

LD6433144

## HOUSE BILL NO. 2265

House Amendments in [ ] — February 4, 1995

*A BILL to amend and reenact § 3, as amended, of Chapter 627 of the Acts of Assembly of 1958, which created the Washington Metropolitan Area Transit Regulation Compact, the amended section providing generally for the Washington Metropolitan Area Transit Authority; organization; public hearings; labor policy; procurement; and powers and duties of the Metro Transit Police.*

Patrons—Callahan, Albo, Almand, Connally, Darner, Dillard, Fisher, Harris, Hull, Keating, May, Mayer, McClure, Mims, O'Brien, Plum, Puller, Scott and Van Landingham; Senators: Barry, Calhoun, Colgan, Gartlan, Holland, E.M., Howell, Saslaw, Waddell and Woods

Referred to Committee on Roads and Internal Navigation

**Be it enacted by the General Assembly of Virginia:**

**1. That § 3, as amended, of Chapter 627 of the Acts of Assembly of 1958 is amended and reenacted as follows:**

§ 3. Whereas, Maryland, Virginia and the District of Columbia heretofore have entered into the Washington Metropolitan Area Transit Regulation Compact (Virginia—Ch. 627, 1958 Acts of Assembly; Maryland—Ch. 613, Acts of General Assembly 1959; District of Columbia—Resolution of the Board of Commissioners adopted December 22, 1960), with the consent of the Congress (J.R., September 15, 1960, P.L., 86-794, 74 Stat. 1031, as amended by 76 Stat. 764), as a first step toward the improvement of transit service in the metropolitan area of Washington, D.C.;

Whereas, in said Compact each of the Signatories pledged to each of the other signatory parties faithful cooperation in the solution and control of transit and traffic problems within said metropolitan area and, in order to effect such purposes, agreed to enact any necessary legislation to achieve the objectives of the Compact to the mutual benefit of the citizens living within said metropolitan area and for the advancement of the interests of the Signatories;

Whereas, it has been established by a decade of studies that a regional system of improved and expanded transit facilities, including grade-separated rail facilities in congested areas, is essential in said metropolitan area 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 area, the effectiveness of the departments and agencies of the federal government located within the area, the orderly growth and development of the District of Columbia and the Maryland and Virginia portions of the area, the comfort and convenience of the residents of and visitors to the area, and the preservation of the beauty and dignity of the Nation's Capital;

Whereas, the Congress has authorized Maryland, Virginia and the District of Columbia to negotiate a Compact for the establishment of an organization empowered to provide necessary transit facilities (P.L. 86-669, 74 Stat. 537) and in said legislation declared the policy, inter alia, that the development and administration of such transit facilities requires (1) cooperation among the federal, state and local government of the area, (2) financial participation by the federal government in the creation of major facilities that are beyond the financial capacity or borrowing powers of the private carriers, the District of Columbia and the local governments of the area, and (3) coordination of transit facilities with other public facilities and with the use of land, public and private;

Whereas, private transit companies should be utilized to the extent practicable in providing the regional transit facilities and services, consistent with the requirements of the public interest that the publicly and privately owned facilities be operated as a coordinated regional system without unnecessary duplicating services;

Whereas, adequate provision should be made for the protection of transit labor in the development and operation of the regional system;

Whereas, adequate provisions should be made to eliminate any requirement of additional authentication of manual signature of bonds guaranteed by the United States of America; and

Whereas, it is hereby determined that an Authority to be created by interstate compact between the District of Columbia, the State of Maryland and the Commonwealth of Virginia, is the most suitable form of organization to achieve the stated objectives;

Now, therefore, the District of Columbia, the State of Maryland and the Commonwealth of Virginia, hereinafter referred to as Signatories, do hereby amend the Washington Metropolitan Area Transit Regulation Compact by adding thereto Title III, as hereinafter set forth, and do hereby covenant and agree substantially, as follows:

Title III

ENGROSSED

HB2265E

Article I  
Definitions

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 and described in Section 3 as well as any additional area that may be added pursuant to Section 83(a) of this Compact; and

(i) "WMATC" means Washington Metropolitan Area Transit Commission.

