

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 285

(Delegate Korman, *et al.*)

Environment and Transportation

Finance

Washington Metrorail Safety Commission Membership Act

The bill requires two regular members and one alternate member of the Washington Metrorail Safety Commission (MSC) Board of Directors to be appointed by the Governor with the advice and consent of the Senate. One of the regular members must be a resident of Montgomery or Prince George's County and that member may not be succeeded in office by an individual who is a resident of the same county.

The bill takes effect June 1, 2017, contingent on the enactment of House Bill 119 of 2017.

Fiscal Summary

State Effect: The bill does not materially affect State operations or finances.

Local Effect: The bill does not affect local governmental operations or finances.

Small Business Effect: None.

Analysis

Current Law/Background: The Washington Metropolitan Area Transit Authority (WMATA) was established in 1967 through an interstate compact among Maryland, Virginia, and the District of Columbia. The original purpose was construction and operation of a rapid rail transit system for the Washington metropolitan area. In 1973, WMATA purchased the assets of four major private bus companies operating in the area. Maryland's overall participation in the Washington metropolitan transit system consists of the provision of annual funding to WMATA for the capital and operating costs of

Metrorail, Metrobus, and MetroAccess systems. Funding for Maryland's portion of WMATA costs is the sole responsibility of the State.

After the fatal Metrorail crash on the Red Line between Takoma and Fort Totten, the July 6, 2012 enactment of the Moving Ahead for Progress in the 21st Century Act (MAP-21) included provisions granting the Federal Transit Administration (FTA) new regulatory and enforcement responsibilities governing the federal State Safety Oversight (SSO) Program. The purpose of the SSO Program is to oversee safety for rail transit systems. MAP-21 and the SSO Program require states (or, in the case of the WMATA Compact, the State of Maryland, the Commonwealth of Virginia, and the District of Columbia) to:

- designate an SSO agency (SSOA) that is a legal entity of the state and financially and legally independent from the rail system in the jurisdiction;
- obtain authority for the designated SSOA to oversee and enforce safety for each rail system in its jurisdiction;
- ensure the designated SSOA carries out an effective safety regulatory program; and
- ensure that the designated SSOA is staffed with qualified personnel.

After the enactment of MAP-21, FTA determined that the SSOA currently covering WMATA and TOC was not in compliance with the act's changes; TOC has no regulatory or enforcement authority over WMATA. MDOT advises that the three WMATA jurisdictions were given a February 9, 2017 deadline to establish an SSOA that meets MAP-21's requirements. On February 10, FTA notified the jurisdictions that, effective immediately, it is withholding 5% of federal fiscal 2017 transit formula funds until the SSO program is certified for WMATA rail operations. MDOT estimates that approximately \$2.8 million is being withheld from the State, and a total of \$4.8 million could be withheld for fiscal 2017 when a full year of funding is appropriated.

The governors of Maryland and Virginia and the Mayor of the District of Columbia co-signed a letter in February 2014, signaling that the jurisdictions would move forward with creating a new MSC to replace TOC. The compact being adopted grants MSC statutory, regulatory, and enforcement capabilities. Before it can be fully implemented, the compact must be passed by the legislative bodies of the three WMATA jurisdictions. The District of Columbia and Virginia both passed their compacts in February 2017.

House Bill 119 of 2017 establishes MSC and requires it to be governed by a six-member board of directors with two representatives each from Maryland, Virginia, and the District of Columbia. As amended in the House, the bill requires that the representatives from each jurisdiction be appointed or reappointed by each member jurisdiction in the manner required by law by the jurisdiction.

Additional Information

Prior Introductions: None.

Cross File: SB 265 (Senator Feldman, *et al.*) - Finance.

Information Source(s): Maryland Department of Transportation; Department of Legislative Services

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