

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 9.**  
**TRANSPORTATION SYSTEMS.**

**CHAPTER 11.**  
**NATIONAL CAPITAL REGION TRANSPORTATION.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 11. NATIONAL CAPITAL REGION**  
**TRANSPORTATION.**

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# **CHAPTER 11. NATIONAL CAPITAL REGION TRANSPORTATION.**

## **SUBCHAPTER I. NATIONAL CAPITAL TRANSPORTATION PROGRAM.**

### **§ 9-1101.01. AGREEMENTS WITH MARYLAND AND VIRGINIA TO DEVELOP CONTINUING COMPREHENSIVE TRANSPORTATION PLANNING PROCESS.**

The Mayor is authorized to enter into such agreements with the States of Maryland and Virginia and with political subdivisions of such States as may be necessary to develop a continuing comprehensive transportation planning process for the National Capital region for the purpose of complying with the requirements of § 134 of Title 23, United States Code, except that no such agreement shall require the District of Columbia to pay more than its pro rata share of the costs of such planning process. In developing such transportation planning process the Mayor shall consult and cooperate with the National Capital Planning Commission and the National Capital Regional Planning Council. For the purpose of this section, the term "National Capital region" shall have the same meaning as is given it in § 1-1401.

(Sept. 30, 1966, 80 Stat. 859, Pub. L. 89-610, title X, § 1006.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2401.

1973 Ed., § 1-1401a.

##### *References in Text*

Section 1-1401, referred to at the end of the last sentence of the section, refers to former § 1-1401 which was repealed by the Act of December 9, 1969, 83 Stat. 322, Pub. L. 91-143, § 8(a)(1).

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **SUBCHAPTER II. COMPACT FOR MASS TRANSPORTATION.**

### **§ 9-1103.01. CONGRESSIONAL CONSENT GIVEN FOR VIRGINIA, MARYLAND AND DISTRICT OF COLUMBIA TO ENTER INTO COMPACT.**

The consent and approval of Congress is hereby given to the States of Virginia and Maryland and to the District of Columbia to enter into a Compact, substantially as follows, for the regulation and improvement of mass transit in the Washington metropolitan area, which Compact, known as the Washington

Metropolitan Area Transit Regulation Compact, has been negotiated by representatives of the States and the District of Columbia and has been adopted by the State of Virginia (Ch. 627, 1958 Acts of Assembly), and in substance by the State of Maryland.

The States of Maryland and Virginia and the District of Columbia, hereinafter referred to as signatories, do hereby covenant and agree as follows:

## TITLE I

### GENERAL COMPACT PROVISIONS

#### ARTICLE I

There is hereby created the Washington Metropolitan Transit District, hereinafter referred to as the Metropolitan District, which shall embrace the District of Columbia, the cities of Alexandria, Falls Church, and Fairfax, the counties of Arlington, Fairfax, and Loudoun, and political subdivisions of the Commonwealth of Virginia located within those counties, and the counties of Montgomery and Prince George's in the State of Maryland and political subdivisions of the State of Maryland located within those counties.

#### ARTICLE II

1. The signatories hereby create the "Washington Metropolitan Area Transit Commission," hereafter called the "Commission," which shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland, and shall have the powers and duties set forth in the Compact and those additional powers and duties conferred upon it by subsequent action of the signatories.
2. The Commission shall have jurisdiction coextensive with the Metropolitan District for the regulation of passenger transportation within the Metropolitan District on a coordinated basis, without regard to political boundaries within the Metropolitan District, as set forth in this Compact.

#### ARTICLE III

1.(a) The Commission shall be composed of three members, one member appointed by the Governor of Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia, one member appointed by the Governor of Maryland from the Maryland Public Service Commission, and one member appointed by the Mayor of the District of Columbia from a District of Columbia agency with oversight of matters relating to the Commission.

(b) A member appointed shall serve for a term coincident with the term of that member on the agency of the signatory, and a member may be removed or suspended from office as the law of the appointing signatory provides.

(c) Vacancies shall be filled for an unexpired term in the same manner as an original appointment.

(d) An amendment to Section 1(a) of this Article shall not affect any member in office on the amendment's effective date.

2. A person in the employment of or holding an official relation to a person or company subject to the jurisdiction of the Commission or having an interest of any nature in a person or company or affiliate or associate thereof, may not hold the office of Commissioner or serve as an employee of the Commission or have any power or duty or receive any compensation in relation to the Commission.

3.(a) The Commission shall select a chairman from among its members.

(b) The chairman shall be responsible for the Commission's work and shall have all powers to discharge that duty.

4. A signatory may pay the Commissioner from its jurisdiction the salary or expenses, if any, that it considers appropriate.

5.(a) The Commission may employ engineering, technical, legal, clerical, and other personnel on a regular, part-time, or consulting basis to assist in the discharge of its functions.

(b) The Commission is not bound by any statute or regulation of a signatory in the employment or discharge of an officer or employee of the Commission, except that contained in this Compact.

6. The Commission shall establish its office at a location to be determined by the Commission within the Metropolitan District and shall publish rules and regulations governing the conduct of its operations.

#### ARTICLE IV

1.(a) The signatories shall bear the expenses of the Commission in the manner set forth here.

(b) The Commission shall submit to the Governor of Virginia, the Governor of Maryland, and the Mayor of the District of Columbia, when requested, a budget of its requirements for the period required by the laws of the signatories for presentation to the legislature.

(c) The Commission shall allocate its expenses among the signatories in the proportion that the population of each signatory within the Metropolitan District bears to the total population of the Metropolitan District.

(d)(i) The Commission shall base its allocation on the latest available population statistics of the Bureau of the Census; or

(ii) If current population data are not available, the Commission may, upon the request of a signatory, employ estimates of population prepared in a manner approved by the Commission and by the signatory making the request.

(e) The Governors of the two states and the Mayor of the District of Columbia shall approve the allocation made by the Commission.

2.(a) The signatories shall appropriate their proportion of the budget for the expenses of the Commission and shall pay that appropriation of the Commission.

(b) The budget of the Commission and the appropriations of the signatories may not include a sum for the payment of salaries or expenses of the Commissioners.

(c) The provisions of section 2.1-30 (1979) of the Code of Virginia do not apply to any official or employee of the Commonwealth of Virginia acting or performing services under this subchapter.

3.(a) If the Commission requests and a signatory makes available personnel, services, or material which the Commission would otherwise have to employ or purchase, the Commission shall:

(i) Determine an amount; and

(ii) Reduce the expenses allocable to a signatory.

(b) If any services in kind are rendered, the Commission shall return to the signatory an amount equivalent to the savings to the Commission represented by the contribution in kind.

4.(a) The Commission shall have the power to establish fees under regulations, including but not limited to filing fees and annual fees.

(b) The Commission is not bound by any statute or regulation of a signatory in the employment or discharge of an officer or employee of the Commission, except that contained in this Compact.

5.(a) The Commission shall keep accurate books of account, showing in full its receipts and disbursements.

(b) The books of account shall be open for inspection by representatives of the respective signatories at any reasonable time.

#### ARTICLE V

1. An action by the Commission may not be effective unless a majority of the members concur.

2. An order entered by the Commission under the provisions of Title II of this subchapter which affect operations or matters solely intrastate or solely within the District of Columbia may not be effective unless the Commissioner from the affected signatory concurs.

3. Two members of the Commission are a quorum.

4. The Commission may delegate by regulation the tasks that it considers appropriate.

#### ARTICLE VI

This Compact does not amend, alter, or affect the power of the signatories and their political subdivisions to levy and collect taxes on the property or income of any person or company subject to this subchapter or upon any material, equipment, or supplies purchased by that person or company or to levy, assess, and collect franchise or other similar taxes, or fees for the licensing of vehicles and their operation.

#### ARTICLE VII

This amended Compact shall become effective 90 days after the signatories adopt it.

#### ARTICLE VIII

1.(a) This Compact may be amended from time to time without the prior consent or approval of the Congress of the United States and any amendment shall be effective unless, within one year, the Congress disapproves that amendment.

(b) An amendment may not be effective unless adopted by each of the signatories.

2.(a) A signatory may withdraw from the Compact upon written notice to the other signatories.

(b) In the event of a withdrawal, the Compact shall be terminated at the end of the Commission's next full fiscal year following the notice.

3. Upon the termination of this Compact, the jurisdiction over the matters and persons covered by this subchapter shall revert to the signatories and the federal government, as their interest may appear, and the applicable laws of the signatories and the federal government shall be reactivated without further legislation.

#### ARTICLE IX

Each of the signatories pledges to each of the other signatories faithful cooperation in the regulation of passenger transportation within the Metropolitan District and agrees to enact any necessary legislation to achieve the objectives of the Compact for the mutual benefit of the citizens living in the Metropolitan District.

#### ARTICLE X

1. If a provision of this subchapter or its application to any person or circumstance is held invalid in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this subchapter which can be given effect without the invalid provision or application, and for this purpose the provisions of this subchapter are declared severable.
2. In accordance with the ordinary rules for construction of interstate compacts, this subchapter shall be liberally construed to effectuate its purposes.

#### TITLE II

#### COMPACT REGULATORY PROVISIONS

#### ARTICLE XI

1. This subchapter shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District, including but not limited to:
  - (a) As to interstate and foreign commerce, transportation performed over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District if:
    - (i) The majority of passengers transported over that regular route are transported between points within the Metropolitan District; and
    - (ii) That regular route is authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission; and
  - (b) The rates, charges, regulations, and minimum insurance requirements for taxicabs and other vehicles that perform a bona fide taxicab service where the taxicab or other vehicle:
    - (i) Has a seating capacity of 9 persons or less, including the driver; and
    - (ii) Provides transportation from one signatory to another within the Metropolitan District.
2. Solely for the purposes of this section and section 18 of this Article:
  - (a) The Metropolitan District shall include that portion of Anne Arundel County, Maryland, occupied by the Baltimore-Washington International Airport; and
  - (b) Jurisdiction of the Commission shall apply to taxicab rates, charges, regulations, and minimum insurance requirements for interstate transportation between the Baltimore-Washington International Airport and other points in the Metropolitan District, unless conducted by a taxicab licensed by the State of Maryland or a political subdivision of the State of Maryland, or operated under a contract with the State of Maryland.
3. Excluded from the application of this subchapter are:
  - (a) Transportation by water, air, or rail;
  - (b) Transportation performed by the federal government, the signatories to this Compact, or any political subdivision of the signatories;
  - (c) Transportation performed by the Washington Metropolitan Area Transit Authority;
  - (d) Transportation by a motor vehicle employed solely in transporting teachers and school children through grade 12 to or from public or private schools;
  - (e) Transportation performed over a regular route between a point in the Metropolitan District and a point outside the Metropolitan District, including transportation between those points on the regular route that are within the Metropolitan District, if:
    - (i) The majority of passengers transported over the regular route are not transported between points in the Metropolitan District; and
    - (ii) The regular route is authorized by a certificate of public convenience and necessity issued by the Interstate Commerce Commission;
  - (f) Matters other than rates, charges, regulations, and minimum insurance requirements relating to vehicles and operations described in Sections 1(b) and 2 of this Article;
  - (g) Transportation solely with the Commonwealth of Virginia and the activities of persons performing that transportation; and
  - (h) The exercise of any power of the discharge of any duty conferred or imposed upon the State Corporation Commission of Virginia by the Virginia Constitution.

#### Definitions



4. In this subchapter the following words have the meanings indicated.

- (a) "Carrier" means a person who engages in the transportation of passengers by motor vehicle or other form or means of hire.
- (b) "Motor vehicle" means an automobile, bus, or other vehicle propelled or drawn by mechanical or electrical power on the public streets or highways of the Metropolitan District and used for the transportation of passengers.
- (c) "Person" means an individual, firm, copartnership, corporation, company, association or joint stock association, and includes a trustee, receiver, assignee, or personal representative of them.
- (d) "Taxicab" means a motor vehicle for hire (other than a vehicle operated under a Certificate of Authority issued by the Commission) having a seating capacity of 9 persons or less, including the driver, used to accept or solicit passengers along the public streets for transportation.

#### General Duties of Carriers

5. Each authorized carrier shall

- (a) Provide safe and adequate transportation service, equipment, and facilities; and
- (b) Observe and enforce Commission regulations established under this subchapter.

#### Certificates of Authority

6.(a) A person may not engage in transportation subject to this subchapter unless there is in force a "Certificate of Authority" issued by the Commission authorizing the person to engage in that transportation.

(b) On the effective date of this subchapter a person engaged in transportation subject to this subchapter under an existing "Certificate of Public Convenience and Necessity" or order issued by the Commission shall be issued a new "Certificate of Authority" within 120 days after the effective date of this amendment.

(c)(i) Pending issuance of the new Certificate of Authority, the continuance of operations shall be permitted under an existing certificate or order issued by the Commission which will continue in effect on the effective date of this subchapter.

(ii) The operations described in paragraph (i) of this subsection shall be performed according to the rates, regulations, and practices of the certificate holder on file with the Commission on March 16, 1989.

7.(a) When an application is made under this section for a Certificate of Authority, the Commission shall issue a certificate to any qualified applicant, authorizing all or any part of the transportation covered by the application, if it finds that:

(i) The applicant is fit, willing, and able to perform that transportation properly, conform to the provisions of this subchapter, and conform to the rules, regulations, and requirements of the Commission; and

(ii) That the transportation is consistent with the public interest.

(b) If the Commission finds that the requirements of subsection (a) of this section have not been met, the application shall be denied by the Commission.

(c) The Commission shall act upon applications under this subchapter as soon as possible.

(d) The Commission may attach to the issuance of a certificate and to the exercise of the rights granted under it any term, condition, or limitation that is consistent with the public interest.

(e) A term, condition, or limitation imposed by the Commission may not restrict the right of the carrier to add to equipment and facilities over the routes or within the territory specified in the certificate, as business development and public demand may require.

(f) A person applying for or holding a Certificate of Authority shall comply with Commission regulations regarding maintenance of a surety bond, insurance policy, self-insurance qualification, or other security or agreement in an amount that the Commission may require to pay any final judgment against a carrier for bodily injury or death of a person, or for loss or damage to property of another, resulting from the operation, maintenance, or use of a motor vehicle or other equipment in performing transportation subject to this subchapter.

(g) A Certificate of Authority is not valid unless the holder is in compliance with the insurance requirements of the Commission.

8. Application to the Commission for a certificate under this subchapter shall be:

(a) Made in writing;

(b) Verified; and

(c) In the form and with the information that the Commission regulations require.

9.(a) A Certificate of Authority issued by the Commission shall specify the route over which a regularly scheduled commuter service or other regular-route service will operate.

(b) A certificate issued by the Commission authorizing irregular-route service shall be coextensive with the Metropolitan District.

(c) A carrier subject to this subchapter may not provide any passenger transportation for hire on an individual fare paying basis in competition with an existing, scheduled, regular-route, passenger transportation service performed by, or under a contract with, the federal government, a signatory to the Compact, a political subdivision of a signatory, or the Washington Metropolitan Area Transit Authority, notwithstanding any Certificate of Authority.

(d) A certificate for the transportation of passengers may include authority to transport newspapers, passenger baggage, express, or mail in the same vehicle, or to transport passenger baggage in a separate vehicle.

10.(a) Certificates shall be effective from the date specified on them and shall remain in effect until amended, suspended, or terminated.

(b) Upon application by the holder of a certificate, the Commission may suspend, amend, or terminate the Certificate of Authority.

(c) Upon complaint or the Commission's own initiative, the Commission, after notice and hearing, may suspend or revoke all or part of any Certificate of Authority for willful failure to comply with:

(i) A provision of this subchapter;

(ii) An order, rule, or regulation of the Commission; or

(iii) A term, condition, or limitation of the certificate.

(d) The Commission may direct that a carrier cease an operation conducted under a certificate if the Commission finds the operation, after notice and hearing, to be inconsistent with the public interest.

11.(a) A person may not transfer a Certificate of Authority unless the Commission approves the transfer as consistent with the public interest.

(b) A person other than the person to whom an operating authority is issued by the Commission may not lease, rent, or otherwise use that operating authority.

12.(a) A carrier may not abandon any scheduled commuter service operated under a Certificate of Authority issued to the carrier under this subchapter, unless the Commission authorizes the carrier to do so by a Commission order.

12.(a) A carrier may not abandon any scheduled commuter service operated under a Certificate of Authority issued to the carrier under this subchapter, unless the Commission authorizes the carrier to do so by a Commission order.

(b) Upon application by a carrier, the Commission shall issue an order, after notice and hearing, if it finds that abandonment of the route is consistent with the public interest.

(c) The Commission, by regulation or otherwise, may authorize the temporary suspension of a route if it is consistent with the public interest.

(d) As long as the carrier has an opportunity to earn a reasonable return in all its operations, the fact that a carrier is operating a service at a loss will not, of itself, determine the question of whether abandonment of service is consistent with the public interest.

13.(a) When the Commission finds that there is an immediate need for service that is not available, the Commission may grant temporary authority for that service without a hearing or other proceeding up to a maximum of 180 consecutive days, unless suspended or revoked for good cause.

13.(a) When the Commission finds that there is an immediate need for service that is not available, the Commission may grant temporary authority for that service without a hearing or other proceeding up to a maximum of 180 consecutive days, unless suspended or revoked for good cause.

(b) A grant of temporary authority does not create any presumption that permanent authority will be granted at a later date.

#### Rates and Tariffs

14.(a) Each carrier shall file with the Commission, publish, and keep available for public inspection tariffs showing:

(i) Fixed-rates and fixed-fares for transportation subject to this subchapter; and

(ii) Practices and regulations including those affecting rates and fares, required by the Commission.

(b) Each effective tariff shall:

(i) Remain in effect for at least 60 days from its effective date, unless the Commission orders

otherwise; and

(ii) Be published and kept available for public inspection in the form and manner prescribed by the Commission.

(c) A carrier may not charge a rate or fare for transportation subject to this subchapter other than the applicable rate or fare specified in a tariff filed by the carrier under this subchapter and in effect at the time.

15.(a) A carrier proposing to change a rate, fare, regulation, or practice specified in an effective tariff shall file a tariff showing the change in the form and manner, and with the information, jurisdiction, notice, and supporting material prescribed by the Commission.

(b) Each tariff filed under Subsection (a) of this Section shall state a date on which the tariff shall take effect, which shall be at least 7 calendar days after the date on which the tariff is filed, unless the Commission orders an earlier effective date or rejects the tariff.

(c)(i) A tariff filed for approval with the Commission may be refused acceptance for filing if it is not consistent with this subchapter and Commission regulations; and

(ii) A tariff refused for filing shall be void.

16.(a) The Commission may hold a hearing upon complaint or upon the Commission's own initiative after reasonable notice to determine whether a rate, fare, regulation, or practice relating to a tariff is unjust, unreasonable, unduly discriminatory, or unduly preferential between classes of riders or between locations within the Metropolitan District.

(b) Within 120 days of the hearing, the Commission shall pass an order prescribing the lawful rate, fare, regulation, or practice, or affirming the tariff.

#### Through Routes, Joint Fares

17. With the approval of the Commission, any carrier subject to this subchapter may establish through routes and joint fares with any other lawfully authorized carrier.

#### Taxicab Fares

18.(a) The Commission shall prescribe reasonable rates for transportation by taxicab, only when:

(i) The trip is between a point in the jurisdiction of one signatory and a point in the jurisdiction of another signatory; and

(ii) Both points are within the Metropolitan District.

(b) The fare or charge for taxicab transportation may be calculated on a mileage basis, a zone basis, or on any other basis approved by the Commission.

(c) The Commission may not require the installation of a taximeter in any taxicab when a taximeter is not permitted or required by the jurisdiction licensing and otherwise the operation and service of the taxicab.

(d) A person licensed by a signatory to own or operate a taxicab shall comply with Commission regulations regarding maintenance of a surety bond, insurance policy, self-insurance qualification, or other security or agreement in an amount that the Commission may require to pay a final judgment for bodily injury or death of a person, or for loss or damage to property of another, resulting from the operation, maintenance, or use of a taxicab in performing transportation subject to this subchapter.

### ARTICLE XII

#### Accounts, Records, and Reports

1.(a) The Commission may prescribe that any carrier subject to this subchapter:

(i) Submit special reports and annual or other periodic reports;

(ii) Make reports in a form and manner required by the Commission;

(iii) Provide a detailed answer to any question about which the Commission requires information;

(iv) Submit reports and answers under oaths; and

(v) Keep accounts, records, and memoranda of its activity, including movement of traffic and receipt and expenditure of money in a form and for a period required by the Commission.

(b) The Commission shall have access at all times to the accounts, records, memoranda, lands, buildings, and equipment of any carrier for inspection purposes.

(c) This section shall apply to any person controlling, controlled by, or under common control with a carrier subject to this subchapter, whether or not that person otherwise is subject to this subchapter.

(d) A carrier that has its principal office outside of the Metropolitan District and operates both inside and outside of the Metropolitan District may keep all accounts, records, and memoranda at its principal office, but the carrier shall produce those materials before the Commission when directed by

the Commission.

(e) This section does not relieve a carrier from recordkeeping or reporting obligations imposed by a state or federal agency or regulatory commission for transportation service rendered outside the Metropolitan District.

#### Issuance of Securities

2. This subchapter does not impair any authority of the federal government and the signatories to regulate the issuance of securities by a carrier.

#### Consolidations, Mergers, and Acquisition of Control

3.(a) A carrier or any person controlling, controlled by, or under control with a carrier shall obtain Commission approval to:

(i) Consolidate or merge any part of the ownership, management, or operation of its property or franchise with a carrier that operates in the Metropolitan District;

(ii) Purchase, lease, or contract to operate a substantial part of the property or franchise of another carrier that operates in the Metropolitan District; or

(iii) Acquire control of another carrier that operates in the Metropolitan District through ownership of its stock or other means.

(b) Application for Commission approval of a transaction under this Section shall be made in the form and with the information that the regulations of the Commission require.

(c) If the Commission finds, after notice and hearing, that the proposed transaction is consistent with the public interest, the Commission shall pass an order authorizing the transaction.

(d) Pending determination of an application filed under this section, the Commission may grant "temporary approval" without a hearing or other proceeding up to a maximum of 180 consecutive days if the Commission determines that grant to be consistent with the public interest.

### ARTICLE XIII

#### Investigation by the Commission and Complaints

1.(a) A person may file a written complaint with the Commission regarding anything done or omitted by a person in violation of a provision of this subchapter, or in violation of a requirement established under it.

(b)(i) If the respondent does not satisfy the complaint and the facts suggest that there are reasonable grounds for an investigation, the Commission shall investigate the matter.

(ii) If the Commission determines that a complaint does not state facts which warrant action, the Commission may dismiss the complaint without hearing.

(iii) The Commission shall notify a respondent that a complaint has been filed at least 10 days before a hearing is set on the complaint.

(c) The Commission may investigate on its own motion a fact, condition, practice, or matter to:

(i) Determine whether a person has violated or will violate a provision of this subchapter or a rule, regulation, or order;

(ii) Enforce the provisions of this subchapter or prescribe or enforce rules or regulations under it; or

(iii) Obtain information to recommend further legislation.

(d) If, after hearing, the Commission finds that a respondent has violated a provision of this subchapter or any requirement established under it, the Commission shall:

(i) Issue an order to compel the respondent to comply with this subchapter; and

(ii) Effect other just and reasonable relief.

(e) For the purpose of an investigation or other proceeding under this subchapter, the Commission may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of books, papers, correspondence, memoranda, contracts, agreements, or other records or evidence which the Commission considers relevant to the inquiry.

#### Hearings; Rules of Procedure

2.(a) Hearings under this subchapter shall be held before the Commission, and records shall be kept.

(b) Rules of practice and procedure adopted by the Commission shall govern all hearings, investigations, and proceedings under this subchapter, but the Commission may apply the technical rules of evidence when appropriate.

#### Administrative Powers of Commission; Rules, Regulations, and Orders

3.(a) The Commission shall perform any act, and prescribe, issue, make, amend, or rescind any order, rule, or regulation that it finds necessary to carry out the provisions of this subchapter.

- (b) The rules and regulations of the Commission shall prescribe the form of any statement, declaration, application, or report filed with the Commission, the information it shall contain, and the time of filing.
- (c) The rules and regulations of the Commission shall be effective 30 days after publication in the manner which the Commission shall prescribe, unless a different date is specified.
- (d) Orders of the Commission shall be effective on the date and in the manner which the Commission shall prescribe.
- (e) For the purposes of its rules and regulations, the Commission may classify persons and matters within its jurisdiction and prescribe different requirements for them.
- (f) Commission rules and regulations shall be available for public inspection during reasonable business hours.

#### Reconsideration of Orders

- 4.(a) A party of a proceeding affected by a final order or decision of the Commission may file within 30 days of its publication a written application requesting Commission reconsideration of the matter involved, and stating specifically the errors claimed as grounds for the reconsideration.
  - (b) The Commission shall grant or deny the application within 30 days after it has been filed.
  - (c) If the Commission does not grant or deny the application by order within 30 days, the application shall be deemed denied.
  - (d) If the application is granted, the Commission shall rescind, modify, or affirm its order or decision with or without a hearing, after giving notice to all parties.
  - (e) Filing an application for reconsideration may not act as a stay upon the execution of a Commission order or decision, or any part of it unless the Commission orders otherwise.
  - (f) An appeal may not be taken from an order or decision of the Commission until an application for reconsideration has been filed and determined.
  - (g) Only an error specified as a ground for reconsideration may be used as a ground for judicial review.

#### Judicial Review

- 5.(a) Any party to a proceeding under this subchapter may obtain a review of the Commission's order in the United States Court of Appeals for the Fourth Circuit, or in the United States Court of Appeals for the District of Columbia Circuit, by filing within 60 days after Commission determination of an application for reconsideration, a written petition praying that the order of the Commission be modified or set aside.
  - (b) A copy of the petition shall be delivered to the office of the Commission and the Commission shall certify and file with the court a transcript of the record upon which the Commission order was entered.
  - (c) The Court shall have exclusive jurisdiction to affirm, modify, remand for reconsideration, or set aside the Commission's order.
  - (d) The court's judgment shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in Title 28 U.S.C. sections 1254 and 2350.
  - (e) The commencement of proceedings under subsection (a) of this section may not operate as a stay of the Commission's order unless specifically ordered by the court.
  - (f) The Commission and its members, officers, agents, employees, or representatives are not liable to suit or action or for any judgment or decree for damages, loss, or injury resulting from action taken under the Act, nor required in any case arising or any appeal taken under this subchapter to make a deposit, pay costs, or pay for service to the clerks of a court or to the marshal of the United States or give a supersedeas bond or security for damages.

#### Enforcement of Act; Penalty for Violations

- 6.(a) Whenever the Commission determines that a person is engaged or will engage in an act or practice which violates a provision of this subchapter or a rule, regulation, or order under it, the Commission may bring an action in the United States District Court in the district in which the person resides or conducts business or in which the violation occurred to enjoin the act or practice and to enforce compliance with this subchapter or a rule, regulation, or order under it.
  - (b) If the court makes a determination under subsection (a) of this section, that a person has violated or will violate this subchapter or a rule, regulation, or order under this subchapter, the court shall grant a permanent or temporary injunction or decree or restraining order without bond.
  - (c) Upon application of the Commission, the United States District Court for the district in which the person resides or conducts business, or in which the violation occurred, shall have jurisdiction to issue an order directing that person to comply with the provisions of this subchapter or a rule, regulation, or order of the Commission under it, and to effect other just and reasonable relief.
  - (d) The Commission may employ attorneys necessary for:

- (i) The conduct of its work;
  - (ii) Representation of the public interest in Commission investigations, cases, or proceedings on the Commission's own initiative or upon complaint; or
  - (iii) Representation of the Commission in any court case.
- (e) The expenses of employing an attorney shall be paid out of the funds of the Commission unless otherwise directed by the court.
- (f)(i) A person who knowingly or willfully violates a provision of this subchapter, or a rule, regulation, requirement, or order issued under it, or a term or condition of a certificate shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation.
- (ii) Each day of the violation shall constitute a separate violation.
  - (iii) Civil forfeitures shall be paid to the Commission with interest as assessed by the court.
  - (iv) The Commission shall pay to each signatory a share of the civil forfeitures and interest equal to the proportional share of the Commission's expenses borne by each signatory in the fiscal year during which the civil forfeiture is collected by the Commission.

#### ARTICLE XIV

##### Expenses of Investigations and Other Proceedings

- 1.(a) A carrier shall bear all expenses of an investigation or other proceeding conducted by the Commission concerning the carrier, and all litigation expenses, including appeals, arising from an investigation or other proceeding.
- (b) When the Commission initiates an investigation or other proceeding, the Commission may require the carrier to pay to the Commission a sum estimated to cover the expenses that will be incurred under this section.
- (c) Money paid by the carrier shall be deposited in the name and to the credit of the Commission, in any bank or other depository located in the Metropolitan District designated by the Commission, and the Commission may disburse that money to defray expenses of the investigation, proceeding, or litigation in question.
- (d) The Commission shall return to the carrier any unexpended balance remaining after payment of expenses.