Article II  
Purpose and Functions

Purpose

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 and the Counties of Arlington, and 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 six Directors consisting of two Directors for each Signatory. For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia by the City Council of the District of Columbia from among its members, the Commissioner and Assistant to the Commissioner of the District of Columbia; and for Maryland, by the Washington Suburban Transit Commission. In each instance For Virginia and Maryland, the Director 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 his term on the body by which he was appointed. A director may be removed or suspended from office only as provided by the

law of the Signatory from which he was appointed. The appointing authorities shall also appoint an alternate for each Director, who may act only in the absence of the Director for whom he has been appointed 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 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 Signatory 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 and a general counsel and such other officers as the Board may provide. Except for the office of general manager 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) An oath of office in the form set out in § 5 (b) of this Article shall be taken, subscribed and filed with the Board by all appointed officers.

(e) Each Director, officer and employee 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 Interest

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

(1) be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or

183 transfer of real or personal property to which the Board or the Authority is a party;

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

187 (3a.) offer money or any thing of value for or in consideration of obtaining an appointment,  
188 promotion or privilege in his employment with the Authority.

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

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

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

#### 195 Article IV

#### 196 Pledge of Cooperation

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

#### 199 Article V

#### 200 General Powers

#### 201 Enumeration

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

204 (a) Sue and be sued;

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

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

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

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

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

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

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

228 (i) Contract for or employ any professional services;

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

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

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

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

#### 241 Article VI

#### 242 Planning

#### 243 Mass Transit Plan

244 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 cost; (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 type of equipment to be utilized, the areas to be served, the routes and schedules of service expected to be provided and 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 ~~Commissioners~~ *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 subdivision (2) of this subsection (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 decision-making 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 ~~Commissioners~~ *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 ~~highway~~ *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) Information with respect thereto shall be released to the public. 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. After thirty days' notice published once a week for two successive weeks in one or more newspapers of general circulation within the Zone, a public hearing shall be held with respect to the proposed plan, alteration, revision or amendment. The thirty 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 cost 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 § 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 Virginia Acts of 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 § 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 § 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, § 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 *Commitments* 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 § 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.

#### Administrative Expenses

19. Prior to the time the Authority has receipts from appropriations and contracts or agreements as provided in § 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 the 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 on 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,

429 excluding funds included in the capital budget or otherwise earmarked for other purposes.

430 Adoption and Distribution of Budgets

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

436 (b) Each budget shall indicate the amounts, if any, required from the federal government, the  
437 government of the District of Columbia, the Washington Suburban Transit District and the component  
438 governments of the Northern Virginia Transportation District, determined in accordance with the  
439 commitments made pursuant to Article VII, § 18 of this Title, to balance each of said budgets.

440 Payment

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

446 Article IX

447 Revenue Bonds

448 Borrowing Power

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

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

458 Funds and Expenses

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

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

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

477 Funding and Refunding

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

488 Bonds; Authorization Generally

489 31. Bonds and other indebtedness of the Authority shall be authorized by resolution of the Board.  
490 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 disposition 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; Resolution 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 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; and provided, further, that no such additional authentication or manual signatures need be required in the case of bonds guaranteed by the United States of America. 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

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

554 Sale

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

563 Negotiability

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

565 Bonds Eligible for Investment and Deposit

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

576 Validation Proceedings

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

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

586 Pledged Revenues

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

595 Remedies

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

## 608 Article X

### 609 Equipment Trust Certificates

610 Power

611 46. The Board shall have power to execute agreements, leases and equipment trust certificates with  
612 respect to the purchase of facilities or equipment such as cars, trolley buses and motor buses, or other  
613 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 and lessor plainly marked upon both sides thereof, followed by the words "Owner and Lessor".

#### Payments

47. All moneys 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 acknowledgments of deeds and in the form required for acknowledgment 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 in the operating contract, shall be made without written approval of the Board and the certificates or other instruments representing such stock, securities or interests 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 contracts; and

(i) provided 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 proceeding 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, § 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 § 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 subsection (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 subsection (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 § 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 the 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, § 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 § 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) recommended 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 to any court.

