATIVES COMMITTED IN THE CONDUCT OF ANY
29 PROPRIETARY FUNCTION, IN ACCORDANCE WITH THE LAW OF THE APPLICABLE
30 SIGNATORY (INCLUDING, WITHOUT LIMITATION, RULES ON CONFLICT OF LAWS) BUT
31 SHALL NOT BE LIABLE FOR ANY TORTS OCCURRING IN THE PERFORMANCE OF A
32 GOVERNMENTAL FUNCTION. THE EXCLUSIVE REMEDY FOR A BREACH OF CONTRACT
33 OR TORT FOR WHICH THE COMMISSION SHALL BE LIABLE, AS HEREIN PROVIDED,
34 SHALL BE BY SUIT AGAINST THE COMMISSION. NOTHING CONTAINED IN THIS MSC
35 COMPACT SHALL BE CONSTRUED AS A WAIVER BY THE DISTRICT OF COLUMBIA,
36 MARYLAND, OR VIRGINIA OF ANY IMMUNITY FROM SUIT.

37 I. PLEDGE OF FAITHFUL COOPERATION BY SIGNATORIES.

1 52. EACH OF THE SIGNATORIES PLEDGES TO EACH OTHER FAITHFUL
2 COOPERATION IN PROVIDING SAFETY OVERSIGHT FOR THE WMATA RAIL SYSTEM,
3 AND, TO EFFECT SUCH PURPOSES, AGREES TO CONSIDER IN GOOD FAITH AND
4 REQUEST ANY NECESSARY LEGISLATION TO ACHIEVE THE OBJECTIVES OF THIS
5 MSC COMPACT.

6 J. AMENDMENTS AND SUPPLEMENTS TO COMPACT.

7 53. AMENDMENTS AND SUPPLEMENTS TO THIS MSC COMPACT SHALL BE
8 ADOPTED BY LEGISLATIVE ACTION OF EACH OF THE SIGNATORIES AND THE
9 CONSENT OF CONGRESS. WHEN ONE SIGNATORY ADOPTS AN AMENDMENT OR
10 SUPPLEMENT TO AN EXISTING SECTION OF THIS MSC COMPACT, THAT AMENDMENT
11 OR SUPPLEMENT SHALL NOT BE IMMEDIATELY EFFECTIVE, AND THE PREVIOUSLY
12 ENACTED PROVISION OR PROVISIONS SHALL REMAIN IN EFFECT IN EACH
13 JURISDICTION UNTIL THE AMENDMENT OR SUPPLEMENT IS APPROVED BY THE
14 OTHER SIGNATORIES AND IS CONSENTED TO BY CONGRESS.

15 K. WITHDRAWAL FROM COMPACT BY SIGNATORY.

16 54. ANY SIGNATORY MAY WITHDRAW FROM THIS MSC COMPACT, WHICH
17 ACTION SHALL CONSTITUTE A TERMINATION OF THIS MSC COMPACT.

18 55. WITHDRAWAL FROM THIS MSC COMPACT SHALL BE BY THE
19 ENACTMENT OF LEGISLATION REPEALING THE STATUTORY AUTHORITY FOR THIS
20 MSC COMPACT, BUT THE REPEAL MAY NOT TAKE EFFECT UNTIL ~~ONE YEAR~~ TWO
21 YEARS AFTER THE EFFECTIVE DATE OF THE LEGISLATION AND ~~UNTIL~~ WRITTEN
22 NOTICE OF THE WITHDRAWAL HAS BEEN GIVEN BY THE WITHDRAWING STATE
23 SIGNATORY TO THE EXECUTIVE OF EACH OTHER MEMBER JURISDICTION. ~~IN THE~~
24 ~~EVENT OF A WITHDRAWAL OF ONE OF THE SIGNATORIES FROM THE WMATA~~
25 ~~COMPACT, THIS MSC COMPACT SHALL BE TERMINATED AS OF THE SAME DATE.~~

26 56. PRIOR TO TERMINATION OF THIS MSC COMPACT, THE COMMISSION
27 SHALL PROVIDE EACH SIGNATORY:

28 (A) A MECHANISM FOR CONCLUDING THE OPERATIONS OF THE
29 COMMISSION;

30 (B) A PROPOSAL TO MAINTAIN STATE SAFETY OVERSIGHT OF THE
31 WMATA RAIL SYSTEM IN COMPLIANCE WITH APPLICABLE FEDERAL LAW; ~~AND~~

32 (C) A PLAN TO ~~RETURN SURPLUS FUNDS THAT MAY EXIST UPON THE~~
33 ~~TERMINATION OF THIS MSC COMPACT AFTER THE PAYMENT OF, AND THE~~
34 ~~RESERVATION OF FUNDS FOR PAYMENT OF, ALL OF ITS DEBTS AND OBLIGATIONS~~

1 HOLD SURPLUS FUNDS IN A TRUST FOR A SUCCESSOR REGULATORY ENTITY FOR
2 FOUR YEARS AFTER THE TERMINATION OF THIS MSC COMPACT; AND

3 (D) A PLAN TO RETURN ANY SURPLUS FUNDS THAT REMAIN 4 YEARS
4 AFTER THE CREATION OF THE TRUST.

