

ENROLLMENT(S)

kwiktag®

062 330 921



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

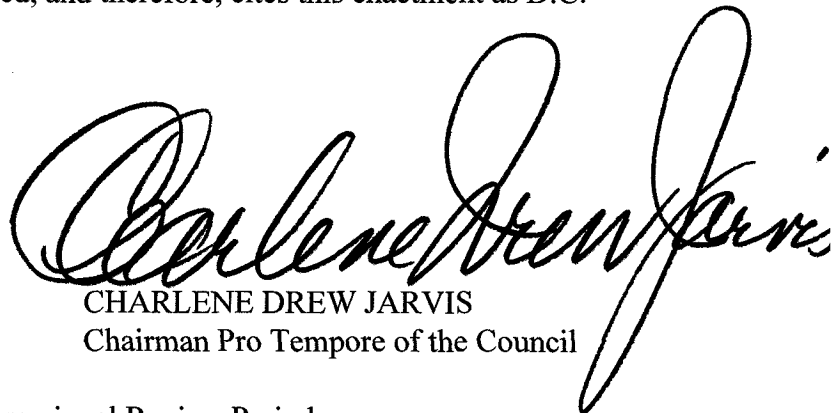
NOTICE

D.C. LAW 11-261

"Washington Metropolitan Area Transit Authority Safety Regulation Temporary 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. 11-975, on first and second readings, December 3, 1996 and January 7, 1997, respectively. Following the signature of the Mayor on January 23, 1997, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-528, and published in the March 14, 1997, edition of the D.C. Register (Vol. 44 page 1455) and transmitted to Congress on February 25, 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 11-261, effective April 25, 1997.



CHARLENE DREW JARVIS
Chairman Pro Tempore of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb.	25,26,27,28
Mar.	3,4,5,6,10,11,12,13,14,17,18,19,20,21
Apr.	7,8,9,10,14,15,16,17,21,22,23,24

AN ACT
D.C. ACT 11-528

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 23, 1997

To regulate, on a temporary basis, 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 Temporary Act of 1997".

Sec. 2. Definitions.

*Note, Section
1-2431*

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's Manual for the Development of Rail Transit System Safety Program Plans as that manual 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) "Plan" means the system safety program plan referenced in 49 C.F.R. § 659.5, including the security portion of that plan.

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

(7) "Rail fixed guideway system" means a rail mass transportation system as

defined in 49 C.F.R. § 659.5.

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

(9) "State oversight agency" means the agency for the regulation of the safety of WMATA's rail fixed guideway system that the District of Columbia, Commonwealth of Virginia, and State of Maryland are required to create and operate under section 28 of the Act, as a condition for the continuation of federal grant-in-aid assistance under that Act.

(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 such an agency shall, at a minimum, contain provisions that substantially satisfy the requirements set out in section 5.

Sec. 4. Appointment of District representatives.

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

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.

(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.

Sec. 6. Amendments to agreement.

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 of section 5.

Sec. 7. Procurement law inapplicable.

ENROLLED ORIGINAL

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.

(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 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.

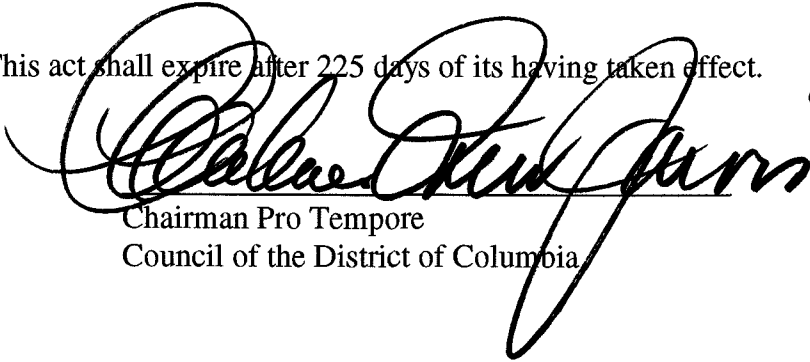
This act shall have no fiscal impact. The Tri-State Oversight Committee ("TOC") to be created pursuant to this legislation requires no additional funding. The Department of Public Works is the District's designated agency participant in TOC. To the extent possible, TOC will utilize existing staff and resources of the Washington Metropolitan Area Transit Authority. WMATA's services are funded through the District's annual WMATA subsidy payments. The Washington Metropolitan Council of Governments ("COG") will provide contract administration services for additional consultant services when necessary. COG's services are funded through the District's annual membership contributions and, where applicable, from the budget of the District agency which enters into a contract with COG for a particular project.

Sec. 10. Effective date.