#### Standards

61. Insofar as practicable, and consistent with the provision of adequate service at reasonable fares,

798 the rates and fares and service shall be fixed by the Board so as to result in revenues which will:

799 (a) pay the operating expenses and provide for repairs, maintenance and depreciation of the transit  
800 system owned or controlled by the Authority;

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

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

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

809 Hearings

810 62. (a) The Board shall not ~~make or change~~ raise any fare or rate, nor ~~establish or abandon any~~  
811 ~~service implement a major service reduction~~, except after holding a public hearing with respect thereto  
812 ~~except for service changes required by an emergency; minor service changes as defined by regulations~~  
813 ~~promulgated by the Board; experimental service established to test the effect of such service, and in~~  
814 ~~effect not more than six months; and fare and service changes established for special events.~~

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

824 (c) The Board shall give at least ~~thirty~~ fifteen days' notice for all public hearings. The notice shall be  
825 given by publication in a newspaper of daily circulation throughout the *Transit Zone* and such notice  
826 shall be published once a week for two successive weeks. The notice *period* shall start with the *first* day  
827 of first publication. ~~In addition, the Board shall post notices of the hearing in its offices, all stations and~~  
828 ~~terminals and in all of its vehicles and rolling stock in revenue service. Notices of public hearings shall~~  
829 ~~be posted in accordance with regulations promulgated by the Board.~~

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

838 Reference of Matters to WMATC

839 63. To facilitate the attainment of the public policy objectives for operation of the publicly and  
840 privately owned or controlled transit facilities as stated in Article XII, § 55, prior to the hearings  
841 provided for by § 62 hereof—

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

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

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

855 Article XIV  
856 Labor Policy

857 Construction

858 64. The Board shall take such action as may be necessary to insure that all laborers and mechanics  
859 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 § 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 Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z-15), and § 2 of the Act of June thirteen, nineteen hundred thirty-four, 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 § 13 (c) of the ~~Urban Mass Transportation Federal Transit 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~~ *employees otherwise covered by the Act. 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 whose positions are adversely 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 by the expenditure of federal funds obtained by WMATA pursuant to congressional appropriations, the rights, benefits, and other employee protective conditions and remedies of section 13 (c) of the Federal Transit Act, as amended (49 U.S.C. § 5333(b)).*

(b) The Authority shall deal with and enter into written contracts with employees as defined in § 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. Each such contract entered into after the effective date of this act shall prohibit the contracting employees from engaging in any strike or an employer from engaging in any lockout.

(c) In case of any labor dispute involving the Authority and such employees where collective bargaining does not result in agreement, either party may declare that an impasse has been reached between the parties and may, by written notification to the other party and to the Federal Mediation and Conciliation Service, request the Service to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. Within five days of the receipt of the request the Federal Mediation and Conciliation Service shall appoint a mediator in accordance with its rules and procedures for such appointment. The mediator shall meet with the parties forthwith, either jointly or separately, and shall take such steps as he or she deems appropriate to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator shall not, however, make findings of fact or recommend terms of settlement. Each party shall pay one-half of the expenses of such mediator. If the mediator is unable to effect settlement of the controversy within fifteen days after his or her appointment, the Authority shall submit such dispute to fact finding 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 fact finding board thus established shall be advisory as to all matters in dispute. If after a period of ten days from the date

921 of the appointment of the two persons representing the Authority and the labor organization, the third  
922 person has not been selected, then either of the two persons may request the Federal Mediation and  
923 Conciliation Service to furnish a list of five persons from which the third person shall be selected;  
924 provided, however, that the list shall not include the name of the person who served as mediator unless  
925 inclusion of his or her name is mutually agreed to by both parties. The persons appointed by the  
926 Authority and the labor organization, promptly after the receipt of such list shall determine by lot the  
927 order of elimination, and thereafter each shall in that order alternately eliminate one name until only one  
928 name remains. The remaining person on the list shall be the third member of the fact finding board. The  
929 term "labor dispute" shall be broadly construed and shall include any controversy concerning wages,  
930 salaries, hours, working conditions, or benefits including health and welfare, sick leave, insurance or  
931 pension or retirement provisions but not limited thereto, and including any controversy concerning any  
932 differences or questions that may arise between the parties including but not limited to the making or  
933 maintaining of collective bargaining agreements, the terms to be included in such agreements, and the  
934 interpretation or application of such collective bargaining agreements. Each party shall pay one-half of  
935 the expenses of such fact finding. Under no circumstances may the parties resort to binding arbitration  
936 after the date of enactment of this act or the expiration date of any contract requiring binding arbitration,  
937 whichever is later. This prohibition against binding arbitration shall not be interpreted to preclude such  
938 arbitration of individual employee grievances.

