

GRANTING THE CONSENT AND APPROVAL OF CONGRESS FOR THE STATE OF MARYLAND, THE COMMONWEALTH OF VIRGINIA, AND THE DISTRICT OF COLUMBIA TO AMEND THE WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

NOVEMBER 8, 1997.—Referred to the House Calendar and ordered to be printed

Mr. GEKAS, from the Committee on the Judiciary,  
submitted the following

R E P O R T

[To accompany H.J. Res. 96]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the joint resolution (H.J. Res. 96) granting the consent and approval of Congress for the State of Maryland, the Commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact, having considered the same, report favorably thereon without amendment and recommend that the joint resolution do pass.

CONTENTS

	Page
Purpose and Summary .....	1
Background and Need for Legislation .....	2
Hearings .....	2
Committee Consideration .....	2
Vote of the Committee .....	3
Committee Oversight Findings .....	3
Committee on Government Reform and Oversight Findings .....	3
New Budget Authority and Tax Expenditures .....	3
Congressional Budget Office Cost Estimate .....	3
Constitutional Authority Statement .....	4
Section-by-Section Analysis and Discussion .....	4
Agency Views .....	5

PURPOSE AND SUMMARY

H.J. Res. 96 grants the consent of Congress to amendments adopted by the State of Maryland, Commonwealth of Virginia and District of Columbia to the Washington Metropolitan Area Transit Regulation Compact. The amendments include: changes to require-

ments concerning public hearings consistent with federal regulations governing other transit agencies; permitting off-duty transit police to carry Authority issued weapons subject to restrictions imposed on police officers by each jurisdiction; and clarification of the process by which certain WMATA regulations are adopted.

#### BACKGROUND AND NEED FOR THE LEGISLATION

Article I, section 10, clause 3 of the United States Constitution provides that: "No State shall without the Consent of Congress \* \* \* enter into any Agreement or Compact with another State, or with a foreign power \* \* \*" Congressional consent is required for such agreements and compacts in order to determine whether they work to the detriment of another state and to ensure that they do not conflict with Federal law or Federal interests.

The Washington Metropolitan Area Transit Authority (WMATA) was created in 1967 by compact between Maryland, Virginia and the District of Columbia with Congressional consent. The Authority was established to plan, finance, construct and operate a comprehensive public transit system for metropolitan Washington. In addition to a subway system connecting the three jurisdictions, WMATA administers an extensive surface transportation system throughout the area. Since its inception, the compact has been amended five times.<sup>1</sup>

Authorization to create the Metro Transit Police Department was signed into law in 1976 by the President. Sworn members, of which there are now nearly 300, possess law enforcement authority across the three jurisdictions with responsibility for public safety and security on Metro transit facilities. Over the past three years, transit officers have reportedly issued 12,197 criminal citations and arrested 3,623 individuals for various violations.<sup>2</sup>

#### HEARINGS

The Committee's Subcommittee on Commercial and Administrative Law held a hearing on H.R. 96 on Thursday, October 23, 1997. Testimony was received from Representative Thomas M. Davis (VA), and Jack Evans, Chairman of the Board of Directors, WMATA, accompanied by Chief Barry J. McDevitt, WMATA.

#### COMMITTEE CONSIDERATION

On October 23, 1997, the Subcommittee on Commercial and Administrative Law met in open session and ordered reported the bill H.J. Res. 96 by voice vote, a quorum being present. On October 23, 1997, the Committee met in open session and ordered reported favorably the bill H.J. Res 96 without amendment by voice vote, a quorum being present.

<sup>1</sup>The amendments proposed for Congressional approval in H.J. Res. 96 were ratified by legislative bodies of the District of Columbia, Maryland and Virginia. (1996 D.C. Act 11-253; 1997 Md. Laws Ch. 91; and 1995 Va. Acts Ch. 150.)

