

115TH CONGRESS
1ST SESSION

H. R. 4466

To provide funding flexibility to the Washington Metropolitan Area Transit Authority, to grant authority to amend the Washington Metropolitan Area Transit Authority Compact, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 28, 2017

Mr. BROWN of Maryland (for himself and Mr. RASKIN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide funding flexibility to the Washington Metropolitan Area Transit Authority, to grant authority to amend the Washington Metropolitan Area Transit Authority Compact, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “WMATA Flexible
5 Funding and Safety Improvement Act”.

TITLE I—OPERATING ASSISTANCE

SEC. 101. FEDERAL OPERATING ASSISTANCE.

Section 5307 of title 49, United States Code, is amended by adding at the end the following:

“(i) SPECIAL RULE.—The Secretary may make grants under this section to finance the operating cost of equipment and facilities for use in an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census, for a public transportation system that—

“(1) operates as an interstate compact agency by the terms of its enabling legislation; and

“(2) is an agency and instrumentality of 3 signatories, which have enacted legislation—

“(A) to provide a dedicated source of revenue to finance the operating costs of equipment and facilities for use in public transportation; and

“(B) that results in the collection of local and State funds that cover at least 50 percent of such operating costs.”.

1 **TITLE II—WASHINGTON METRO-**
2 **POLITAN AREA TRANSIT AU-**
3 **THORITY COMPACT**

4 **SEC. 201. DEFINITIONS.**

5 In this title, the following definitions apply:

6 (1) COMPACT.—The term “Compact” means
7 title III of the Washington Metropolitan Area Tran-
8 sit Regulation Compact, known as the Washington
9 Metropolitan Area Transit Authority Compact, con-
10 sented to by Congress under Public Law 89–774 (80
11 Stat. 1324 et seq.).

12 (2) DEADHEAD MILES.—The term “deadhead
13 miles” means the movement of a transit vehicle
14 without passengers aboard, which often occurs to
15 and from a garage or to and from 1 route to an-
16 other.

17 (3) METROACCESS.—The term “MetroAccess”
18 means the paratransit service of the Transit Author-
19 ity for individuals whose disability prevents them
20 from using a bus or rail facility.

21 (4) SUPER-LATE TRIPS.—The term “super-late
22 trips” means MetroAccess trips extending at least
23 20 minutes past the delivery window.

1 (5) TRANSIT AUTHORITY.—The term “Transit
2 Authority” means the Washington Metropolitan
3 Area Transit Authority.

4 **SEC. 202. AUTHORITY FOR COMPACT AMENDMENTS.**

5 (a) IN GENERAL.—The consent of Congress is hereby
6 granted for the State of Maryland, the Commonwealth of
7 Virginia, and the District of Columbia to amend the Com-
8 pact for the purposes described in this section.

9 (b) SAFETY TASK FORCES.—The Compact may be
10 amended to authorize the Transit Authority to establish
11 and maintain—

12 (1) the Jeanice McMillan Washington Metro-
13 politan Area Transit Authority Track Safety Task
14 Force for the development of on-track safety stand-
15 ards for the Transit Authority, as provided by sec-
16 tion 203; and

17 (2) the Thomasine Maria Smith Washington
18 Metropolitan Area Transit Authority Bus Safety
19 Task Force for the development of bus safety stand-
20 ards for the Transit Authority, as provided by sec-
21 tion 204.

22 (c) METROACCESS REVIEW.—

23 (1) IN GENERAL.—The Compact may be
24 amended—

(A) to direct the Inspector General for the Transit Authority, prior to the renewal of any private MetroAccess contract by the Transit Authority for the provision of demand response services, to conduct a review of the MetroAccess program and submit a report on the results of the review in accordance with this subsection; and

(B) to include the prohibition set forth in paragraph (5).

(2) CONTENTS.—In conducting the review, the Inspector General shall compare paratransit services provided under the MetroAccess program to similar programs carried out by at least 30 peer transit agencies across the United States, including systems that directly operate such services and systems that purchase transportation for such services.