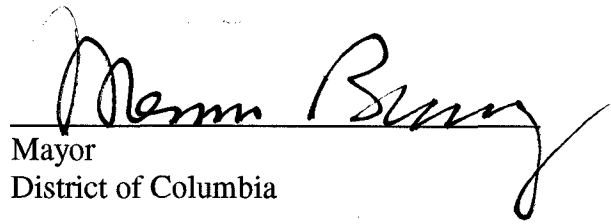
(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility 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 Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

ENROLLED ORIGINAL

(b) This act shall expire after 225 days of its having taken effect.



Chairman Pro Tempore
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: January 23, 1997



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B11-975

Docket No. _____

| | ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

ADOPTED FIRST READING, 12-3-96

☒ VOICE VOTE

APPROVED

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. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

| | ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

ADOPTED FINAL READING,

☒ VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

CHAIRMAN CLARKE

ABSENT _____

| | ROLL CALL VOTE - Result _____

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

X-indicates no AB-Absent NV-Present not voting

CERTIFICATION RECORD

Secretary to the Council

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. Clarke					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									
Cropp					Schwartz									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

AN ACT

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To regulate, on a temporary basis, 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 Temporary Act of 1997".

Sec. 2. Definitions.

*Note, Section
1-2431*

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's Manual for the Development of Rail Transit System Safety Program Plans as that manual 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) "Plan" means the system safety program plan referenced in 49 C.F.R. § 659.5, including the security portion of that plan.

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

(7) "Rail fixed guideway system" means a rail mass transportation system as

ENROLLED ORIGINAL

defined in 49 C.F.R. § 659.5.

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

(9) "State oversight agency" means the agency for the regulation of the safety of WMATA's rail fixed guideway system that the District of Columbia, Commonwealth of Virginia, and State of Maryland are required to create and operate under section 28 of the Act, as a condition for the continuation of federal grant-in-aid assistance under that Act.

(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 such an agency shall, at a minimum, contain provisions that substantially satisfy the requirements set out in section 5.

Sec. 4. Appointment of District representatives.

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

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.

(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.

Sec. 6. Amendments to agreement.

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 of section 5.

Sec. 7. Procurement law inapplicable.

ENROLLED ORIGINAL

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.

(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 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.

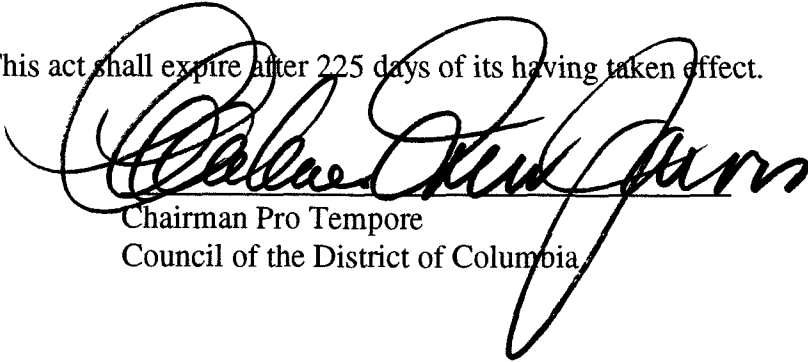
This act shall have no fiscal impact. The Tri-State Oversight Committee ("TOC") to be created pursuant to this legislation requires no additional funding. The Department of Public Works is the District's designated agency participant in TOC. To the extent possible, TOC will utilize existing staff and resources of the Washington Metropolitan Area Transit Authority. WMATA's services are funded through the District's annual WMATA subsidy payments. The Washington Metropolitan Council of Governments ("COG") will provide contract administration services for additional consultant services when necessary. COG's services are funded through the District's annual membership contributions and, where applicable, from the budget of the District agency which enters into a contract with COG for a particular project.

Sec. 10. Effective date.

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

ENROLLED ORIGINAL

(b) This act shall expire after 225 days of its having taken effect.

A large, stylized handwritten signature in black ink, appearing to read "Pamela Anderson", is written over the text of the Chairman Pro Tempore.

Chairman Pro Tempore
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD TWELVE

RECORD OF OFFICIAL COUNCIL VOTE

B11-975

Docket No. _____

| | ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

ADOPTED FIRST READING, 12-3-96

☒ VOICE VOTE

APPROVED

☒ 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. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

| | ITEM ON CONSENT CALENDAR

☒ ACTION & DATE

ADOPTED FINAL READING,

☒ VOICE VOTE

APPROVED

☒ RECORDED VOTE ON REQUEST

CHAIRMAN CLARKE

ABSENT _____

| | ROLL CALL VOTE - Result _____

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

X - indicates no AB - Absent NV - Present not voting

CERTIFICATION RECORD

Secretary to the Council

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. Clarke					Evans					Smith, Jr.				
Allen					Jarvis					Thomas, Sr.				
Brazil					Mason									
Chavous					Patterson									
Cropp					Schwartz									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date