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<sup>1</sup> \***Cross reference**-Transit facilities, [Ch. 54A](#).

## **Sec. 87-1. Declaration of legislative policy.**

(a) The development of a transportation system, composed of transit facilities, public highways, and other modes of transport, is necessary for the orderly growth and development of Montgomery and Prince George's Counties, for the safety, comfort, and convenience of their citizens and for the economical utilization of public funds. The provision of the necessary facilities and services cannot be achieved by the unilateral action of the counties and the attainment thereof requires planning and action on a regional basis, conducted cooperatively and on a continuing basis, between representatives of the counties and the state roads commission. Montgomery and Prince George's Counties are contiguous to the District of Columbia and to portions of Northern Virginia, and together with these areas form a single metropolitan area. The development of a transportation system adequate for the needs of Montgomery and Prince George's Counties requires cooperative planning and action with such adjoining areas. Such planning and action should be conducted in a manner which preserves, to the extent the necessity for joint action permits, local autonomy over patterns of growth and development. The requisite joint action may best be achieved through the device of a transit district having the powers, functions and duties hereinafter set forth in this chapter. In the provision of improved or expanded transit facilities, it is the policy of this chapter to make use of private enterprise to the extent reasonably practicable.

(b) The General Assembly finds that, due to the interest of the State in transportation facilities in the Washington Metropolitan Area, and due to the substantial level of State financial support for transportation facilities and operations provided to the Commission under §§ 10-205 and 10-207 of the Transportation Article, Annotated Code of Maryland, and the substantial level of support through the Commission to the Washington Metropolitan Area Transit Authority, it is in the State's interest to alter the composition of the Washington Suburban Transit Commission to require that the Governor make certain appointments to the Commission and that the Secretary of Transportation, or the Secretary's designee, and one of the Governor's appointees serve as the Commission's principal representatives on the Washington Metropolitan Area Transit Authority Board of Directors and that the State's interests are appropriately represented in Commission decisions. (Mont. Co. Code 1965, § 72-1; 1965, ch. 870, § 1; E. S. 1992, ch. 3, § 1; 2012, ch. 433, § 1; 2018, ch. 353, §1.)

## **Sec. 87-2. Definitions.**

As used in this chapter, the following words and terms shall have the following meanings, unless the context clearly requires a different meaning:

- (a) *Authority* means an agency created by interstate compact between Maryland, Virginia and the District of Columbia to provide transit facilities and service for the metropolitan area of Washington, D. C.;
- (b) *Commission* means the Washington Suburban Transit Commission;
- (c) *District* means the Washington Suburban Transit District;

(d) *Governing bodies* means the county councils of Montgomery County and Prince George's County;

(e) *Metropolitan area* means the metropolitan area of Washington, D. C., as defined in the pamphlet "Standard Metropolitan Statistical Areas," issued by Executive Office of the President, Bureau of the Budget, 1964;

(f) *State* includes the District of Columbia; and

(g) *Transit facilities* means all those matters and things utilized in rendering mass transit service by means of rail, bus, water or air and any other mode of travel, including without limitation, tracks, rights-of-way, bridges, tunnels, subways, rolling stock for rail, motor vehicle, marine and air transportation, stations, terminals and ports, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of mass transit service. (Mont. Co. Code 1965, § 72-2; 1965, ch. 870, § 1; 1992, ch. 22, § 1.)

### **Sec. 87-3. Washington Suburban Transit District created.**

There is hereby created, as a body corporate and politic, the Washington Suburban Transit District which shall embrace the counties of Montgomery and Prince George's and the municipal corporations located in such counties. (Mont. Co. Code 1965, § 72-3; 1965, ch. 870, § 1.)

### **Sec. 87-4. Washington Suburban Transit Commission-Created.**

There is hereby created the Washington Suburban Transit Commission, which shall have the powers and duties granted herein and such additional powers as may hereafter lawfully be conferred upon it pursuant to law, to manage and control the functions, affairs and property of the corporation. (Mont. Co. Code 1965, § 72-4; 1965, ch. 870, § 1.)

### **Sec. 87-5. Same-Membership; appointment, qualifications, term of office, bond and oath of office of commissioners.**

(a) (1) The commission consists of 7 members.

