

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 11-138

"Washington Metropolitan Area Transit Regulation Compact Amendment Act of 1996".

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. 11-443, on first and second readings, February 6, 1996 and April 2, 1996, respectively. Following the signature of the Mayor on April 15, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-253 and published in the April 26, 1996, edition of the D.C. Register (Vol. 43 page 2142) and transmitted to Congress on April 24, 1996 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 11-138, effective June 6, 1996.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

April 24,25,26,29,30

May 1,2,3,6,7,8,9,10,13,14,15,16,17,20,21,22,23,24,28,29,30,31

June 3,4,5

ENROLLED ORIGINAL

AN ACT

D.C. 11-253

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

APRIL 15, 1996

To amend the Washington Metropolitan Area Transit Regulation Compact to include Loudoun County, Virginia, and its political subdivisions in the Transit Zone; to substitute reference to the Mayor and the Council of the District of Columbia for certain references to the Commissioners of the District of Columbia; to eliminate the requirement that the Council appoint the District's representatives on the Board of Directors of the Washington Metropolitan Area Transit Authority from among the members of the Council and the Executive Office of the Mayor; to require that actions of the Board are to be effective only if approved by a majority of the present and voting Board members when a quorum is present; to grant the Authority more flexibility regarding procurement procedures; to eliminate the requirement that the Board conduct public hearings before it makes fare or rate changes that do not increase a fare or rate, establishes any service or implements any service reduction that is not major; to shorten the public hearing notice period from 30 to 15 days; to clarify that certain protective employment provisions do not exceed the requirements of applicable federal law; to expand the jurisdiction and weapon-carrying authority of the Metro Transit Police; to confirm the concurrent original jurisdiction of the courts of the District of Columbia over all actions brought by or against the Authority; and to clarify that a Compact amendment is effective only upon approval by each Signatory and by Congress.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Metropolitan Area Transit Regulation Compact Amendment Act of 1996".

Sec. 2. The District of Columbia hereby adopts amendments to Article I of Title I and Articles III, VI, XIII, XIV, and XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact as set forth in sections 3 and 4 of this act, subject to the consent of Congress thereto and the fulfillment of the conditions in sections 5 and 6 of this act.

*Note, Sections
1-2411,
1-2431*

ENROLLED ORIGINAL

Sec. 3. Article I, title I, of the Washington Metropolitan Area Transit Regulation Compact, approved September 15, 1960 (74 Stat. 1031; D.C. Code § 1-2411), is amended to read as follows: "There is hereby created the Washington Metropolitan Transit District, hereinafter referred to as the Metropolitan District, which shall embrace the District of Columbia, the cities of Alexandria, Falls Church, and Fairfax, the counties of Arlington, Fairfax, and Loudoun, and political subdivisions of the Commonwealth of Virginia located within those counties, and the counties of Montgomery and Prince George's in the State of Maryland and political subdivisions of the State of Maryland located within those counties."

**Section
1-2411**

Sec. 4. Title III of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Code § 1-2431), is amended as follows:

**Section
1-2431**

(a) Section 3 is amended to read as follows:

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

(b) Section 5(a) is amended to read as follows:

"5.(a) The Authority shall be governed by a Board of 6 Directors consisting of 2 Directors for each Signatory. For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; and for Maryland, by the Washington Suburban Transit Commission. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director 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."

(c) Section 8(a) is amended to read as follows:

"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."

ENROLLED ORIGINAL

(d) Section 14(b) is amended to read as follows:

"(b) It shall be the duty and responsibility of each member of the Board to serve as liaison between the Board and the body which appointed him to the Board. To provide a framework for regional participation in the planning process, the Board shall create technical committees concerned with planning and collection and analyses of data relative to decision-making in the transportation planning process, and the Mayor and Council of the District of Columbia, the component governments of the Northern Virginia Transportation District and the Washington Suburban Transit District shall appoint representatives to such technical committees and otherwise cooperate with the Board in the formulation of a mass transit plan, or in revisions, alterations, or amendments thereof."