939 (d) The Authority is hereby authorized and empowered to establish and maintain a system of  
940 pensions and retirement benefits for such officers and employees of the Authority as may be designated  
941 or described by resolution of the Authority; to fix the terms of and restrictions on admission to such  
942 system and the classifications therein; to provide that persons eligible for admission in such pension  
943 system shall not be eligible for admission to, or receive any benefits from, any other pension system  
944 (except Social Security benefits), which is financed or funded, in whole or in part, directly or indirectly  
945 by funds paid or appropriated by the Authority to such other pension system, and to provide in  
946 connection with such pension system, a system of benefits payable to the beneficiaries and dependents  
947 of any participant in such pension system after the death of such participant (whether accidental or  
948 otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such  
949 exceptions, conditions, restrictions and classifications as may be provided by resolution of the Authority.  
950 Such pension system shall be financed or funded by such means and in such manner as may be  
951 determined by the Authority to be economically feasible. Unless the Authority shall otherwise determine,  
952 no officer or employee of the Authority and no beneficiary or dependent of any such officer or  
953 employee shall be eligible to receive any pension or retirement or other benefits both from or under any  
954 such pension system and from or under any pension or retirement system established by an acquired  
955 transportation system or established or provided for, by or under the provisions of any collective  
956 bargaining agreement between the Authority and the representatives of its employees.

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

979 (f) The Authority shall not require any person, as a condition of employment or continuation of  
980 employment, to join any labor union or labor organization. The Authority shall not require any person,  
981 as a condition of employment or continuation of employment, to pay any dues, fees, or other charges of  
982 any kind to any labor union or labor organization.



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 § 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 moneys.

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 fund shall be reported to the Board. Moneys and such funds and other moneys 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~~ 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 moneys 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: (i) Direct obligations of or obligations guaranteed by the United States of America; (ii) 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; (iii) 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 moneys of the United States, including United States Treasury tax and loan accounts; (iv) Domestic and Eurodollar certificates of deposit; and (v) Bonds, debentures, notes or other evidences of indebtedness issued by a domestic corporation, such as a corporation organized under the laws of one of the states of the United States, provided that such obligations are nonconvertible 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, to the Congress, to the ~~Board of Commissioners~~ Mayor and Council of the District of Columbia, to the Governors of Virginia and Maryland, to the Washington Suburban Transit Commission, to the Northern Virginia Transportation Commission and to the governing bodies of the political subdivisions located within the 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

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1044 are kept.

1045 (c) Any Director, officer or employee who shall refuse to give all required assistance and information  
1046 to the accountants selected by the Board or who shall refuse to submit to them for examination such  
1047 books, documents, records, files, accounts, papers, things or property as may be requested shall, in the  
1048 discretion of the Board, forfeit his office.

1049 Reports

1050 71. The Board shall make and publish an annual report on its programs, operations, and finances,  
1051 which shall be distributed in the same manner provided by § 70 of this Article XVI for the report of  
1052 annual audit. It may also prepare, publish and distribute such other public reports and informational  
1053 materials as it may deem necessary or desirable.

1054 Insurance

1055 72. The Board may self-insure or purchase insurance and pay the premiums therefor against loss or  
1056 damage to any of its properties; against liability for injury to persons or property; and against loss of  
1057 revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the  
1058 Board may determine, subject to the requirements of any agreement arising out of insurance of bonds or  
1059 other obligations by the Authority.

1060 Purchasing

1061 73. Contracts for the construction, reconstruction or improvement of any facility when the  
1062 expenditure required exceeds twenty-five thousand dollars (\$25,000) and contracts for the purchase of  
1063 supplies, equipment and materials when the expenditure required exceeds ten thousand dollars (\$10,000)  
1064 shall be advertised and let upon sealed bids to the lowest responsible bidder. Notice requesting such bids  
1065 shall be published in a manner reasonably likely to attract prospective bidders, which publication shall  
1066 be made at least ten days before bids are received and in at least two newspapers of general circulation  
1067 in the Zone. The Board may reject any and all bids and readvertise in its discretion. If after rejecting  
1068 bids the Board determines and resolves that, in its opinion, the supplies, equipment and materials may  
1069 be purchased at a lower price in the open market, the Board may give each responsible bidder an  
1070 opportunity to negotiate a price and may proceed to purchase the supplies, equipment and materials in  
1071 the open market at a negotiated price which is lower than the lowest rejected bid of a responsible  
1072 bidder, without further observance of the provisions requiring bids or notice. The Board shall adopt rules  
1073 and regulations to provide for purchasing from the lowest responsible bidder when sealed bids, notice  
1074 and publication are not required by this section. The Board may suspend and waive the provisions of  
1075 this section requiring competitive bids whenever:

1076 (a) the purchase is to be made from or the contract is to be made with the federal or any State  
1077 government or any agency or political subdivision thereof or pursuant to any open end bulk purchase  
1078 contract of any of them;

1079 (b) the public exigency requires the immediate delivery of the articles;

1080 (c) only one source of supply is available; or

1081 (d) the equipment to be purchased is of a technical nature and the procurement thereof without  
1082 advertising is necessary in order to assure standardization of equipment and interchangeability of parts in  
1083 the public interest.

1084 (a) (1) Except as provided in subsections (b), (c), and (f) of this section, and except in the case of  
1085 procurement procedures otherwise expressly authorized by statute, the Authority in conducting a  
1086 procurement of property, services, or construction shall:

1087 (A) obtain full and open competition through the use of competitive procedures in accordance with  
1088 the requirements of this Section; and

1089 (B) use the competitive procedure or combination of competitive procedures that is best suited under  
1090 the circumstances of the procurement.

1091 (2) In determining the competitive procedure appropriate under the circumstances, the Authority  
1092 shall:

1093 (A) solicit sealed bids if;

1094 (i) time permits the solicitation, submission, and evaluation of sealed bids;

1095 (ii) the award will be made on the basis of price and other price-related factors;

1096 (iii) it is not necessary to conduct discussions with the responding sources about their bids; and

1097 (iv) there is a reasonable expectation of receiving more than one sealed bid; or

1098 (B) request competitive proposals if sealed bids are not appropriate under clause (A) of this  
1099 paragraph.

1100 (b) The Authority may provide for the procurement of property, services, or construction covered by  
1101 this Section using competitive procedures but excluding a particular source in order to establish or  
1102 maintain an alternative source or sources of supply for that property, service, or construction if the  
1103 Authority determines that excluding the source would increase or maintain competition and would likely  
1104 result in reduced overall costs for procurement of property, services, or construction.

1105 (c) The Authority may use procedures other than competitive procedures if:

(1) the property, services, or construction needed by the Authority is 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 through federal or other governmental sources at reasonable prices.

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

(1) 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:

(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 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 Security

1167 76. (a) The Authority is authorized to establish and maintain a regular police force, to be known as  
1168 the Metro Transit Police, to provide protection for its patrons, personnel, and Transit facilities. The  
1169 Metro Transit Police shall have the powers and duties and shall be subject to the limitations set forth in  
1170 this section. It shall be composed of both uniformed and plain clothes personnel and shall be charged  
1171 with the duty of enforcing the laws of the Signatories, [ and ] the laws, ordinances, and regulations of  
1172 the political subdivisions thereof in the Transit Zone, and the rules and regulations of the Authority. The  
1173 jurisdiction of the Metro Transit Police shall [ ~~be limited to include~~ all the Transit facilities (including  
1174 bus stops) owned, controlled, or operated by the Authority, but this restriction shall not limit the power  
1175 of the Metro Transit Police to make arrests in the Transit Zone for violations committed upon, to, or  
1176 against such Transit facilities committed from within or outside such Transit facilities while in hot or  
1177 close pursuit, or to execute traffic citations and criminal process in accordance with subsection (c) ~~the~~  
1178 ~~Transit Zone below~~ ] . The members of the Metro Transit Police shall have concurrent jurisdiction in the  
1179 performance of their duties with the duly constituted law-enforcement agencies of the Signatories and of  
1180 the political subdivisions thereof in which any Transit facility of the Authority is located or in which the  
1181 Authority operates any Transit service. *On-duty Metro Transit Police officers are authorized to make*  
1182 *arrests off of Transit facilities within the Transit Zone when immediate action is necessary to protect the*  
1183 *health, safety, welfare or property of an individual from actual or threatened harm or from an unlawful*  
1184 *act.* Nothing contained in this section shall either relieve any Signatory or political subdivision or  
1185 agency thereof from its duty to provide police, fire, and other public safety service and protection, or  
1186 limit, restrict, or interfere with the jurisdiction of or the performance of duties by the existing police,  
1187 fire, and other public safety agencies. [ For purposes of this section, "bus stop" means that area within  
1188 150 feet of a MetroBus bus stop sign, excluding the interior of any building not owned, controlled or  
1189 operated by the Washington Metropolitan Area Transit Authority. ]