##### Applicability of Other Laws

- 2.(a) The applicability of each law, rule, regulation, or order of a signatory relating to transportation subject to this subchapter shall be suspended on the effective date of this subchapter.
- (b) The provisions of subsection (a) of this section do not apply to a law of a signatory relating to inspection of equipment and facilities.
- (c) During the existence of the Compact, the jurisdiction of the Interstate Compact Commission is suspended to the extent it is in conflict with the provisions of this subchapter.

##### Existing Rules, Regulations, Orders, and Decisions

3. All Commission rules, regulations, orders, or decisions that are in force on the effective date of this subchapter shall remain in effect and be enforceable under this subchapter, unless otherwise provided by the Commission.

##### Pending Actions or Proceedings

4. A suit, action, or other judicial proceeding commenced prior to the effective date of this subchapter by or against the Commission is not affected by the enactment of this subchapter and shall be prosecuted and determined under the law applicable at the time the proceeding was commenced.

##### Annual Report of the Commission

5. The Commission shall make an annual report for each fiscal year ending June 30, to the Governor of Virginia and the Governor of Maryland, and to the Mayor of the District of Columbia as soon as practicable after June 30, but no later than the first day of January of each year, which may contain, in addition to a report of the work performed under this subchapter, other information and recommendations concerning passenger transportation within the Metropolitan District as the Commission considers advisable.

(Sept. 15, 1960, 74 Stat. 1031, Pub. L. 86-794, § 1; Oct. 9, 1962, 76 Stat. 765, Pub. L. 87-767, § 1; Mar. 16, 1989, D.C. Law 7-224, §§ 2, 3, 36 DCR 575; June 6, 1996, D.C. Law 11-138, § 3, 43 DCR 2142; Mar. 21, 2009, D.C. Law 17-318, § 2, 56 DCR 212.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2411.

1973 Ed., § 1-1410.

*Effect of Amendments*

D.C. Law 17-318, in section 1 of Article III of Title I of the compact, substituted "Virginia from the Department of Motor Vehicles of the Commonwealth of Virginia" for "Virginia from the State Corporation Commission of the Commonwealth of Virginia", substituted "from a District of Columbia agency with oversight of matters relating to the Commission" for "from the Public Service Commission of the District of Columbia", and added subsec. (d).

*Temporary Amendments of Section*

Section 2 of D.C. Law 17-299, in subsec. (a), substituted "from a District of Columbia agency with oversight of matters relating to the Commission" for "from the Public Service Commission of the District of Columbia"; and added subsec. (d) to read as follows:

"(d) An amendment to Section 1(a) of this Article shall not affect any member in office on the amendment's effective date."

Section 3 of D.C. Law 17-299 provides:

"This act shall apply upon the adoption by the State of Maryland and the Commonwealth of Virginia of the amended language in section 2, and the consent or approval of the United States Congress."

Section 5(b) of D.C. Law 17-299 provides that the act shall expire after 225 days of its having taken effect.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2 of Washington Metropolitan Area Transit Commission District of Columbia Commissioner Emergency Amendment Act of 2008 (D.C. Act 17-561, October 27, 2008, 55 DCR 12015).

*Legislative History of Laws*

Law 7-224 was introduced in Council and assigned Bill No. 7-573, which was referred to the Committee on Public Works. The Bill was adopted on first and second readings on November 29, 1988 and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-299 and transmitted to both Houses of Congress for its review.

Law 11-138, the "Washington Metropolitan Area Transit Regulation Compact Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-443, which was referred to the Committee on Public Services and Regional Authorities. The Bill was adopted on first and second readings on February 6, 1996, and April 2, 1996, respectively. Signed by the Mayor on April 15, 1996, it was assigned Act No. 11-253 and transmitted to both Houses of Congress for its review. D.C. Law 11-138 became effective on June 6, 1996.

Law 17-318, the "Washington Metropolitan Area Transit Commission Composition Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-704 which was referred to the Committee on Public Works and the Environment. The Bill was adopted on first and second readings on November 18, 2008, and December 2, 2008, respectively. Signed by the Mayor on December 22, 2008, it was assigned Act No. 17-622 and transmitted to both Houses of Congress for its review. D.C. Law 17-318 became effective on March 21, 2009.

*Effective Dates*

Section 4 of D.C. Law 7-224 provided that this act shall not take effect until a similar act is passed by the Commonwealth of Virginia and the State of Maryland; the General Assembly of the Commonwealth of Virginia and the General Assembly of the State of Maryland are requested to concur in this act of the Council of the District of Columbia by the passage of a similar act; the District of Columbia shall notify the appropriate officials of the Commonwealth of Virginia and the State of Maryland of the passage of this act; and upon the concurrence of this act by the Commonwealth of Virginia and the State of Maryland, the Mayor of the District of Columbia shall issue a proclamation declaring this act valid and effective.

Section 5 of D.C. Law 11-138 provided that §§ 2, 3, and 4 shall take effect after those provisions have been adopted by the District of Columbia, the State of Maryland, and the Commonwealth of Virginia in a manner provided by law therefor, and have received the consent of Congress.

*Miscellaneous Notes*

Adoption of amendments subject to Congressional consent: Pursuant to § 2 of D.C. Law 11-138, the District of Columbia adopted amendments to Article I of Title I and Articles III, VI, XIII, XIV, and XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact as set forth in §§ 2 and 3 of the act, subject to the consent of Congress thereto and the fulfillment of the conditions in §§ 5 and 6 of the act.

Congressional ratification of Compact amendments:

Pub. L. 111-160 ratified D.C. Law 17-318.

## **§ 9-1103.02. CONGRESSIONAL CONSENT GIVEN TO EFFECTUATE AMENDMENTS TO COMPACT.**

The consent of Congress is hereby given to the State of Maryland and the Commonwealth of Virginia to effectuate the following amendments to the Compact, and the Mayor of the District of Columbia is authorized and directed to effectuate said amendments on behalf of the United States for the District of Columbia.

### Article I

There is hereby created the Washington Metropolitan Area Transit District, hereinafter referred to as Metropolitan District, which shall embrace the District of Columbia, the cities of Alexandria and Falls Church, the counties of Arlington and Fairfax, and political subdivisions of the State of Virginia located within those counties and that portion of Loudoun County, Virginia, occupied by the Dulles International Airport and the counties of Montgomery and Prince Georges, in the State of Maryland and political subdivisions of the State of Maryland located within said counties, and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the other boundaries of the combined area of said counties, cities and airport.

### Article XII

#### Transportation Covered

1.(a) This subchapter shall apply to the transportation for hire by any carrier of persons between any points in the Metropolitan District and to the persons engaged in rendering or performing such transportation service, except --

- (1) transportation by water;
- (2) transportation by the Federal Government, the signatories hereto, or any political subdivision thereof;
- (3) transportation by motor vehicles employed solely in transporting school children and teachers to or from public or private schools;
- (4) transportation performed in the course of an operation over a regular route, between a point in the Metropolitan District and a point outside the Metropolitan District, including transportation between points on such regular route within the Metropolitan District as to interstate and foreign commerce, if authorized by certificate of public convenience and necessity or permit issued by the Interstate Commerce Commission, and any carrier whose only transportation within the Metropolitan District is within this exemption shall not be deemed to be a carrier subject to the Compact; provided, however, if the primary function of a carrier's entire operations is the furnishing of mass transportation service within the Washington Metropolitan Area Transit District, then such operations in the Metropolitan District shall be subject to the jurisdiction of the Commission;
- (5) transportation performed by a common carrier by railroad subject to Part I of the Interstate Commerce Act, as amended.

(b) The provisions of this Title II shall not apply to transportation as specified in this section solely within the Commonwealth of Virginia and to the activities of persons engaged in such transportation, nor shall any provision of this Title II be construed to infringe the exercise of any power or the discharge of any duties conferred or imposed upon the State Corporation Commission of the Commonwealth of Virginia by the Virginia Constitution.

(c) Notwithstanding the provisions of paragraph (a) of this section, this Act shall apply to taxicabs and other vehicles used in performing a bona fide taxicab service having a seating capacity of eight passengers or less in addition to the driver thereof with respect only to (i) the rate or charges for transportation from one signatory to another within the confines of the Metropolitan District, and (ii) requirements for minimum insurance coverage.

#### Annual Report of the Commission

24. The Commission shall make an annual report for each fiscal year ending June thirtieth, to the Governor of Virginia and the Governor of Maryland, and to the Board of Commissioners of the District of Columbia as soon as practicable after June thirtieth, but no later than the 1st day of January of each year, which shall contain, in addition to a report of the work performed under this subchapter, such other information and recommendations concerning passenger transportation within the Metropolitan District, as the Commission deems advisable.

(Oct. 9, 1962, 76 Stat. 765, Pub. L. 87-767, § 1.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2412.



1973 Ed., § 1-1410a.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 9-1103.03. DUTIES OF MAYOR; APPROPRIATIONS AUTHORIZED; CONGRESSIONAL APPROVAL REQUIRED FOR COMPACT AMENDMENTS.**

The Mayor of the District of Columbia is authorized and directed to enter into and execute on behalf of the United States for the District of Columbia a Compact substantially as set forth above with the States of Virginia and Maryland and is further authorized and directed to carry out and effectuate the terms and provisions of said Compact, and there are hereby authorized to be appropriated such funds as are necessary to carry out the obligations of the District of Columbia in accordance with the terms of the said Compact; provided, that the said Mayor shall not adopt any amendment to the said Compact for the District of Columbia under the provisions of § 1 of Article IX of the Compact unless the said amendment has had the consent or approval of the Congress.

(Sept. 15, 1960, 74 Stat. 1050, Pub. L. 86-794, § 2.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2413.

1973 Ed., § 1-1411.

*References in Text*

The reference to "§ 1 of Article IX of the Compact," found in the proviso, was made prior to the revision of the Compact. The information is now found in § 1 of Article VIII of the Compact.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 9-1103.04. EFFECT OF COMPACT ON OTHER LAWS.**

Upon the effective date of the Compact and so long thereafter as the Compact remains effective, the applicability of the laws of the United States, and the rules, regulations, and orders promulgated thereunder, relating to or affecting transportation under the Compact and to the persons engaged therein, including those provisions of § 50-2201.03(e), relating to the powers of the Public Service Commission of the District of Columbia and the Joint Board created under such section, is suspended, except as otherwise specified in the Compact, to the extent that such laws, rules, regulations, and orders are inconsistent with or in duplication of the provisions of the Compact; provided, that upon the termination of the Compact, the suspension of such laws, rules, regulations, and orders, if not theretofore repealed, shall terminate and such laws, rules, regulations, and orders shall thereupon again become applicable and legally effective without further legislative or administrative action; provided further, that nothing in this subchapter or in the Compact shall affect the normal and ordinary police powers of the signatories and of the political subdivisions thereof and of the Director of the National Park Service with respect to the regulation of vehicles, control of traffic and use of streets, highways, and other vehicular facilities; provided

further, that nothing in this subchapter or in the Compact consented to and approved hereby shall impair or affect the rights, duties, and obligations created by the Act of July 24, 1956 (70 Stat. 598, ch. 669), granting a franchise to D.C. Transit System, Inc.; provided further, that the term "public interest" as used in § 3(c) of Article XII, Title II of the Compact shall be deemed to include, among other things, the interest of the carrier employees affected; and provided further, that nothing herein shall be deemed to render inapplicable any laws of the United States providing benefits for the employees of any carrier subject to this Compact or relating to the wages, hours, and working conditions of employees of any carrier, or to collective bargaining between the carriers and said employees, or to the rights to self-organization, including, but not limited to, the Labor-Management Relations Act, 1947, as amended (29 U.S.C. § 141 et seq.), and the Fair Labor Standards Act, as amended (29 U.S.C. § 201 et seq.). Notwithstanding any provision of this section to the contrary, the jurisdiction of the Public Service Commission of the District of Columbia and of the Interstate Commerce Commission over all carriers and persons subject to the provisions of the Washington Metropolitan Area Transit Regulation Compact are hereby transferred, as and to the extent provided therein, to the Washington Metropolitan Area Transit Commission.

(Sept. 15, 1960, 74 Stat. 1050, Pub. L. 86-794, § 3; Aug. 30, 1964, 78 Stat. 634, Pub. L. 88-503, § 21.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2414.

1973 Ed., § 1-1412.

*Editor's Notes*

This section was enacted prior to revision of the Compact. References to specific sections of the Compact have been updated following revision of the Compact.

*Miscellaneous Notes*

Joint Board abolished: The Joint Board, referred to in the first sentence, was abolished by § 503(c) of Reorganization Plan No. 3 of 1967.

**§ 9-1103.05. CONGRESSIONAL CONSENT CONDITIONED ON NONUSE OF COMPACT TO BREAK A LAWFUL STRIKE.**

The consent and approval of Congress set forth in § 9-1103.01 is given on the express condition that § 13(a) of Article XI and § 3(d) of Article XII of such Compact shall not be used to break a lawful strike by the employees of any carrier authorized to provide service pursuant to such Compact.

(Sept. 15, 1960, 74 Stat. 1050, Pub. L. 86-794, § 4.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2415.

1973 Ed., § 1-1413.

*Editor's Notes*

This section was enacted prior to revision of the Compact. References to specific sections of the Compact have been updated following revision of the Compact.

**§ 9-1103.06. JURISDICTION TO REVIEW ORDERS OF WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION AND TO ENFORCE COMPACT.**

Jurisdiction is hereby conferred:

(1) Upon the United States Court of Appeals for the Fourth Circuit and the United States Court of Appeals for the District of Columbia Circuit, respectively, to review orders of the Washington Metropolitan Area Transit Commission as provided by § 5, Article XII, Title II, of the Washington Metropolitan Area Transit Regulation Compact; and

(2) Upon the United States district courts to enforce the provisions of said Title II as provided in § 6, Article XII, Title II, of said Compact.

(Sept. 15, 1960, 74 Stat. 1051, Pub. L. 86-794, § 6.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2416.

1973 Ed., § 1-1415.

*Editor's Notes*

This section was enacted prior to revision of the Compact. References to specific sections of the Compact have been updated following revision of the Compact.

**§ 9-1103.07. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL SUBCHAPTER; SUBMISSION OF PERIODIC REPORTS TO CONGRESS; SCOPE OF CONGRESSIONAL INQUIRY.**

(a) The right to alter, amend, or repeal this subchapter is hereby expressly reserved.

(b) The Washington Metropolitan Area Transit Commission shall submit to Congress copies of all periodic reports made by that Commission to the Governors, the Mayor of the District of Columbia and/or the legislatures of the compacting States.

(c) The Congress or any committee thereof shall have the right to require the disclosure and furnishing of such information by the Washington Metropolitan Area Transit Commission as is deemed appropriate by the Congress or any of its committees. Further, Congress or any of its committees shall have access to all books, records and papers of the Washington Metropolitan Area Transit Commission as well as the right of inspection of any facility use, owned, leased, regulated or under the control of said Commission.

(Sept. 15, 1960, 74 Stat. 1051, Pub. L. 86-794, § 7.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2417.

1973 Ed., § 1-1416.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**SUBCHAPTER III. RAIL RAPID TRANSIT.**

**§ 9-1105.01. STATEMENT OF FINDINGS AND PURPOSE.**

To further the objectives of subchapter I of this chapter, the Congress hereby finds and declares that:

(1) A coordinated system of rail rapid transit, bus transportation service, and highways is essential in the National Capital region for the satisfactory movement of people and goods, the alleviation of present and future traffic congestion, the economic welfare and vitality of all parts of the region, the effective performance of the functions of the United States government located within the region, the orderly growth and development of the region, the comfort and convenience of the residents and visitors to the region, and the preservation of the beauty and dignity of the Nation's Capital;

(2) Such a coordinated system should be developed cooperatively by the federal, state, and local governments of the National Capital region as part of a balanced system of transportation utilizing to their best advantage highways and other transit facilities, and the cost of improved mass transit facilities should be financed, as far as possible, by persons using or benefiting from such facilities and their remaining costs should be shared equitably among the federal, state, and local governments;

(3) Various steps have already been taken to bring such a system into being, including the preparation by the Washington Metropolitan Area Transit Authority (hereinafter referred to as the "Authority") of a transit development program for the National Capital region, and authorization of the negotiation by the Mayor of the District of Columbia, the State of Maryland and the Commonwealth of Virginia of an

interstate compact to establish a regional transportation organization under the terms of §§ 1-1408 and 1-1409, and approval by the Congress of the Washington Metropolitan Area Transit Regulation Compact (§§ 9-1103.01 and 9-1103.02.) Nothing in this subchapter shall be construed as altering or amending the Washington Metropolitan Area Transit Regulation Compact;

(4) While the negotiation of an interstate compact to establish a regional transportation organization has not been completed, and plans for the development of improved mass transit facilities throughout the National Capital region are still being developed, the Authority has prepared a satisfactory transit development program for the establishment, principally within the District of Columbia, of a system of rail rapid transit lines and related facilities which are capable of being extended to serve other parts of the region, and the design and construction of such facilities should now proceed as contemplated by subchapter I of this chapter;

(5) In developing such improved transportation facilities, it is necessary that the operation of rail rapid transit and bus services be coordinated, and that the creation and operation of public rail rapid transit facilities be accomplished with the least possible adverse effect on the private companies transporting persons in the National Capital region, on their employees, and on persons, families and businesses displaced by the construction of such facilities.

(Sept. 8, 1965, 79 Stat. 663, Pub. L. 89-173, § 2.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2421.

1973 Ed., § 1-1421.

##### *References in Text*

Sections 1-1408 and 1-1409, referred to in the first sentence of paragraph (3) of this section, were repealed by the Act of December 9, 1969, 83 Stat. 322, Pub. L. 91-143, § 8(a)(1).

##### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

## **§ 9-1105.02. APPROPRIATIONS AUTHORIZED.**

The cost of designing, engineering, constructing, and equipping the facilities of the adopted regional system (as defined in § 9-1111.01(1)) shall be financed in part by the federal and District of Columbia governments, as follows:

(1) To finance the United States portion there is hereby authorized to be appropriated to the Authority an amount not to exceed \$100,000,000, which shall remain available until expended;

(2) To finance the District of Columbia portion there is hereby authorized to be appropriated to the Authority out of the General Fund of the District of Columbia an amount not to exceed \$50,000,000, which shall remain available until expended.

(Sept. 8, 1965, 79 Stat. 665, Pub. L. 89-173, § 5(a); Dec. 9, 1969, 83 Stat. 323, Pub. L. 91-143, § 8(b).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2422.

1973 Ed., § 1-1424.

## **§ 9-1105.03. SEVERABILITY.**

If any part of this subchapter is declared unconstitutional the constitutionality of no other part of the subchapter shall be affected thereby.

## **SUBCHAPTER IV. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY COMPACT.**

### **§ 9-1107.01. CONGRESSIONAL CONSENT GIVEN TO COMPACT AMENDMENT.**

The Congress hereby consents to, adopts and enacts for the District of Columbia an amendment to the Washington Metropolitan Area Transit Regulation Compact, for which Congress heretofore has granted its consent (§§ 9-1103.01 and 9-1103.02) by adding thereto Title III, known as the Washington Metropolitan Area Transit Authority Compact (referred to in this subchapter as Title III), substantially as set out below.

#### TITLE III

#### ARTICLE I

#### DEFINITIONS

1. As used in this Title, the following words and terms shall have the following meanings, unless the context clearly requires a different meaning:

- (a) "Board" means the Board of Directors of the Washington Metropolitan Area Transit Authority;
- (b) "Director" means a member of the Board of Directors of the Washington Metropolitan Area Transit Authority;
- (c) "Private transit companies" and "private carriers" means corporations, persons, firms or associations rendering transit service within the Zone pursuant to a certificate of public convenience and necessity issued by the Washington Metropolitan Area Transit Commission or by a franchise granted by the United States or any signatory party to this Title;
- (d) "Signatory" means the State of Maryland, the Commonwealth of Virginia and the District of Columbia;
- (e) "State" includes District of Columbia;
- (f) "Transit facilities" means all real and personal property located in the Zone, necessary or useful in rendering transit service between points within the Zone, by means of rail, bus, water or air and any other mode of travel, including without limitation, tracks, rights of way, bridges, tunnels, subways, rolling stock for rail, motor vehicle, marine and air transportation, stations, terminals and ports, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service;
- (g) "Transit services" means the transportation of persons and their packages and baggage by means of transit facilities between points within the Zone including the transportation of newspapers, express, and mail between such points, and charter service which originates within the Zone but does not include taxicab service or individual-ticket-sales sightseeing operations;
- (h) "Transit Zone" or "Zone" means the Washington Metropolitan Area Transit Zone created by and described in section 3, as well as any additional areas that may be added pursuant to section 83(a); and
- (i) "WMATC" means Washington Metropolitan Area Transit Commission.

#### ARTICLE II

#### PURPOSE AND FUNCTIONS

2. The purpose of this Title is to create a regional instrumentality, as a common agency of each signatory party, empowered, in the manner hereinafter set forth, (1) to plan, develop, finance and cause to be operated improved transit facilities, in coordination with transportation and general development planning for the Zone, as part of a balanced regional system of transportation, utilizing to their best advantage the various modes of transportation, (2) to coordinate the operation of the public and privately owned or controlled transit facilities, to the fullest extent practicable, into a unified regional transit system without unnecessary duplicating service, and (3) to serve such other regional purposes and to perform such other regional functions as the signatories may authorize by appropriate legislation.

## ARTICLE III

### ORGANIZATION AND AREA

#### Washington Metropolitan Area Transit Zone

3. There is hereby created the Washington Metropolitan Area Transit Zone which shall embrace the District of Columbia, the cities of Alexandria, Falls Church, and Fairfax, the counties of Arlington, Fairfax, and Loudoun and political subdivisions of the Commonwealth of Virginia located within those counties, and the counties of Montgomery and Prince George's in the State of Maryland and political subdivisions of the State of Maryland located in said counties.

#### Washington Metropolitan Area Transit Authority

4. There is hereby created, as an instrumentality and agency of each of the signatory parties hereto, the Washington Metropolitan Area Transit Authority which shall be a body corporate and politic, and which shall have the powers and duties granted herein and such additional powers as may hereafter be conferred upon it pursuant to law.

#### Board Membership

5.(a) The Authority shall be governed by a Board of 8 Directors consisting of 2 Directors for each Signatory, and 2 for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the federal government, by the Administrator of General Services. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint 2 nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed as an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the Office of Director or alternate, it shall be filled in the same manner as an original appointment.

(b) Before entering upon the duties of his office each Director and alternate director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the Constitution or laws of the Government he represents shall provide:

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

#### Compensation of Directors and Alternates

6. Members of the Board and alternates shall serve without compensation but may be reimbursed for necessary expenses incurred as an incident to the performance of their duties.

#### Organization and Procedure

7. The Board shall provide for its own organization and procedure. It shall organize annually by the election of a Chairman and Vice-Chairman from among its members. Meetings of the Board shall be held as frequently as the Board deems that the proper performance of its duties requires and the Board shall keep minutes of its meetings. The Board shall adopt rules and regulations governing its meeting, minutes and transactions.

#### Quorum and Actions by the Board

8.(a) Four Directors or alternates, consisting of at least one Director or alternate appointed from each Signatory, shall constitute a quorum and no action by the Board shall be effective unless a majority of the Board present and voting, which majority shall include at least one Director or alternate from each Signatory, concur therein; provided, however, that a plan of financing may be adopted or a mass transit plan adopted, altered, revised, or amended by the unanimous vote of the Directors representing any two Signatories.

(b) The actions of the Board shall be expressed by motion or resolution. Actions dealing solely with internal management of the Authority shall become effective when directed by the Board, but no other action shall become effective prior to the expiration of thirty days following its adoption; provided, however, that the Board may provide for the acceleration of any action upon a finding that such acceleration is required for the proper and timely performance of its functions.

#### Officers

9.(a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.

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

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

(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.

(e) An oath of office in the form set out in Section 5(b) of this Article shall be taken, subscribed and filed with the Board by all appointed officers.

(f) Each Director, officer and employees specified by the Board shall give such bond in such form and amount as the Board may require, the premium for which shall be paid by the Authority.

#### Conflict of Interests

10.(a) No Director, officer or employee shall:

(1) be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the Board or the Authority is a party;

(2) in connection with services performed within the scope of his official duties, solicit or accept money or any other thing of value in addition to the compensation or expenses paid to him by the Authority;

(3) offer money or any thing of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the authority.

(b) Any Director, officer or employee who shall willfully violate any provision of this section shall, in the discretion of the Board, forfeit his office or employment.

(c) Any contract or agreement made in contravention of this section may be declared void by the Board.

(d) Nothing in this section shall be construed to abrogate or limit the applicability of any federal or state law which may be violated by any action prescribed by this section.

#### ARTICLE IV

##### PLEDGE OF COOPERATION

11. Each Signatory pledges to each other faithful cooperation in the achievement of the purposes and objects of this Title.

#### ARTICLE V

##### GENERAL POWERS

##### Enumeration

12. In addition to the powers and duties elsewhere described in this Title, and except as limited in this Title, the Authority may:

(a) Sue and be sued;

(b) Adopt and use a corporate seal and alter the same at pleasure;

(c) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers conferred by this Title;

(d) Construct, acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, condemnation, lease, license, mortgage or otherwise but all of said property shall be located in the Zone and shall be necessary or useful in rendering transit service or in activities incidental thereto;

(e) Receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services may be transferred or made available to it by any signatory party, any political subdivision or agency thereof, by the United States, or by any agency thereof, or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or any part thereof;

(f) Enter into and perform contracts, leases and agreements with any person, firm or corporation or with any political subdivision or agency of any signatory party or with the federal government, or any agency thereof, including, but not limited to, contracts or agreements to furnish transit facilities and service;

(g) Create and abolish offices, employments and positions (other than those specifically provided for herein) as it deems necessary for the purposes of the Authority, and fix and provide for the qualification, appointment, removal, term, tenure, compensation, pension and retirement rights of its officers and employees without regard to the laws of any of the signatories;

(h) Establish, in its discretion, a personnel system based on merit and fitness and, subject to eligibility, participate in the pension and retirement plans of any signatory, or political subdivision or agency thereof, upon terms and conditions mutually acceptable;

(i) Contract for or employ any professional services;

(j) Control and regulate the use of facilities owned or controlled by the Authority, the service to be rendered and the fares and charges to be made therefor;

(k) Hold public hearings and conduct investigations relating to any matter affecting transportation in the Zone with which the Authority is concerned and, in connection therewith, subpoena witnesses, papers, records and documents; or delegate such authority to any officer. Each director may administer oaths or affirmations in any proceeding or investigation;

(l) Make or participate in studies of all phases and forms of transportation, including transportation vehicle research and development techniques and methods for determining traffic projections, demand motivations, and fiscal research and publicize and make available the results of such studies and other information relating to transportation; and

(m) Exercise, subject to the limitations and restrictions herein imposed, all powers reasonably necessary or essential to the declared objects and purposes of this Title.

## ARTICLE VI

### PLANNING

#### Mass Transit Plan

13.(a) The Board shall develop and adopt, and may from time to time review and revise, a mass transit plan for the immediate and long-range needs of the Zone. The mass transit plan shall include one or more plans designating (1) the transit facilities to be provided by the Authority, including the locations of terminals, stations, platforms, parking facilities and the character and nature thereof; (2) the design and location of such facilities; (3) whether such facilities are to be constructed or acquired by lease, purchase or condemnation; (4) a timetable for the provision of such facilities; (5) the anticipated capital costs; (6) estimated operating expenses and revenues relating thereto; and (7) the various other factors and considerations, which, in the opinion of the Board, justify and require the projects therein proposed. Such plan shall specify the types of equipment to be utilized, the areas to be served, the routes and schedules of service expected to be provided and the probable fares and charges therefor.

(b) In preparing the mass transit plan, and in any review or revision thereof, the Board shall make full utilization of all data, studies, reports and information available from the National Capital Transportation Agency and from any other agencies of the federal government, and from signatories and the political subdivisions thereof.

#### Planning Process

14.(a) The mass transit plan, and any revisions, alterations or amendments thereof, shall be coordinated, through the procedures hereinafter set forth, with

(1) other plans and programs affecting transportation in the Zone in order to achieve a balanced system of transportation, utilizing each mode to its best advantage;

(2) the general plan or plans for the development of the Zone; and

(3) the development plans of the various political subdivisions embraced within the Zone.

(b) It shall be the duty and responsibility of each member of the Board to serve as liaison between the Board and the body which appointed him to the Board. To provide a framework for regional



participation in the planning process, the Board shall create technical committees concerned with planning and collection and analyses of data relative to decision-making in the transportation planning process, and the Mayor and Council of the District of Columbia, the component governments of the Northern Virginia Transportation District and the Washington Suburban Transit District shall appoint representatives to such technical committees and otherwise cooperate with the Board in the formulation of a mass transit plan, or in revisions, alterations, or amendments thereof.

