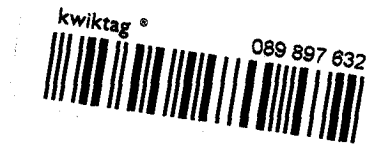


ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

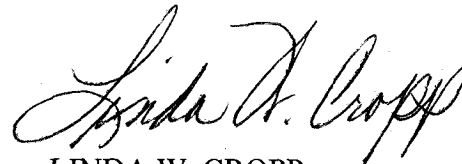
NOTICE

D.C. LAW 12-20

"Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 12-30, on first and second readings, May 6, 1997 and June 3, 1997, respectively. Following the signature of the Mayor on June 18, 1997, pursuant to Section 404(e) of "the Act", and was assigned Act No. 12-97, and published in the July 18, 1997, edition of the D.C. Register (Vol. 44 page 4023) and transmitted to Congress on July 11, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 12-20, effective September 23, 1997.



LINDA W. CROPP
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 11,14,15,16,17,21,22,23,24,25,28,29,30,31

Aug. 1

Sept. 2,3,4,5,8,9,10,11,12,15,16,17,18,19,22

AN ACT
D.C. ACT 12-97

Codification
District of
Columbia
Code
1998 Supp.

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUNE 18, 1997

To regulate the safety and security of the rail fixed guideway system operated by the Washington Metropolitan Area Transit Authority by creating and operating a joint entity among the District of Columbia, Commonwealth of Virginia, and State of Maryland to oversee this regulation and by authorizing the Mayor of the District of Columbia to enter into and implement an agreement with Virginia and Maryland to achieve these purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997".

New
Subchapter
IVA,
Chapter 24,
Title 1

Sec. 2. Definitions.

New Section
1-2445.1

For the purposes of this act, the term:

(1) "Act" means the Federal Transit Act, approved July 9, 1964 (78 Stat. 302; 49 U.S.C. 5301 *et seq.*).

(2) "Agreement" means the agreement executed by the Mayor, on behalf of the District of Columbia, with the Commonwealth of Virginia and the State of Maryland for the creation and operation of a joint state oversight agency.

(3) "APTA Manual" means the "American Public Transit Association Manual for the Development of Rail Transit System Safety Program Plans as that is referenced in 49 C.F.R. § 659.5.

(4) "Federal Transit Administration" means the Federal Transit Administration of the U.S. Department of Transportation.

(5) "Joint state oversight agency" means the agency for the regulation of the safety of WMATA's rail fixed guideway system that the District of Columbia, Commonwealth

ENROLLED ORIGINAL

of Virginia, and State of Maryland are required to create and operate under section 28 of the Act, as a condition for the continuation of federal grant-in-aid assistance under that Act.

(6) "Plan" means the system safety program plan referenced in 49 C.F.R. § 659.5, including the security portion of that plan.

(7) "Public Works" means the District of Columbia Department of Public Works.

(8) "Rail fixed guideway system" means a rail mass transportation system as defined in 49 C.F.R. § 659.5.

(9) "Standard" means the system safety program standard referenced in 49 C.F.R. § 659.5, including the security portion of that standard.

(10) "Unacceptable hazardous condition" means the condition referenced in 49 C.F.R. § 659.5.

(11) "WMATA" means the Washington Metropolitan Area Transit Authority created pursuant to the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Code § 1-2431).

Sec. 3. Authorization for interstate agreement.

The Mayor is hereby authorized to execute, on behalf of the District of Columbia, an agreement with the Commonwealth of Virginia and the State of Maryland for the creation and operation of a joint state oversight agency. Any such agency shall be an instrumentality of the District of Columbia, the Commonwealth of Virginia, and the State of Maryland. Any agreement executed by the Mayor to establish the agency shall, at a minimum, contain provisions that substantially satisfy the requirements set forth in section 5.

**New Section
1-2445.2**

Sec. 4. Appointment of District representatives.

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

**New Section
1-2445.3**

Sec. 5. Requirements for agreement.

Any agreement that the Mayor executes pursuant to section 3 shall contain provisions that substantially satisfy all of the following requirements:

(1) The joint state oversight agency shall consist of 6 voting members. Each party to the agreement shall appoint 2 members.

(2) Three members of the joint state oversight agency, 1 from each party to the agreement, shall constitute a quorum for the purpose of approving action by the agency.

(3) All actions of the joint state oversight agency shall be approved by majority vote of the members. Such vote shall consist of more than 1/2 of the total number of members in attendance and shall include at least 1 affirmative vote by a representative of each party.