(3) SCOPE.—The Inspector General shall ensure that the scope of the review includes an examination of—

(A) percentage of deadhead miles;

(B) percentage of deadhead hours;

(C) passengers per revenue mile;

(D) average trip length;

(E) cost per revenue mile;

- 1 (F) cost per revenue hour;
- 2 (G) cost per unlinked trip;
- 3 (H) unlinked passenger trips per vehicle
- 4 revenue hour;
- 5 (I) unlinked passenger trips per vehicle
- 6 revenue mile;
- 7 (J) late trips;
- 8 (K) super-late trips; and
- 9 (L) additional related matters.

10 (4) SUBMISSION OF REPORT.—Upon completion
11 of the review, the Inspector General shall submit a
12 report on the results of the review to the Governor
13 of Maryland, the Governor of Virginia, the Mayor of
14 the District of Columbia, the President of the Mary-
15 land Senate, the President of the Virginia Senate,
16 the Speaker of the Maryland House of Delegates,
17 the Speaker of the Virginia House of Delegates, and
18 the Chairman of the Council of the District of Co-
19 lumbia.

20 (5) PROHIBITION.—If the results of the review
21 indicate that the Transit Authority ranks in the bot-
22 tom half of transit systems with respect to a major-
23 ity of categories within the scope of the review, the
24 Transit Authority—

1 (A) shall not renew the MetroAccess con-
 2 tract that triggered the review; and

3 (B) shall arrange to perform such services
 4 directly.

5 (d) FLAT FARE, FREE TRANSFER PILOT PROGRAM;
 6 ABILITY-BASED FARES PROGRAM.—

7 (1) IN GENERAL.—The Compact may be
 8 amended to provide for, in accordance with the re-
 9 quirements of this subsection—

10 (A) a flat fare, free transfer pilot program;
 11 and

12 (B) an ability-based fares program.

13 (2) FLAT FARE, FREE TRANSFER PILOT PRO-
 14 GRAM.—

15 (A) IN GENERAL.—Under the flat fare,
 16 free transfer pilot program authorized by para-
 17 graph (1), not later than 90 days after the date
 18 of enactment of this Act, the Transit Authority
 19 shall institute at each participating Metrorail
 20 station, and widely publicize, a 1-year flat fare
 21 consisting of—

22 (i) a flat fare of \$2.50 for all Metro-
 23 rail trips originating from the participating
 24 Metrorail station; and

1 (ii) free transfers at the participating
2 Metrorail station between Metrorail and
3 Metrobus.

4 (B) SELECTION OF PARTICIPATING MET-
5 RORAIL STATIONS.—The Transit Authority
6 shall select 3 Metrorail stations for participa-
7 tion in the pilot program, one of which shall be
8 located in Maryland, one of which shall be lo-
9 cated in Virginia, and one of which shall be lo-
10 cated in the District of Columbia.

11 (C) REPORT.—

12 (i) IN GENERAL.—The Transit Au-
13 thority shall develop a report on the results
14 of the pilot program.

15 (ii) CONTENTS.—In developing the re-
16 port, the Transit Authority shall exam-
17 ine—

18 (I) bus and rail ridership at Met-
19 rorail stations participating in the
20 pilot program, comparing data from
21 the period of the pilot program to the
22 2 previous years; and

23 (II) ridership patterns at other
24 nearby Metrorail stations compared to
25 the 2 previous years.

1 (iii) SUBMISSION.—Not later than 90
2 days after the termination of the pilot pro-
3 gram, the Transit Authority shall submit
4 the report to the Governor of Maryland,
5 the Governor of Virginia, the Mayor of the
6 District of Columbia, the President of the
7 Maryland Senate, the President of the Vir-
8 ginia Senate, the Speaker of the Maryland
9 House of Delegates, the Speaker of the
10 Virginia House of Delegates, and the
11 Chairman of the Council of the District of
12 Columbia.

13 (iv) CONSIDERATION OF REPORT RE-
14 SULTS.—If the report indicates that there
15 was significant ridership growth at partici-
16 pating Metrorail stations as a result of the
17 pilot program, the Transit Authority shall
18 consider system-wide implementation of a
19 successor program that is based on the
20 pilot program.