(c) The Board, in the preparation, revision, alteration or amendment of a mass transit plan, shall

(1) consider data with respect to current and prospective conditions in the Zone, including, without limitation, land use, population, economic factors affecting development plans, goals or objectives for the development of the Zone and the separate political subdivisions, transit demands to be generated by such development, travel patterns, existing and proposed transportation and transit facilities, impact of transit plans on the dislocation of families and businesses, preservation of the beauty and dignity of the Nation's Capital, factors affecting environmental amenities and aesthetics and financial resources;

(2) cooperate with and participate in any continuous, comprehensive transportation planning process cooperatively established by the highway agencies of the signatories and the local political subdivisions in the Zone to meet the planning standards now or hereafter prescribed by the Federal-Aid Highway Acts; and

(3) to the extent not inconsistent with or duplicative of the planning process specified in subparagraph (2) of this paragraph (c), cooperate with the National Capital Planning Commission, the National Capital Regional Planning Council, the Washington Metropolitan Council of Governments, the Washington Metropolitan Area Transit Commission, the highway agencies of the Signatories, the Maryland-National Capital Park and Planning Commission, the Northern Virginia Regional Planning and Economic Development Commission, the Maryland State Planning Department and the Commission of Fine Arts. Such cooperation shall include the creation, as necessary, of technical committees composed of personnel, appointed by such agencies, concerned with planning and collection and analysis of data relative to decisionmaking in the transportation planning process.

#### Adoption of Mass Transit Plan

15.(a) Before a mass transit plan is adopted, altered, revised or amended, the Board shall transmit such proposed plan, alteration, revision or amendment for comment to the following and to such other agencies as the Board shall determine:

(1) The Mayor and Council of the District of Columbia, the Northern Virginia Transportation Commission and the Washington Suburban Transit Commission;

(2) the governing bodies of the Counties and Cities embraced within the Zone;

(3) The transportation agencies of the Signatories;

(4) the Washington Metropolitan Area Transit Commission;

(5) the Washington Metropolitan Council of Governments;

(6) the National Capital Planning Commission;

(7) the National Capital Regional Planning Council;

(8) the Maryland-National Capital Park and Planning Commission;

(9) the Northern Virginia Regional Planning and Economic Development Commission;

(10) the Maryland State Planning Department; and

(11) the private transit companies operating in the Zone and the Labor Unions representing the employees of such companies and employees of contractors providing service under operating contracts.

(b) A copy of the proposed mass transit plan, amendment, or revision shall be kept at the office of the Board and shall be available for public inspection. Information with respect thereto shall be released to the public. After 30 days notice published once a week for 2 successive weeks in one or more newspapers of general circulation within the Transit Zone, a public hearing shall be held with respect to the proposed plan, alteration, revision, or amendment. The 30 days notice shall begin to run on the first day the notice appears in any such newspaper. The Board shall consider the evidence submitted and statements and comments made at such hearing and may make any changes in the proposed plan, amendment, or revision which it deems appropriate and such changes may be made without further hearing.

#### ARTICLE VII

#### FINANCING

#### Policy

16. With due regard for the policy of Congress for financing a mass transit plan for the Zone set forth in Section 204(g) of the National Capital Transportation Act of 1960 (74 Stat. 537), it is hereby declared to be the policy of this Title that, as far as possible, the payment of all costs shall be borne by the persons using or benefiting from the Authority's facilities and services and any remaining costs shall be equitably shared among the federal, District of Columbia and participating local governments in the Zone. The allocation among such governments of such remaining costs shall be determined by agreement among them and shall be provided in the manner hereinafter specified.

#### Plan of Financing

17.(a) The Authority, in conformance with said policy, shall prepare and adopt a plan for financing the construction, acquisition, and operation of facilities specified in a mass transit plan adopted pursuant to Article VI hereof, or in any alteration, revision or amendment thereof. Such plan of financing shall specify the facilities to be constructed or acquired, the cost thereof, the principal amount of revenue bonds, equipment trust certificates, and other evidences of debt proposed to be issued, the principal terms and provisions of all loans and underlying agreements and indentures, estimated operating expenses and revenues, and the proposed allocation among the federal, District of Columbia, and participating local governments of the remaining costs and deficits, if any, and such other information as the Commission may consider appropriate.

(b) Such plan of financing shall constitute a proposal to the interested governments for financial participation and shall not impose any obligation on any government and such obligations shall be created only as provided in Section 18 of this Article VII.

#### Commitments for Financial Participation

18.(a) Commitments on behalf of the portion of the Zone located in Virginia shall be by contract or agreement by the Authority with the Northern Virginia Transportation District, or its component governments, as authorized in the Transportation District Act of 1964 (Ch. 631, 1964 Acts of Virginia Assembly), to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or any alteration, revision or amendment thereof, and for meeting expenses and obligations in the operation of such facilities. No such contract or agreement, however, shall be entered into by the Authority with the Northern Virginia Transportation District unless said District has entered into the contracts or agreements with its member governments, as contemplated by Section 1(b)(4) of Article 4 of said Act, which contracts or agreements expressly provide that such contracts or agreements shall inure to the benefit of the Authority and shall be enforceable by the Authority in accordance with the provisions of Section 2, Article 5 of said Act, and such contracts or agreements are acceptable to the Board. The General Assembly of Virginia hereby authorizes and designates the Authority as the agency to plan for and provide transit facilities and services for the area of Virginia encompassed within the Zone within the contemplation of Article 1, Section 3(c) of said Act.

(b) Commitments on behalf of the portion of the Zone located in Maryland shall be by contract or agreement by the Authority with the Washington Suburban Transit District, pursuant to which the Authority undertakes to provide transit facilities and service in consideration for the agreement by said District to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or in any alteration, revision or amendment thereof, and for meeting expenses and obligations incurred in the operation of such facilities.

(c) With respect to the District of Columbia and the federal government, the commitment or obligation to render financial assistance shall be created by appropriation or in such other manner, or by such other legislation, as the Congress shall determine. If prior to making such commitment by or on behalf of the District of Columbia, legislation is enacted by the Congress granting the governing body of the District of Columbia plenary power to create obligations and levy taxes, the commitment by the District of Columbia shall be by contract or agreement between the governing body of the District of Columbia and the Authority, pursuant to which the Authority undertakes, subject to the provisions of Section 20 hereof, to provide transit facilities and service in consideration for the undertaking by the District of Columbia to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or in any alteration, revision or amendment thereof, and for meeting expenses and obligations incurred in the operation of such facilities.

(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized by Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (Pub. L. No. 110-432; 122 Stat. 4848), regarding funding of capital and preventive maintenance projects of the Authority shall be made from amounts derived from dedicated funding sources.

(2) For the purposes of this subsection, a "dedicated funding source" means any source of funding that is earmarked or required under state or local law to be used to match federal appropriations authorized under Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (Pub. L. No. 110-432; 122 Stat. 4848), for payments to the Authority.

#### Administrative Expenses

19. Prior to the time the Authority has receipts from appropriations and contracts or agreements as provided in Section 18 of this Article VII, the expenses of the Authority for administration and for preparation of a mass transit and financing plan, including all engineering, financial, legal and other services required in connection therewith, shall, to the extent funds for such expenses are not provided through grants by the federal government, be borne by the District of Columbia, by the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District. Such expenses shall be allocated among such governments on the basis of population as reflected by the latest available population statistics of the Bureau of the Census; provided, however, that upon the request of any Director the Board shall make the allocation upon estimates of population acceptable to the Board. The allocations shall be made by the Board and shall be included in the annual current expense budget prepared by the Board.

#### Acquisition of Facilities from Federal or Other Agencies

20.(a) The Authority is authorized to acquire by purchase, lease or grant or in any manner other than condemnation, from the federal government, or any agency thereof, from the District of Columbia, Maryland or Virginia, or any political subdivision or agency thereof, any transit and related facilities, including real and personal property and all other assets, located within the Zone, whether in operation or under construction. Such acquisition shall be made upon such terms and conditions as may be agreed upon and subject to such authorization or approval by the Congress and the governing body of the District of Columbia, as may be required; provided, however, that if such acquisition imposes or may impose any further or additional obligation or liability upon the Washington Suburban Transit District, the Northern Virginia Transportation District, or any component government thereof, under any contract with the Authority, the Authority shall not make such acquisition until any such affected contract has been appropriately amended.

(b) For such purpose, the authority is authorized to assume all liabilities and contracts relating thereto, to assume responsibility as primary obligor, endorser or guarantor on any outstanding revenue bonds, equipment trust certificates or other form of indebtedness authorized in this Act issued by such predecessor agency or agencies and, in connection therewith, to become a party to, and assume the obligations of, any indenture or loan agreement underlying or issued in connection with any outstanding securities or debts.

#### Temporary Borrowing

21. The Board may borrow, in anticipation of receipts, from any signatory, the Washington Suburban Transit District, the Northern Virginia Transportation District or any component government thereof, or from any lending institution for any purposes of this Title, including administrative expenses. Such loans shall be for a term not to exceed two years and at such rates of interest as shall be acceptable to the Board. The signatories and any such political subdivision or agency may, in its discretion, make such loans from any available money.

#### Funding

22. The Board shall not construct or acquire any of the transit facilities specified in a mass transit plan adopted pursuant to the provisions of Article VI of this Title, or in any alteration, revision or amendment thereof, nor make any commitments or incur any obligations with respect thereto until funds are available therefor.

### ARTICLE VIII

#### BUDGET

##### Capital Budget

23. The Board shall annually adopt a capital budget, including all capital projects it proposes to undertake or continue during the budget period, containing a statement of the estimated cost of each project and the method of financing thereof.

##### Current Expense Budget

24. The Board shall annually adopt a current expense budget for each fiscal year. Such budget shall include the Board's estimated expenditures for administration, operation, maintenance and repairs, debt service requirements and payments to be made into any funds required to be maintained. The total of such expenses shall be balanced by the Board's estimated revenues and receipts from all sources, excluding funds included in the capital budget or otherwise earmarked for other purposes.

##### Adoption and Distribution of Budgets

25.(a) Following the adoption by the Board of Annual capital and current expense budgets, the general manager shall transmit certified copies of such budgets to the principal budget officer of the federal government, the District of Columbia, the Washington Suburban Transit District and of the component governments of the Northern Virginia Transportation Commission at such time and in such manner as may be required under their respective budgetary procedures.

(b) Each budget shall indicate the amounts, if any, required from the federal government, the Government of the District of Columbia, the Washington Suburban Transit District and the component

governments of the Northern Virginia Transportation District, determined in accordance with the commitments made pursuant to Article VII, Section 18 of this Title, to balance each of said budgets.

#### Payments

26. Subject to such review and approval as may be required by their budgetary or other applicable processes, the federal government, the Government of the District of Columbia, the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District shall include in their respective budgets next to be adopted and appropriate or otherwise provide the amounts certified to each of them as set forth in the budgets.

### ARTICLE IX

#### REVENUE BONDS

##### Borrowing Power

27. The Authority may borrow money for any of the purposes of this Title, may issue its negotiable bonds and other evidences of indebtedness in respect thereto and may mortgage or pledge its properties, revenues and contracts as security therefor.

All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the Authority. The bonds and other obligations of the Authority, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the Authority and the full faith and credit of the Authority are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the Authority assumed by it to or for the benefit of the holders thereof.

##### Funds and Expenses

28. The purposes of this Title shall include, without limitation, all costs of any project or facility or any part thereof, including interest during a period of construction and for a period not to exceed two years thereafter and any incidental expenses (legal, engineering, fiscal, financial, consultant and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with administration, the planning, design, acquisition, construction, completion, improvement or reconstruction of any facility or any part thereof; and reimbursement of advances by the Board or by others for such purposes and for working capital.

##### Credit Excluded; Officers, State, Political Subdivisions and Agencies

29. The Board shall have no power to pledge the credit of any signatory party, political subdivision or agency thereof, or to impose any obligation for payment of the bonds upon any signatory party, political subdivision or agency thereof, but may pledge the contracts of such governments and agencies; provided, however, that the bonds may be underwritten in whole or in part as to principal and interest by the United States, or by any political subdivision or agency of any signatory; provided, further, that any bonds underwritten in whole or in part as to principal and interest by the United States shall not be issued without approval of the Secretary of the Treasury. Neither the Directors nor any person executing the bonds shall be liable personally on the bonds of the Authority or be subject to any personal liability or accountability by reason of the issuance thereof.

##### Funding and Refunding

30. Whenever the Board deems it expedient, it may fund and refund the bonds and other obligations of the Authority whether or not such bonds and obligations have matured. It may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including the payment of any premium, duplicate interest or each cash adjustment required in connection therewith) issued by the Authority or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the Authority or which are payable out of the revenues of any facility acquired by the Authority. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the Authority. All provisions of this Title applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale or exchange thereof.

##### Bonds; Authorization Generally

31. Bonds and other indebtedness of the Authority shall be authorized by resolution of the Board. The validity of the authorization and issuance of any bonds by the Authority shall not be dependent upon nor affected in any way by: (i) the deposition of bond proceeds by the Board or by contract, commitment or action taken with respect to such proceeds; or (ii) the failure to complete any part of the project for which bonds are authorized to be issued. The Authority may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the Board may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues and franchises under its control. Bonds may be issued by the Authority in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to principal alone or as to both principal and interest, as may be determined by the Board. The Board may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such

redemption provisions, including premiums, as the Board may determine.

#### Bonds; Resolutions and Indentures Generally

32. The Board may determine and enter into indentures or adopt resolutions providing for the principal amount, date or dates, maturities, interest rate, or rates, denominations, form, registration, transfer, interchange and other provisions of the bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid, redeemed, funded and refunded. The resolution of the Board authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions not inconsistent with the provisions of this Title, other than any restriction on the regulatory powers vested in the Board by this Title, as the Board may deem necessary or desirable for the issue, payment, security, protection or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application and disposition of such revenues, of the proceeds of the bonds, and of any other moneys or contracts of the Authority; the operation, maintenance, repair and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities; the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the Authority or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this Title into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this Title and is bound thereby.

#### Maximum Maturity

33. No bond or its terms shall mature in more than fifty years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

#### Tax Exemption

34. All bonds and all other evidences of debt issued by the Authority under the provisions of this Title and the interest thereon shall at all times be free and exempt from all taxation by or under authority of any signatory parties, except for transfer, inheritance and estate taxes.

#### Interest

35. Bonds shall bear interest at such rate or rates as may be determined by the Board, payable annually or semiannually.

#### Place of Payment

36. The Board may provide for the payment of the principal and interest of bonds at any place or places within or without the signatory states, and in any specified lawful coin or currency of the United States of America.

#### Execution

37. The Board may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of members of the Board, and by additional authentication by a trustee or fiscal agent appointed by the Board; provided, however, that one of such signatures shall be manual. If any of the members whose signatures or countersignatures appear upon the bonds or coupons cease to be members before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the members had remained in office until the delivery of the bonds and coupons.

#### Holding Own Bonds

38. The Board shall have power out of any funds available therefor to purchase its bonds and may hold, cancel or resell such bonds.

#### Sale

39. The Board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The Board may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the Authority calculated upon the entire issue so sold in excess of the applicable rate determined by the Board, payable semiannually, computed with relation to the absolute maturity of the bonds according to standard tables of bond values, deducting the amount of any premium to be paid on the redemption of any bonds prior to maturity. All bonds issued and sold pursuant to this Title may be sold in such manner, either at public or private sale, as the Board shall determine.

## Negotiability

40. All bonds issued under the provisions of this Title are negotiable instruments.

### Bonds Eligible for Investment and Deposit

41. Bonds issued under the provisions of this Title are hereby made securities in which all public officers and public agencies of the signatories and their political subdivisions and all banks, trust companies, savings and loan associations, investment companies and others carrying on a banking business, all insurance companies and insurance associations and others carrying on an insurance business, all administrators, executors, guardians, trustees and other fiduciaries, and all other persons may legally and properly invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any officer of any signatory, or of any agency or political subdivision of any signatory, for any purpose for which the deposit of bonds or other obligations of such signatory is now or may hereafter be authorized by law.

### Validation Proceedings

42. Prior to the issuance of any bonds, the Board may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the signatory parties. Such proceeding shall be instituted and prosecuted in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever and against each of the signatory parties.

### Recording

43. No indenture need be recorded or filed in any public office, other than the office of the Board. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipt of such revenues by the Board of the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the Board or to the indenture trustee.

### Pledged Revenues

44. Bond redemption and interest payments shall, to the extent provided in the resolution or indenture, constitute a first, direct and exclusive charge and lien on all revenues received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid.

### Remedies

45. The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated: (1) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the Board or assumed by it, its officers, agents or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the facilities, or in connection with the collection, deposit, investment, application and disbursement of the revenues derived from the operation and use of the facilities, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds; or (2) by action or suit in a court of competent jurisdiction of any signatory party require the Authority to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

## ARTICLE X

### EQUIPMENT TRUST CERTIFICATES

#### Power

46. The Board shall have power to execute agreements, leases and equipment trust certificates with respect to the purchase of facilities or equipment such as cars, trolley buses and motor buses, or other craft, in the form customarily used in such cases and appropriate to effect such purchase, and may dispose of such equipment trust certificates in such manner as it may determine to be for the best interests of the Authority. Each vehicle covered by an equipment trust certificate shall have the name of the owner or lessor plainly marked upon both sides thereof, followed by the words "Owner and Lessor."

#### Payments

47. All monies required to be paid by the Authority under the provisions of such agreements, leases and equipment trust certificates shall be payable solely from the revenue to be derived from the operation of the transit system or from such grants, loans, appropriations or other revenues, as may be available to the Board under the provisions of this Title. Payment for such facilities or equipment, or rentals thereof, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates

as aforesaid, and title to such facilities or equipment may not vest in the Authority until the equipment trust certificates are paid.

#### Procedure

48. The agreement to purchase facilities or equipment by the Board may direct the vendor to sell and assign the equipment to a bank or trust company, duly authorized to transact business in any of the signatory States, or to the Housing and Home Finance Administrator, as trustee, lessor or vendor, for the benefit and security of the equipment trust certificates and may direct the trustee to deliver the facilities and equipment to one or more designated officers of the Board and may authorize the trustee simultaneously therewith to execute and deliver a lease of the facilities or equipment to the Board.

#### Agreements and Leases

49. The agreements and leases shall be duly acknowledged before some person authorized by law to take acknowledgements of deeds and in the form required for acknowledgement of deeds and such agreements, leases, and equipment trust certificates shall be authorized by resolution of the Board and shall contain such covenants, conditions and provisions as may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenues to be derived from the operation of the transit system and other funds.

The covenants, conditions and provisions of the agreements, leases and equipment trust certificates shall not conflict with any of the provisions of any resolution or trust agreement securing the payment of bonds or other obligations of the Authority then outstanding or conflict with or be in derogation of the rights of the holders of any such bonds or other obligations.

#### Law Governing

50. The equipment trust certificates issued hereunder shall be governed by Laws of the District of Columbia and for this purpose the chief place of business of the Authority shall be considered to be the District of Columbia. The filing of any documents required or permitted to be filed shall be governed by the Laws of the District of Columbia.

### ARTICLE XI

#### OPERATION OF FACILITIES

##### Operation by Contract or Lease

51. Any facilities and properties owned or controlled by the Authority may be operated by the Authority directly or by others pursuant to contract or lease as the Board may determine.

##### The Operating Contract

52. Without limitation upon the right of the Board to prescribe such additional terms and provisions as it may deem necessary and appropriate, the operating contract shall:

- (a) specify the services and functions to be performed by the Contractor;
- (b) provide that the Contractor shall hire, supervise and control all personnel required to perform the services and functions assumed by it under the operating contract and that all such personnel shall be employees of the Contractor and not of the Authority;
- (c) require the Contractor to assume the obligations of the labor contract or contracts of any transit company which may be acquired by the Authority and assume the pension obligations of any such transit company;
- (d) require the Contractor to comply in all respects with the labor policy set forth in Article XIV of this Title;
- (e) provide that no transfer of ownership of the capital stock, securities or interests in any Contractor, whose principal business is the operating contract, shall be made without written approval of the Board and the certificates or other instruments representing such stock, securities or interest shall contain a statement of this restriction;
- (f) provide that the Board shall have the sole authority to determine the rates or fares to be charged, the routes to be operated and the service to be furnished;
- (g) specify the obligations and liabilities which are to be assumed by the Contractor and those which are to be the responsibility of the Authority;
- (h) provide for an annual audit of the books and accounts of the Contractor by an independent certified public accountant to be selected by the Board and for such other audits, examinations and investigations of the books and records, procedures and affairs of the Contractor at such times and in such manner as the Board shall require, the cost of such audits, examinations and investigations to be borne as agreed by the parties in the operating contract; and
- (i) provide that no operating contract shall be entered into for a term in excess of five years; provided, that any such contract may be renewed for successive terms, each of which shall not exceed five years. Any such operating contract shall be subject to termination by the Board for cause only.

## Compensation for Contractor

53. Compensation to the Contractor under the operating contract may, in the discretion of the Board, be in the form of (1) a fee paid by the Board to the Contractor for services, (2) a payment by the Contractor to the Board for the right to operate the system, or (3) such other arrangement as the Board may prescribe; provided, however, that the compensation shall bear a reasonable relationship to the benefits to the Authority and to the estimated costs the Authority would incur in directly performing the functions and duties delegated under the operating contract; and provided, further, that no such contract shall create any right in the Contractor (1) to make or change any rate or fare or alter or change the service specified in the contract to be provided or (2) to seek judicial relief by any form of original action, review or other proceedings from any rate or fare or service prescribed by the Board. Any assertion, or attempted assertion, by the Contractor of the right to make or change any rate or fare or service prescribed by the Board shall constitute cause for termination of the operating contract. The operating contract may provide incentives for efficient and economical management.

## Selection of Contractor

54. The Board shall enter into an operating contract only after formal advertisement and negotiations with all interested and qualified parties, including private transit companies rendering transit service within the Zone; provided, however, that, if the Authority acquires transit facilities from any agency of the federal or District of Columbia governments, in accordance with the provisions of Article VII, Section 20 of this Title, the Authority shall assume the obligations of any operating contract which the transferor agency may have entered into.

## ARTICLE XII

### COORDINATION OF PRIVATE AND PUBLIC FACILITIES

#### Declaration of Policy

55. It is hereby declared that the interest of the public in efficient and economical transit service and in the financial well-being of the Authority and of the private transit companies requires that the public and private segments of the regional transit system be operated, to the fullest extent possible, as a coordinated system without unnecessary duplicating service.

#### Implementation of Policy

56. In order to carry out the legislative policy set forth in Section 55 of this Article XII

(a) The Authority --

(1) except as herein provided, shall not, directly or through a Contractor, perform transit service by bus or similar motor vehicles;

(2) shall, in cooperation with the private carriers and WMATC, coordinate to the fullest extent practicable, the schedules for service performed by its facilities with the schedules for service performed by private carriers; and

(3) shall enter into agreements with the private carriers to establish and maintain, subject to approval by WMATC, through routes and joint fares and provide for the division thereof, or, in the absence of such agreements, establish and maintain through routes and joint fares in accordance with orders issued by WMATC directed to the private carriers when the terms and conditions for such through service and joint fares are acceptable to it.

(b) The WMATC, upon application, complaint, or upon its own motion, shall --

(1) direct private carriers to coordinate their schedules for service with the schedules for service performed by facilities owned or controlled by the Authority;

(2) direct private carriers to improve or extend any existing services or provide additional service over additional routes;

(3) authorize a private carrier, pursuant to agreement between said carrier and the Authority, to establish and maintain through routes and joint fares for transportation to be rendered with facilities owned or controlled by the Authority if, after hearing held upon reasonable notice, WMATC finds that such through routes and joint fares are required by the public interest; and

(4) in the absence of such an agreement with the Authority, direct a private carrier to establish and maintain through routes and joint fares with the Authority, if, after hearing held upon reasonable notice, WMATC finds that such through service and joint fares are required by the public interest; provided, however, that no such order, rule or regulation of WMATC shall be construed to require the Authority to establish and maintain any through route and joint fare.

(c) WMATC shall not authorize or require a private carrier to render any service, including the establishment or continuation of a joint fare for a through route service with the Authority which is based on a division thereof between the Authority and private carrier which does not provide a reasonable return to the private carrier, unless the carrier is currently earning a reasonable return on its operation as a whole in performing transportation subject to the jurisdiction of WMATC. In determining the issue



of reasonable return, WMATC shall take into account any income attributable to the carrier, or to any corporation, firm or association owned in whole or in part by the carrier, from the Authority whether by way of payment for services or otherwise.

(d) If the WMATC is unable, through the exercise of its regulatory powers over the private carriers granted in paragraph (b) hereof or otherwise, to bring about the requisite coordination of operations and service between the private carriers and the Authority, the Authority may in the situations specified in paragraph (b) hereof, cause such transit service to be rendered by its Contractor by bus or other motor vehicle, as it shall deem necessary to effectuate the policy set forth in Section 55 hereof. In any such situation, the Authority, in order to encourage private carriers to render bus service to the fullest extent practicable, may, pursuant to agreement, make reasonable subsidy payments to any private carrier.

(e) The Authority may acquire the capital stock or transit facilities of any private transit company and may perform transit service, including service by bus or similar motor vehicle, with transit facilities so acquired, or with transit facilities acquired pursuant to article VII, section 20. Upon acquisition of the capital stock or the transit facilities of any private transit company, the Authority shall undertake the acquisition as soon as possible of the capital stock or the transit facilities of each of the other private transit companies within the zone requesting such acquisition. Lack of such request, however, shall not be construed to preclude the Authority from acquiring the capital stock or the transit facilities of any such company pursuant to Section 82 of Article XVI.

#### Rights of Private Carriers Unaffected

57. Nothing in this Title shall restrict or limit such rights and remedies, if any, that any private carrier may have against the Authority arising out of acts done or actions taken by the Authority hereunder. In the event any court of competent jurisdiction shall determine that the Authority has unlawfully infringed any rights of any private carrier or otherwise caused or permitted any private carrier to suffer legally cognizable injury, damages or harm and shall award a judgment therefor, such judgment shall constitute a lien against any and all of the assets and properties of the Authority.

#### Financial Assistance to Private Carriers

58.(a) The Board may accept grants from and enter into loan agreements with the Housing and Home Finance Administrator, pursuant to the provisions of the Urban Mass Transportation Act of 1964 (78 Stat. 302), or with any successor agency or under any law of similar purport, for the purpose of rendering financial assistance to private carriers.

(b) An application by the Board for any such grant or loan shall be based on and supported by a report from WMATC setting forth for each private carrier to be assisted (1) the equipment and facilities to be acquired, constructed, reconstructed, or improved, (2) the service proposed to be rendered by such equipment and facilities, (3) the improvement in service expected from such facilities and equipment, (4) how the use of such facilities and equipment will be coordinated with the transit facilities owned by the Authority, (5) the ability of the affected private carrier to repay any such loans or grants and (6) recommend terms for any such loans or grants.

(c) Any equipment or facilities acquired, constructed, reconstructed or improved with the proceeds of such grants or loans shall be owned by the Authority and may be made available to private carriers only by lease or other agreement which contain provisions acceptable to the Housing and Home Finance Administrator assuring that the Authority will have satisfactory continuing control over the use of such facilities and equipment.

### ARTICLE XIII

#### JURISDICTION; RATES AND SERVICE

##### Washington Metropolitan Area Transit Commission

59. Except as provided herein, this Title shall not affect the functions and jurisdiction of WMATC, as granted by Titles I and II of this Compact, over the transportation therein specified and the persons engaged therein and the Authority shall have no jurisdiction with respect thereto.

##### Public Facilities

60. Service performed by transit facilities owned or controlled by the Authority, and the rates and fares to be charged for such service, shall be subject to the sole and exclusive jurisdiction of the Board and, notwithstanding any other provision in this Compact contained, WMATC shall have no authority with respect thereto, or with respect to any contractor in connection with the operation by it of transit facilities owned or controlled by the Authority. The determinations of the Board with respect to such matters shall not be subject to judicial review nor to the processes of any court.

##### Standards

61. Insofar as practicable, and consistent with the provision of adequate service at reasonable fares, the rates and fares and service shall be fixed by the Board so as to result in revenues which will:

(a) pay the operating expenses and provide for repairs, maintenance and depreciation of the transit

system owned or controlled by the Authority;

(b) provide for payment of all principal and interest on outstanding revenue bonds and other obligations and for payment of all amounts to sinking funds and other funds as may be required by the terms of any indenture or loan agreement;

(c) provide for the purchase, lease or acquisition of rolling stock, including provisions for interest, sinking funds, reserve funds, or other funds required for payment of any obligations incurred by the Authority for the acquisition of rolling stock; and

(d) provide funds for any purpose the Board deems necessary and desirable to carry out the purposes of this Title.

#### Hearings

62.(a) The Board shall not raise any fare or rate, nor implement a major service reduction, except after holding a public hearing with respect thereto.

(b) Any signatory, any political subdivision thereof, any agency of the federal government and any person, firm or association served by or using the transit facilities of the Authority and any private carrier may file a request with the Board for a hearing with respect to any rates or charges made by the Board or any service rendered with the facilities owned or controlled by the Authority. Such request shall be in writing, shall state the matter on which a hearing is requested and shall set forth clearly the matters and things on which the request relies. As promptly as possible after such a request is filed, the Board, or such officer or employee as it may designate, shall confer with the protestant with respect to the matters complained of. After such conference, the Board, if it deems the matter meritorious and of general significance, may call a hearing with respect to such request.