1190 (b) ~~Except as otherwise provided in this section~~ A member of the Metro Transit Police shall have  
1191 same powers [ ~~within the Transit Zone~~ ] , including the power of arrest, and shall be subject to the  
1192 same limitations, including regulatory limitations, in performance of his duties as a member of the duly  
1193 constituted police force of the political subdivision in which the Metro Transit Police member is  
1194 engaged in the performance of his duties. ~~However,~~ A member of the Metro Transit Police is authorized  
1195 to carry and use only such weapons, including handguns, as are issued or otherwise approved by the  
1196 Authority, ~~and only in the performance of his duties or while on the transit facilities owned, controlled~~  
1197 ~~or operated by the Authority in direct transit to and from a duty assignment.~~ A member of the Metro  
1198 Transit Police is ~~authorized to carry such weapons only while in direct transit to and from duty~~  
1199 ~~assignment~~ and is subject to such [ additional ] limitations in the use of weapons as are imposed on the  
1200 duly constituted police force for the political subdivision in which he is engaged in the performance of  
1201 his duties.

1202 (c) Members of the Metro Transit Police shall have power to execute on the Transit facilities owned,  
1203 controlled, or operated by the Authority any traffic citation or any criminal process issued by any court  
1204 of any Signatory or of any political subdivision of a Signatory, for any felony, misdemeanor, or other  
1205 offense against the laws, ordinances, rules, or regulations specified in subsection (a). With respect to  
1206 offenses committed upon, to, or against the Transit facilities owned, controlled, or operated by the  
1207 Authority, the Metro Transit Police shall have power to execute criminal process within the Transit  
1208 Zone.

1209 (d) Upon the apprehension or arrest of any person by a member of the Metro Transit Police pursuant  
1210 to the provisions of subsection (b), the officer, as required by the law of the place of apprehension or  
1211 arrest, shall either issue a summons or a citation against the person, book the person, or deliver the  
1212 person to the duly constituted police or judicial officer of the Signatory or political subdivision where  
1213 the apprehension or arrest is made, for disposition as required by law.

1214 (e) The Authority shall have the power to adopt rules and regulations for the safe, convenient, and  
1215 orderly use of the Transit facilities owned, controlled, or operated by the Authority, including the  
1216 payment and the manner of the payment of fares or charges therefor, the protection of the Transit  
1217 facilities, the control of traffic and parking upon the Transit facilities, and the safety and protection of  
1218 the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules,  
1219 or regulations of a Signatory or any political subdivision thereof which are existing or subsequently  
1220 enacted, these laws, ordinances, rules, or regulations of the Signatory or the political subdivision shall  
1221 apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the  
1222 jurisdiction of that Signatory or political subdivision. In all other respects the rules and regulations of  
1223 the Authority shall be uniform throughout the Transit Zone. The rules and regulations ~~adopted by~~  
1224 ~~WMATA will be adopted by the Board following public hearings held in accordance with Section 15~~  
1225 ~~supra and then shall be published by the political subdivisions of the Signatories in the same manner as~~  
1226 ~~their respective local ordinances are published. Judges and clerks of the several courts having~~  
1227 ~~jurisdiction in the Signatories and their political subdivisions shall have the authority to impose, collect,~~  
1228 ~~and enforce penalties for failure to pay fines for violation of such rules and regulations in the same~~

manner as fines are imposed, collected, and enforced in the respective Signatories or political subdivisions. *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 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 two hundred fifty dollars (\$250) and costs, and, upon further order of the court, shall reimburse WMATA for any loss or damage resulting from the violation. *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 law, ordinances, rules and regulations of the Signatory or political subdivisions 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 qualification, 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 plain clothes 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 agents 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.

**1290 Jurisdiction of Courts**

**1291** 81. The United States District Courts shall have original jurisdiction, concurrent with the courts of  
**1292** Maryland, ~~and~~ Virginia *and the District of Columbia*, of all actions brought by or against the Authority  
**1293** and to enforce subpoenas issued under this Title. Any such action initiated in a State *or District of*  
**1294** *Columbia* Court shall be removable to the appropriate United States District Court in the manner  
**1295** provided by Act of June 25, 1948, as amended (28 U.S.C. 1446).

