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Councilmember Jack Evans

Chairman Phil Mendelson

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to authorize the Mayor and the Council to make appointments to the Board of Directors of the Washington Metrorail Safety Commission.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Washington Metrorail Safety Commission Board of Directors Appointment Emergency Declaration Resolution of 2018”.

Sec. 2. (a) There exists an immediate need to authorize the Mayor and the Council to make appointments to the Board of Directors of the Washington Metrorail Safety Commission (“Commission”) pursuant to the Washington Metrorail Safety Commission Establishment Act of 2016, effective April 7, 2017 (D.C. Law 21-250; D.C. Official Code § 9-1109.11) (“Metrorail Safety Act”).

(b) The Council approved the Metrorail Safety Act in order for the District of Columbia to enter into the Metrorail Safety Commission Interstate Compact (“Compact”) with the Commonwealth of Virginia and the State of Maryland. The goal of entering the Compact was to create the Commission, which is a legally and financially independent safety authority,

35 to provide oversight over the Washington Metropolitan Area Transit Authority Metrorail
36 System (“WMATA Metrorail System”).

37 (c) The Commission replaces the Tri-state Oversight Committee (“TOC”) which
38 previously served as the State Safety Oversight agency for the WMATA Metrorail System.
39 This is necessary because the TOC lacked the enforcement authority, the technical expertise,
40 and sufficient resources to conduct its oversight responsibilities over the WMATA Metrorail
41 System.

42 (d) Since October 9, 2015, the Federal Transit Administration (“FTA”) has taken
43 over all oversight, inspection, and enforcement responsibilities of the WMATA Metrorail
44 System from the TOC. The FTA will continue to administer safety oversight of the WMATA
45 Metrorail System until the Commission is stood up and certified by the FTA to take over the
46 safety oversight responsibilities.

47 (e) The Commission will have exclusive authority and responsibility over the
48 WMATA Metrorail System with the power to restrict, suspend, or prohibit rail service on all or
49 part of the WMATA Metrorail System. In addition, the Commission will develop and adopt a
50 written state safety oversight program standard; review and approve the WMATA Public
51 Transportation Agency Safety Plan; investigate Hazards, Incidents, and Accidents; approve and
52 oversee Corrective Action Plans; and meet other requirements of federal and state law relating
53 to safety oversight of the WMATA Metrorail System.

54 (f) The Compact requires that the Commission be governed by a Board of
55 Directors consisting of 6 Members. The District of Columbia, Maryland, and Virginia are each
56 required to appoint 2 Members and one Alternate Member pursuant to each jurisdictions
57 applicable laws.

58 (g) On October 3, 2017, the Council approved the Washington Metrorail Safety
59 Commission Board of Directors Appointment Emergency Amendment Act of 2017, effective
60 October 24, 2017 (D.C. Act 22-168; 64 DCR 10927) (the “Emergency Act”), which addressed this
61 issue.

62 (h) On December 5, 2017, the Council approved on first reading the Washington
63 Metrorail Safety Commission Board of Directors Appointment Amendment Act of 2017, approved
64 on 1st reading on December 5, 2017 (Engrossed version of B22-464) (“Permanent Act”), the
65 permanent version of the Emergency Act. The Permanent Act contains additional provisions not
66 present in the Emergency Act.

67 (i) This emergency legislation mirrors the Permanent Act and ensures that all of its
68 provisions become law immediately.

69 Sec. 3. The Council of the District of Columbia determines that the circumstances
70 enumerated in section 2 constitute emergency circumstances making it necessary that the
71 Washington Metrorail Safety Commission Board of Directors Appointment Emergency
72 Amendment Act of 2018 be adopted after a single reading.

73 Sec. 4. This resolution shall take effect immediately.