(c) The Board shall give at least 15 days notice for all public hearings. The notice shall be given by publication in a newspaper of daily circulation throughout the Transit Zone and such notice shall be published once a week for 2 successive weeks. The notice period shall start with the first day of publication. Notices of public hearings shall be posted in accordance with regulations promulgated by the Board.

(d) Prior to calling a hearing on any matter specified in this section, the Board shall prepare and file at its main office and keep open for public inspection its report relating to the proposed action to be considered at such hearing. Upon receipt by the Board of any report submitted by WMATC, in connection with a matter set for hearing, pursuant to the provisions of Section 63 of this Article XIII, the Board shall file such report at its main office and make it available for public inspection. For hearings called by the Board pursuant to paragraph (b), above, the Board also shall cause to be lodged and kept open for public inspection the written request upon which the hearing is granted and all documents filed in support thereof.

#### Reference of Matters to WMATC

63. To facilitate the attainment of the public policy objectives for operation of the publicly and privately owned or controlled transit facilities as stated in Article XII, Section 55, prior to the hearing provided for by Section 62 hereof --

(a) The Board shall refer to WMATC for its consideration and recommendations, any matter which the Board considers may affect the operation of the publicly and privately owned or controlled transit facilities as a coordinated regional transit system and any matter for which the Board has called a hearing, pursuant to Section 62 of this Article XIII, except that temporary or emergency changes in matters affecting service shall not be referred; and

(b) WMATC, upon such reference of any matter to it, shall give the referred matter preference over any other matters pending before it and shall, as expeditiously as practicable, prepare and transmit its report thereon to the Board. The Board may request WMATC to reconsider any part of its report or to make any supplemental reports it deems necessary. All of such reports shall be advisory only.

(c) Any report submitted by WMATC to the Board shall consider, without limitation, the probable effect of the matter or proposal upon the operation of the publicly and privately owned or controlled transit facilities as a coordinated regional system, passenger movements, fare structures, service and the impact on the revenues of both the public and private facilities.

#### ARTICLE XIV

#### LABOR POLICY

#### Construction

64. The Board shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings and works which are undertaken by the Authority or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and every such employee shall receive compensation at a rate not less than one

and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in each bid proposal form and shall be made a part of the contract covering the project, which contract shall be deemed to be a contract of the character specified in Section 103 of the Contract Work Hours Standards Act (76 Stat. 357), as now or as may hereafter be in effect. The Secretary of Labor shall have, with respect to the administration and enforcement of the labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan No. 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z-15), and section 2 of the Act of June 13, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276 (c)). The requirements of this section shall also be applicable with respect to the employment of laborers and mechanics in the construction, alteration or repair, including painting and decorating, of the transit facilities owned or controlled by the Authority where such activities are performed by a Contractor pursuant to agreement with the operator of such facilities.

#### Equipment and Supplies

65. Contracts for the manufacture or furnishing of materials, supplies, articles and equipment shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), as now or as may hereafter be in effect.

#### Operations

66.(a) The rights, benefits, and other employee protective conditions and remedies of section 13(c) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1609(c)), as determined by the Secretary of Labor shall apply to the operation by the Washington Metropolitan Area Transit Authority of any mass transit facilities owned or controlled by it and to any contract or other arrangement for the operation of transit facilities. Whenever the Authority shall operate any transit facility or enter into any contractual or other arrangements for the operation of such transit facility the Authority shall extend to employees of affected mass transportation systems first opportunity for transfer and appointment as employees of the Authority in accordance with seniority, in any nonsupervisory job in respect to such operations for which they can qualify after a reasonable training period. Such employment shall not result in any worsening of the employee's position in his former employment nor any loss of wages, hours, working conditions, seniority, fringe benefits and rights and privileges pertaining thereto.

(b) The Authority shall deal with and enter into written contracts with employees as defined in section 152 of title 29, United States Code, through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions.

(c) In case of any labor dispute involving the Authority and such employees where collective bargaining does not result in agreement, the Authority shall submit such dispute to arbitration by a board composed of three persons, one appointed by the Authority, one appointed by the labor organization representing the employees, and a third member to be agreed upon by the labor organization and the Authority. The member agreed upon by the labor organization and the Authority shall act as chairman of the board. The determination of the majority of the board of arbitration, thus established shall be final and binding on all matters in dispute. If after a period of ten days from the date of the appointment of the two arbitrators representing the Authority and the labor organization, the third arbitrator has not been selected, then either arbitrator may request the Federal Mediation and Conciliation Service to furnish a list of five persons from which the third arbitrator shall be selected. The arbitrators appointed by the Authority and the labor organization, promptly after the receipt of such list shall determine by lot the order of elimination, and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third arbitrator. The term "labor dispute" shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions, or benefits including health and welfare, sick leave, insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, and the interpretation or application of such collective bargaining agreements and any grievance that may arise and questions concerning representation. Each party shall pay one-half of the expenses of such arbitration.

(d) The Authority is hereby authorized and empowered to establish and maintain a system of pensions and retirement benefits for such officers and employees of the Authority as may be designated or described by resolution of the Authority; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide that persons eligible for admission in such pension system shall not be eligible for admission to, or receive any benefits from, any other pension system (except social security benefits), which is financed or funded, in whole or in part, directly or indirectly by funds paid or appropriated by the Authority to such other pension system, and to provide in connection with such pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such pension system after the death of such participant (whether accidental or otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such exceptions,

conditions, restrictions and classifications as may be provided by resolution of the Authority. Such pension system shall be financed or funded by such means and in such manner as may be determined by the Authority to be economically feasible. Unless the Authority shall otherwise determine, no officer or employee of the Authority and no beneficiary or dependent of any such officer or employee shall be eligible to receive any pension or retirement or other benefits both from or under any such pension system and from or under any pension or retirement system established by an acquired transportation system or established or provided for, by or under the provisions of any collective bargaining agreement between the Authority and the representatives of its employees.

(e) Whenever the Authority acquires existing transit facilities from a public or privately owned utility either in proceeding by eminent domain or otherwise, the Authority shall assume and observe all existing labor contracts and pension obligations. When the Authority acquires an existing transportation system, all employees who are necessary for the operation thereof by the Authority shall be transferred to and appointed as employees of the Authority, subject to all the rights and benefits of this Title. These employees shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The Authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representative transferred to the trust fund to be established, maintained and administered jointly by the Authority and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the Authority shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits, than he enjoyed as an employee of such acquired transportation system.

## ARTICLE XV

### RELOCATION ASSISTANCE

#### Relocation Program and Payments

67. Section 7 of the Urban Mass Transportation Act of 1964, and as the same may from time to time be amended, and all regulations promulgated thereunder, are hereby made applicable to individuals, families, business concerns and nonprofit organizations displaced from real property by actions of the Authority without regard to whether financial assistance is sought by or extended to the Authority under any provision of that Act; provided, however, that in the event real property is acquired for the Authority by an agency of the federal government, or by a State or local agency or instrumentality, the Authority is authorized to reimburse the acquiring agency for relocation payments made by it.

#### Relocation of Public or Public Utility Facilities

68. Notwithstanding the provisions of Section 67 of this Article XV, any highway or other public facility or any facilities of a public utility company which will be dislocated by reason of a project deemed necessary by the Board to effectuate the authorized purposes of this Title shall be relocated if such facilities are devoted to a public use, and the reasonable cost of relocation, if substitute facilities are necessary, shall be paid by the Board from any of its monies.

## ARTICLE XVI

### GENERAL PROVISIONS

#### Creation and Administration of Funds

69.(a) The Board may provide for the creation and administration of such funds as may be required. The funds shall be disbursed in accordance with rules established by the Board and all payments from any funds shall be reported to the Board. Monies in such funds and other monies of the Authority shall be deposited, as directed by the Board, in any branch or subsidiary of any state or national bank which has operations within the Zone, and having a total paid-in capital of at least one million dollars (\$1,000,000). The trust department of any such state or national bank may be designated as a depository to receive any securities acquired or owned by the Authority. The restriction with respect to paid-in capital may be waived for any such bank which agrees to pledge federal securities to protect the funds and securities of the Authority in such amounts and pursuant to such arrangements as may be acceptable to the Board.

(b) Any monies of the Authority may, in the discretion of the Board and subject to any agreement or covenant between the Authority and the holders of any of its obligations limiting or restricting classes of investments, be invested in the following:

- (1) Direct obligations of or obligations guaranteed by the United States of America;

(2) Bonds, debentures, notes or other evidences of indebtedness issued by agencies of the United States of America, including but not limited to the following: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Export-Import Bank of the United States; Federal Land Banks; Federal National Mortgage Association; Student Loan Marketing Association; Government National Mortgage Association; Tennessee Valley Authority; or United States Postal Service;

(3) Securities that qualify as lawful investments and may be accepted as security for fiduciary, trust and public funds under the control of the United States or any officer or officers thereof, or securities eligible as collateral for deposits of monies of the United States, including United States Treasury tax and loan accounts;

(4) Domestic and Eurodollar certificates of deposit; and

(5) Bonds, debentures, notes or other evidences of indebtedness issued by a domestic corporation (i.e., a corporation organized under the laws of one of the states of the United States), provided that such obligations are non-convertible and at the time of their purchase are rated in the highest rating categories by a nationally recognized bond rating agency.

#### Annual Independent Audit

70.(a) As soon as practical after the closing of the fiscal year, an audit shall be made of the financial accounts of the Authority. The audit shall be made by qualified certified public accountants selected by the Board, who shall have no personal interest, direct or indirect, in the financial affairs of the Authority or any of its officers or employees. The report of audit shall be prepared in accordance with generally accepted auditing principles and shall be filed with the Chairman and other officers as the Board shall direct. Copies of the report shall be distributed to each Director, the Congress, the Mayor and Council of the District of Columbia, the Governors of Virginia and Maryland, the Washington Suburban Transit Commission, the Northern Virginia Transportation Commission, and the governing bodies of the political subdivisions located within the Transit Zone which are parties to commitments for participation in the financing of the Authority and shall be made available for public distribution.

(b) The financial transactions of the Board shall be subject to audit by the United States General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the Board are kept.

(c) Any Director, officer or employee who shall refuse to give all required assistance and information to the accountants selected by the Board or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things or property as may be requested shall, in the discretion of the Board forfeit his office.

#### Reports

71. The Board shall make and publish an annual report on its programs, operations and finances, which shall be distributed in the same manner provided by Section 70 of this Article XVI for the report of annual audit. It may also prepare, publish and distribute such other public reports and informational materials as it may deem necessary or desirable.

#### Insurance

72. The Board may self-insure or purchase insurance and pay the premiums therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the Board may determine, subject to the requirements of any agreement arising out of issuance of bonds or other obligations by the Authority.

#### Purchasing

73.(a)(1) Except as provided in subsections (b), (c), and (f) of this section, and except in the case of procurement procedures otherwise expressly authorized by statute, the Authority, in conducting a procurement of property, services, or construction, shall:

(A) obtain full and open competition through the use of competitive procedures in accordance with the requirements of this section; and

(B) use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

(2) In determining the competitive procedure appropriate under the circumstances, the Authority shall:

(A) solicit sealed bids if:

(i) time permits the solicitation, submission, and evaluation of sealed bids;

(ii) the award will be made on the basis of price and other price-related factors;

(iii) it is not necessary to conduct discussions with the responding sources about their bids;

and

(iv) there is a reasonable expectation of receiving more than one sealed bid; or

(B) request competitive proposals if sealed bids are not appropriate under subparagraph (A) of this paragraph.

(b) The Authority may provide for the procurement of property, services, or construction covered by this section using competitive procedures but excluding a particular source in order to establish or maintain an alternative source or sources of supply for that property, service, or construction if the Authority determines that excluding the source would increase or maintain competition and would likely result in reduced overall costs for procurement of property, services, or construction.

(c) The Authority may use procedures other than competitive procedures if:

(1) the property, services, or construction needed by the Authority are available from only one responsible source and no other type of property, services, or construction will satisfy the needs of the Authority; or

(2) the Authority's need for the property, services, or construction is of such an unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals; or

(3) the Authority determines that it is necessary in the public interest to use procedures other than competitive procedures in the particular procurement; or

(4) the property or services needed can be obtained at reasonable prices through federal or other governmental sources.

(d) For the purpose of applying subsection (c)(1) of this section:

(1) In the case of a contract to be awarded on the basis of acceptance of an unsolicited proposal, the property, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept:

(A) that is unique and innovative or, in the case of a service, for which the source demonstrates a unique capability to provide the service; and

(B) the substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement.

(2) In the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the property, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that an award to a source other than the original source would result in:

(A) substantial duplication of cost to the Authority that is not expected to be recovered through competition; or

(B) unacceptable delays in fulfilling the Authority's needs.

(e) If the Authority uses procedures other than competitive procedures to procure property, services, or construction under subsection (c)(2) of this section, the Authority shall request offers from as many potential sources as is practicable under the circumstances.

(f)(1) To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services, and construction.

(2) For the purposes of this subsection, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government.

(3) A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under paragraph (1) of this subsection.

(4) In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

(g) The Board shall adopt policies and procedures to implement this section. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

(h) The Authority, in its discretion, may reject any and all bids or proposals received in response to a solicitation.

#### Rights of Way

74. The Board is authorized to locate, construct and maintain any of its transit and related facilities in, upon, over, under or across any streets, highways, freeways, bridges and any other vehicular facilities,

subject to the applicable laws governing such use of such facilities by public agencies. In the absence of such laws, such use of such facilities by the Board shall be subject to such reasonable conditions as the highway department or other affected agency of a signatory party may require; provided, however, that the Board shall not construct or operate transit or related facilities upon, over, or across any parkways or park lands without the consent of, and except upon the terms and conditions required by, the agency having jurisdiction with respect to such parkways and park lands, but may construct or operate such facilities in a subway under such parkways or park lands upon such reasonable terms and conditions as may be specified by the agency having jurisdiction with respect thereto.

#### Compliance with Laws, Regulations and Ordinances

75. The Board shall comply with all laws, ordinances and regulations of the signatories and political subdivisions and agencies thereof with respect to use of streets, highways and all other vehicular facilities, traffic control and regulation, zoning, signs and buildings.

#### Police

76.(a) The Authority is authorized to establish and maintain a regular police force, to be known as the Metro Transit Police, to provide protection for its patrons, personnel, and Transit facilities. The Metro Transit Police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be composed of both uniformed and plainclothes personnel and shall be charged with the duty of enforcing the laws of the Signatories, the laws, ordinances, and regulations of the political subdivisions thereof in the Transit Zone, and the rules and regulations of the Authority. The jurisdiction of the Metro Transit Police shall be limited to Transit facilities (including bus stops) owned, controlled, or operated by the Authority, but this restriction shall not limit the power of the said Metro Transit Police to make arrests in the Transit Zone for violations committed upon, to, or against such Transit facilities from within or outside such facilities while in hot or close pursuit, or to execute traffic citations and criminal process in accordance with subsection (c) of this section. The members of the Metro Transit Police shall have concurrent jurisdiction in the performance of their duties with the duly constituted law enforcement agencies of the Signatories and of the political subdivisions thereof in which any Transit facility of the Authority is located or in which the Authority operates any Transit service. Nothing contained in this section shall either relieve any Signatory or political subdivision or agency thereof from its duty to provide police, fire, and other public safety service and protection, or limit, restrict, or interfere with the jurisdiction of, or the performance of, duties by the existing police, fire, and other public safety agencies. For purposes of this section, "bus stop" means that area within 150 feet of a Metrobus bus stop sign, excluding the interior of any building not owned, controlled, or operated by the Washington Metropolitan Area Transit Authority.

(b) A member of the Metro Transit Police shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in performance of his or her duties as a member of the duly constituted police force of the political subdivision in which the Metro Transit Police member is engaged in the performance of his or her duties. A member of the Metro Transit Police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority. A member of the Metro Transit Police is subject to such additional limitations in the use of weapons as are imposed on the duly constituted police force for the political subdivision in which he or she is engaged in the performance of his or her duties.

(c) Members of the Metro Transit Police shall have the power to execute on the transit facilities owned, controlled, or operated by the Authority any traffic citation or any criminal process issued by any court of any signatory or of any political subdivision of a signatory, for any felony, misdemeanor, or other offense against the laws, ordinances, rules or regulations specified in subsection (a). With respect to offenses committed upon, to, or against the transit facilities owned, controlled, or operated by the Authority, the Metro Transit Police shall have the power to execute criminal process within the Transit Zone.

(d) Upon the apprehension or arrest of any person by a member of the Metro Transit Police pursuant to the provisions of subsection (b), the officer, as required by the law of the place of apprehension or arrest, shall either issue a summons or a citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the signatory or political subdivision where the apprehension or arrest is made, for disposition as required by law.

(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient, and orderly use of the Transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the Transit facilities, the control of traffic and parking upon the Transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a Signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the Signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that Signatory or political subdivision. In all other respects the rules and regulations of the Authority shall be uniform throughout the Transit Zone. The rules and regulations established under this subsection shall be adopted by the Board following public hearings held in accordance with section 62(c) and (d) of this Compact. The final regulation shall be published in a newspaper of general

circulation within the Transit Zone at least 15 days before its effective date. Any person violating any rule or regulation of the Authority shall be subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine of not more than \$250 and costs. Criminal violations of any rule or regulation of the Authority shall be prosecuted by the Signatory or political subdivision in which the violation occurred, in the same manner by which violations of laws, ordinances, rules and regulations of the Signatory or political subdivision are prosecuted.

(f) With respect to members of the Metro Transit Police, the Authority shall –

(1) establish classifications based on the nature and scope of duties and fix and provide for their qualifications, appointment, removal, tenure, term, compensation pension, and retirement benefits;

(2) provide for their training and for this purpose, the Authority may enter into contracts or agreements with any public or private organization engaged in police training, and this training and the qualifications of the uniformed and plainclothes personnel shall at least equal the requirements of each signatory and of the political subdivisions therein in the Transit Zone for their personnel performing comparable duties; and

(3) prescribe distinctive uniforms to be worn.

(g) The Authority shall have the power to enter into agreements with the signatories, the political subdivisions thereof in the Transit Zone, and public safety agencies located therein, including those of the Federal Government, for the delineation of the functions and responsibilities of the Metro Transit Police and the duly constituted police, fire, and other public safety agencies, and for mutual assistance.

(h) Before entering upon the duties of office, each member of the Metro Transit Police shall take or subscribe to an oath or affirmation, before a person authorized to administer oaths, faithfully to perform the duties of that office.

#### Exemption from Regulation

77. Except as otherwise provided in this Title, any transit service rendered by transit facilities owned or controlled by the Authority and the Authority or any corporation, firm or association performing such transit service pursuant to an operating contract with the Authority, shall, in connection with the performance of such service, be exempt from all laws, rules, regulations and orders of the signatories and of the United States otherwise applicable to such transit service and persons, except that laws, rules, regulations and orders relating to inspection of equipment and facilities, safety and testing shall remain in force and effect; provided, however, that the Board may promulgate regulations for the safety of the public and employees not inconsistent with the applicable laws, rules, regulations or orders of the signatories and of the United States.

#### Tax Exemption

78. It is hereby declared that the creation of the Authority and the carrying out of the corporate purposes of the Authority is in all respects for the benefit of the people of the signatory states and is for a public purpose and that the Authority and the Board will be performing an essential governmental function, including, without limitation, proprietary, governmental and other functions, in the exercise of the powers conferred by this Title. Accordingly, the Authority and the Board shall not be required to pay taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of any transit facilities or upon any revenues therefrom and the property and income derived therefrom shall be exempt from all federal, State, District of Columbia, municipal and local taxation. This exemption shall include, without limitation, all motor vehicle license fees, sales taxes and motor fuel taxes.

#### Reduced Fares

79. The District of Columbia, the Northern Virginia Transportation District, the Washington Suburban Transit District and the component governments thereof, may enter into contracts or agreements with the Authority to make equitable payments for fares lower than those established by the Authority pursuant to the provisions of Article XIII hereof for any specified class or category of riders.

#### Liability for Contracts and Torts

80. The Authority shall be liable for its contracts and for its torts and those of its Directors, officers, employees and agent committed in the conduct of any proprietary function, in accordance with the law of the applicable signatory (including rules on conflict of laws), but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this Title shall be construed as a waiver by the District of Columbia, Maryland, Virginia and the counties and cities within the Zone of any immunity from suit.

#### Jurisdiction of Courts

81. The United States District Courts shall have original jurisdiction, concurrent with the courts of Maryland, Virginia, and the District of Columbia, of all actions brought by or against the Authority and to enforce subpoenas issued under this Title. Any such action initiated in a State or District of Columbia court shall be removable to the appropriate United States District Court in the manner provided by 28 U.S.C. § 1446.



## Condemnation

82.(a) The Authority shall have the power to acquire by condemnation, whenever in its opinion it is necessary or advantageous to the Authority to do so, any real or personal property, or any interest therein, necessary or useful for the transit system authorized herein, except property owned by the United States, by a signatory, or any political subdivision thereof, whenever such property cannot be acquired by negotiated purchase at a price satisfactory to the Authority.

(b) Proceedings for the condemnation of property in the District of Columbia shall be instituted and maintained under §§ 16-1351-16-1366. Proceedings for the condemnation of property located elsewhere within the Zone shall be instituted and maintained, if applicable, pursuant to the provisions of the Act of August 1, 1888, as amended (25 Stat. 357, 40 U.S.C. 257) and the Act of June 25, 1948 (62 Stat. 935 and 937, 28 U.S.C. 1358 and 1403) or any other applicable Act; provided, however, that if there is no applicable Federal law, condemnation proceedings shall be in accordance with the provisions of the State law of the signatory in which the property is located governing condemnation by the highway agency of such state. Whenever the words "real property," "realty," "land," "easement," "right-of-way," or words of similar meaning are used in any applicable federal or state law relating to procedure, jurisdiction and venue, they shall be deemed, for the purposes of this Title, to include any personal property authorized to be acquired hereunder.

(c) Any award or compensation for the taking of property pursuant to this Title shall be paid by the Authority, and none of the signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.

## Enlargement and Withdrawal; Duration

83.(a) When advised in writing by the Northern Virginia Transportation Commission or the Washington Suburban Transit Commission that the geographical area embraced therein has been enlarged, the Board, upon such terms and conditions as it may deem appropriate, shall by resolution enlarge the Zone to embrace the additional area.

(b) The duration of this Title shall be perpetual but any signatory thereto may withdraw therefrom upon two years' written notice to the Board.

(c) The withdrawal of any signatory shall not relieve such signatory, any transportation district, county or city or other political subdivision thereof from any obligation to the Authority, or inuring to the benefit of the Authority, created by contract or otherwise.

## Amendments and Supplements

84. Amendments and supplements to this Title to implement the purposes thereof may be adopted by legislative action of any of the Signatory parties concurred in by all of the others. When one Signatory adopts an amendment or supplement to an existing section of the Compact, that amendment or supplement shall not be immediately effective, and the previously enacted provision or provisions shall remain in effect in each jurisdiction until the amendment or supplement is approved by the other Signatories and is consented to by Congress.

## Construction and Severability

85. The provisions of this Title and of the agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this Title or any such agreement is declared to be unconstitutional or the applicability thereof to any signatory party, political subdivision or agency thereof is held invalid, the constitutionality of the remainder of this Title or any such agreement and the applicability thereof to any other signatory party, political subdivision or agency thereof or circumstance shall not be affected thereby. It is the legislative intent that the provisions of this Title be reasonably and liberally construed.

## Effective Date; Execution

86. This Title shall be adopted by the signatories in the manner provided by law therefor and shall be signed and sealed in four duplicate original copies. One such copy shall be filed with the Secretary of State of each of the signatory parties or in accordance with laws of the State in which the filing is made, and one copy shall be filed and retained in the archives of the Authority upon its organization. This Title shall become effective ninety days after the enactment of concurring legislation by or on behalf of the District of Columbia, Maryland and Virginia and consent thereto by the Congress and all other acts or actions have been taken, including the signing and execution of the Title by the Governors of Maryland and Virginia and the Commissioners of the District of Columbia.

(Nov. 6, 1966, 80 Stat. 1324, Pub. L. 89-774, § 1; July 13, 1972, 86 Stat. 466, Pub. L. 92-349, title III, § 301; Oct. 21, 1972, 86 Stat. 1000, Pub. L. 92-517, title I, § 101; June 4, 1976, 90 Stat. 672, Pub. L. 94-306, § 1 (1)-(4); June 11, 1976, D.C. Law 1-67, §§ 2, 3, DCR 501; Sept. 26, 1984, D.C. Law 5-122, § 2, 31 DCR 4049; June 6, 1996, D.C. Law 11-138, § 4, 43 DCR 2142; Mar. 23, 2010, D.C. Law 18-125, § 2, 57 DCR 1178.)

## HISTORICAL AND STATUTORY NOTES

### Prior Codifications

1981 Ed., § 1-2431.

1973 Ed., § 1-1431.

*Effect of Amendments*

D.C. Law 18-125, in section 5, in subsec. (a), struck "of 6 Directors" and inserted "of 8 Directors", struck "Signatory. For Virginia," and inserted "Signatory, and 2 for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia," , struck "and for Maryland, by the Washington Suburban Transit Commission" and inserted "for Maryland, by the Washington Suburban Transit Commission; and for the federal government, by the Administrator of General Services", struck "body. A Director" and inserted "body. A Director for a Signatory", struck "The appointing authorities shall also appoint an alternate for each Director, who may act only" and inserted " The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint 2 nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only", struck "Each alternate shall serve" and inserted "Each alternate, including the federal nonvoting Directors, shall serve", and, in subsec. (b), struck "of the signatory ' and inserted "of the Government"; in section 9, in subsec. (a), struck "comptroller and" and inserted " comptroller, an inspector general, and" and struck "manager and" and inserted "manager, inspector general, and", redesignated subsections (d) and (e) as subsections (e) and (f), and added subsec. (d); and, in section 18, added subsec. (d).

*Temporary Amendments of Section*

Section 2(a) of D.C. Law 18-42 amended section 5 of the Washington Metropolitan Area Transit Regulation Compact, in subsec. (a), struck "of 6 Directors" and inserted "of 8 Directors", struck "Signatory. For Virginia," and inserted "Signatory, and 2 for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia," , struck "and for Maryland, by the Washington Suburban Transit Commission" and inserted "for Maryland, by the Washington Suburban Transit Commission; and for the federal government, by the Administrator of General Services", struck "body. A Director" and inserted "body. A Director for a Signatory", struck "The appointing authorities shall also appoint an alternate for each Director, who may act only" and inserted " The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the Administrator of General Services shall also appoint 2 nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only", struck "Each alternate shall serve" and inserted the phrase "Each alternate, including the federal nonvoting Directors, shall serve"; and, in subsec. (b), struck "of the signatory ' and inserted "of the Government".

Section 2(b) of D.C. Law 18-42 amended section 9 of the Washington Metropolitan Area Transit Regulation Compact, in subsec. (a), struck "comptroller and" and inserted " comptroller, an inspector general, and" and struck "manager and" and inserted "manager, inspector general, and", redesignated subsections (d) and (e) as subsections (e) and (f), and added subsec. (d) to read as follows:

"(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action."

Section 2(b) of D.C. Law 18-42 amended section 5 of the Washington Metropolitan Area Transit Regulation Compact, in subsec. (a), struck "comptroller and" and inserted " comptroller, an inspector general, and" and struck "manager and" and inserted "manager, inspector general, and", redesignated subsections (d) and (e) as subsections (e) and (f), respectively, and added subsec. (d) to read as follows:

"(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized by Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008, (Pub. L. No. 110-432; 122 Stat. 4848), regarding funding of capital and preventive maintenance projects of the Authority shall be made from amounts derived from dedicated funding sources.

"(2) For the purposes of this subsection, a "dedicated funding source" means any source of funding that is earmarked or required under state or local law to be used to match federal appropriations authorized by Title VI of the Passenger Rail Investment and Improvement Act of 2008, approved October 16, 2008 (Pub. L. No. 110-432; 122 Stat. 4848), for payments to the Authority."

Section 4(b) of D.C. Law 18-42 provides that the act shall expire after 225 days of its having taken effect.

*Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 2 of WMATA Compact Emergency Amendment Act of 2009 (D.C. Act 18-16, February 23, 2009, 56 DCR 1936).

For temporary (90 day) amendment of section, see § 2 of WMATA Compact Consistency Emergency

Amendment Act of 2009 (D.C. Act 18-95), May 20, 2009, 56 DCR 4314).

#### *Legislative History of Laws*

For legislative history of D.C. Law 1-67, see Historical and Statutory Notes following § 9-1107.03.

For legislative history of D.C. Law 5-122, see Historical and Statutory Notes following § 9-1107.08.

Law 10-244, the "Washington Metropolitan Area Transit Authority Compact Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-647, which was referred to the Committee on Regional Authorities and sequentially to the Committee on the Judiciary. The Bill was adopted on first and second readings on November 1, 1994, and December 21, 1994, respectively. Signed by the Mayor on December 30, 1994, it was assigned Act No. 10-390 and transmitted to both Houses of Congress for its review. D.C. Law 10-244 became effective on March 21, 1995.

For legislative history of D.C. Law 11-138, see Historical and Statutory Notes following § 9-1103.01.