21 (3) ABILITY-BASED FARES PROGRAM.—

22 (A) IN GENERAL.—Under the ability-based
23 fares program authorized by paragraph (1), not
24 later than 90 days after the date of enactment
25 of this Act, the Transit Authority shall imple-

1 ment a fare system, to be known as the lifeline
 2 fare system, that takes into account the ability
 3 of a passenger to pay.

4 (B) ELIGIBILITY.—The lifeline fare system
 5 shall provide a 50-percent discount for residents
 6 whose incomes are at least 200 percent below
 7 the Federal poverty level.

8 **SEC. 203. JEANICE MCMILLAN WASHINGTON METROPOLI-**
 9 **TAN AREA TRANSIT AUTHORITY TRACK SAFE-**
 10 **TY TASK FORCE.**

11 The amendments to the Compact referred to in sec-
 12 tion 202(b)(1) are substantially as follows:

13 “(a) ESTABLISHMENT OF TRACK SAFETY TASK
 14 FORCE.—There is established the Jeanice McMillan
 15 Washington Metropolitan Area Transit Authority Track
 16 Safety Task Force.

17 “(b) DUTIES.—The Task force shall be responsible
 18 for reviewing the on-track safety program of the Transit
 19 Authority, including—

20 “(1) training and qualifications of employees of
 21 the Transit Authority affected by the program;

22 “(2) appropriate procedures for protecting em-
 23 ployees of the Transit Authority engaged in work
 24 along the track right-of-way, including good faith
 25 challenge procedures;

1 “(3) instructions to train operators;
2 “(4) relevant rules of the Transit Authority;
3 “(5) third rail safety;
4 “(6) illuminations; and
5 “(7) any additional related safety matters.

6 “(c) STANDARDS.—The Task Force shall conduct the
7 review in accordance with—

8 “(1) the best principles and practices found in
9 Safety Management Systems and High Reliability
10 Organizations identified in the report of the Transit
11 Rail Advisory Committee entitled ‘Implementing
12 Safety Management System Principles in Rail Tran-
13 sit Agencies’, dated May 20, 2011; and

14 “(2) recommendations detailing how processes,
15 practices, tasks, and individual employee responsibil-
16 ities can support a strong safety culture, as reported
17 in the report of the Transit Rail Advisory Com-
18 mittee entitled ‘Building Toward a Strong Safety
19 Culture Within the Bus and Rail Transit Industry’,
20 dated February 27, 2017.

21 “(d) MEMBERSHIP.—

22 “(1) IN GENERAL.—The Task Force shall be
23 composed of 4 members as follows:

1 “(A) The Chairman of the Washington
2 Metrorail Safety Commission (or the Chair-
3 man’s designee).

4 “(B) The Chief Safety Officer of the
5 Washington Metropolitan Area Transit Author-
6 ity (or the Chief Safety Officer’s designee).

7 “(C) The Deputy Chief of Rail Safety and
8 Facilities of the Washington Metropolitan Area
9 Transit Authority (or the Deputy Chief’s des-
10 ignee).

11 “(D) The President of Amalgamated Tran-
12 sit Union, Local 689 (or the President’s des-
13 ignee).

14 “(2) CHAIR.—The Chairman of the Washington
15 Metrorail Safety Commission (or the Chairman’s
16 designee) shall be the Chair of the Task Force.

17 “(3) MEETINGS.—The Task Force shall meet
18 at the call of the Chair, but in no event less than
19 4 times per year. Any member of the Task Force
20 may call a meeting of the Task Force if the member
21 provides not fewer than 10 days written notice of
22 the meeting to the other members.

23 “(4) COMPENSATION; EXPENSES.—The mem-
24 bers of the Task Force shall receive no salary or
25 other compensation for their services, but the mem-

1 bers shall be entitled to reimbursement for actual
2 and necessary expenses incurred in the performance
3 of their duties.

4 “(e) ON-TRACK SAFETY PROGRAM.—

5 “(1) REPORTS.—Not later than 1 year after the
6 date of enactment of the WMATA Flexible Funding
7 and Safety Improvement Act, the Task Force shall
8 issue one or more reports setting forth the recom-
9 mendations of the Task Force with respect to the
10 on-track safety program.