5 L. LIBERAL CONSTRUCTION.

6 57. THIS MSC COMPACT SHALL BE LIBERALLY CONSTRUED TO
7 EFFECTUATE THE PURPOSES FOR WHICH IT IS CREATED.

8 58. IF ANY PART OR PROVISION OF THIS MSC COMPACT OR ITS
9 APPLICATION TO ANY PERSON OR CIRCUMSTANCES IS ADJUDGED INVALID BY ANY
10 COURT OF COMPETENT JURISDICTION, THE JUDGMENT SHALL BE CONFINED IN ITS
11 OPERATION TO THE PART, PROVISION, OR APPLICATION DIRECTLY INVOLVED IN
12 THE CONTROVERSY IN WHICH THE JUDGMENT SHALL HAVE BEEN RENDERED AND
13 SHALL NOT AFFECT OR IMPAIR THE VALIDITY OF THE REMAINDER OF THIS MSC
14 COMPACT OR ITS APPLICATION TO OTHER PERSONS OR CIRCUMSTANCES, AND THE
15 SIGNATORIES HEREBY DECLARE THAT THEY WOULD HAVE ENTERED INTO THIS MSC
16 COMPACT OR THE REMAINDER OF THE COMPACT HAD THE INVALIDITY OF THE
17 PROVISION OR ITS APPLICATION BEEN APPARENT.

18 M. MANNER OF ADOPTION OF COMPACT.

19 59. THIS MSC COMPACT SHALL BE ADOPTED BY THE SIGNATORIES IN THE
20 MANNER PROVIDED BY LAW THEREFOR AND SHALL BE SIGNED AND SEALED IN FOUR
21 DUPLICATE ORIGINAL COPIES. ONE COPY SHALL BE FILED WITH THE SECRETARY
22 OF STATE OF THE STATE OF MARYLAND, ONE COPY WITH THE SECRETARY OF THE
23 COMMONWEALTH OF VIRGINIA, AND ONE COPY WITH THE SECRETARY OF THE
24 DISTRICT OF COLUMBIA IN ACCORDANCE WITH THE LAWS OF EACH JURISDICTION.
25 ONE COPY SHALL BE FILED AND RETAINED IN THE ARCHIVES OF THE COMMISSION
26 UPON ITS ORGANIZATION. THIS MSC COMPACT SHALL BECOME EFFECTIVE UPON
27 THE ENACTMENT OF CONCURRING LEGISLATION BY THE DISTRICT OF COLUMBIA,
28 MARYLAND, AND VIRGINIA, AND CONSENT BY THE CONGRESS OF THE UNITED
29 STATES AND WHEN ALL OTHER ACTS OR ACTIONS HAVE BEEN TAKEN, INCLUDING,
30 WITHOUT LIMITATION, THE SIGNING AND EXECUTION OF THIS MSC COMPACT BY
31 THE GOVERNORS OF MARYLAND AND VIRGINIA AND THE MAYOR OF THE DISTRICT
32 OF COLUMBIA.

33 N. CONFLICT OF LAWS.

34 60. ANY CONFLICT BETWEEN ANY AUTHORITY GRANTED HEREIN, OR THE
35 EXERCISE OF THE AUTHORITY, AND THE PROVISIONS OF THE WMATA COMPACT

1 SHALL BE RESOLVED IN FAVOR OF THE EXERCISE OF THE AUTHORITY BY THE
 2 COMMISSION.

3 **61. ALL OTHER GENERAL OR SPECIAL LAWS INCONSISTENT WITH THIS MSC**
 4 **COMPACT ARE HEREBY DECLARED TO BE INAPPLICABLE TO THE COMMISSION OR**
 5 **ITS ACTIVITIES.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not take effect
 7 until a similar Act is enacted by the Commonwealth of Virginia and by the District of
 8 Columbia; that the Commonwealth of Virginia and the District of Columbia each is
 9 requested to concur in this Act of the General Assembly of Maryland by the enactment of a
 10 similar Act; that the Department of Legislative Services shall notify the appropriate
 11 officials of the Commonwealth of Virginia, the District of Columbia, and the United States
 12 Congress of the enactment of this Act; and that upon the concurrence in this Act by the
 13 Commonwealth of Virginia and by the District of Columbia and approval by the United
 14 States Congress, the Governor of the State of Maryland shall issue a proclamation declaring
 15 this Act valid and effective and shall forward a copy of the proclamation to the Director of
 16 the Department of Legislative Services.

17 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this
 18 Act, this Act shall take effect June 1, 2017, contingent on the taking effect of Chapter
 19 (S.B. ___/H.B. ___) (7lr0013) of the Acts of the General Assembly of 2017, and if Chapter
 20 (S.B. ___/H.B. ___) (7lr0013) does not become effective, this Act shall be null and void
 21 without the necessity of further action by the General Assembly is an emergency measure,
 22 is necessary for the immediate preservation of the public health or safety, has been passed
 23 by a yea and nay vote supported by three-fifths of all the members elected to each of the
 24 two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.