(2) (i) The County Executive of Montgomery County shall appoint 2 members, subject to the confirmation of the Montgomery County Council.

(ii) Of these two appointees, one shall be designated by the County Executive to serve as an alternate member of the Washington Metropolitan Area Transit Authority Board of Directors.

(3) (i) The County Executive of Prince George's County shall appoint 2 members, subject to the confirmation of the Prince George's County Council.

(ii) Of these two appointees, one shall be designated by the County Executive to serve as an alternate member of the Washington Metropolitan Area Transit Authority Board of Directors.

(4) (i) The governor shall appoint 2 members with the advice and consent of the senate of Maryland.

(ii) One member shall be a resident of Montgomery County and one member shall be a resident of Prince George's County.

(5) A Commissioner serving as a principal or an alternate member on the Washington Metropolitan Area Transit Authority Board of Directors:

(i) May not hold any elected office in federal, State, county, or municipal government at any time during the term of appointment to the Commission, except as provided in paragraph (7) or (8) of this subsection;

(ii) May not have been employed by the Washington Metropolitan Transit Authority for at least 1 year prior to appointment to the Commission;

(iii) Shall have experience in at least one of the following areas:

1. Transit planning, transportation planning, or land use planning;
2. Transit management, transportation management, or other public sector management;
3. Engineering;
4. Finance;
5. Public safety;
6. Homeland security;
7. Human resources;
8. Law; or
9. Knowledge of the region's transportation issues derived from working on regional transportation issues;

(iv) Except for the Secretary of Transportation, or the Secretary's designee, shall be a regular passenger and customer of the bus, rail, or paratransit services of the Washington Metropolitan Transit Authority; and

(v) Shall submit annual reports, to the Governor and county executives on or before January 31 of each year during the commissioner's term of appointment, that apply to the previous calendar year and include:

1. The dates of the commissioner's attendance at Washington Metropolitan Area Transit Authority Board of Directors meetings held since submission of the previous report, or the reasons for nonattendance at the meetings, if any;
2. The dates of the commissioner's attendance at any other public meetings in the commissioner's official capacity as a Washington Metropolitan Area Transit Authority Board member; and
3. An affirmation of the commissioner's use of the bus, rail, and paratransit services of the Washington Metropolitan Area Transit Authority since submission of the previous report.

(6) (i) The Secretary of Transportation shall be an ex-officio member of the Commission and is entitled to the same rights of membership as the appointed members.

(ii) The Secretary of Transportation may designate in writing an alternate representative, who shall have the same rights of membership as the Secretary.

(7) (i) At least 1 commissioner from Prince George's County appointed by the county executive shall be appointed from among the members of the Prince George's County Council.

(ii) The other commissioner may be selected from among the members of the Prince George's County Council or from qualified residents of Prince George's County.

(8) The county executives may designate themselves as 1 of the commissioners from their respective counties.

(9) Each commissioner serves at the pleasure of the respective appointing official.

(10) (i) Commissioners, other than the required member from the Prince George's County Council, serve for a term of 4 years which begins on July 1, and may not serve more than two consecutive terms.

(ii) The terms of the commissioners, other than the required member from the Prince George's County Council, shall be staggered as required by the terms provided for commissioners on October 1, 2012.

(iii) The commissioner required from the Prince George's County Council serves while a member of the county council, and at the pleasure of the County Executive and County Council of Prince George's County.

(11) (i) Subject to subparagraph (ii) of this paragraph, members of the Commission shall serve until their successors have been appointed and qualified or until the member is reappointed by the appointing authority.

(ii) A member's holdover period may not exceed 12 months.

(12) The county executives and the Governor shall inform the Commission of their appointments to and removals from the Commission by delivering to the Commission, a certified copy of the resolution or other action making the appointment or causing the removal.

(13) The county executives and the Governor shall submit to the Secretary of Transportation an annual letter that establishes the compensation for each commissioner serving as a principal or alternate member of the Washington Metropolitan Area Transit Authority Board of Directors by July 1 of each year, beginning July 1, 2013.