<sup>2</sup>Washington Metropolitan Area Transit Authority: Hearing on H.J. Res. 96 Before the Subcommittee on Commercial and Administrative Law of the House Committee on the Judiciary, 105th Cong. 1st Sess. (1997) (statement of Jack Evans, chairman of the Board of Directors of the Washington Metropolitan Area Transit Authority).

VOTE OF THE COMMITTEE

No recorded votes were taken.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(1)(3)(B) of House Rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the joint resolution, H.J. Res. 96, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, October 30, 1997.*

Hon. HENRY J. HYDE,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.J. Res. 96, a joint resolution granting the consent and approval of Congress for the state of Maryland, the commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Susanne S. Mehlman.

Sincerely,

JAMES L. BLUM  
(For June E. O'Neill, *Director*).

Enclosure.

*H.J. Res. 96.—A joint resolution granting consent and approval of Congress for the state of Maryland, the commonwealth of Virginia, and the District of Columbia to amend the Washington Metropolitan Area Transit Regulation Compact*

CBO estimates that enacting H.J. Res. 96 would result in no cost to the federal government. Because enactment of H.J. Res. 96 would not affect direct spending or receipts, pay-as-you-go procedures would not apply. The resolution contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995, and any costs resulting from amendments to the compact would be borne voluntarily by the affected Washington Metropolitan Area Transit Authority (WMATA).

H.J. Res. 96 would give Congressional consent to several amendments to the Washington Metropolitan Area Transit Regulation Compact. The first amendment would eliminate the need for the WMATA to hold public hearings on minor service changes. The second amendment would permit off-duty transit police to carry weapons subject to restrictions imposed on police officers by each jurisdiction. The final amendment would clarify the process by which certain WMATA regulations are established.

The CBO staff contact for this estimate is Susanne S. Mehlman. This estimate was approved by Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to rule XI, clause 2(1)(4) of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, section 10, clause 3 of the Constitution.

SECTION-BY-SECTION ANALYSIS

H.J. Res. 96 grants the consent of Congress to amendments adopted by Maryland, Virginia and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact.

Paragraph (1) of the joint resolution contains an amendment to Section 62(a) of the Compact providing that the WMATA Board may not raise any fare or rate, nor implement a major service reduction, without having held a public hearing with respect thereto. Currently, public hearings are required before the Board can “make or change any fare or rate” or “establish or abandon any service”, with certain stated exceptions relating to minor, emergency and temporary service changes. The amendment makes the public hearing requirements more flexible and brings the authority into conformance with Federal Transit Administration guidance.<sup>3</sup>

Paragraph (2) amends Section 62(c) of the Compact to require the Board to give at least fifteen days’ notice for all public hearings. Currently, the Board is required to give 30 days’ notice which must be posted, among other places, in all WMATA offices, stations, terminals, vehicles and rolling stock in revenue service. The posting requirement for these latter locations is deleted and in-

<sup>3</sup>Federal Transit Administration fare and service charge regulations contained at 49 C.F.R. §§635.7, 635.9 acknowledge it is reasonable to require a forum for public comment only when a transit operator proposes to raise fares or to implement a major reduction in service.

stead the Board is permitted to provide for physical posting by regulation.

Paragraph (3) amends Section 76(b) to permit a member of the Metro Transit Police while off-duty to carry and use such weapons, including handguns, that are issued by the Authority. A member of the Metro Transit Police is, however, 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 is engaged in the performance of his duties. Currently, members of the Metro Transit Police who are not on duty are permitted to carry Authority issued weapons only while in transit to and from their duty assignment. This change would conform WMATA's off-duty weapons policy with that in force among police in the region.

Paragraph (4) amends Section 76(c) of the Compact to make minor modifications in how proposed rules and regulations are adopted by the Authority, providing that such rules and regulations shall be adopted following public hearings held in accordance with Sections 62(c) and (d) of the Compact. The final regulation is to be published in a newspaper of general circulation within the Compact zone at least 15 days prior to its effective date.

#### AGENCY VIEWS

No agency views were received on H.J. Res. 96.