**New Section
1-2445.4**

ENROLLED ORIGINAL

(4) A chairperson shall be elected, by majority vote, from among the members of the joint state oversight agency. The term of the chairperson shall be specified in the agreement. The chairperson shall have such responsibilities, consistent with the requirements of this section, as the agreement provides.

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

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

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

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

ENROLLED ORIGINAL

Sec. 6. Amendments to agreement.

**New Section
1-2445.5**

The Mayor may execute, on behalf of the District of Columbia, amendments to the agreement authorized by section 3 so long as the agreement, as amended, continues to contain provisions that substantially satisfy the requirements in section 5.

Sec. 7. Procurement law inapplicable.

**New Section
1-2445.6**

The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1181.1 *et seq.*), shall not apply to contracts of the joint state oversight agency.

Sec. 8. Authorization for a District-only program.

**New Section
1-2445.7**

(a) If the Mayor at any time determines that the agreement authorized by section 3 is not in the best interest of the District, the Mayor may terminate the District's participation in the agreement and its duty to perform the responsibilities set out in section 5(5) within the District.

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

Sec. 9. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Sec. 10. Effective date.

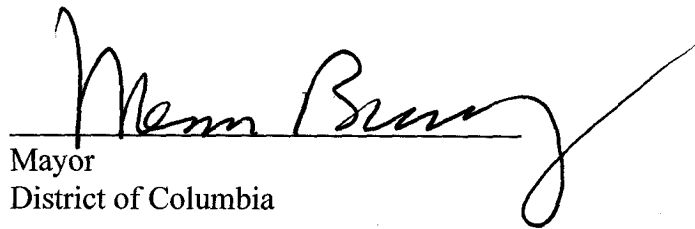
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental

ENROLLED ORIGINAL

Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

A handwritten signature in cursive script, reading "Linda A. Crapp", written over a horizontal line.

Acting Chairman
Council of the District of Columbia

A handwritten signature in cursive script, reading "Mervyn B. Felt", written over a horizontal line.

Mayor
District of Columbia

APPROVED: June 18, 1997



COUNCIL OF THE DISTRICT OF COLUMBIA
 COUNCIL PERIOD TWELVE
 RECORD OF OFFICIAL COUNCIL VOTE

B12-30

Docket No. _____

ITEM ON CONSENT CALENDAR

ADOPTED FIRST READING, 05-06-97

ACTION & DATE

APPROVED

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT ALL PRESENT

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

June 6, 1997
 Date

ITEM ON CONSENT CALENDAR

ADOPTED FINAL READING, 06-03-97

ACTION & DATE

APPROVED

VOICE VOTE
 RECORDED VOTE ON REQUEST

ALL PRESENT

ABSENT _____

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

June 6, 1997
 Date

| | ITEM ON CONSENT CALENDAR

| | ACTION & DATE

| | VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT _____

| | ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT

*Codification
District of
Columbia
Code
1998 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To regulate the safety and security of the rail fixed guideway system operated by the Washington Metropolitan Area Transit Authority by creating and operating a joint entity among the District of Columbia, Commonwealth of Virginia, and State of Maryland to oversee this regulation and by authorizing the Mayor of the District of Columbia to enter into and implement an agreement with Virginia and Maryland to achieve these purposes.

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*New
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IVA,
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ENROLLED ORIGINAL

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ENROLLED ORIGINAL

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ENROLLED ORIGINAL

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

Sec. 9. Fiscal impact statement.

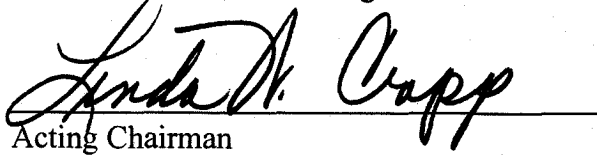
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Sec. 10. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental

ENROLLED ORIGINAL

Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

A handwritten signature in cursive script, reading "Linda A. Capp", written over a horizontal line.

Acting Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA
 COUNCIL PERIOD TWELVE
 RECORD OF OFFICIAL COUNCIL VOTE

B12-30

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 05-06-97

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

June 6, 1997
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 06-03-97

VOICE VOTE
 RECORDED VOTE ON REQUEST

APPROVED

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Ambrose					Mason									
Brazil					Patterson									
Chavous					Schwartz									

X-indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

[Signature]
 Secretary to the Council

June 6, 1997
 Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE
 RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Cropp					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
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Brazil					Patterson									
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X - Indicates Vote

AB - Absent

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CERTIFICATION RECORD

Secretary to the Council

Date