(14) (i) The following commissioners shall serve as the Commission's appointees to be principal members of the Washington Metropolitan Area Transit Authority Board of Directors:

1. Subject to subparagraph (ii) of this paragraph, the Secretary of Transportation, or the Secretary's designee, as an ex officio principal member; and

2. Subject to subparagraph (iii) of this paragraph, one of the commissioners appointed by the Governor under paragraph (4) of this subsection.

(ii) The Secretary of Transportation's designee under subparagraph (i)1 of this paragraph:

1. Shall be an employee of the Department of Transportation;
2. Shall have experience with and possess qualifications related to transit; and
3. May attend meetings of the Washington Metropolitan Area Transit Authority Board of Directors on behalf of the Secretary only if a scheduling conflict arises.

(iii) The Commission's appointee under subparagraph (i)2 of this paragraph may not be succeeded in office by a commissioner who is a resident of the same county.

(b) Each commissioner, before entering upon the discharge of the duties of his office, shall:

(1) Take the constitutional oath of office before the clerk of the circuit court in the county in which he resides and a record of each oath shall be filed in the office of the clerk before whom it was taken; and

(2) Give bond in the amount and as required by law for a county commissioner, which bonds shall be executed by a surety company authorized by the State of Maryland to execute such bonds. Upon approval of such bond by the commission, the premium for such bond, which shall not exceed one-half of one (1) percent per annum of the penalty of the bond so executed and approved, shall be paid by the commission from any funds available therefor. (Mont. Co. Code 1965, § 72-5; 1965, ch. 870, § 1; 1966, ch. 542, § 1; 1970, ch. 467, § 1; 1970, ch. 526, § 13; 1972, ch. 444, § 1; 1992 ch. 22, § 1; E.S. 1992, ch. 3, § 1; 2012, ch. 433, § 1; 2018, ch. 353, §1.)

**Editor's note**—2018, Chapter 353, §§ 2 and 3, state:

Sec. 2. ... that a commissioner of the Washington Suburban Transit Commission appointed as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors before the effective date of this Act may continue to serve as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors until the expiration of the commissioner's current term of appointment.

Sec. 3. ... that:

(a) Each signatory of the Washington Metropolitan Area Transit Authority Compact is encouraged to support reform of the Washington Metropolitan Area Transit Authority's governance structure to improve efficiency, accountability, and effectiveness of the Authority's performance, oversight, safety, accessibility, environmental quality, economic development, and quality of life in Maryland.

(b) Reforms of the Authority's governance structure may include:

(1) reducing the size of the Washington Metropolitan Area Transit Authority Board of Directors;

(2) improving the independent investigation and oversight of the Authority;

(3) prohibiting elected officials from serving on the Board of Directors;

(4) removing a Compact signatory's veto authority;

(5) requiring eligibility criteria for Board members, such as possessing qualifications in relevant fields;

(6) providing equitable compensation for each Board member;

(7) enhancing transparency; and

(8) improving stakeholder input, including input from users of the Authority's services.

2012, Chapter 433, §§ 2 and 3, state:

Sec. 2. [T]he first annual reports required under Article 16, § 87-5(a)(5)(v) of the Public Local Laws of Maryland and Article 17 Part III, § 5(a)(5)(v) of the Public Local Laws of Maryland, both as enacted by Section 1 of this Act, shall be submitted on or January 31, 2013, and shall cover the period from October 1, 2012, through December 31, 2012.

Sec. 3. (a) the terms of all members of the Washington Suburban Transit Commission appointed and serving as of October 1, 2012, shall expire on June 30, 2013;

(b) the initial appointments of the members of the Washington Suburban Transit Commission shall be made on July 2, 2013, and the terms of the initial members, other than the required member from the Prince George's County Council, shall expire as follows:

(1) one commissioner who serves as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors, in 2017;

(2) one commissioner who is appointed by the County Executive of Montgomery County, but who does not serve as an alternate member of the Washington Metropolitan Area Transit Authority Board of Directors, in 2017;

(3) the commissioner who serves as an alternate member of the Washington Metropolitan Area Transit Authority Board of Directors representing Montgomery County, in 2016;

(4) one commissioner who serves as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors, in 2015; and

(5) the commissioner, other than the required member, who serves as an alternate member of the Washington Metropolitan Area Transit Authority Board of Directors representing Prince George's County, in 2014; and

(c) for purposes of term limits, a term that is less than 3 years may not be considered a full term.