(e) Section 15 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

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

(B) Paragraph (3) is amended to read as follows:

"(3) the transportation agencies of the Signatories;"

(2) The last paragraph is amended to read as follows:

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

(f) Section 62 is amended as follows:

(1) Subsection (a) is amended to read as follows:

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

(2) Subsection (c) is amended to read as follows:

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

(g) Section 70(a) is amended to read as follows:

"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

ENROLLED ORIGINAL

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

(h) Section 73 is amended to read as follows:

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

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

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

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

"(A) solicit sealed bids if:

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

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

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

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

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

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

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

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

ENROLLED ORIGINAL

satisfy the needs of the Authority; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(g) The Board shall adopt policies and procedures to implement this section. The policies and procedures shall provide for publication of notice of procurements and other actions

ENROLLED ORIGINAL

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."

(i) Section 76 is amended as follows:

(1) Subsection (a) is amended to read as follows:

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

(2) Subsection (b) is amended to read as follows:

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

ENROLLED ORIGINAL

performance of his or her duties."

(3) Subsection (e) is amended to read as follows:

"(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient, and orderly use of the Transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the Transit facilities, the control of traffic and parking upon the Transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a Signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the Signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that Signatory or political subdivision. In all other respects the rules and regulations of the Authority shall be uniform throughout the Transit Zone. The rules and regulations established under this subsection shall be adopted by the Board following public hearings held in accordance with section 62(c) and (d) of this Compact. The final regulation shall be published in a newspaper of general circulation within the Transit Zone at least 15 days before its effective date. Any person violating any rule or regulation of the Authority shall be subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine of not more than \$250 and costs. Criminal violations of any rule or regulation of the Authority shall be prosecuted by the Signatory or political subdivision in which the violation occurred, in the same manner by which violations of laws, ordinances, rules and regulations of the Signatory or political subdivision are prosecuted."

(j) Section 81 is amended to read as follows:

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

(k) Section 84 is amended to read as follows:

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

Sec. 5. The provisions of sections 2, 3, and 4 of this act shall become effective after those provisions have been adopted by the District of Columbia, the State of Maryland, and the Commonwealth of Virginia in a manner provided by law therefor, and have received the consent of Congress.

Note, Sections
1-2411,
1-2431

ENROLLED ORIGINAL

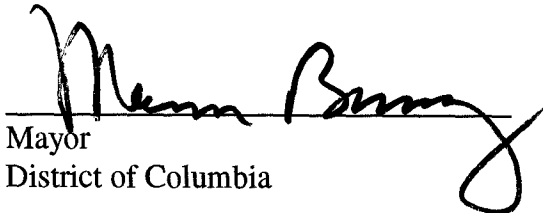
Sec. 6. The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

Note, Sections
1-2411,
1-2431

Sec. 7. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia 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 Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and 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.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: April 15, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-443

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 02-06-96

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. 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

[Signature]
Secretary to the Council

April 5, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 04-02-96

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

X-indicates No

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

April 5, 1996
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					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

AN ACT

*Codification
District of
Columbia
Code
1997 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Washington Metropolitan Area Transit Regulation Compact to include Loudoun County, Virginia, and its political subdivisions in the Transit Zone; to substitute reference to the Mayor and the Council of the District of Columbia for certain references to the Commissioners of the District of Columbia; to eliminate the requirement that the Council appoint the District's representatives on the Board of Directors of the Washington Metropolitan Area Transit Authority from among the members of the Council and the Executive Office of the Mayor; to require that actions of the Board are to be effective only if approved by a majority of the present and voting Board members when a quorum is present; to grant the Authority more flexibility regarding procurement procedures; to eliminate the requirement that the Board conduct public hearings before it makes fare or rate changes that do not increase a fare or rate, establishes any service or implements any service reduction that is not major; to shorten the public hearing notice period from 30 to 15 days; to clarify that certain protective employment provisions do not exceed the requirements of applicable federal law; to expand the jurisdiction and weapon-carrying authority of the Metro Transit Police; to confirm the concurrent original jurisdiction of the courts of the District of Columbia over all actions brought by or against the Authority; and to clarify that a Compact amendment is effective only upon approval by each Signatory and by Congress.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington Metropolitan Area Transit Regulation Compact Amendment Act of 1996".

Sec. 2. The District of Columbia hereby adopts amendments to Article I of Title I and Articles III, VI, XIII, XIV, and XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact as set forth in sections 3 and 4 of this act, subject to the consent of Congress thereto and the fulfillment of the conditions in sections 5 and 6 of this act.