#### *Legislative History of Laws*

Law 18-125, the "WMATA Compact Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-81, which was referred to the Committee on Public Works and Transportation. The bill was adopted on first and second readings on December 15, 2009, and January 5, 2010, respectively. Signed by the Mayor on January 22, 2010, it was assigned Act No. 18-287 and transmitted to both Houses of Congress for its review. D.C. Law 18-125 became effective on March 23, 2010.

#### *Effective Dates*

Section 5 of D.C. Law 11-138 provided that §§ 2, 3, and 4 shall take effect after those provisions have been adopted by the District of Columbia, the State of Maryland, and the Commonwealth of Virginia in a manner provided by law therefor, and have received the consent of Congress.

#### *References in Text*

"This act," referred to in 20(b), is the Act of November 6, 1966, 80 Stat. 1324, Pub. L. 89-774.

The "Urban Mass Transportation Act of 1964" referred to in 58(a) is now codified at 49 U.S.C. § 5301 et seq. "Contract Work Hours Standards Act" referred to in the second sentence of 64 is codified at 40 U.S.C. § 327 et seq. "Section 7 of the Urban Mass Transportation Act of 1964" referred to in 67 is now partly codified at 49 U.S.C. § 5324(a).

#### *Editor's Notes*

Although the District of Columbia, the Commonwealth of Virginia, and the State of Maryland passed legislation amending various portions of the Compact in 1983-1984, Congress did not act upon these changes until 1988. Congressional approval was granted pursuant to H.J. Res. 480, Pub. L. 100-285, April 7, 1988. The Legislative History of H.J. Res. 480, H.R. Rep. 521, 100th Cong., 2d. Sess., explains that "H.J. Res. 480 represents the amendments ratified by each of the three jurisdictions which are substantially similar.... [P]rovisions which are not substantially similar are not included in H.J. Res. 480, and are therefore not granted the consent of the Congress." The version of § 76(e) as passed by the Council was not included in the Resolution because there were discrepancies between the provisions adopted by the District and that adopted by Maryland and Virginia. Since Congress did not enact the amended version of § 76(e), the 1976 version as set out above is still in effect. This version, which was enacted pursuant to Pub. L. 94-306, is contained in the Washington Metropolitan Area Transit Authority Compact (1988 ed.) published by WMATA.

#### *Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 402(425) of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

#### *Resolutions*

Resolution 13-682, the "Tri-Jurisdiction Joint Legislative Commission on Interstate Transportation Emergency Resolution of 2000", was approved effective October 17, 2000.

#### *Miscellaneous Notes*

Execution of Compact: The Compact set forth in this section was signed as follows: By the Governor of Maryland, November 17, 1966; by the Governor of Virginia, November 21, 1966; and by the President of the

Board of Commissioners of the District of Columbia, November 22, 1966.

Policy of Congress: Section 805 of the Act of December 15, 1971, 85 Stat. 659, Pub. L. 92-196, declared the policy of Congress that, to the extent that costs of the regional transit projects are not covered by the user charges, such costs would be equitably charged among the federal, District of Columbia, and participating local governments.

Mayor to enter into agreements and effective date: Section 3 of D.C. Law 10-244 provided that the Mayor of the District of Columbia shall, for the District of Columbia, enter into agreements with the Commonwealth of Virginia and the State of Maryland to make technical amendments to Title III of the Washington Metropolitan Area Transit Regulation Compact, so long as the amended version of the Compact then substantially conforms to the amendments in section 2 of the act. The technical amendments shall become effective when the Mayor executes the agreements concerning the Compact.

Land for D.C. transportation facilities: Section 1 of Pub. L. 98-340 provided that the Architect of the Capitol and the District of Columbia is directed to enter into an agreement for the conveyance of certain real property, the Secretary of the Interior is directed to permit the District of Columbia and the Washington Metropolitan Area Transit Authority to construct, maintain, and operate certain transportation improvements on federal property, and the Architect of the Capitol is directed to provide the Washington Metropolitan Area Transit Authority access to certain real property.

Adoption of amendments subject to Congressional consent: Pursuant to § 2 of D.C. Law 11-138, the District of Columbia adopted amendments to Article I of Title I and Articles III, VI, XIII, XIV, and XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact as set forth in §§ 2 and 3 of the act, subject to the consent of Congress thereto and the fulfillment of the conditions in §§ 5 and 6 of the act.

For the consent of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact see Public Law 100-285, approved April 7, 1988, 102 Stat. 82.

For the consent of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact see Public Law 101-505, approved November 3, 1990, 104 Stat. 1300.

For the consent of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact see Public Law 104-322, approved October 10, 1996, 110 Stat. 3884.

For the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact see Public Law 105-151, approved December 16, 1997, 111 Stat. 2686.

Congressional ratification of Compact amendments:

Pub. L. 94-306 ratified D.C. Law 1-67.

Pub. L. 100-285 ratified D.C. Law 5-122 (except section 2(g)).

Pub. L. 104-322 ratified sections 4(a)-(e), (g)-(h), (j)-(k) of D.C. Law 11-138.

Pub. L. 105-151 ratified sections 4(f), (i)(2), (i)(3) of D.C. Law 11-138.

Pub. L. 111-62 ratified D.C. Law 18-125.

District amendments to the Compact not ratified by Congress:

D.C. Law 10-244, § 2, 42 DCR 234.

D.C. Law 11-138, § 4(i)(1), 43 DCR 2142.

## **§ 9-1107.02. AUTHORITY OF COUNCIL TO ENACT ACTS ADOPTING COMPACT AMENDMENTS.**

The Council of the District of Columbia shall have authority to enact any act adopting on behalf of the District of Columbia amendments to the Washington Metropolitan Area Transit Regulation Compact, but in no case shall any such amendment become effective until after it has been approved by Congress.

(June 4, 1976, 90 Stat. 675, Pub. L. 94-306, § 4.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-2432.

1973 Ed., § 1-1431-1.

### **§ 9-1107.03. CONSENT OF COUNCIL TO COMPACT AMENDMENTS.**

(a) The District of Columbia hereby consents to, adopts, and enacts amendments to Articles I and XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact as set out in § 9-1107.01.

(b) The Mayor of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth in subsection (a) of this section, to Title III of the Washington Metropolitan Area Transit Regulation Compact with the Commonwealth of Virginia and the State of Maryland, which amendments shall become effective immediately upon execution of same.

(June 11, 1976, D.C. Law 1-67, §§ 2, 3, 23 DCR 501, 510.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2433.

1973 Ed., § 1-1431-1a.

##### *Legislative History of Laws*

Law 1-67 was introduced in Council and assigned Bill No. 1-125, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on February 24, 1976 and March 9, 1976, respectively. Signed by the Mayor on April 1, 1976, it was assigned Act No. 1-104 and transmitted to both Houses of Congress for its review.

##### *References in Text*

The amendments referred to in subsection (a) of this section are to §§ 1 and 76 of the Compact.

### **§ 9-1107.04. CONGRESSIONAL CONSENT TO AMENDMENTS--ARTICLES I, III, VII, IX, XI, XIV, AND XVI OF TITLE III.**

(a) The Congress hereby consents to amendments to Articles I, III, VII, IX, XI, XIV, and XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact substantially as set out in § 9-1107.01.

(b) The Mayor of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth in subsection (a) of this section, to Title III of the Washington Metropolitan Area Transit Regulation Compact with the States of Virginia and Maryland.

(July 13, 1972, 86 Stat. 466, Pub. L. 92-349, title III, § 301.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2434.

1973 Ed., § 1-1431a.

##### *References in Text*

The amendments referred to in subsection (a) of this section are to §§ 1(g), 5(a), 21, 35, 39, 51, 66, and 79 of the Compact.

##### *Change in Government*

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 9-1107.05. CONGRESSIONAL CONSENT TO AMENDMENTS--ARTICLES XII AND XVI OF TITLE III.**

(a) The Congress hereby consents to amendments to Articles XII and XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact substantially as set out in § 9-1107.01.

(b) The Mayor of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth above, to Title III of the Washington Metropolitan Area Transit Regulation Compact with the States of Virginia and Maryland.

(Oct. 21, 1972, 86 Stat. 1000, Pub. L. 92-517, title I, § 101.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2435.

1973 Ed., § 1-1431b.

*References in Text*

The amendments referred to in subsection (a) of this section are to §§ 56(e) and 82(a) of the Compact.

*Change in Government*

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**§ 9-1107.06. CONGRESSIONAL CONSENT TO AMENDMENTS--ARTICLES I AND XVI OF TITLE III.**

(a) The Congress hereby consents to, and adopts and enacts for the District of Columbia, amendments to Articles I and XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact as set out in § 9-1107.01, which amendments have been adopted substantially by the Commonwealth of Virginia and the State of Maryland.

(b) The Mayor of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth in subsection (a) of this section, to Title III of the Washington Metropolitan Area Transit Regulation Compact with the State of Maryland and the Commonwealth of Virginia, which amendments shall become effective immediately upon execution of same.

(June 4, 1976, 90 Stat. 672, Pub. L. 94-306, §§ 1, 2.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2436.

1973 Ed., § 1-1431c.

*References in Text*

The amendments referred to in subsection (a) of this section are to §§ 1 and 76 of the Compact.

**§ 9-1107.07. MAYOR DIRECTED TO EXECUTE COMPACT AMENDMENTS; APPROPRIATIONS.**

The Mayor of the District of Columbia is authorized and directed to enter into and execute an amendment to the Compact substantially as set forth above with the States of Virginia and Maryland and is further authorized and directed to carry out and effectuate the terms and provisions of said Title III, and there are hereby authorized to be appropriated out of District of Columbia funds such amounts as are necessary to carry out the obligations of the District of Columbia in accordance with the terms of the said Title III.

(Nov. 6, 1966, 80 Stat. 1352, Pub. L. 89-774, § 2.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2437.

1973 Ed., § 1-1432.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3

of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 9-1107.08. MAYOR TO ENTER AGREEMENTS TO MAKE CERTAIN TECHNICAL AMENDMENTS; EFFECTIVE DATE OF TECHNICAL AMENDMENTS.**

The Mayor of the District of Columbia shall, for the District of Columbia, enter agreements with the Commonwealth of Virginia and the State of Maryland to make technical amendments to Title III of the Washington Metropolitan Area Transit Regulation Compact, so long as the amended version of the Compact then substantially conforms to the amendments in § 2 of the Washington Metropolitan Area Transit Authority Compact Amendment Act of 1984. The technical amendments shall become effective when the Mayor executes the agreements concerning the Compact.

(Sept. 26, 1984, D.C. Law 5-122, § 3, 31 DCR 4049.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2437.1.

##### *Legislative History of Laws*

Law 5-122, the "Washington Metropolitan Area Transit Authority Compact Amendment Act of 1984," was introduced in Council and assigned Bill No. 5-360, which was referred to the Committee on Transportation and Environmental Affairs. The Bill was adopted on first and second readings on June 26, 1984 and July 10, 1984, respectively. Signed by the Mayor on July 13, 1984, it was assigned Act No. 5-174 and transmitted to both Houses of Congress for its review.

##### *References in Text*

The "Washington Metropolitan Area Transit Authority Compact Amendment Act of 1984," referred to at the end of the first sentence of this section, is D.C. Law 5-122.

### **§ 9-1107.09. TRANSFER OF FUNCTIONS, DUTIES, PROPERTY, AND RECORDS OF NATIONAL CAPITAL TRANSPORTATION AGENCY TO WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.**

(a) To assure uninterrupted progress in the development of the facilities authorized by the National Capital Transportation Act of 1965, the transfer of the functions and duties of the National Capital Transportation Agency (herein referred to as the Agency) to the Washington Metropolitan Area Transit Authority (herein referred to as the Authority) as required by § 1-1408(b) shall take place on September 30, 1967.

(b) Upon the effective date of the transfer of functions and duties authorized by subsection (a) of this section, the President is authorized to transfer to the Authority such real and personal property, studies, reports, records, and other assets and liabilities as are appropriate in order that the Authority may assume the functions and duties of the Agency and, further, the President shall make provision for the transfer to the Authority of the unexpended balance of the appropriations, and of other funds, of the Agency for use by the Authority but such unexpended balances so transferred shall be used only for the purpose for which such appropriations were originally made. Subsequent to said effective date, there is authorized to be appropriated to the Department of Housing and Urban Development, for payment to the Authority, any unappropriated portion of the authorization specified in § 9-1105.02(1). There is also authorized to be appropriated to the District of Columbia out of the General Fund of the District of Columbia, for payment to the Authority, any unappropriated portion of the authorization specified in § 9-1105.02(2). Any such appropriations shall be used only for the purposes for which such authorizations were originally made.

(c) Pending the assumption by the Authority of the functions and duties of the Agency, the Agency is authorized and directed, in the manner herein set forth, fully to cooperate with and assist the Authority, the Northern Virginia Transportation Commission and the Washington Suburban Transit Commission in the development of plans for the extensions, new lines and related facilities required to expand the basic system authorized by the National Capital Transportation Act of 1965 into a regional system, but pending such transfer of functions and duties, nothing in this subchapter shall be construed to impair the performance by the Agency of the functions and duties imposed by the National Capital Transportation Act of 1965.

(d) In order to provide the cooperation and assistance specified in subsection (c) of this section, the Agency is authorized to perform, on a reimbursable basis, planning, engineering and such other services for the Authority, as the Authority may request, or to obtain such services by contract, but all such assistance and services shall be rendered in accordance with policy determinations made by the Authority and shall be advisory only.

(e) Amounts received by the Agency from the Authority as provided in subsection (d) of this section shall be available for expenditure by the Agency in performing services for the Authority.

(Nov. 6, 1966, 80 Stat. 1352, Pub. L. 89-774, § 3.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2438.

1973 Ed., § 1433.

*References in Text*

"The National Capital Transportation Act of 1965," referred to in subsections (a) and (c) of this section, is the Act of September 8, 1965, 79 Stat. 663, Pub. L. 89-173.

former § 1-1408, referred to near the end of subsection (a) of this section, was repealed by the Act of December 9, 1969, 83 Stat. 322, Pub. L. 91-143, § 8(a)(1).

*Transfer of Functions*

Section 1(a)(3) of Reorganization Plan No. 2 of 1968, transferred the functions of the Department of Housing and Urban Development, set forth in subsection (b) of this section, to the Secretary of Transportation.

## **§ 9-1107.10. JURISDICTION OF COURTS; REMOVAL OF ACTIONS.**

The United States district courts shall have original jurisdiction, concurrent with the courts of Maryland and Virginia, of all actions brought by or against the Authority and to enforce subpoenas issued pursuant to the provisions of Title III. Any such action initiated in a state court shall be removable to the appropriate United States district court in the manner provided by § 1446 of Title 28, United States Code.

(Nov. 6, 1966, 80 Stat. 1353, Pub. L. 89-774, § 4.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2439.

1973 Ed., § 1-1434.

*Miscellaneous Notes*

Appropriations authorized: Public Law 104-194, 110 Stat. 2362, the District of Columbia Appropriations Act, 1997, provided for construction projects an increase of \$46,923,000 (including an increase of \$34,000,000 for the highway trust fund, reallocations and rescissions for a net rescission of \$120,496,000 from local funds appropriated under this heading in prior fiscal years and an additional \$133,419,000 in Federal funds), as authorized by §§ 34-2405.01 through 34-2405.08; §§ 34-2413.08, 34-2413.10 and 34-2304; and §§ 10-619 and 47-3404; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 9-107.01, note), for which funds are provided by this appropriation title, shall expire on September 30, 1998, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1998: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

## **§ 9-1107.11. AMENDMENT OF LAWS AND REORGANIZATION PLANS.**

All laws or parts of laws of the United States and of the District of Columbia inconsistent with the provisions of Title III are hereby amended for the purpose of this subchapter to the extent necessary to eliminate such inconsistencies and to carry out the provisions of this subchapter and Title III and all laws or



parts of laws and all reorganization plans of the United States are hereby amended and made applicable for the purpose of this subchapter to the extent necessary to carry out the provisions of this subchapter and Title III.

(Nov. 6, 1966, 80 Stat. 1353, Pub. L. 89-774, § 5(a).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2440.

1973 Ed., § 1-1435.

**§ 9-1107.12. RESERVATION OF RIGHT TO ALTER, AMEND OR REPEAL SUBCHAPTER; SUBMISSION OF REPORTS; SCOPE OF PRESIDENTIAL AND CONGRESSIONAL INQUIRY; AUDITS.**

(a) The right to alter, amend or repeal this subchapter is hereby expressly reserved.

(b) The Authority shall submit to Congress and the President copies of all annual and special reports made to the Governors, the Mayor of the District of Columbia and/or the legislatures of the compacting States.

(c) The President and the Congress or any committee thereof shall have the right to require the disclosure and furnishing of such information by the Authority as they may deem appropriate. Further, the President and Congress or any of its committees shall have access to all books, records and papers of the Authority as well as the right of inspection of any facility used, owned, leased, regulated or under the control of said Authority.

(d) In carrying out the audits provided for in § 70(b) of the Compact, the representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Board and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, agents, and custodians.

(Nov. 6, 1966, 80 Stat. 1353, Pub. L. 89-774, § 6.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2441.

1973 Ed., § 1-1436.

*Change in Government*

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

**SUBCHAPTER IV-A. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY FUND.**

**§ 9-1108.01. CREATION OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY FUND.**

(a)(1) There is established as a nonlapsing fund the Washington Metropolitan Area Transit Authority Fund ("Fund"), which shall be used solely for the purposes set forth in subsection (b) of this section.

(2) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year or at any other time, but shall be continually available for the uses and purposes set forth in subsection (b)

of this section, subject to authorization by Congress.

(3)(A) Except as provided in subparagraph (B) of this paragraph, the Fund shall be funded solely by an annual appropriation of \$50 million ("Required Funding").

(B) If in any fiscal year, the amount appropriated for the Fund ("Anticipated Funding") is less than the Required Funding, a percentage of the sales tax revenue collected annually under Chapter 20 of Title 47 equal to the difference between the Required Funding and the Anticipated Funding ("Deficit") shall be apportioned from the proceeds of such annual sales tax revenues, other than dedicated taxes as defined under § 1-204.90(n)(5)), and shall be deposited into the Fund in accordance with subsection (a-1)(2) of this section.

(a-1) On or before October 31 of each fiscal year, the Chief Financial Officer shall certify to the Mayor and the Council that:

(1) The Congress appropriated \$50 million for the Fund in the current fiscal year and the funds are available for obligation and expenditure in the current fiscal year; or

(2) The amount of funds that are available for obligation and expenditure from the Fund and the amount of the Deficit.

(a-2) In each fiscal year that the Chief Financial Officer certifies that there is a Deficit, in accordance with subsection (a-1)(2) of this section, the Chief Financial Officer shall, beginning November 1, commence the deposit of a percentage of sales tax revenues collected each month under Chapter 20 of Title 47, apportioned from the proceeds of such monthly sales tax revenues, other than dedicated taxes as defined under § 1-204.90(n)(5), until the Deficit has been fully funded; provided, that the amount of such monthly sales tax shall be reduced by the interest on the Anticipated Funding earned during the fiscal year. The Chief Financial Officer shall determine the percentage of sales tax revenues necessary to satisfy the Deficit within the fiscal year.

(b)(1) Funds deposited in the Washington Metropolitan Area Transit Authority Fund shall be used to maintain and improve the transportation system of the Washington Metropolitan Area Transit Authority and, for such purpose, shall be available to comply with any federal grant matching funds requirement, a decision by the District to match federal funds received, or to provide revenue to the Washington Metropolitan Area Transit Authority.

(2) The amount of annual expenditures from the Fund shall not exceed the contributions by Maryland or Virginia. For the purpose of this subsection, the contributions of Maryland or Virginia shall not include any payments made pursuant to the Washington Metropolitan Area Transit Authority subsidy allocation formulas.

(June 16, 2006, D.C. Law 16-132, § 2, 53 DCR 4727; Mar. 25, 2009, D.C. Law 17-360, § 3(a), 56 DCR 1200; Mar. 3, 2010, D.C. Law 18-111, § 6071(a), 57 DCR 181.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-360, in subsec. (a), substituted "5.7% of general sales tax revenue (net dedicated taxes)" for "0.5% of sales tax revenue".

D.C. Law 18-111 rewrote subsec. (a); and added subsec. (a-1) and (a-2). Prior to amendment, subsec. (a) read as follows:

"(a) There is hereby established a fund designated as the Washington Metropolitan Area Transit Authority Fund, which shall be separate from the General Fund of the District of Columbia. An amount equal to 5.7% of general sales tax revenue (net dedicated taxes) collected annually under Chapter 20 of Title 47, apportioned from the proceeds of such annual sales tax revenues other than dedicated taxes as defined under § 1-204.90(n)(5)), shall be deposited into the Washington Metropolitan Area Transit Authority Fund without regard to fiscal year limitation pursuant to an act of Congress and shall not revert to the General Fund of the District of Columbia at the end of any fiscal year or at any other time, but shall be continually available as a dedicated funding source for the uses and purposes set forth in subsection (b) of this section, subject to authorization by Congress in an appropriations act."

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see §§ 6071(a), 7032 of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see §§ 6071(a), 7032 of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

##### *Legislative History of Laws*

Law 16-132, the "Washington Metropolitan Area Transit Authority Fund Act of 2006", was introduced in Council and assigned Bill No. 16-569 which was referred to the Committee on Finance and Revenue. The Bill

was adopted on first and second readings on March 7, 2006, and April 4, 2006, respectively. Signed by the Mayor on April 21, 2006, it was assigned Act No. 16-350 and transmitted to both Houses of Congress for its review. D.C. Law 16-132 became effective on June 16, 2006.

Law 17-360, the "Limitation on Borrowing and Establishment of the Operating Cash Reserve Act of 2008", was introduced in Council and assigned Bill No. 17-914 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 16, 2009, it was assigned Act No. 17-695 and transmitted to both Houses of Congress for its review. D.C. Law 17-360 became effective on March 25, 2009.

Law 18-111, the "Fiscal Year 2010 Budget Support Act of 2009", was introduced in Council and assigned Bill No. 18-203, which was referred to the Committee on the Whole. The bill was adopted on first and second readings on May 12, 2009, and September 22, 2009, respectively. Signed by the Mayor on December 18, 2009, it was assigned Act No. 18-255 and transmitted to both Houses of Congress for its review. D.C. Law 18-111 became effective on March 3, 2010.

#### *Miscellaneous Notes*

Section 3(3) of Law 16-132 required that the fiscal effect of Law 16-132 be included in an approved budget and financial plan in order for Law 16-132 to apply as law. The Budget Director of the Council of the District of Columbia has determined, as of November 2, 2007, that the fiscal effect of Law 16-132 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 16-98, are not in effect.

Section 3(b) of D.C. Law 17-360 repealed section 3(3) of D.C. Law 16-132 and restored this section.

Short title: Section 6070 of D.C. Law 18-111 provided that subtitle H of title VI of the act may be cited as the "Washington Metropolitan Area Transit Authority Fund Amendment Act of 2009".

## **§ 9-1108.02. APPLICABILITY.**

Section 9-1108.01(b) shall apply upon:

- (1) Enactment by Congress of legislation providing federal grants to the Washington Metropolitan Area Transit Authority for the purpose of maintaining and improving the transportation system of the Washington Metropolitan Area Transit Authority;
- (2) Passage of legislation by the Maryland General Assembly and the Virginia General Assembly:
  - (A) If each jurisdiction dedicates an amount of revenue at least equal to the contribution of the District to the Washington Metropolitan Area Transit Authority as provided under this subchapter; or
  - (B) Implementing any act of Congress providing federal grants to the Washington Metropolitan Area Transit Authority for the purpose of maintaining and improving the transportation system of the Washington Metropolitan Area Transit Authority; and
- (3) Repealed.
- (4) Inclusion of the fiscal effect of this subchapter in an approved budget and financial plan.

(June 16, 2006, D.C. Law 16-132, § 3, 53 DCR 4727; Mar. 25, 2009, D.C. Law 17-360, § 3(b), 56 DCR 1200; Mar. 3, 2010, D.C. Law 18-111, §§ 6071(b), 7032, 57 DCR 181.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Effect of Amendments*

D.C. Law 17-360 repealed par. (3) which had read as follows:

"(3) Inclusion of the fiscal effect of this subchapter in an approved budget and financial plan."

D.C. Law 18-111, in the introductory text, substituted "Section 9-1108.01(b)" for "Section 9-1108.01"; and added par. (4).

##### *Emergency Act Amendments*

For temporary (90 day) amendment of section, see § 6071(b) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 6071(b) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

##### *Legislative History of Laws*

For Law 16-132, see notes following § 9-1108.01.

For Law 17-360, see notes following § 9-1108.01.

For Law 18-111, see notes following § 9-1108.01.

*Miscellaneous Notes*

Section 3(3) of Law 16-132 required that the fiscal effect of Law 16-132 be included in an approved budget and financial plan in order for Law 16-132 to apply as law. The Budget Director of the Council of the District of Columbia has determined, as of November 2, 2007, that the fiscal effect of Law 16-132 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 16-98, are not in effect.

Section 3(b) of D.C. Law 17-360 repealed section 3(3) of D.C. Law 16-132 and restored this section.

## **SUBCHAPTER V. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SAFETY REGULATION.**

### **§ 9-1109.01. DEFINITIONS.**

For the purposes of this subchapter, the term:

- (1) "Act" means the Federal Transit Act, approved July 9, 1964 (78 Stat. 302; 49 U.S.C. 5301 et seq.).
- (2) "Agreement" means the agreement executed by the Mayor, on behalf of the District of Columbia, with the Commonwealth of Virginia and the State of Maryland for the creation and operation of a joint state oversight agency.
- (3) "APTA Manual" means the American Public Transit Association Manual for the Development of Rail Transit System Safety Program Plans as that is referenced in 49 C.F.R. § 659.5.
- (4) "Federal Transit Administration" means the Federal Transit Administration of the U.S. Department of Transportation.
- (5) "Joint state oversight agency" means the agency for the regulation of the safety of WMATA's rail fixed guideway system that the District of Columbia, Commonwealth of Virginia, and State of Maryland are required to create and operate under section 28 of the Act, as a condition for the continuation of federal grant-in-aid assistance under that Act.
- (6) "Plan" means the system safety program plan referenced in 49 C.F.R. § 659.5, including the security portion of that plan.
- (7) "Public Works" means the District of Columbia Department of Public Works.
- (8) "Rail fixed guideway system" means a rail mass transportation system as defined in 49 C.F.R. § 659.5.
- (9) "Standard" means the system safety program standard referenced in 49 C.F.R. § 659.5, including the security portion of that standard.
- (10) "Unacceptable hazardous condition" means the condition referenced in 49 C.F.R. § 659.5.
- (11) "WMATA" means the Washington Metropolitan Area Transit Authority created pursuant to the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; § 9-1107.01).

(Sept. 23, 1997, D.C. Law 12-20, § 2, 44 DCR 4023; Apr. 20, 1999, D.C. Law 12-264, § 13, 46 DCR 2118.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2445.1.

*Temporary Addition of Section*

For temporary (225 day) additions, see §§ 2 to 8 of Washington Metropolitan Area Transit Authority Safety Regulation Temporary Act of 1996 (D.C. Law 11-261, April 25, 1997, law notification 44 DCR 2859).

*Emergency Act Amendments*

For temporary creation of a joint entity among the District of Columbia, Commonwealth of Virginia, and State of Maryland to regulate the safety and security of the rail fixed guideway system operated by the Washington Metropolitan Area Transit Authority, see §§ 2-8 of the Washington Metropolitan Area Transit Authority Safety Regulation Legislative Review Emergency Act of 1997 (D.C. Act 12-58, March 31, 1997, 44 DCR 2230).

Section 10 of D.C. Act 12-58 provides for the application of the act.

*Legislative History of Laws*

Law 12-20, the "Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997," was introduced in Council and assigned Bill No. 12-30, which was referred to the Committee on Local, Regional, and Federal Affairs. The Bill was adopted on first and second readings on May 6, 1997, and June 3, 1997, respectively. Signed by the Mayor on June 18, 1997, it was assigned Act No. 12-97 and transmitted to both Houses of Congress for its review. D.C. Law 12-20 became effective on September 23, 1997.

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

*References in Text*

Section 28 of the Federal Transit Act, referred to in paragraph (5) of this section, was formerly codified at 49 U.S.C. Appx. § 1624 prior to repeal by Act July 5, 1994, P.L. 103-272, § 7(b), 108 Stat. 1379. For the present similar provision, see 49 U.S.C. § 5330.

## **§ 9-1109.02. AUTHORIZATION FOR INTERSTATE AGREEMENT.**

The Mayor is hereby authorized to execute, on behalf of the District of Columbia, an agreement with the Commonwealth of Virginia and the State of Maryland for the creation and operation of a joint state oversight agency. Any such agency shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland. Any agreement executed by the Mayor to establish the agency shall, at a minimum, contain provisions that substantially satisfy the requirements set forth in § 9-1109.04.

(Sept. 23, 1997, D.C. Law 12-20, § 3, 44 DCR 4023.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2445.2.

*Legislative History of Laws*

For legislative history of D.C. Law 12-20, see Historical and Statutory Notes following § 9-1109.01.