#### **Sec. 87-6. Same-Officers.**

(a) The respective appointing bodies shall have authority to designate who shall be the chairman and the vice-chairman of the commission, who shall not be from the same county. If the appointing bodies do not designate such officers, then the commission may elect the chairman and vice-chairman from among its members. The county from which the first chairman shall be appointed shall be determined by priority in time as shown on the official resolution of appointment, or in case of conflict shall be determined by agreement between the two (2) counties. Thereafter, the office of chairman and vice-chairman shall rotate annually between the

two (2) counties, with each respective appointing body retaining the authority to name the officer from its county.

(b) The commission shall also elect a secretary and a treasurer who may or may not be members of the commission, as the commission in its discretion may determine. The offices of secretary and treasurer may be held by the same person. Subject to the provisions of subsection (a) of section 87-5 of this Code and subsection (a) of this section, each officer of the commission shall serve for a term of one (1) year and shall be eligible for re-designation or re-election. (Mont. Co. Code 1965, § 72-6; 1965, ch. 870, § 1.)

### **Sec. 87-7. Compensation and expenses of commissioners.**

(a) Commissioners appointed from Prince George's County other than those who are full-time members of the governing body of the county except where compensation for the performance of these duties is prohibited by law, shall receive fifty dollars (\$50.00) per diem compensation for each day in which they attend a meeting or business of the commission for which official minutes are kept or for meetings officially authorized by the commission; provided that in no event shall a commissioner receive more than fifty dollars (\$50.00) for any day, but every commissioner shall be reimbursed for his necessary and proper expenses incurred in the performance of his duties as a commissioner separate from the per diem compensation.

(b) (1) (i) Except as provided in item (ii) of this paragraph, the members of the Washington Suburban Transit Commission from Montgomery County receive the following salaries:

1. Chairman \$2,875.
2. Commissioners \$2,500.

(ii) A commissioner from Montgomery County who also serves as a member or an alternate of the Washington Metropolitan Area Transit Authority must receive the following salary:

1. Chairman \$18,500.
2. Member or alternate \$17,500.

(2) A Commissioner who is an elected official or a full-time County employee must not receive compensation for service on the Commission.

(c) The Secretary of Transportation, or the Secretary's designee, may not receive compensation for service as a principal member of the Washington Metropolitan Area Transit Authority Board of Directors. (Mont. Co. Code 1965, § 72-7; 1965, ch. 870, § 1; 1966, ch. 542, § 1; 1985, ch. 784, § 1; 1990, ch. 191, § 1; [2001 L.M.C., ch. 1](#), § 1.)

**Editor's note**—See County Attorney Opinion dated 2/12/01 which states that the Council cannot change a public official's salary during the official's term in office. Changes to salaries of members of a Board or Commission should be made prospective.

2001 L.M.C., ch. 1, § 2, states: The amendment to County Code Section 87-7, enacted in Section 1 of this Act, applies to any Washington Suburban Transit Commissioner from

Montgomery County who is appointed or designated to serve as a member or alternate member of the Washington Metropolitan Area Transit Authority on or after this Act takes effect [March 13, 2001].

**Sec. 87-8. Same-Quorum; majority vote required to transact business.**

A majority of the Commission shall constitute a quorum. The affirmative vote of a majority of the commission shall be necessary to take any action. A majority for determining a quorum or for taking any action shall include at least 1 member appointed by each county, 1 member appointed by the governor, and the secretary of transportation or the secretary's designee. (Mont. Co. Code 1965, § 72-8; 1965, ch. 870, § 1; E.S. 1992, ch. 3, § 1.)

**Sec. 87-9. Same-Meetings; public hearings.**

Meetings of the commission shall be held at such places and at such times as the commission shall from time to time prescribe. Meetings of the commission, except executive sessions, shall be open to the public. Public hearings shall be held upon at least thirty (30) days' notice, such notice to be given by publication in at least one (1) newspaper printed and published in Montgomery County and one (1) newspaper printed and published in Prince George's County. (Mont. Co. Code 1965, § 72-9; 1965, ch. 870, § 1.)