**1296 Condemnation**

**1297** 82. (a) The Authority shall have the power to acquire by condemnation, whenever in its opinion it is  
**1298** necessary or advantageous to the Authority to do so, any real or personal property, or any interest  
**1299** therein, necessary or useful for the transit system authorized herein, except property owned by the  
**1300** United States, by a Signatory, or any political subdivision thereof, whenever such property cannot be  
**1301** acquired by negotiated purchase at a price satisfactory to the Authority.

**1302** (b) Proceedings for the condemnation of property in the District of Columbia shall be instituted and  
**1303** maintained under the Act of December 23, 1963 (77 Stat. 577-581, D.C. Code 1961, Supp. IV, Sections  
**1304** 1351-1368). Proceedings for the condemnation of property located elsewhere within the Zone shall be  
**1305** instituted and maintained, if applicable, pursuant to the provisions of the Act of August 1, 1888, as  
**1306** 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.  
**1307** 1358 and 1403) or any other applicable act; provided, however, that if there is no applicable federal law,  
**1308** condemnation proceedings shall be in accordance with the provisions of the state law of the Signatory in  
**1309** which the property is located governing condemnation by the highway agency of such state. Whenever  
**1310** the words "real property," "realty," "land," "easement," "right-of-way," or words of similar meaning are  
**1311** used in any applicable federal or state law relating to procedure, jurisdiction and venue, they shall be  
**1312** deemed, for the purposes of this Title, to include any personal property authorized to be acquired  
**1313** hereunder.

**1314** (c) Any award or compensation for the taking of property pursuant to this Title shall be paid by the  
**1315** Authority, and none of the Signatory parties nor any other agency, instrumentality or political  
**1316** subdivision thereof shall be liable for such award or compensation.

**1317 Enlargement and Withdrawal; Duration**

**1318** 83. (a) When advised in writing by the Northern Virginia Transportation Commission or the  
**1319** Washington Suburban Transit Commission that the geographical area embraced therein has been  
**1320** enlarged, the Board, upon such terms and conditions as it may deem appropriate, shall by resolution  
**1321** enlarge the Zone to embrace the additional area.

**1322** (b) The duration of this Title shall be perpetual but any Signatory thereto may withdraw therefrom  
**1323** upon two years' written notice to the Board.

**1324** (c) The withdrawal of any Signatory shall not relieve such Signatory, any transportation district,  
**1325** county or city or other political subdivision thereof from any obligation to the Authority, or inuring to  
**1326** the benefit of the Authority, created by contract or otherwise.

**1327 Amendments and Supplements**

**1328** 84. Amendments and supplements to this Title to implement the purposes thereof may be adopted by  
**1329** legislative action of any of the Signatory parties concurred in by all of the others. *When one Signatory*  
**1330** *adopts an amendment or supplement to an existing Section of the Compact, that amendment or*  
**1331** *supplement shall not be immediately effective, and the previously enacted provision or provisions shall*  
**1332** *remain in effect in each jurisdiction until the amendment or supplement is approved by the other*  
**1333** *Signatories and is consented to by Congress.*

**1334 Construction and Severability**

**1335** 85. The provisions of this Title and of the agreements thereunder shall be severable and if any  
**1336** phrase, clause, sentence or provision of this Title or any such agreement is declared to be  
**1337** unconstitutional or the applicability thereof to any Signatory party, political subdivision or agency  
**1338** thereof is held invalid, the constitutionality of the remainder of this Title or any such agreement and the  
**1339** applicability thereof to any other Signatory party, political subdivision or agency thereof or circumstance  
**1340** shall not be affected thereby. It is the legislative intent that the provisions of this Title be reasonably  
**1341** and liberally construed.

**1342 Effective Date; Execution**

**1343** 86. This Title shall be adopted by the Signatories in the manner provided by law therefor and shall  
**1344** be signed and sealed in four duplicate original copies. One such copy shall be filed with the Secretary  
**1345** of State of each of the Signatory parties or in accordance with laws of the State in which the filing is  
**1346** made, and one copy shall be filed and retained in the archives of the Authority upon its organization.  
**1347** This Title shall become effective ninety days after the enactment of concurring legislation by or on  
**1348** behalf of the District of Columbia, Maryland and Virginia and consent thereto by the Congress and all  
**1349** other acts or actions have been taken, including the signing and execution of the Title by the Governors  
**1350** of Maryland and Virginia and the Commissioners of the District of Columbia.