## **§ 9-1109.03. APPOINTMENT OF DISTRICT REPRESENTATIVES.**

The Mayor shall appoint all members to the joint state oversight agency who represent the District of Columbia. Those members shall serve at the pleasure of the Mayor.

(Sept. 23, 1997, D.C. Law 12-20, § 4, 44 DCR 4023.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2445.3.

*Legislative History of Laws*

For legislative history of D.C. Law 12-20, see Historical and Statutory Notes following § 9-1109.01.

## **§ 9-1109.04. REQUIREMENTS FOR AGREEMENT.**

Any agreement that the Mayor executes pursuant to § 9-1109.02 shall contain provisions that substantially satisfy all of the following requirements:

- (1) The joint state oversight agency shall consist of 6 voting members. Each party to the agreement shall appoint 2 members.
- (2) Three members of the joint state oversight agency, 1 from each party to the agreement, shall constitute a quorum for the purpose of approving action by the agency.
- (3) All actions of the joint state oversight agency shall be approved by majority vote of the members. Such vote shall consist of more than 1/2 of the total number of members in attendance and shall include at least 1 affirmative vote by a representative of each party.
- (4) A chairperson shall be elected, by majority vote, from among the members of the joint state oversight agency. The term of the chairperson shall be specified in the agreement. The chairperson

shall have such responsibilities, consistent with the requirements of this section, as the agreement provides.

(5) The joint state oversight agency shall be responsible for:

- (A) Adopting a standard that satisfies the criteria in the APTA Manual;
- (B) Requiring WMATA to develop and implement a plan that satisfies the standard in subparagraph (A) of this paragraph;
- (C) Adopting a standard that requires WMATA to address the personal security of passengers and employees in its rail fixed guideway system;
- (D) Requiring WMATA to develop and implement a plan that satisfies the standard in subparagraph (C) of this paragraph;
- (E) Monitoring the implementation of the plans in subparagraphs (B) and (D) of this paragraph;
- (F) Requiring WMATA to conduct internal safety audits for its rail fixed guideway system and to report the results of these audits;
- (G) Requiring WMATA to report accidents and unacceptable hazardous conditions in its rail fixed guideway system;
- (H) Establishing minimum procedures for investigating accidents and unacceptable hazardous conditions in WMATA's rail fixed guideway system;
- (I) Investigating, or requiring WMATA to investigate, any such accidents or conditions;
- (J) Requiring WMATA to develop and implement corrective action plans that address accidents and unacceptable hazardous conditions in its rail fixed guideway system;
- (K) Conducting on-site safety reviews of WMATA's rail fixed guideway system; and
- (L) Making reports as required under section 28 of the Act and under 49 C.F.R. § 659.

(6) The joint state oversight agency shall have authority to contract with a consultant as it deems necessary to carry out its responsibilities. All actual costs associated with such a contract shall be shared equally, on a 1/3 basis, by each party to the agreement.

(7) Any party to the agreement shall be entitled unilaterally to withdraw from it on no more than 60 days written notice to the other parties. Any party that withdraws shall be responsible for its pro rata share of any actual costs incurred for a consultant up to the effective date of termination, in accordance with paragraph (6) of this section.

(Sept. 23, 1997, D.C. Law 12-20, § 5, 44 DCR 4023.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2445.4.

##### *Legislative History of Laws*

For legislative history of D.C. Law 12-20, see Historical and Statutory Notes following § 9-1109.01.

##### *References in Text*

Section 28 of the Federal Transit Act, referred to in paragraph (5)(L) of this section, was formerly codified at 49 U.S.C. Appx. § 1624 prior to repeal by Act July 5, 1994, P.L. 103-272, § 7(b), 108 Stat. 1379. For the present similar provision, see 49 U.S.C. § 5330.

## **§ 9-1109.05. AMENDMENTS TO AGREEMENT.**

The Mayor may execute, on behalf of the District of Columbia, amendments to the agreement authorized by § 9-1109.02 so long as the agreement, as amended, continues to contain provisions that substantially satisfy the requirements in § 9-1109.04.

(Sept. 23, 1997, D.C. Law 12-20, § 6, 44 DCR 4023.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2445.5.

##### *Legislative History of Laws*

For legislative history of D.C. Law 12-20, see Historical and Statutory Notes following § 9-1109.01.

## **§ 9-1109.06. PROCUREMENT LAW INAPPLICABLE.**

Chapter 3 of Title 2 shall not apply to contracts of the joint state oversight agency.  
(Sept. 23, 1997, D.C. Law 12-20, § 7, 44 DCR 4023.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-2445.6.

#### *Legislative History of Laws*

For legislative history of D.C. Law 12-20, see Historical and Statutory Notes following § 9-1109.01.

## **§ 9-1109.07. AUTHORIZATION FOR A DISTRICT PROGRAM.**

(a) If the Mayor at any time determines that the agreement authorized by § 9-1109.02 is not in the best interest of the District, the Mayor may terminate the District's participation in the agreement and its duty to perform the responsibilities set out in § 9-1109.04(5) within the District.

(b) If the Mayor assumes the responsibilities set out in § 9-1109.04(5) pursuant to a determination made under subsection (a) of this section, the Mayor may promulgate any necessary rules.

(Sept. 23, 1997, D.C. Law 12-20, § 8, 44 DCR 4023.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-2445.7.

#### *Legislative History of Laws*

For legislative history of D.C. Law 12-20, see Historical and Statutory Notes following § 9-1109.01.

## **SUBCHAPTER VI. ADOPTED REGIONAL SYSTEM.**

### **§ 9-1111.01. DEFINITIONS.**

For the purposes of this subchapter:

(1) The term "adopted regional system" means that system described in the Transit Authority's report entitled "Adopted Regional Rapid Rail Transit Plan and Program, March 1, 1968 (revised February 7, 1969)," as that system may hereafter be altered, revised, or amended in accordance with the Compact.

(2) The term "Compact" means the Washington Metropolitan Area Transit Authority Compact (80 Stat. 1324, Public Law 89-774).

(3) The term "Transit Authority" means the Washington Metropolitan Area Transit Authority established under Article III of the Compact.

(4) The term "Agreement" means the Initial Bond Repayment Participation Agreement executed by the Transit Authority and the United States Department of Transportation on September 18, 1979, and amendments thereto, including the Supplemental Agreement described in § 302 of the Initial Bond Repayment Participation Agreement.

(5) The term "local participating governments" means those governments which comprise the Washington Metropolitan Transit Zone, as defined by paragraph 3 of Article III of Title III of the Washington Metropolitan Area Transit Authority Compact.

(Dec. 9, 1969, 83 Stat. 320, Pub. L. 91-143, § 2; Jan. 3, 1980, 93 Stat. 1323, Pub. L. 96-184, § 3(a).)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-2451.

1973 Ed., § 1-1441.

#### *Miscellaneous Notes*

Appropriations authorized: Public Law 104-194, 110 Stat. 2362, the District of Columbia Appropriations Act,

1997, provided for construction projects an increase of \$46,923,000 (including an increase of \$34,000,000 for the highway trust fund, reallocations and rescissions for a net rescission of \$120,496,000 from local funds appropriated under this heading in prior fiscal years and an additional \$133,419,000 in Federal funds), as authorized by §§ 34-2405.01 through 34-2405.08; §§ 34-2413.08, 34-2413.10 and 34-2304; and §§ 10-619 and 47-3404; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 9-107.01, note), for which funds are provided by this appropriation title, shall expire on September 30, 1998, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1998: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

## **§ 9-1111.02. FEDERAL CONTRIBUTIONS.**

(a) To provide the federal share of the cost of the adopted regional system, which system supersedes that heretofore authorized by the Congress in subchapter III of this chapter, the Secretary of Transportation is authorized to make annual contributions to the Transit Authority in amounts sufficient to finance in part the cost of the adopted regional system; except that the aggregate amount of federal contributions for the adopted regional system, including the \$100,000,000 authorized to be appropriated by § 9-1105.02(1), shall not exceed the lower amount of \$1,147,044,000 or two thirds of the net project cost of the adopted regional system.

(b) Federal contributions for the adopted regional system shall be subject to the following limitations and conditions:

(1) The work for which contributions are authorized shall be subject to the provisions of the Compact and shall be carried out substantially in accordance with the plans and schedules for the adopted regional system; and

(2) The aggregate amount of such federal contributions on or prior to the last day of any given fiscal year shall be matched by the local participating governments by payment of the local share of capital contributions required for the period ending with the last day of such year in a total amount not less than 50 per centum of the amount of such federal contributions.

(c) There is authorized to be appropriated to the Secretary of Transportation, without fiscal year limitation, an amount not to exceed \$1,047,044,000 to carry out the purposes of this section. The appropriations authorized by this subsection shall be in addition to the appropriations authorized by § 9-1105.02(1).

(Dec. 5, 1969, 83 Stat. 320, Pub. L. 91-143, § 3.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-2452.

1973 Ed., § 1-1442.

#### *Miscellaneous Notes*

Appropriations authorized: Public Law 104-194, 110 Stat. 2362, the District of Columbia Appropriations Act, 1997, provided for construction projects an increase of \$46,923,000 (including an increase of \$34,000,000 for the highway trust fund, reallocations and rescissions for a net rescission of \$120,496,000 from local funds appropriated under this heading in prior fiscal years and an additional \$133,419,000 in Federal funds), as authorized by §§ 34-2405.01 through 34-2405.08; §§ 34-2413.08, 34-2413.10 and 34-2304; and §§ 10-619 and 47-3404; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 9-107.01, note), for which funds are provided by this appropriation title, shall expire on September 30, 1998, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1998: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.



### **§ 9-1111.03. DISTRICT OF COLUMBIA CONTRIBUTIONS.**

(a) To provide the District of Columbia share of the cost of the adopted regional system, the Mayor of the District of Columbia is authorized to contract with the Transit Authority to make annual capital contributions. To carry out the purposes of this section there is authorized to be appropriated out of the General Fund of the District of Columbia, an amount, without fiscal year limitation, not to exceed such sums as may be necessary.

(b) The appropriations authorized by subsection (a) of this section shall be in addition to the appropriations authorized on behalf of the District of Columbia by § 9-1105.02(2).

(c) The Mayor of the District of Columbia is further authorized to contract with the Transit Authority and to pay in accordance with the terms thereof for the service to be provided to the District of Columbia by the adopted regional system.

(Dec. 9, 1969, 83 Stat. 321, Pub. L. 91-143, § 4; July 13, 1972, 86 Stat. 466, Pub. L. 92-349, title II, § 201(a); Aug. 14, 1979, 93 Stat. 388, Pub. L. 96-57.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2454.

1973 Ed., § 1-1443.

##### *Miscellaneous Notes*

Appropriations authorized: Public Law 104-194, 110 Stat. 2362, the District of Columbia Appropriations Act, 1997, provided for construction projects an increase of \$46,923,000 (including an increase of \$34,000,000 for the highway trust fund, reallocations and rescissions for a net rescission of \$120,496,000 from local funds appropriated under this heading in prior fiscal years and an additional \$133,419,000 in Federal funds), as authorized by §§ 34-2405.01 through 34-2405.08; §§ 34-2413.08, 34-2413.10 and 34-2304; and §§ 10-619 and 47-3404; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 9-107.01, note), for which funds are provided by this appropriation title, shall expire on September 30, 1998, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1998: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

### **§ 9-1111.04. APPROVAL FOR CONSTRUCTION REQUIRED.**

(a) No portion of the adopted regional system shall be constructed within the United States Capitol grounds except upon approval of the Commission for Extension of the United States Capitol.

(b) Construction of the adopted regional system in, on, under, or over public space in the District of Columbia under the jurisdiction of the Mayor of the District of Columbia shall, in the interest of public convenience and safety, be performed in accordance with schedules agreed upon between the Transit Authority and the Mayor, to the end that such construction work will be coordinated with other construction work in such public space; and the Mayor shall so exercise his jurisdiction and control over such public space as to facilitate the Transit Authority's use and occupation thereof for construction of the adopted regional system.

(Dec. 9, 1969, 83 Stat. 322, Pub. L. 91-143, § 5.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2456.

1973 Ed., § 1-1444.

##### *Emergency Act Amendments*

For temporary (90 day) Metro Matters funding requirement provisions, see §§ 7012, 7013 of Fiscal Year 2005 Budget Support Emergency Act of 2004 (D.C. Act 15-486, August 2, 2004, 51 DCR 8236).

For temporary (90 day) Metro Matters funding requirement provisions, see §§ 7012, 7013 of Fiscal Year 2005 Budget Support Congressional Review Emergency Act of 2004 (D.C. Act 15-594, October 26, 2004, 51 DCR 11725).

*Legislative History of Laws*

For Law 15-105, see notes following § 9-111.01a.

*Miscellaneous Notes*

Appropriations authorized: Public Law 104-194, 110 Stat. 2362, the District of Columbia Appropriations Act, 1997, provided for construction projects an increase of \$46,923,000 (including an increase of \$34,000,000 for the highway trust fund, reallocations and rescissions for a net rescission of \$120,496,000 from local funds appropriated under this heading in prior fiscal years and an additional \$133,419,000 in Federal funds), as authorized by §§ 34-2405.01 through 34-2405.08; §§ 34-2413.08, 34-2413.10 and 34-2304; and §§ 10-619 and 47-3404; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90-495; D.C. Code, sec. 9-107.01, note), for which funds are provided by this appropriation title, shall expire on September 30, 1998, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1998: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

Short title of subtitle B of Law 15-205: Section 7011 of D.C. Law 15-205 provided that subtitle B of the act may be cited as the Metro Matters Funding Requirements Act of 2004.

Sections 7012 and 7013 of D.C. Law 15-205 provides:

"Sec. 7012. The Council authorizes the Mayor to conclude a funding agreement with the Washington Metropolitan Area Transit Authority ('WMATA') by January 1, 2005, for the purposes of funding capital projects identified in Metro Matters, which is a public outreach campaign launched October 23, 2003, to raise awareness about Metro's financial crisis and urgent need for \$1.5 billion in capital funding.

"Sec. 7012. By October 1, 2004, WMATA shall have no fewer than 78 rail cars assigned to the Branch Avenue portion of the Green line during morning and afternoon peak periods."

## **§ 9-111.05. DISPOSAL OF EXCESS REVENUES.**

To the extent that revenues or other receipts derived from or in connection with the ownership or operation of the adopted regional system (other than service payments under transit service agreements executed between the Transit Authority and local political subdivisions, the proceeds of bonds or other evidences of indebtedness issued by the Transit Authority, and capital contributions received by the Transit Authority) are excess to the amounts necessary to make all payments, including debt service, operating and maintenance expenses, and deposits in reserves required or permitted by the terms of any contract of the Transit Authority with or for the benefit of holders of its bonds, notes, or other evidences of indebtedness issued for any purpose relating to the adopted regional system, other than extensions thereof, two thirds of such excess revenues shall, at the end of each fiscal year, beginning with the fiscal year in which the adopted regional system (exclusive of extensions) is first put into substantially full revenue service, be paid into the Treasury of the United States as miscellaneous receipts.

(Dec. 9, 1969, 83 Stat. 322, Pub. L. 91-143, § 6.)

## **§ 9-111.06. GUARANTEE OF OBLIGATIONS.**

(a)(1) The Secretary of Transportation is authorized to guarantee, and to enter into commitments to guarantee, upon such terms and conditions as he may prescribe, payment of principal of and interest on bonds and other evidences of indebtedness (including short-term notes) issued with the approval of the Secretary of the Treasury by the Transit Authority under the Compact. No such guarantee or commitment to guarantee shall be made unless the Secretary of Transportation determines and certifies that:

(A) The obligation to be guaranteed represents an acceptable financial risk to the United States and the prospective revenues of the Transit Authority furnish reasonable assurance that timely payments of interest on such obligation will be made;

(B) The Transit Authority has entered into an agreement with the Secretary of Transportation providing for reasonable and prudent action by the Transit Authority respecting its financial

condition if at any time the Secretary, in his discretion, determines that such action would be necessary to protect the interest of the United States;

(C) Unless the obligation is a short-term note (as determined by the Secretary), it will be sold through a process of competitive bidding as prescribed by the Secretary of Transportation; and

(D) The rate of interest payable with respect to such obligation is reasonable in light of prevailing market yields.

(2) Notwithstanding subparagraph (C) of paragraph (1) of this subsection, the Secretary of Transportation may guarantee an obligation under this section sold through a process of negotiation if he makes a determination that prevailing market conditions would result in a higher net interest cost or would otherwise increase the cost of issuing the obligation if the obligation was sold through the competitive bidding process. The Secretary's determination shall be in writing and shall contain a detailed explanation of the reasons therefor.

(b) Any guarantee of obligations made by the Secretary of Transportation under this section shall be conclusive evidence of the eligibility of the obligations for such guarantee, and the validity of any guarantee so made shall be incontestable, except for fraud or material misrepresentation, in the hands of a holder of the guaranteed obligation.

(c) The aggregate principal amount of obligations which may be guaranteed under this section shall not exceed \$1,200,000,000; except that:

(1) No obligation may be guaranteed under this section if, taking into account the principal amount of that obligation, the aggregate amount of principal of outstanding obligations guaranteed under this section exceeds \$900,000,000 unless the local participating governments:

(A) Make, in accordance with agreements entered into with the Transit Authority, capital contributions to the Transit Authority for the adopted regional system in a total amount not less than 50 per centum of the amount by which the principal of such obligation causes such aggregate amount of principal to exceed \$900,000,000; or

(B) Have entered into enforceable commitments with the Transit Authority to make such contributions by the end of the fiscal year in which such obligation is issued; and

(2) Obligations eligible for guarantees under this section which are issued solely for the purpose of refunding existing obligations previously guaranteed under this section may be guaranteed without regard to the \$1,200,000,000 limitation.

(d) The interest on any obligation of the Transit Authority guaranteed by the Secretary under the provisions of this section shall be included in gross income for the purposes of Chapter 1 of the Internal Revenue Code of 1954.

(Dec. 9, 1969, Pub. L. 91-143, § 9; July 13, 1972, 86 Stat. 464, Pub. L. 92-349, title I, § 101; Jan. 3, 1980, 93 Stat. 1323, Pub. L. 96-184, § 3(b); Apr. 12, 2000, D.C. Law 13-91, § 129, 47 DCR 520.)

*HISTORICAL AND STATUTORY NOTES*

**§ 9-1111.07. PERIODIC PAYMENTS TO AUTHORITY. [REPEALED]**

(Dec. 9, 1969, Pub. L. 91-143, § 10; July 13, 1972, 86 Stat. 465, Pub. L. 92-349, title I, § 101; Jan. 3, 1980, 93 Stat. 1323, Pub. L. 96-184, § 3(c).)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2459.

1973 Ed., § 1-1447.

**§ 9-1111.08. AUTHORIZATION OF APPROPRIATIONS.**

(a) There are authorized to be appropriated to the Secretary of Transportation such amounts as may be necessary to enable him to discharge his responsibilities under guarantees issued by him under § 9-1111.06 and to make the payments to the Transit Authority in accordance with § 9-1111.12. Amounts appropriated under this section shall be available without fiscal year limitation.

(b) If at any time the moneys available to the Secretary of Transportation are insufficient to enable him to discharge his responsibilities under guarantees issued by him under § 9-1111.06 or to make payments to the Transit Authority in accordance with § 9-1111.12, he shall issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Redemption of such notes or

obligations shall be made by the Secretary of Transportation from appropriations available under subsection (a) of this section. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury shall purchase any notes or other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act and the purposes for which securities may be issued under that Act are extended to include any purchase of such notes or obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

(Dec. 9, 1969, Pub. L. 91-143, § 11; July 13, 1972, 86 Stat. 465, Pub. L. 92-349, title I, § 101; Jan. 3, 1980, 93 Stat. 1323, Pub. L. 96-184, § 3(d).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Legislative History of Laws*

For Law 15-105, see notes following § 9-111.01a.

##### *References in Text*

"The Second Liberty Bond Act," referred to in the fourth sentence of subsection (b) of this section, is the Act of September 24, 1917, 40 Stat. 288, ch. 56.

##### *Miscellaneous Notes*

Short title of subtitle C of Law 15-205: Section 7021 of D.C. Law 15-205 provided that subtitle C of the act may be cited as the Metrorail Late-Night Funding Requirement Act of 2004.

Metrorail Funding: Section 7022 of D.C. Law 15-205 provides:

"(a) The Council authorizes the use of \$486,000 from any WMATA fare increase implemented after April 30, 2004, to be made available to meet the District's contribution to funding the cost of operating the Metro system from 2:00 a.m to 3:00 a.m. on Saturday and Sunday mornings, beginning January 1, 2005.

"(b) No District funds shall be made available for the service described in subsection (a) of this section unless the service is made a regional service and is funded pursuant to the Metrorail Subsidy Allocation Formula."

Short title of subtitle D of Law 15-205: Section 7031 of D.C. Law 15-205 provided that subtitle D of the act may be cited as the Downtown Circulator Bus Service Funding Act of 2004.

Downtown Circulator Bus Service: Section 7032 of D.C. Law 15-205 provides:

"The Council authorizes the use of \$200,000 from any WMATA fare increase implemented after April 30, 2004, to be made available for the Downtown Circulator Bus Service, which amount shall be in addition to the \$500,000 appropriated in the District of Columbia Appropriations Act, 2005."

Short title of subtitle E of Law 15-205: Section 7041 of D.C. Law 15-205 provided that subtitle E of the act may be cited as the Cardozo Pre-Apprenticeship Program Act of 2004.

Cardozo Pre-Apprenticeship Program: Section 7042 of D.C. Law 15-205 provides:

"The Council directs the Washington Metropolitan Area Transit Authority ('WMATA') to use \$213,925 from any WMATA fare increase implemented after April 30, 2004, to fund the Electro-Mechanical Technology Training Program for the District of Columbia high school students at Cardozo Senior High School's Transportation and Technology program."

Short title of subtitle F of Law 15-205: Section 7051 of D.C. Law 15-205 provided that subtitle F of the act may be cited as the Tourists Take Metro to DC Neighborhoods Act of 2004.

Tourists Take Metro to DC Neighborhoods: Section 7052 of D.C. Law 15-205 provides:

"The Council authorizes the Washington Metropolitan Area Transit Authority to make \$30,000 of the District's subsidy appropriated in the District of Columbia Appropriations Act, 2005 available to Cultural Tourism DC for the continuation of a program encouraging tourists to use Metro to go beyond the monuments into the neighborhoods."

Short title of subtitle G of Law 15-205: Section 7061 of D.C. Law 15-205 provided that subtitle G of the act may be cited as the Metro Bus Funding Requirement Act of 2004.

Metro Bus Funding: Sections 7062 and 7063 of D.C. Law 15-205 provide:

"It is the position of the District government that the Washington Metropolitan Area Transit Authority shall not procure any diesel buses or diesel-electric hybrid buses, with the exception of the Downtown Circulator Bus Service.

"Beginning with fiscal year 2006, the Mayor shall not submit a budget for the Washington Metropolitan Area Transit Authority to the Council of the District of Columbia that funds diesel or diesel-electric hybrid buses, except for the Downtown Circulator Bus Service."

### **§ 9-1111.09. OBLIGATIONS AS LAWFUL INVESTMENTS.**

(a) Obligations issued by the Transit Authority which are guaranteed by the Secretary of Transportation under § 9-1111.06 shall be lawful investments, and may be accepted as security for fiduciary, trusts, and public funds, the investment or deposit of which shall be under the authority or control of the United States or of any officer or officers thereof, and shall be deemed to be exempt securities within the meaning of laws administered by the Securities and Exchange Commission to the same extent as securities which are issued by the United States.

(b) Any building association, building and loan association, or savings and loan association, incorporated or unincorporated, organized and operating under the laws of the District of Columbia, or any federal savings and loan association, may invest its funds in obligations of the Transit Authority which are guaranteed by the Secretary of Transportation under § 9-1111.06.

(Dec. 9, 1969, Pub. L. 91-143, § 12; July 13, 1972, 86 Stat. 466, Pub. L. 92-349, title I, § 101.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2461.

1973 Ed., § 1-1449.

### **§ 9-1111.10. APPROPRIATION FOR ARLINGTON CEMETERY AND SMITHSONIAN TRANSIT STATIONS.**

(a) The Secretary of Transportation shall make payments to the Transit Authority in such amounts as may be requisitioned from time to time by the Transit Authority sufficient, in the aggregate, to finance the cost of designing, constructing, and equipping: (1) a rail rapid transit station partially under Memorial Drive designed to serve the Arlington Cemetery with 2 entrances surfacing adjacent to the sidewalks north and south of Memorial Drive and east of Jefferson Davis Highway; and (2) an additional entrance in the vicinity of the northeast end of the Smithsonian Station surfacing on the Mall south of Adams Drive; except that the aggregate amount of such payments shall not exceed \$7,385,000.

(b) There is authorized to be appropriated to the Secretary of Transportation, without fiscal year limitation, an amount not to exceed \$7,385,000 to carry out the purposes of this section. The appropriations authorized in this subsection shall not be subject to the provisions of this subchapter requiring contributions by the local governments and shall be in addition to the appropriations authorized by § 9-1111.02(c).

(Dec. 9, 1969, Pub. L. 91-143, § 13; Oct. 21, 1972, 86 Stat. 1004, Pub. L. 92-517, title VI, § 601.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2462.

1973 Ed., § 1-1450.

### **§ 9-1111.11. AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTIONS FOR CONSTRUCTION.**

(a) The Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized by § 9-1111.02, for the purpose of financing in part the cost of construction of the adopted regional system.

(b) Federal grants under subsection (a) of this section for the adopted regional system shall be subject to § 9-1111.13 and to the following limitations and conditions:

(1) The work for which such grants are authorized shall be subject to the provisions of the Compact and shall be for projects included in the adopted regional system.

(2) The aggregate amount of such federal grants made during any fiscal year shall be matched by the local participating governments by payment of capital contributions for such year in a total amount that is not less than 25 per centum of the amount of such federal grants and shall be provided in cash from sources other than federal funds or revenues from the operation of public mass transportation systems.

Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or revenues available in cash, or new capital.

(3) Such grants shall be subject to terms and conditions that the Secretary may deem appropriate for constructing the adopted regional system in a cost-effective manner.

(c) There is authorized to be appropriated to the Secretary of Transportation for the purpose of making grants under subsection (a) of this section an aggregate amount not to exceed \$1,700,000,000, except that no appropriation pursuant to this authorization shall be enacted for any fiscal year prior to fiscal year 1982.

(d) Amounts appropriated pursuant to the authorization under subsection (c) of this section:

(1) Shall remain available until expended, if so provided in appropriation acts; and

(2) Shall be in addition to, and not in lieu of, amounts available to the Transit Authority under the Urban Mass Transportation Act of 1964, as amended, and § 103(e)(4) of Title 23, United States Code.

(Dec. 9, 1969, 83 Stat. 320, Pub. L. 91-143, § 14; Jan. 3, 1980, 93 Stat. 1320, Pub. L. 96-184, § 2.)

*HISTORICAL AND STATUTORY NOTES*

### **§ 9-1111.12. PAYMENT OF BONDS.**

(a)(1) The Transit Authority shall maintain a sinking fund to be used for the accumulation of assets for payment of principal on bonds issued by the Transit Authority and guaranteed by the Secretary as provided in § 9-1111.06. The fund shall be administered in accordance with the provisions of the Compact providing for funds established by the Transit Authority, and moneys in the fund may be invested by the Transit Authority in accordance with the Compact and with the Agreement.

(2) The Transit Authority shall use assets of the fund to pay the principal paid or to be paid after October 1, 1979, on bonds issued by the Transit Authority.

(3)(A) Subject to the conditions of the Agreement, the Secretary of Transportation is authorized to make contributions to the Transit Authority, or its fiscal agent, in amounts sufficient to provide for the payment of two thirds of the principal paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in § 9-1111.06.

(B) There are authorized to be appropriated beginning in fiscal year 1981 such sums as are necessary to carry out the requirements of subparagraph (A) of this paragraph.

(4) Subject to the conditions of the Agreement, the local participating governments shall make payments to the Transit Authority in amounts sufficient to allow the Transit Authority to make contributions to the fund established pursuant to paragraph (1) of this subsection in amounts sufficient to provide for the payment of one third of the principal paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in § 9-1111.06.

(b)(1) The Transit Authority shall maintain a Bond Interest Fund to be used for the accumulation of assets for the timely payment of interest on bonds issued by the Transit Authority and guaranteed by the Secretary as provided in § 9-1111.06. The fund shall be administered in accordance with the provisions of the Compact providing for funds established by the Transit Authority, and moneys in the fund may be invested by the Transit Authority in accordance with the Compact and with the Agreement.

(2)(A) Subject to the conditions of the Agreement, the Secretary of Transportation is authorized to make contributions to the Transit Authority or its fiscal agent, in amounts sufficient to provide for the payment of two thirds of the total amount of interest paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in § 9-1111.06.

(B) There are authorized to be appropriated beginning in fiscal year 1981 such sums as are necessary to carry out the provisions of subparagraph (A) of this paragraph.