11 “(2) SUBMISSION.—The Task Force shall sub-
12 mit each report issued under this subsection to the
13 Governor of Maryland, the Governor of Virginia, the
14 Mayor of the District of Columbia, the President of
15 the Maryland Senate, the President of the Virginia
16 Senate, the Speaker of the Maryland House of Dele-
17 gates, the Speaker of the Virginia House of Dele-
18 gates, and the Chairman of the Council of the Dis-
19 trict of Columbia.

20 “(3) IMPLEMENTATION OF MATERIAL MODI-
21 FICATIONS.—

22 “(A) IN GENERAL.—Prior to the imple-
23 mentation of any material modification to the
24 on-track safety program, the Transit Authority

1 shall provide written notice of the material
2 modification to the Task Force.

3 “(B) REVIEW.—Upon receipt of written
4 notice of a material modification under sub-
5 paragraph (A), the Task Force shall review the
6 modification at the next meeting of the Task
7 Force.

8 “(C) LIMITATION ON STATUTORY CON-
9 STRUCTION.—Nothing in this paragraph may
10 be construed to preclude or limit the right of
11 the Transit Authority to implement a modifica-
12 tion to the on-track safety program that the
13 Transit Authority determines is appropriate to
14 enhance the safety of its employees, customers,
15 or third parties.

16 “(f) ANNUAL INSPECTION.—

17 “(1) IN GENERAL.—The Task Force shall—

18 “(A) conduct an annual inspection of the
19 compliance by the Transit Authority with the
20 on-track safety program; and

21 “(B) on or before July 1, 2019, and each
22 year thereafter, issue to the Transit Authority
23 a report detailing its findings.

24 “(2) RESPONSE.—Not later than 90 days after
25 the date of receipt of a report under paragraph (1),

1 the Transit Authority shall provide written notice to
 2 the Task Force of the actions of the Task Force, if
 3 any, implemented or to be implemented in response
 4 to the report.

5 “(g) DEFINITIONS.—In this section, the following
 6 definitions apply:

7 “(1) ON-TRACK SAFETY PROGRAM.—The term
 8 ‘on-track safety program’ means the on-track safety
 9 program of the Transit Authority.

10 “(2) TASK FORCE.—The term ‘Task Force’
 11 means the Jeanice McMillan Washington Metropoli-
 12 tan Area Transit Authority Track Safety Task
 13 Force established under subsection (a).

14 “(3) TRANSIT AUTHORITY.—The term ‘Transit
 15 Authority’ means the Washington Metropolitan Area
 16 Transit Authority.”.

17 **SEC. 204. THOMASINE MARIA SMITH WASHINGTON METRO-**
 18 **POLITAN AREA TRANSIT AUTHORITY BUS**
 19 **SAFETY TASK FORCE.**

20 The amendments to the Compact referred to in sec-
 21 tion 202(b)(2) are substantially as follows:

22 “(a) ESTABLISHMENT OF BUS SAFETY TASK
 23 FORCE.—There is established the Thomasine Maria Smith
 24 Washington Metropolitan Area Transit Authority Bus
 25 Safety Task Force.

1 “(b) DUTIES.—The Task Force shall be responsible
2 for reviewing the bus safety program of the Transit Au-
3 thority, including—

4 “(1) training and qualifications of employees of
5 the Transit Authority affected by the program;

6 “(2) appropriate procedures for protecting em-
7 ployees of the Transit Authority engaged in bus op-
8 erations;

9 “(3) instructions to bus operators;

10 “(4) relevant rules of the Transit Authority;
11 and

12 “(5) strategies to eliminate or minimize the ex-
13 posure of the public, personnel, and property to haz-
14 ards and unsafe conditions by, among other meas-
15 ures—

16 “(A) scheduling fixed route bus service
17 with adequate time and access for operators to
18 use restroom facilities;

19 “(B) protecting bus operators from the
20 risk of assault;

21 “(C) eliminating blind spots; and

22 “(D) any additional related safety matters.