*Note, Sections
1-2411,
1-2431*

ENROLLED ORIGINAL

Sec. 3. Article I, title I, of the Washington Metropolitan Area Transit Regulation Compact, approved September 15, 1960 (74 Stat. 1031; D.C. Code § 1-2411), is amended to read as follows: "There is hereby created the Washington Metropolitan Transit District, hereinafter referred to as the Metropolitan District, which shall embrace the District of Columbia, the cities of Alexandria, Falls Church, and Fairfax, the counties of Arlington, Fairfax, and Loudoun, and political subdivisions of the Commonwealth of Virginia located within those counties, and the counties of Montgomery and Prince George's in the State of Maryland and political subdivisions of the State of Maryland located within those counties."

Section
1-2411

Sec. 4. Title III of the Washington Metropolitan Area Transit Regulation Compact, approved November 6, 1966 (80 Stat. 1324; D.C. Code § 1-2431), is amended as follows:

Section
1-2431

(a) Section 3 is amended to read as follows:

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

(b) Section 5(a) is amended to read as follows:

"5.(a) The Authority shall be governed by a Board of 6 Directors consisting of 2 Directors for each Signatory. For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia, by the Council of the District of Columbia; and for Maryland, by the Washington Suburban Transit Commission. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director 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."

(c) Section 8(a) is amended to read as follows:

"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."

ENROLLED ORIGINAL

(d) Section 14(b) is amended to read as follows:

"(b) It shall be the duty and responsibility of each member of the Board to serve as liaison between the Board and the body which appointed him to the Board. To provide a framework for regional participation in the planning process, the Board shall create technical committees concerned with planning and collection and analyses of data relative to decision-making in the transportation planning process, and the Mayor and Council of the District of Columbia, the component governments of the Northern Virginia Transportation District and the Washington Suburban Transit District shall appoint representatives to such technical committees and otherwise cooperate with the Board in the formulation of a mass transit plan, or in revisions, alterations, or amendments thereof."

(e) Section 15 is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

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

(B) Paragraph (3) is amended to read as follows:

"(3) the transportation agencies of the Signatories;"

(2) The last paragraph is amended to read as follows:

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

(f) Section 62 is amended as follows:

(1) Subsection (a) is amended to read as follows:

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

(2) Subsection (c) is amended to read as follows:

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

(g) Section 70(a) is amended to read as follows:

"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

ENROLLED ORIGINAL

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

(h) Section 73 is amended to read as follows:

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

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

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

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

"(A) solicit sealed bids if:

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

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

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

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

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

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

ENROLLED ORIGINAL

satisfy the needs of the Authority; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(g) The Board shall adopt policies and procedures to implement this section. The policies and procedures shall provide for publication of notice of procurements and other actions

ENROLLED ORIGINAL

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."

(i) Section 76 is amended as follows:

(1) Subsection (a) is amended to read as follows:

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

(2) Subsection (b) is amended to read as follows:

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

ENROLLED ORIGINAL

performance of his or her duties."

(3) Subsection (e) is amended to read as follows:

"(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient, and orderly use of the Transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the Transit facilities, the control of traffic and parking upon the Transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a Signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the Signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that Signatory or political subdivision. In all other respects the rules and regulations of the Authority shall be uniform throughout the Transit Zone. The rules and regulations established under this subsection shall be adopted by the Board following public hearings held in accordance with section 62(c) and (d) of this Compact. The final regulation shall be published in a newspaper of general circulation within the Transit Zone at least 15 days before its effective date. Any person violating any rule or regulation of the Authority shall be subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine of not more than \$250 and costs. Criminal violations of any rule or regulation of the Authority shall be prosecuted by the Signatory or political subdivision in which the violation occurred, in the same manner by which violations of laws, ordinances, rules and regulations of the Signatory or political subdivision are prosecuted."

(j) Section 81 is amended to read as follows:

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

(k) Section 84 is amended to read as follows:

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

Sec. 5. The provisions of sections 2, 3, and 4 of this act shall become effective after those provisions have been adopted by the District of Columbia, the State of Maryland, and the Commonwealth of Virginia in a manner provided by law therefor, and have received the consent of Congress.

Note, Sections
1-2411,
1-2431

ENROLLED ORIGINAL

Sec. 6. 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)).

Note, Sections
1-2411,
1-2431

Sec. 7. This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia 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 Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(c)), and 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.



Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-443

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 02-06-96

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. 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

Regis
Secretary to the Council

April 5, 1996
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 04-02-96

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

X indicates No

AB - Absent

NV - Present not voting

CERTIFICATION RECORD

Regis
Secretary to the Council

April 5, 1996
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					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