(3) With respect to interest payments due prior to July 3, 1983, the Secretary of Transportation, if requested by the Transit Authority, may make accelerated interest payments in amounts sufficient to provide for the payment, as any payment becomes due, of not more than an additional 18 1/3 per centum of the interest due on such bonds at the time of such payment, so long as the total amount of contributions by the Secretary under this subsection does not exceed the amount specified in paragraph (2) of this subsection. Unless otherwise provided in amendments to the Agreement, any accelerated payments made shall bear interest from the date of accelerated payment until liquidation at a rate to be determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding United States marketable obligations which have maturities comparable to the period of time between the time of accelerated payment and the time of liquidation.

(4) Subject to the conditions of the Agreement, the local participating governments shall make payments to the Transit Authority in amounts sufficient to allow the Transit Authority to make contributions to the fund established pursuant to paragraph (1) of this subsection in amounts sufficient

to provide for the payment of one third of the interest paid or to be paid after June 30, 1979, on bonds issued by the Transit Authority which are guaranteed by the Secretary as provided in § 9-1111.06.

(5) If as a result of the retirement of the principal of such bonds (or of any portion of such principal) before maturity the total amount of contributions by the Secretary of Transportation after June 30, 1979, for payment of interest on such bonds is at any time in excess of two thirds of the net present value of the total amount of interest paid or to be paid on such bonds after such date, the Transit Authority shall pay to the Secretary the difference between the total amount contributed by the Secretary and two thirds of the net present value of the total amount of interest paid or to be paid on such bonds after such date.

(Dec. 9, 1969, 83 Stat. 320, Pub. L. 91-143, § 15; Jan. 3, 1980, 93 Stat. 1320, Pub. L. 96-184, § 2.)

### **§ 9-1111.13. REQUIREMENT THAT LOCAL PARTICIPATING GOVERNMENTS HAVE STABLE AND RELIABLE SOURCE OF REVENUE FOR CONTRIBUTIONS.**

(a) The Secretary of Transportation shall not make any grant under § 9-1111.11(a) for the cost of construction of the adopted regional system, until the Secretary has determined that the local participating governments, or signatories (as defined in subparagraph (d) of paragraph 1 of Article I of Title III of the Washington Metropolitan Area Transit Authority Compact) to the Compact, have provided a stable and reliable source of revenue sufficient to meet both:

- (1) Their payments to the Transit Authority under subsections (a)(4) and (b)(4) of § 9-1111.12, relating to payment of the principal and interest on bonds issued by the Transit Authority; and
- (2) That part of the cost of operating and maintaining the adopted regional system that is in excess of revenues received by the Transit Authority from the operation of the system and any amount to be contributed for operating expenses by the Secretary of Transportation under any other provision of law.

(b) The Transit Authority, in consultation with each governmental entity that is a local participating government or signatory to the Compact as referred to in subsection (a) of this section, for the purposes of this subchapter, shall submit a program to the Secretary of Transportation on or before September 30, 1980, showing how each such governmental entity will have in place on or before August 15, 1982, a stable and reliable source of revenue to provide for its contributions:

- (1) For payments to the Washington Metropolitan Area Transit Authority for the payment of principal and interest on bonds issued by the Transit Authority; and
- (2) For the cost of operating and maintaining the adopted regional system of the Washington Metropolitan Area Transit Authority.

(Dec. 9, 1969, 83 Stat. 320, Pub. L. 91-143, § 16; Jan. 3, 1980, 93 Stat. 1320, Pub. L. 96-184, § 2.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2465.

### **§ 9-1111.14. AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTIONS FOR CONSTRUCTION.**

(a) The Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized by sections 3 and 14, for the purpose of financing in part the cost of construction of the Adopted Regional System.

(b) Federal grants under subsection (a) for the Adopted Regional System shall be subject to the following limitations and conditions:

- (1) The work for which such grants are authorized shall be subject to the provisions of the Compact and shall be for projects included in the Adopted Regional System.
- (2) The aggregate amount of such Federal grants made during any fiscal year shall be matched by the local participating governments by payment of capital contributions of not less than 60 percent of the amount of such Federal grants and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Any public or private transit system funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.
- (3) Such grants shall be subject to terms and conditions that the Secretary may deem appropriate for constructing the Adopted Regional System in a cost-effective manner which maximizes the rate at which appropriated funds can be utilized to complete all segments for which funds have been

authorized.

(c) In addition to funds authorized under section 14, there is authorized to be appropriated to the Secretary of Transportation for the purpose of making grants to complete the Adopted Regional System as provided in subsection (a) an aggregate amount not to exceed \$1,300,000,000 to be available in increments over 8 fiscal years beginning in fiscal year 1992, or until expended.

(d) Amounts appropriated pursuant to the authorization under subsection (c) --

(1) shall remain available until expended; and

(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under the Urban Mass Transportation Act of 1964, as amended, and section 103(e)(4) of title 23, United States Code.

(Dec. 9, 1969, Pub. L. 91-143, § 17, as added Nov. 15, 1990, 104 Stat. 2733, Pub. L. 101-551, § 2.)

## **§ 9-1111.15. ESTABLISHMENT OF METRORAIL/METROBUS ACCOUNT.**

(a) The Mayor of the District of Columbia shall establish within the General Fund an account classification to be known as the "Metrorail/Metrobus Account".

(b) The following revenues shall be deposited in the General Fund and allocated to the Metrorail/Metrobus Account:

(1) All grant funds earned by the District of Columbia, after September 30, 1981, for eligible transit operating expenses of the Washington Metropolitan Area Transit Authority ("WMATA") pursuant to § 5 of the Urban Mass Transportation Act of 1964 (49 U.S.C. § 1604).

(2) All revenues earned, after September 30, 1981, from the taxes, fees, and civil fines and penalties imposed by the following sections:

(A)(i) Section 47-2002(1), (2), and (3), except as provided in sub-subparagraph (ii) of this subparagraph;

(ii) Beginning January 1, 1999, sales tax increment revenues (as defined in § 2-1217.01(27)) shall be excluded from the revenues described in sub-subparagraph (i) of this subparagraph;

(B) Section 47-2202(1), (2) and (3);

(C) Sections 47-2301 through 47-2322;

(D) Section 50-2301.01 et seq., except the booting, towing, and storage fees imposed by § 50-2201.03(k)(4);

(E) Section 50-2621;

(F) Section 50-2603;

(G) Section 50-2633; and

(H) Repealed.

(3) All revenues earned, after September 30, 1983, pursuant to § 50-1501.03.

(4) All revenues earned, after September 30, 1983, pursuant to § 50-2201.03(j).

(c) Revenues earned from the tax imposed pursuant to § 47-1501 shall be deposited in the General Fund and allocated to the Metrorail/Metrobus Account classification in such amounts that shall be necessary to cover additional expenditures pursuant to paragraphs (1) and (2) of subsection (e) of this section.

(d) If revenues are insufficient to cover applicable expenditures as required in this subchapter, funding shall be made available from other General Fund revenues to cover the necessary additional amounts as needed pursuant to paragraphs (1) and (2) of subsection (e) of this section.

(e) Subject to the availability of appropriations for such purposes, amounts allocated to the Metrorail/Metrobus Account classification shall be used for the following purposes:

(1) First, for the payment of the District of Columbia's share of:

(A) The cost of operating and maintaining the adopted regional system, as defined in § 9-1111.01(1) pursuant to § 9-1111.03(c);

(B) An amount equal to the Washington Metropolitan Area Transit Authority's ("WMATA") contribution to the sinking fund established by § 9-1111.12(a)(1) pursuant to § 9-1111.12(a)(4) payable through the year 2014. These funds shall be used by WMATA to make debt service payments on the new bonds issued to refund the local share of the federally guaranteed transit revenue bonds;

(C) An amount equal to the Washington Metropolitan Area Transit Authority's contribution to the bond interest fund established by § 9-1111.12(b)(1), pursuant to § 9-1111.12(b)(4) payable through the year 2014. These funds shall be used by WMATA to make debt service payments on the new



bonds issued to refund the local share of the federally guaranteed transit revenue bonds; and  
(D) Metrorail construction management costs;

(2) Second, for the payment of:

(A) The District of Columbia's share of the Washington Metropolitan Area Transit Authority's Metrobus capital program;

(B) The subsidy required by § 35-236(b);

(C) The subsidy to the Washington Metropolitan Area Transit Authority for reduced fares for the elderly; and

(D) Debt service on amounts borrowed from the United States Treasury for the District of Columbia's share of Metrorail construction costs;

(3) Third, for other authorized expenditures of the District of Columbia government.

(Apr. 30, 1982, D.C. Law 4-103, § 2, 29 DCR 1395; Mar. 16, 1993, D.C. Law 9-202, § 2, 39 DCR 9221; Mar. 25, 1993, D.C. Law 9-250, § 2, 40 DCR 771; Mar. 21, 1995, D.C. Law 10-242, § 13, 42 DCR 86; Aug. 5, 1997, 111 Stat. 781, Pub. L. 105-33, § 11702(a)(1) and (2); Apr. 27, 1999, D.C. Law 12-271, § 3, 46 DCR 3615.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2466.

##### *Emergency Act Amendments*

For temporary amendment of section, see § 3 of the Tax Increment Financing Emergency Amendment Act of 1998 (D.C. Act 12-562, January 22, 1999, 46 DCR 2104).

Section 5 of D.C. Act 12-562 provides that the provisions of the act shall apply to any project approved by the Council pursuant to § 5 of the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; to be codified at D.C. Code § 2-1217.04), after the effective date of this act.

### **§ 9-1111.16. ANNUAL REPORT OF ACCOUNT.**

The Mayor of the District of Columbia shall, by November 1 of each year, submit a report to the Council of the District of Columbia delineating the revenues deposited in the Metrorail/Metrobus Account and the amounts, purposes, and expenditures from the Metrorail/Metrobus Account.

(Apr. 30, 1982, D.C. Law 4-103, § 4, 29 DCR 1395.)

### **§ 9-1111.17. FUNDING OF FACILITIES FOR THE HANDICAPPED.**

The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance 80 per centum of the cost of providing such facilities for the subway and rapid rail transit system authorized in this subchapter as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90-480 and 91-205 (Chapter 51 of Title 42, United States Code). There is authorized to be appropriated, to carry out this section, an amount not to exceed \$65,000,000.

(Aug. 13, 1973, 87 Stat. 271, Pub. L. 93-87, title I, § 140.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2453.

1973 Ed., § 1-1442a.

## **SUBCHAPTER VII. ACQUISITION OF MASS TRANSIT BUS SYSTEMS.**

### **§ 9-1113.01. ACQUISITION OF BUS COMPANIES; FRANCHISE CANCELLED; CHARTER BUS SERVICE BY AUTHORITY; CORPORATE STATUS OF D.C. TRANSIT SYSTEM, INC.**

(a) Based on the findings set forth in § 2 of this Act, it is the sense of the Congress that the Washington Metropolitan Area Transit Authority (hereafter in this subchapter referred to as the "Transit Authority") should initiate negotiations as soon as possible with the ownership of D.C. Transit System, Incorporated (and its subsidiary, the Washington, Virginia, and Maryland Coach Company), the Alexandria, Barcroft, and Washington Transit Company, and the WMA Transit Company for acquisition by the Transit Authority of capital stock or facilities, plant, equipment, real and personal property of such bus companies of whatever nature, whether owned directly or indirectly, used or useful for mass transportation by bus of passengers within the Washington metropolitan area. It is further the sense of the Congress that representatives of the Transit Authority should participate in any labor contract negotiations undertaken prior to acquisition by the Transit Authority of such bus companies.

(b) The franchise to operate a system of mass transportation of passengers for hire granted to D.C. Transit System, Incorporated, by the Act of July 24, 1956 (70 Stat. 598) is hereby canceled, effective upon the date immediately preceding the date on which the Transit Authority acquires the transit facilities of D.C. Transit System, Incorporated.

(c)(1) The Transit Authority, and any transit company owned or controlled by the Transit Authority, may operate charter service by bus in accordance with Title III of the Washington Metropolitan Area Transit Regulation Compact only between any point within the transit zone and any point in the State of Maryland or Virginia, or a point within 250 miles of the Zero Mile Stone located on the Ellipse.

(2) For the purposes of this subsection, the term "transit zone" means the area designated in § 3 of Title III of the Washington Metropolitan Area Transit Regulation Compact.

(d)(1) D.C. Transit System, Incorporated, a corporation of the District of Columbia, may:

(A) Continue to exist as such a corporation and amend its charter in any manner provided under the laws of the District of Columbia;

(B) Avail itself of the provisions of Chapter 3 of Title 29 in respect to a change of its name; and

(C) Become incorporated or reincorporated in any manner provided under the laws of the District of Columbia.

(2) Nothing in this Act shall be construed so as to cause or require the corporate dissolution of D.C. Transit System, Incorporated.

(Oct. 21, 1972, 86 Stat. 1001, Pub. L. 92-517, title I, § 102; July 2, 2011, D.C. Law 18-378, § 3(c), 58 DCR 1720.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2471.

1973 Ed., § 1-1461.

### **§ 9-1113.02. PAYMENT BY MAYOR OF DISTRICT'S SHARE OF ACQUISITION COST AUTHORIZED.**

The Mayor of the District of Columbia is authorized to contract with the Transit Authority for payment to it of the District's share of the cost to the Transit Authority of acquiring:

(1) The private bus companies referred to in § 9-1113.01(a); and

(2) Any rolling stock, real estate, or other capital resources required for the operation of bus service in the District of Columbia either at the time of acquisition of such bus companies or at some future time.

(Oct. 21, 1972, 86 Stat. 1002, Pub. L. 92-517, title II, § 201(a).)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2472.

1973 Ed., § 1-1462.

##### *Change in Government*

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia,

respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

### **§ 9-1113.03. CAPITAL GRANT ASSISTANCE.**

The Transit Authority, for the purpose of effecting the acquisition of the mass transit bus system or systems as contemplated by this subchapter, together with such improvements or replacement of acquired equipment and facilities as may be found necessary or desirable by the Secretary of Transportation (hereafter in §§ 9-1113.03 to 9-1113.05 referred to as the "Secretary") in conjunction with such acquisition and within a reasonable time thereafter, not to exceed 6 months, is eligible for capital grant assistance pursuant to § 3 of the Urban Mass Transportation Act of 1964. For this purpose, the Transit Authority shall be considered a "local public body" within the meaning of that section and, accordingly, the Secretary may authorize and approve capital grant assistance to the Transit Authority in the maximum amount provided for in the Urban Mass Transportation Act of 1964 toward the cost of acquisition of such bus system or systems, including the cost of improvements to or replacement of acquired equipment and facilities approved by the Secretary in conjunction with such acquisition. Such assistance shall be provided from funds available to the Urban Mass Transportation Administration of the Department of Transportation.

(Oct. 21, 1972, 86 Stat. 1002, Pub. L. 91-517, title III, § 301.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2473.

1973 Ed., § 1-1463.

##### *References in Text*

"Section 3 of the Urban Mass Transportation Act of 1964" was formerly codified at 49 U.S.C. § 1602. See now, generally, 49 U.S.C. § 5309.

### **§ 9-1113.04. IMMEDIATE GRANTS.**

(a) If the Secretary should determine that immediate action is urgently required to protect the public interest in the national capital area, he may waive any or all provisions of the Urban Mass Transportation Act of 1964 (except § 13(c) thereof), and immediately grant to the Transit Authority from funds available to the Urban Mass Transportation Administration of the Department of Transportation such sums as are contemplated under § 9-1113.03.

(b) The Secretary, after determining that immediate action is necessary in the public interest in accordance with subsection (a) of this section, may, in accordance with subsection (c) of this section, advance from funds available to the Urban Mass Transportation Administration of the Department of Transportation such funds as he determines to be necessary for payment to the Transit Authority to provide temporary financing for that portion of the cost of acquisition of the mass transit bus system or systems contemplated by this subchapter, together with associated improvements to or replacement of acquired equipment and facilities, which are not provided for by the Secretary pursuant to § 9-1113.03. For this purpose, such advance shall not be construed as a loan made under § 3 of the Urban Mass Transportation Act of 1964. Funds advanced pursuant to this section shall be considered as "other than federal funds" within the meaning of § 4(a) of the Urban Mass Transportation Act of 1964.

(c) The Secretary shall not advance funds under this section until he has determined that the Transit Authority has the capacity and ability to arrange for repayment of such advance in accordance with § 9-1113.05.

(Oct. 21, 1972, 86 Stat. 1002, Pub. L. 92-517, title III, § 302.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2474.

1973 Ed., § 1-1464.

##### *References in Text*

The "Urban Mass Transportation Act of 1964," referred to throughout this section, is now codified at 49 U.S.C. § 5301 et seq.

### **§ 9-1113.05. REPAYMENT OF ADVANCES.**

The advance authorized under § 9-1113.04(b) shall be repaid by the Transit Authority to the Urban Mass Transportation Administration of the Department of Transportation from contributions by the District of Columbia and other local government jurisdictions or from other non-federal sources as may be available to the Transit Authority and which were not estimated to be available for financing the mass transit rail rapid system authorized by subchapter VI of this chapter. Repayment of such advance may be deferred by the Secretary of Transportation, at the request of the Transit Authority, but not beyond the end of the fiscal year following the fiscal year in which the advance was made. Repayment shall be made with interest at a rate to be determined by the Secretary of the Treasury calculated in accordance with the formula set forth in § 3(c) of the Urban Mass Transportation Act of 1964. Principal and interest repaid pursuant to this section shall be credited to the Urban Mass Transportation Fund and shall be considered a restoration of obligational authority available to the Secretary under § 4(c) of the Urban Mass Transportation Act of 1964.

(Oct. 21, 1972, 86 Stat. 1003, Pub. L. 92-517, title III, § 303.)

### **§ 9-1113.06. JURISDICTION FOR CONDEMNATION PROCEEDINGS.**

(a) The United States District Court for the District of Columbia shall have complete and exclusive jurisdiction over any proceedings by the Transit Authority for the condemnation of property, wherever situated, of D.C. Transit System, Incorporated (including its subsidiary, the Washington, Virginia, and Maryland Coach Company), the Alexandria, Barcroft, and Washington Transit Company, and the WMA Transit Company. Such proceedings shall be instituted and maintained in accordance with the provisions of this section and the provisions of subchapter IV of Chapter 13 of Title 16, except that the court may appoint a commission in accordance with Rule 71A(h) of the Federal Rules of Civil Procedure in connection with the issue of compensation arising out of any such proceedings.

(b) Any such condemnation proceedings shall be commenced by the Attorney General of the United States, upon the request of the Transit Authority, by filing with the United States District Court for the District of Columbia a complaint and declaration of taking containing a description of the land and other assets to be taken, together with a sum of money deposited with the Registrar of such Court in accordance with the applicable provisions of law set forth in subsection (a) of this section. Upon such filing and deposit, title to the possession of the assets described in any such complaint and declaration of taking shall pass to the Transit Authority and the value of the assets so acquired shall be determined as of that date.

(c) The trial of any such condemnation proceedings shall be a preferred cause and shall be commenced at the earliest date convenient to the Court.

(d) Any proceeding brought by the Transit Authority under this section against the Alexandria, Barcroft, and Washington Transit Company shall be transferred, upon motion made by such Transit Company, to the United States District Court for the Eastern District of Virginia, and such District Court shall have, upon such transfer, complete and exclusive jurisdiction over such proceeding. Any action brought by the Transit Authority under this section against the WMA Transit Company, shall be transferred, upon motion made by the WMA Transit Company, to the United States District Court for the District of Maryland, and such District Court shall have, upon such transfer, complete and exclusive jurisdiction over such proceeding.

(Oct. 21, 1972, 86 Stat. 1003, Pub. L. 92-517, title IV, § 401.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2476.

1973 Ed., § 1-1466.

### **§ 9-1113.07. AUTHORITY OF COMPTROLLER GENERAL.**

The Comptroller General of the United States shall have access to all books, records, papers, and accounts and operations of the Transit Authority, and any company with which the Transit Authority is conducting negotiations under this subchapter, and any company eligible to receive or receiving any funds authorized by this subchapter. The Comptroller General is authorized to inspect any facility or real or personal property of the Transit Authority or of such companies.

(Oct. 21, 1972, 86 Stat. 1004, Pub. L. 92-517, title V, § 501.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2477.

## **SUBCHAPTER VIII. WOODROW WILSON BRIDGE AND TUNNEL COMPACT.**

### **§ 9-1115.01. AUTHORITY TO ENTER INTO COMPACT.**

The Mayor is hereby authorized to execute, on behalf of the District of Columbia, the Woodrow Wilson Bridge and Tunnel Compact ("Compact") with the Commonwealth of Virginia and the State of Maryland, which Compact shall be as it appears in § 9-1115.03.

(Feb. 28, 1996, D.C. Law 11-96, § 2, 42 DCR 7185.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 1-2481.

##### *Legislative History of Laws*

Law 11-96, the "Woodrow Wilson Bridge and Tunnel Compact Authorization Act of 1995," was introduced in Council and assigned Bill No. 11-104, which was referred to the Committee on Public Services and Regional Authorities. The Bill was adopted on first and second readings on November 7, 1995, and December 5, 1995 respectively. Signed by the Mayor on December 19, 1995, it was assigned Act No. 11-179 and transmitted to both Houses of Congress for its review. D.C. Law 11-96 became effective on February 28, 1996.

### **§ 9-1115.02. PREAMBLE TO COMPACT.**

- (1) Whereas, traffic congestion imposes serious economic burdens in the Washington, D.C., metropolitan area, costing commuters an estimated \$1,000 each per year.
- (2) Whereas, the average length of commute in the Washington, D.C., metropolitan area is second only to metropolitan New York, demonstrating the severity of traffic congestion.
- (3) Whereas, the Woodrow Wilson Memorial Bridge was designed to carry 70,000 vehicles per day, but carries an actual load of 160,000 vehicles per day.
- (4) Whereas, the volume of traffic in the metropolitan Washington, D.C., area is expected to increase by more than 70% between 1990 and 2020.
- (5) Whereas, the deterioration of the Woodrow Wilson Memorial Bridge and the growing population in the metropolitan Washington, D.C., area account for a large part of traffic congestion, and identifying alternatives to this vital link in the interstate highway system and the Northeast corridor is critical to addressing the area's traffic congestion.
- (6) Whereas, the Woodrow Wilson Memorial Bridge is the only drawbridge on the regional interstate network, the only piece of the Capital Beltway with only 6 lanes, and the only segment with a remaining life span of only 10 years.
- (7) Whereas, the existing Woodrow Wilson Memorial Bridge is the only part of the interstate system owned by the federal government, and, while the District of Columbia, Maryland, and Virginia maintain and operate the bridge, no entity has ever been granted full and clear responsibility for all aspects of this facility.
- (8) Whereas, continued federal government ownership of the Woodrow Wilson Memorial Bridge will impede cohesive regional transportation planning as it relates to identifying alternative solutions for resolving problems of the existing Woodrow Wilson Memorial Bridge.
- (9) Whereas, any change in the status of the Woodrow Wilson Memorial Bridge must take into account the interest of nearby communities, the commuting public, and other interested groups, as well as the interest of the federal government and the state and local governments involved.
- (10) Whereas, in recognition of a need for a limited federal role in the management of this bridge and the growing local interest, the U.S. Secretary of Transportation has recommended a transfer of authority and ownership from the federal to the local and state level, consistent with the management of other bridges elsewhere in the nation.
- (11) Whereas, a commission comprised of congressional, state, and local officials and transportation representatives has recommended transfer of the Woodrow Wilson Memorial Bridge to an independent authority to be created by the State of Maryland, the Commonwealth of Virginia, and the District of Columbia.

(12) Whereas, a coordinated approach without regard to political and legal jurisdictional boundaries, through the cooperation of the State of Maryland, the Commonwealth of Virginia, and the District of Columbia by and through a common agency similar to other Washington, D.C., area authorities, is a proper and necessary step looking toward the alleviation of traffic problems related to the inadequacy of the existing Woodrow Wilson Memorial Bridge.

(Feb. 28, 1996, D.C. Law 11-96, § 3, 42 DCR 7185.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2482.

*Legislative History of Laws*

For legislative history of D.C. Law 11-96, see Historical and Statutory Notes following § 9-1115.01.

**§ 9-1115.03. WOODROW WILSON BRIDGE AND TUNNEL COMPACT.**

The Compact referred to in § 9-1115.01 shall be as follows:

Now, therefore, the District of Columbia, Commonwealth of Virginia, and State of Maryland, hereinafter referred to as "the signatories," do hereby covenant and agree as follows:

WOODROW WILSON BRIDGE AND TUNNEL COMPACT

TITLE I

General Provisions

Article I

There is hereby created the National Capital Region Woodrow Wilson Bridge and Tunnel Authority, hereinafter referred to as the "Authority", which shall embrace the District of Columbia, the cities of Alexandria, Fairfax, and Falls Church, the counties of Arlington and Fairfax, and the political subdivisions of the Commonwealth of Virginia located within those counties, and the counties of Montgomery and Prince Georges in the State of Maryland and the political subdivisions of the State of Maryland located within those counties.

Article II

The Authority shall be an instrumentality and common agency of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland and shall have the powers and duties set forth in this Compact and such additional powers and duties as may be conferred upon it by subsequent action of the governing authorities of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland.

Article III

1. The Authority shall be governed by a Board of 13 members appointed as follows:

- (a) Four members shall be appointed by, and serve at the pleasure of, the Governor of the Commonwealth of Virginia;
- (b) Four members shall be appointed by, and serve at the pleasure of, the Governor of the State of Maryland, with the advice and consent of the Senate of Maryland;
- (c) Four members shall be appointed by, and serve at the pleasure of, the Mayor of the District of Columbia, with the advice and consent of the Council of the District of Columbia; and
- (d) One member shall be appointed by the U.S. Secretary of Transportation.

2. Members, other than members who are elected officials, shall have backgrounds in finance, construction lending, and infrastructure policy disciplines. One member each from the District of Columbia, the Commonwealth of Virginia, and the State of Maryland shall be an incumbent elected official. No other member shall hold elective or appointive public office.

3. (a) No Board member, officer, or employee shall:

- (1) Be financially interested, either directly or indirectly, in any contract, sale, purchase, lease, or transfer of real or personal property to which the Board or the Authority is a party;
- (2) In connection with services performed within the scope of his or her official duties, solicit or accept money or any other thing of value in addition to the compensation or expenses paid to him or her by the Authority; or
- (3) Offer money or any other thing of value for, or in consideration of, obtaining an appointment, promotion, or privilege in his or her employment with the Authority.

(b) Any Board member, officer, or employee who shall willfully violate any provision of this section shall, in the discretion of the Board, forfeit his or her office or employment.

(c) Any contract or agreement made in contravention of this section may be declared void by the Board.

(d) Nothing in section 3 of this article shall be construed to abrogate or limit the applicability of any federal, state, or District of Columbia law which may be violated by any action proscribed by this section.

4. The Chairperson of the Authority shall be elected biennially by its members.

5. The members also may elect biennially a secretary and a treasurer, or a secretary-treasurer, who may be members of the Authority, and prescribe their duties and powers.

6. Each member shall serve a 6-year term, except that each signatory shall make its initial appointments as follows:

(a) Two members shall each be appointed for a 6-year term;

(b) One member shall be appointed for a 4-year term; and

(c) One member shall be appointed for a 2-year term.

7. The failure of a signatory or the U.S. Secretary of Transportation to appoint one or more members shall not impair the Authority's creation or preclude the Authority from functioning when vacancies occur, except that the minimum number of members required at any time for the Authority to function shall be seven.

8. Any person appointed to fill a vacancy shall serve for the unexpired term. No member of the Authority shall serve for more than two terms.

9. The members of the Authority, including nonvoting members, if any, shall not be personally liable for any act done, or action taken, in their capacities as members of the Authority, nor shall they be personally liable for any bond, note, or other evidence of indebtedness issued by the Authority. Except as provided in this Compact, only the Authority shall be liable for its contracts and for its torts and those of its agents, members, and employees. Nothing in this Compact shall be construed as a waiver by the District of Columbia, the Commonwealth of Virginia, or the State of Maryland of immunity from suit.

10. Seven members shall constitute a quorum, with the following exceptions:

(a) Eight affirmative votes shall be required to approve bond issues and the annual budget of the Authority;

(b) Two affirmative votes by members from the affected signatory shall be required to approve operations or matters solely intrastate or solely within the District of Columbia; and

(c) Any sole source procurement of property, services, or construction in excess of \$100,000 shall require the prior approval of a majority of the members.

11. Members shall serve without compensation and shall reside in the metropolitan Washington, D.C., area. Members shall be entitled to reimbursement for their expenses incurred in attending the meetings of the Authority and while otherwise engaged in the discharge of their duties as members of the Authority.

12. The Authority may employ such engineering, technical, legal, clerical, and other personnel on a regular, part-time, or consulting basis as in its judgment may be necessary for the discharge of its duties. The Authority shall not be bound by any statute or regulation of any signatory in the employment or discharge of any officer or employee of the Authority, except as may be contained in this compact.

13. The Authority may fix and provide for the qualification, appointment, removal, term, tenure, compensation, pension, and retirement rights of its officers and employees without regard to the laws of any of the signatories, and may establish, in its discretion, a personnel system based on merit and fitness and, subject to eligibility, participate in the pension and retirement plans of any signatory, or political subdivision or agency thereof, upon terms and conditions mutually acceptable.