23 “(c) MEMBERSHIP.—

24 “(1) IN GENERAL.—The Task Force shall be
25 composed of 3 members as follows:

1 “(A) The Chief Safety Officer of the
2 Washington Metropolitan Area Transit Author-
3 ity (or the Chief Safety Officer’s designee).

4 “(B) The Deputy Chief of Bus and
5 MetroAccess of the Washington Metropolitan
6 Area Transit Authority (or the Deputy Chief’s
7 designee).

8 “(C) The President of Amalgamated Tran-
9 sit Union, Local 689 (or the President’s des-
10 ignee).

11 “(2) CHAIR.—The Chief Safety Officer of the
12 Washington Metropolitan Area Transit Authority (or
13 the Chief Safety Officer’s designee) shall be the
14 Chair of the Task Force.

15 “(3) MEETINGS.—The Task Force shall meet
16 at the call of the Chair, but in no event less than
17 4 times per year. Any member of the Task Force
18 may call a meeting of the Task Force if the member
19 provides not fewer than 10 days written notice of
20 the meeting to the other members.

21 “(4) COMPENSATION; EXPENSES.—The mem-
22 bers of the Task Force shall receive no salary or
23 other compensation for their services, but the mem-
24 bers shall be entitled to reimbursement for actual

1 and necessary expenses incurred in the performance
2 of their duties.

3 “(d) BUS SAFETY PROGRAM.—

4 “(1) REPORTS.—Not later than 1 year after the
5 date of enactment of the WMATA Flexible Funding
6 and Safety Improvement Act, the Task Force shall
7 issue one or more reports setting forth the recom-
8 mendations of the Task Force with respect to the
9 bus safety program.

10 “(2) SUBMISSION.—The Task Force shall sub-
11 mit each report issued under this subsection to the
12 Governor of Maryland, the Governor of Virginia, the
13 Mayor of the District of Columbia, the President of
14 the Maryland Senate, the President of the Virginia
15 Senate, the Speaker of the Maryland House of Dele-
16 gates, the Speaker of the Virginia House of Dele-
17 gates, and the Chairman of the Council of the Dis-
18 trict of Columbia.

19 “(3) IMPLEMENTATION OF MATERIAL MODI-
20 FICATIONS.—

21 “(A) IN GENERAL.—Prior to the imple-
22 mentation of any material modification to the
23 bus safety program, the Transit Authority shall
24 provide written notice of the material modifica-
25 tion to the Task Force.

1 “(B) REVIEW.—Upon receipt of written
2 notice of a material modification under sub-
3 paragraph (A), the Task Force shall review the
4 modification at the next meeting of the Task
5 Force.

6 “(C) LIMITATION ON STATUTORY CON-
7 STRUCTION.—Nothing in this paragraph may
8 be construed to preclude or limit the right of
9 the Transit Authority to implement a modifica-
10 tion to the bus safety program that the Transit
11 Authority determines is appropriate to enhance
12 the safety of its employees, customers, or third
13 parties.

14 “(e) ANNUAL INSPECTION.—

15 “(1) IN GENERAL.—The Task Force shall—

16 “(A) conduct an annual inspection of the
17 compliance by the Transit Authority with the
18 bus safety program; and

19 “(B) on or before July 1, 2019, and each
20 year thereafter, issue to the Transit Authority
21 a report detailing its findings.

22 “(2) RESPONSE.—Not later than 90 days after
23 the date of receipt of a report under paragraph (1),
24 the Transit Authority shall provide written notice to
25 the Task Force of the actions of the Task Force, if

1 any, implemented or to be implemented in response
2 to the report.

3 “(f) DEFINITIONS.—In this section, the following
4 definitions apply:

5 “(1) BUS SAFETY PROGRAM.—The term ‘bus
6 safety program’ means the bus safety program of
7 the Transit Authority.

8 “(2) TASK FORCE.—The term ‘Task Force’
9 means the Thomasine Maria Smith Washington
10 Metropolitan Area Transit Authority Bus Safety
11 Task Force established under subsection (a).

12 “(3) TRANSIT AUTHORITY.—The term ‘Transit
13 Authority’ means the Washington Metropolitan Area
14 Transit Authority.”.

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