14. The Authority shall establish its office for the conduct of its affairs at a location to be determined by the Authority and shall publish rules and regulations governing the conduct of its operations.

15. The Authority shall adopt procedures that are not in conflict with the applicable federal law on administrative procedures, open meetings, and public information.

#### Article IV

16. Nothing herein shall be construed:

(a) To amend, alter, or in any way affect the power of the signatories and the political subdivisions thereof to levy and collect taxes on property or income or to levy, assess, and collect franchise or other similar taxes or fees for the licensing of vehicles and the operation thereof; or

(b) To confer any exemption from taxes related to the sale of any material, equipment, or supplies purchased by or on behalf of the Authority.

#### Article V

17. This Compact shall be adopted by all the signatories in a manner provided by law therefor and shall be signed and sealed in four duplicate original copies. One such copy shall be filed with the Secretary of State of the State of Maryland, the Secretary of the Commonwealth of Virginia, and the Secretary of the District of Columbia in accordance with the laws of each. One copy shall be filed and retained in the archives of the Authority upon its organization. This Compact shall become effective 90 days after the enactment of concurring legislation by, or on behalf of, the District of Columbia, Maryland, and Virginia, and consent thereto by the Congress of the United States and when all other acts or actions have been taken, including the signing and execution of the Title by the Governors of Maryland and Virginia and the Mayor of the District of Columbia.

#### Article VI

18. Any signatory may withdraw from the Compact upon one year's written notice to that effect to the other signatories. In the event of a withdrawal of one of the signatories from the Compact, the Compact shall be terminated; provided, however, that no revenue bonds, notes, or other evidence of obligation issued pursuant to Article VI of Title II or any other financial obligations of the Authority remain outstanding and that the withdrawing signatory has made a full accounting of its financial obligations, if any, to the Authority and the other signatories.

19. Upon the termination of this Compact, the jurisdiction over the matters and persons covered by this Compact shall revert to the signatories and the federal government, as their interests may appear.

#### Article VII

20. Each of the signatories pledges to each of the other signatory parties faithful cooperation in the solution and control of transit and traffic problems with the Woodrow Wilson Memorial Bridge and, in order to effect such purposes, agrees to consider in good faith and request any necessary legislation to achieve the objectives of the Compact to the mutual benefit of the citizens living within the Washington, D.C., metropolitan area and for the advancement of the interests of the signatories hereto.

#### Article VIII

21. The Authority shall not undertake the ownership of the existing Woodrow Wilson Memorial Bridge, or any duties or responsibilities associated herewith, until the Governors of Maryland and Virginia and the Mayor of the District of Columbia have entered into an agreement with the U.S. Secretary of Transportation establishing the federal share of the cost of a new Woodrow Wilson bridge or tunnel. Such federal funds shall be in addition to, and shall not diminish, the federal transportation funding allocated to the District of Columbia, the Commonwealth of Virginia, and the State of Maryland. Upon all parties' approval of this agreement, the Authority shall have sole responsibility for duties concerning ownership, construction, operation, and maintenance of the project, as hereinafter defined.

#### Article IX

22. If any part or provision of this Compact or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Compact or the application thereof to other persons or circumstances, and the signatories hereby declare that they would have entered into this Compact or the remainder thereof had the invalidity of such provision or application thereof been apparent.

23. This Compact shall be liberally construed to effectuate the purposes for which it is created.

24. The United States District Courts shall have original jurisdiction, concurrent with the courts of the District of Columbia, Maryland, and Virginia, of all actions brought by or against the Authority. Any such action shall be removable to the appropriate United States District Court in the manner provided by 28 U.S.C. 1446.

### TITLE II

#### Woodrow Wilson Memorial Bridge and Tunnel Revenue Bond Act

#### Article I

#### Definitions

25. As used in this title, the following words shall have the following meanings:

(a) "Cost," as applied to the project defined in this article, means the cost of acquisition of all lands, structures, rights-of-way, franchises, easements and other property rights and interests; the cost of lease payments; the cost of construction; the cost of demolishing, removing, or relocating any buildings or structures on lands acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, relocated, or reconstructed; the cost to relocate residents or businesses from properties acquired for the project; the cost of any extensions, enlargements, additions, and improvements; the cost of all labor, materials, machinery and equipment, financing charges, and interest on all bonds prior to and during construction and, if deemed advisable by the Authority, of such construction; the cost of engineering, financial and legal services, plans, specifications, studies,



surveys, estimates of cost and of revenues, and other expenses necessary or incident to determining the feasibility or practicability of constructing the project, administrative expenses, provisions for working capital, and reserves for interest and for extensions, enlargements, additions, and improvements; the cost of bond insurance and other devices designed to enhance the credit worthiness of the bonds; and such other expenses as may be necessary or incidental to the construction of the project, the financing of such construction, and the planning of the project in operation.

(b) "Owner" shall include all persons as defined in section 2(5) of the General Legislative Procedures Act of 1975, effective September 23, 1975 (D.C. Law 1- 17; § 1-301.45(5)), having any interest or title in property, rights, franchises, easements, and interests authorized to be acquired by this subchapter.

(c) "Project" means the existing Woodrow Wilson Memorial Bridge and a new bridge or tunnel, or a bridge and tunnel project adjacent to the existing Woodrow Wilson Memorial Bridge and associated rail transit facilities, including any necessary work on highways directly connected to the existing Woodrow Wilson Memorial Bridge, to a new bridge or tunnel; administration, storage, and other buildings and facilities which the Authority may deem necessary for the operation of such project; and all property, rights, franchises, easements, and interests which may be acquired by the Authority for the construction or the operation of such project. Such project shall be substantially the same as that recommended by the Woodrow Wilson Bridge Improvement Study Coordination Committee established in 1992 by the Federal Highway Administration, and as included in the adopted Long Range Plan and Transportation Improvement Program of the National Capitol Region Transportation Planning Board.

## Article II

### Bonds Not to Constitute a Debt or Pledge of Taxing Power

26. Revenue bonds, notes, or other evidence of obligation issued under the provisions of this subchapter shall not be deemed to constitute a debt or a pledge of the faith and credit of the Authority or of any signatory government or political subdivision thereof, but such bonds, notes, or other evidence of obligation shall be payable solely from the funds herein provided therefor from tolls and other revenues. The issuance of revenue bonds, notes, or other evidence of obligation, under the provisions of this subchapter, shall not directly, indirectly, or contingently obligate the Authority, or any signatory government or political subdivision thereof, to levy or to pledge any form of taxation whatever therefor. All such revenue bonds, notes, or other evidence of obligation shall contain a statement on their face substantially to the foregoing effect.

## Article III

### Additional Powers of the Authority

27. Without in any manner limiting or restricting the powers heretofore given to the Authority, the Authority is hereby authorized and empowered:

- (a) To establish, finance, construct, maintain, repair, and operate the project;
- (b) Subject to the approval of the Governors of Maryland and Virginia and the Mayor of the District of Columbia of the agreement referred to in Article VIII of Title I, to assume full rights of ownership of the existing Woodrow Wilson Memorial Bridge;
- (c) Subject to the approval of the Governors of Maryland and Virginia and the Mayor of the District of Columbia, and in accordance with the recommendations of the Woodrow Wilson Bridge Improvement Study Coordination Committee, to determine the location, character, size, and capacity of the project; to establish, limit, and control such points of ingress to and egress from the project as may be necessary or desirable in the judgment of the Authority to ensure the proper operation and maintenance of the project; and to prohibit entrance to such project from any point or points not so designated;
- (d) To secure all necessary federal, state, and local authorizations, permits, and approvals for the construction, maintenance, repair, and operation of the project;
- (e) To adopt and amend bylaws for the regulation of its affairs and the conduct of its business;
- (f) To adopt and amend rules and regulations to carry out the powers granted by this article;
- (g) To acquire, by purchase or condemnation, in the name of the Authority, and to hold and dispose of, real and personal property for the corporate purposes of the Authority;
- (h) To acquire full information to enable it to establish, construct, maintain, repair, and operate the project;
- (i) To employ consulting engineers, a superintendent or manager of the project, and such other engineering, architectural, construction and accounting experts, and inspectors, attorneys, and such other employees as may be deemed necessary, and within the limitations prescribed in this Compact, and to prescribe their powers and duties and to fix their compensation;
- (j) To pay, from any available moneys, the cost of plans, specifications, surveys, estimates of cost and

revenues, legal fees, and other expenses necessary or incident to determining the feasibility or practicability of financing, constructing, maintaining, repairing, and operating the project;

(k) To issue revenue bonds, notes, or other evidence of obligation of the Authority, for any of its corporate purposes, payable solely from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this Compact;

(l) To fix and revise from time to time and to charge and collect tolls and other charges for the use of the project;

(m) To make and enter into all contracts or agreements, as the Authority may determine, which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this Compact;

(n) To accept loans and grants of money, materials, or property at any time from the United States of America, the Commonwealth of Virginia, the State of Maryland, the District of Columbia, or any agency or instrumentality thereof;

(o) To adopt an official seal and alter the same at its pleasure;

(p) Subject to Article III, Section 9 of Title I of this Compact, to sue and be sued, plead and be impleaded, all in the name of the Authority;

(q) To exercise any power usually possessed by private corporations performing similar functions, including the right to expend, solely from funds provided under the authority of this Compact, such funds as may be considered by the Authority to be advisable or necessary in advertising its facilities and services to the traveling public; and

(r) To do all acts and things necessary or incidental to the performance of its duties and the execution of its powers under this Compact.

#### Article IV

##### Acquisition of Property

28. The Authority is hereby authorized and empowered to acquire by purchase, whenever it shall deem such purchase expedient, solely from funds provided under the authority of this Compact, such lands, structures, rights-of-way, property, rights, franchises, easements, and other interest in lands, including lands lying under water and riparian rights, which are located within the jurisdictions of the Washington, D.C., metropolitan area, as described in Article I of Title I of this Compact, as it may deem necessary or convenient for the construction and operation of the project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof; and to take title thereto in the name of the Authority.

29. All counties, cities, towns, and other political subdivisions and all public agencies and authorities of the signatories, notwithstanding any contrary provision of law, are hereby authorized and empowered to lease, lend, grant, or convey to the Authority at the Authority's request, upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies, or authorities may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property which may be necessary or convenient to the effectuation of the authorized purposes of the Authority, including public roads and other real property already devoted to public use.

30. Whenever a reasonable price cannot be agreed upon, or whenever the owner is legally incapacitated or is absent, unknown, or unable to convey valid title, the Authority is hereby authorized and empowered to acquire by condemnation or by the exercise of the power of eminent domain any lands, property, rights, rights-of-way, franchises, easements, and other property deemed necessary or convenient for the construction or the efficient operation of the project or necessary in the restoration of public or private property damaged or destroyed.

31. Whenever the Authority acquires property under Article IV of this Title, it shall comply with the applicable federal law relating to relocation and relocation assistance. If there is no applicable federal law, the Authority shall comply with the applicable provision of state or District of Columbia law in which the property is located.

##### Procurement

32. Except as provided in sections 33, 34, and 37, and except in the case of procurement procedures otherwise expressly authorized by federal statute, the Authority, in conducting a procurement of property, services, and construction, shall:

(a) Obtain full and open competition through the use of competitive procedures in accordance with the requirements of this section; and

(b) Use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement. In determining the competitive procedure appropriate under the circumstances, the Authority shall:

(1) Solicit sealed bids if:

- (A) Time permits the solicitation, submission, and evaluation of sealed bids;
- (B) The award will be made on the basis of price and other price-related factors;
- (C) It is not necessary to conduct discussions with the responding sources about their bids; and
- (D) There is a reasonable expectation of receiving more than one sealed bid; or

(2) Request competitive proposals if sealed bids are not appropriate under paragraph (1) of this subsection.

33. The Authority may provide for the procurement of property, services, or construction covered by this article using competitive procedures but excluding a particular source in order to establish or maintain an alternative source or sources of supply for that property, service, or construction if the Authority determines that excluding the source would increase or maintain competition and would likely result in reduced overall costs for procurement of property, services, and construction.

34. The Authority may use procedures other than competitive procedures if:

- (a) The property, services, or construction needed by the Authority are available from only one responsible source and no other type of property, services, or construction will satisfy the needs of the Authority;
- (b) The Authority's need for the property, services, or construction is of such an unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals;
- (c) The Authority determines that it is necessary in the public interest to use procedures other than competitive procedures in the particular procurement; or
- (d) The property or services needed can be obtained through federal or other sources at reasonable prices.

35. For the purposes of applying section 34(a):

(a) In the case of a contract for property, services, or construction to be awarded on the basis of acceptance of an unsolicited proposal, the property, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept:

- (1) That is unique and innovative or, in the case of a service, for which the source demonstrates a unique capability to provide the service; and
- (2) The substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement; or

(b) In the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the property, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that award to a source other than the original source would result in:

- (1) Substantial duplication of cost to the Authority that is not expected to be recovered through competition; or
- (2) Unacceptable delays in fulfilling the Authority's needs.

36. If the Authority uses procedures other than the competitive procedures to procure property, services, or construction under section 34(b), the Authority shall request offers from as many potential sources as is practicable under the circumstances.

37. (a) To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services, or construction.

- (b) For the purposes of this section, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government.
- (c) A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under subsection (a) of this section.
- (d) In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

38. The Board shall adopt policies and procedures to implement sections 32-37 of this Article. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

39. The Authority, in its discretion, may reject any and all bids or proposals received in response to a

solicitation.

## Article V

### Incidental Powers

40. The Authority shall have power to construct grade separations at intersections of the project with public highways and to change and adjust the lines and grades of such highways so as to accommodate the same to the design of such grade separation. The cost of such grade separations, and any damage incurred in changing and adjusting the lines and grades of such highways, shall be ascertained and paid by the Authority as a part of the cost of the project. If the Authority shall find it necessary to change the location of any portion of any public highway, it shall cause the same to be reconstructed at such location as the Authority shall deem most favorable and of substantially the same type and in as good condition as the original highway. The cost of such reconstruction and any damage incurred in changing the location of any such highway shall be ascertained and paid by the Authority as a part of the cost of the project.

41. Subject to the approval by the highest ranking official of the jurisdiction in which the work is to take place, as the case may be, the Mayor of the District of Columbia, Governor of Maryland, or Governor of Virginia, any public highway affected by the construction of the project may be vacated or relocated by the Authority in the manner now provided by law for the vacation or relocation of public roads, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the project.

42. In addition to the foregoing powers, the Authority and its authorized agents and employees may enter upon any lands, waters, and premises in the District of Columbia, Commonwealth of Virginia, and State of Maryland for the purpose of making surveys, soundings, drillings, and examinations as they may deem necessary or convenient for the purposes of this Compact, and such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending. The Authority shall make reimbursement for any actual damage resulting to such lands, waters, and premises as a result of such activities.

43. The Authority shall also have power to make reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances (herein called "public utility facilities") of any public utility in, on, along, over, or under the project. Whenever the Authority shall determine that it is necessary that any such public utility facilities which now are, or hereafter may be, located in, on, along, over, or under the project should be relocated in the project, or should be removed from the project, the public utility owning or operating such facilities shall relocate or remove the same in accordance with the order of the Authority, provided that the cost and expenses of such relocation or removal, including the cost of installing such facilities in a new location or new locations, and the cost of any lands, or any rights or interests in lands, and any other rights, acquired to accomplish such relocation or removal, shall be ascertained and paid by the Authority as a part of the cost of the project. In case of any such relocation or removal of facilities, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations, for as long a period, and upon the same terms and conditions, as it had the right to maintain and operate such facilities in their former location or locations.

44. The Authority may use all lands owned by the District of Columbia, Commonwealth of Virginia, and State of Maryland, including lands lying under water, which are necessary for the construction or operation of the project subject to approval of the highest-ranking official of the affected jurisdiction.

## Article VI

### Revenue Bonds

45. The Authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of revenue bonds, notes, or other evidence of obligation of the Authority to pay all or a part of the cost of all or a part of the project.

## Article VII

### Trust Indenture

46. In the discretion of the Authority, any bonds, notes, or other evidence of obligation issued under the provisions of this Compact may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the District of Columbia, Commonwealth of Virginia, or State of Maryland. Such trust indenture or the resolution providing for the issuance of such bonds may pledge or assign the tolls and other revenues to be received, but shall not convey or mortgage the project or any part thereof.

## Article VIII

### Revenues

47. The Authority is hereby authorized to fix, revise, charge, and collect tolls for the use of the project, and to contract with any person, partnership, association, or corporation desiring the use thereof, and to fix the terms, conditions, rents, and rates of charges for such use.

48. Such tolls shall be so fixed and adjusted in respect of the aggregate of tolls from the project as to provide a fund sufficient with other revenues, if any, to pay the cost of maintaining, repairing, and operating such project, and the principal of, and the interest on, such bonds as the same shall become due and payable, and to create reserves for such purposes. Such tolls shall not be subject to supervision or regulation by any other authority, board, bureau, or agency of the District of Columbia, Commonwealth of Virginia, or State of Maryland. The tolls and all other revenues derived from the project in connection with which the bonds of any issue shall have been issued, except such part thereof as may be necessary to pay such cost of maintenance, repair, and operation and to provide such reserves therefor as may be provided for in the resolution authorizing the issuance of such bonds or in the trust indenture securing the same, shall be set aside at such regular intervals as may be provided in such resolution or such trust indenture in a sinking fund which is hereby pledged to, and charged with, the payment of the principal of, and the interest on, such bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made. The tolls, other revenues, or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust indenture. Except as may otherwise be provided in such resolution or such trust indenture, such sinking fund shall be a fund for all such bonds without distinction or priority of one over another.

#### Article IX

##### Trust Funds

49. All moneys received pursuant to the authority of this Compact, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds to be held and applied solely as provided in this Compact. The resolution authorizing the bonds of any issue or the trust indenture securing such bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes thereof, subject to such regulations as this Compact and such resolution or trust indenture may provide.

#### Article X

##### Remedies

50. Any holder of bonds, notes, or other evidence of obligation issued under the provisions of this Compact or any of the coupons appertaining thereto, and the trustee under any trust indenture, except to the extent the rights herein given may be restricted by such trust indenture or the resolution authorizing the issuance of such bonds, notes, or other evidence of obligation, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws of the District of Columbia, Commonwealth of Virginia, and State of Maryland, or granted hereunder or under such trust indenture or the resolution authorizing the issuance of such bonds, notes, or other evidence of obligation, and may enforce and compel the performance of all duties required by this Compact or by such trust indenture or resolution to be performed by the Authority or by any officer thereof, including the fixing, charging, and collecting of tolls.

#### Article XI

##### Tax Exemption

51. The exercise of the powers granted by this Compact will be in all respects for the benefit of the people of the District of Columbia, Commonwealth of Virginia, and State of Maryland and for the increase of their commerce and prosperity, and as the operation and maintenance of the project will constitute the performance of essential governmental functions, the Authority shall not be required to pay any taxes or assessments upon the project or any property acquired or used by the Authority under the provisions of this Compact or upon the income therefrom, and the bonds, notes, or other evidence of obligation issued under the provisions of this Compact, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the District of Columbia, Commonwealth of Virginia, and State of Maryland.

#### Article XII

##### Bonds Eligible for Investment

52. Bonds, notes, or other evidence of obligation issued by the Authority under the provisions of this Compact are hereby made securities in which all public officers and public bodies of the District of Columbia, Commonwealth of Virginia, and State of Maryland and their political subdivisions, all insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds, notes, or other evidence of obligation are hereby made securities which may properly and legally be deposited with, and received by, any District of Columbia, Commonwealth of

Virginia, and State of Maryland municipal officer or any agency or political subdivision thereof for any purpose for which the deposit of bonds, notes, or other evidence of obligation is now or may hereafter be authorized by law.

Article XIII  
Miscellaneous

53. Any action taken by the Authority under the provisions of this Compact may be authorized by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

54. The project when constructed and opened to traffic shall be maintained and kept in good condition and repair by the Authority. The project shall also be policed and operated by such force of police, toll-takers, and other operating employees as the Authority may in its discretion employ. The Authority shall comply with all laws, ordinances, and regulations of the signatories and political subdivisions and agencies thereof with respect to the use of streets, highways, and all other vehicular facilities, traffic control and regulation, signs, and buildings.

55. An Authority police officer shall have all the powers granted to a peace officer and police officer of the District of Columbia, Commonwealth of Virginia, and the State of Maryland. However, an Authority police officer may exercise these powers only on property owned, leased, operated by, or under control of the Authority, and may not exercise these powers on any other property unless:

- (a) Engaged in fresh pursuit of a suspected offender;
- (b) Specially requested or permitted to do so in a political subdivision by its chief executive officer or its chief police officer; or
- (c) Ordered to do so by the Mayor of the District of Columbia, or the Governor of Maryland or Virginia.

56. All other police officers of the signatory parties and of each county, city, town, or other political subdivision of the District of Columbia, Commonwealth of Virginia, and State of Maryland through which the project, or portion thereof, extends shall have the same powers and jurisdiction within the limits of such projects as they have beyond such limits and shall have access to the project at any time for the purpose of exercising such powers and jurisdiction.

57. On or before the last day of September in each year, the Authority shall make an annual report of its activities for the preceding calendar year to the Governors of Maryland and Virginia and the Mayor of the District of Columbia. Each such report shall set forth a complete operating and financial statement covering its operations during the year. The Authority shall cause an audit of its books and accounts to be made at least once in each year by certified public accountants and the cost thereof may be treated as a part of the cost of construction or operation of the project. The records, books, and accounts of the Authority shall be subject to examination and inspection by duly authorized representatives of the governing bodies of Maryland, Virginia, and the District of Columbia, and by any bondholder or bondholders at any reasonable time, provided the business of the Authority is not unduly interrupted or interfered with thereby.

58. Any member, agent, or employee of the Authority who contracts with the Authority or is interested, either directly or indirectly, in any contract with the Authority or in the sale of any property, either real or personal, to the Authority shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 1 year, or both.

59. Any person who uses the project and fails or refuses to pay the toll provided therefor shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not more than \$100 or by imprisonment for not more than 30 days, or both, and in addition thereto the Authority shall have a lien upon the vehicle driven by such person for the amount of such toll and may take and retain possession thereof until the amount of such toll and all charges in connection therewith shall have been paid.

60. When one signatory adopts an amendment or supplement to an existing section of the Compact, that amendment or supplement shall not be immediately effective, and the previously enacted provision or provisions shall remain in effect in each jurisdiction until the amendment or supplement is approved by the other signatories and is consented to by Congress.

(Feb. 28, 1996, D.C. Law 11-96, § 4, 42 DCR 7185.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 1-2483.

*Legislative History of Laws*

For legislative history of D.C. Law 11-96, see Historical and Statutory Notes following § 9-1115.01.

## **§ 9-1115.04. COMPACT PROVISIONS AS LAW.**

The following articles of the Compact set forth in § 9-1115.03 shall be a part of the law of the District of Columbia as in the case of any other act on the effective date of the Compact as described in Article V of Title I: Articles I, II, III, and VIII of Title I; and Articles I through XIII of Title II. Upon termination of the Compact as set forth in § 9-1115.03, the foregoing articles shall be repealed, and any other laws of the District superseded or suspended by virtue of conflict with these articles shall be reactivated without further legislative action.

(Feb. 28, 1996, D.C. Law 11-96, § 5, 42 DCR 7185.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 1-2484.

#### *Temporary Amendments of Section*

For temporary (225 day) authority of Mayor to execute Compact, see § 2 of Potomac River Bridges Towing Compact Temporary Act of 1999 (D.C. Law 13-4, May 28, 1999, law notification 46 DCR 5304).

#### *Emergency Act Amendments*

For temporary addition of § 1-2485.1 [1981 Ed.], see § 2 of the Potomac River Bridges Towing Compact Emergency Act of 1999 (D.C. Act 13-16, February 10, 1999, 46 DCR 2349).

For temporary authorization for the District to remove disabled vehicles from any portion of the Potomac River Bridges, see §§ 2-6 of the Potomac River Bridges Towing Compact Emergency Act of 1999 (D.C. Act 13-16, February 10, 1999, 46 DCR 2349).

For temporary (90-day) authorization of continued participation in related compact, see §§ 2 to 6 of the Potomac River Bridges Towing Compact Congressional Review Emergency Act of 1999 (D.C. Act 13-88, June 4, 1999, 46 DCR 5319).

For temporary (90-day) authorization of continued participation in related compact, see §§ 2 to 6 of the Potomac River Bridges Towing Compact Congressional Review Emergency Act of 1999 (D.C. Act 13-222, January 11, 2000, 47 DCR 470).

#### *Legislative History of Laws*

For legislative history of D.C. Law 11-96, see Historical and Statutory Notes following § 9-1115.01.

## **SUBCHAPTER IX. POTOMAC RIVER BRIDGES TOWING COMPACT.**

### **§ 9-1117.01. MAYOR AUTHORIZED TO ENTER INTO COMPACT; PURPOSE.**

(a) The Mayor is authorized to enter into and execute on behalf of the District a compact with any state or states legally joining the Potomac River Bridges Towing Compact ("Compact").

(b) The parties to this Compact are the District of Columbia, the Commonwealth of Virginia, and the State of Maryland ("Parties").

(c) The purpose of this Compact is to facilitate the prompt and orderly removal of disabled and abandoned vehicles from the bridges by giving all 3 Parties jurisdiction to exercise appropriate authority anywhere on the following bridges which pass through the territory of 2 or more of the jurisdictions: the Woodrow Wilson Memorial Bridge, Rochambeau Memorial Bridge, George Mason Memorial Bridge, Theodore Roosevelt Memorial Bridge, Francis Scott Key Bridge, Chain Bridge, and American Legion Memorial Bridge.

(March 31, 2000, D.C. Law 13-63, § 2, 46 DCR 9217.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Temporary Amendments of Section*

For temporary (225 day) authority of Mayor to execute Compact, see § 2 of Potomac River Bridges Towing Compact Temporary Act of 1999 (D.C. Law 13-4, May 28, 1999, law notification 46 DCR 5304).

#### *Emergency Act Amendments*

For temporary (90-day) authorization of the District to remove disabled vehicles from any portion of the Potomac River Bridges, see §§ 2 to 6 of the Potomac River Bridges Towing Compact Emergency Act of 1999 (D.C. Act 13-16, February 10, 1999, 46 DCR 2349).

For temporary (90-day) authorization of continued participation in towing compact, see §§ 2 to 6 of the Potomac River Bridges Towing Compact Congressional Review Emergency Act of 1999 (D.C. Act 13-88, June 4, 1999, 46 DCR 5319).

For temporary (90-day) authorization of continued participation in towing compact, see §§ 2 to 6 of the Potomac River Bridges Towing Compact Congressional Review Emergency Act of 1999 (D.C. Act 13-222, January 11, 2000, 47 DCR 470).

### **§ 9-1117.02. STATE TROOPERS AND LOCAL LAW ENFORCEMENT OFFICERS AUTHORITY.**

The Parties hereby give one another all necessary power and authority to have their respective state troopers or local law enforcement officers direct traffic and authorize the removal of disabled or abandoned vehicles, trailers, semitrailers or the parts or contents thereof, from any part of the Potomac River Bridges, to the same extent and in the same manner that such troopers and local law enforcement officers may exercise such authority in their own jurisdictions. No Party, acting through its troopers or local law enforcement officers, shall have the authority to direct or authorize the towing or removal of any vehicle or other thing to a destination outside its own jurisdiction, unless the consent of an officer or trooper of the destination jurisdiction has first been obtained.

(March 31, 2000, D.C. Law 13-63, § 3, 46 DCR 9217.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90-day) authorization of the District to remove disabled vehicles from any portion of the Potomac River Bridges, see notes following § 9-1117.01.

### **§ 9-1117.03. EXCLUSIVE JURISDICTION OVER VEHICLES; GOVERNING LAWS AND PROCEDURES.**

All vehicles and their contents towed or removed from the Potomac River bridges pursuant to this Compact shall be subject to the exclusive jurisdiction of the place to which such vehicle and its contents are taken, and the handling and disposition of such vehicle and its contents shall be governed by the laws and procedures of that jurisdiction.

(March 31, 2000, D.C. Law 13-63, § 4, 46 DCR 9217.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90-day) authorization of the District to remove disabled vehicles from any portion of the Potomac River Bridges, see notes following § 9-1117.01.

### **§ 9-1117.04. COMPACT NOT CREATING AGENCY RELATIONSHIP.**

Each of the parties shall act solely on its own authority within the jurisdiction granted. This Compact shall not be construed as creating any agency relationship between the Parties.

(March 31, 2000, D.C. Law 13-63, § 5, 46 DCR 9217.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*

For temporary (90-day) authorization of the District to remove disabled vehicles from any portion of the Potomac River Bridges, see notes following § 9-1117.01.

### **§ 9-1117.05. WITHDRAWAL FROM COMPACT.**

The Mayor of the District of Columbia, the Governor of the Commonwealth of Virginia, or the State of Maryland, may withdraw from this Compact at any time upon 30 days written notice to the other Parties.

(March 31, 2000, D.C. Law 13-63, § 6, 46 DCR 9217.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Emergency Act Amendments*



For temporary (90-day) authorization of the District to remove disabled vehicles from any portion of the Potomac River Bridges, see notes following § 9-1117.01.