**Sec. 87-10. Same--Conflicts of interests.**

(A) No commissioner, nor any other officer, employee, agent or consultant, shall have any interest in any person or company engaged in the business of providing public transportation in the district or within the metropolitan area in which the district is located, or in the manufacture or sale of passenger transportation equipment or facilities.

(B) No commissioner nor any agent, officer, employee or consultant thereof, shall contract with the district or be interested in, either directly or indirectly, any contract with the district or in the sale of any property, either real or personal, to the district.

(C) Any violation of this provision shall be a misdemeanor and punished as provided by law.

(D) All commissioners are public officials as defined under the Maryland Public Ethics Law and are subject to the restrictions and requirements set forth in Title 15 of the State Government Article of the Annotated Code of Maryland, as amended and supplemented. (Mont. Co. Code 1965, § 72-10; 1965, ch. 870, § 1; 2012, ch. 433, § 1.)

**Sec. 87-11. Same--Functions.**

Any other provision of law to the contrary notwithstanding, the commission shall:

(a) Cooperate and participate, in accordance with the processes and procedures hereinafter provided, with an authority to be created by interstate compact between Maryland, Virginia and the District of Columbia, in the formulation by that authority of that portion of its transit plan relating to the transit facilities and services to be provided within the district and in the revision and amendment thereof from time to time;

(b) Negotiate with the authority, the Northern Virginia Transportation District and the District of Columbia an agreement for the allocation among such governments and the district of the costs to be incurred by the authority in providing transit facilities and services; and

(c) Provide, in the manner hereinafter set forth, funds to meet the obligations allocated to the district pursuant to such agreement. (Mont. Co. Code 1965, § 72-11; 1965, ch. 870, § 1.)

**Sec. 87-12. Authorization to enter into contracts with transportation authority.**

(a) The district is authorized to enter into contracts or agreements with the authority pursuant to which the authority undertakes to provide the transit facilities and services to the district, specified in a mass transit plan adopted by the authority, in consideration for the undertaking by the district to contribute, such sums as shall be agreed on, to the capital required for the construction or acquisition of the transit facilities, for debt service requirements and for meeting expenses and obligations incurred in the operation of the facilities. The district may not enter into any contracts or agreements with respect to transit facilities and service in either Montgomery or Prince George's Counties unless the governing body of the affected county adopts a resolution approving the transit facilities and service proposed to be provided in its county, the terms and provisions of the contract or agreement and the allocation between the counties of the obligations created by the contract or agreement. The failure of one of the counties to grant approval does not preclude the district from entering into a contract or agreement for transit facilities and service to be provided to the other county, if that county grants the required approvals. Notwithstanding § 87-8, the commission may authorize such a contract or agreement with the unanimous approval of the 2 commissioners appointed by the county executive from the county granting the requisite approvals, the commissioner appointed by the governor from the affected county, and the secretary of transportation and such 4 commissioners shall constitute a quorum of the commission for the purposes of considering such a contract or agreement. (Mont. Co. Code 1965, § 72-12; 1965, ch. 870, § 1; 1968, ch. 727, § 1; 1992, ch. 22, § 1; E.S. 1992, ch. 3, § 1.)

**Sec. 87-13. Guarantee by counties of obligations of district.**

The obligations imposed on the district by the contracts or agreements provided for in § 87-12 shall be guaranteed by Montgomery and Prince George's Counties in the proportions agreed to in the allocations approved under § 87-12. The guarantee shall be made by resolution of the county councils of Montgomery County and Prince George's County and shall be evidenced by the endorsement of the guarantee on the face of the contract or agreement, signed on behalf of each county by the secretary or clerk of the county council or by any officer designated by the county council. (Mont. Co. Code 1965, § 72-13; 1965, ch. 870, § 1; 1992, ch. 22, § 1.)

**Sec. 87-14. Levy of taxes by counties for district.**

(a) For the purposes of meeting the liability of the district, if any, under the contracts or agreements provided for in § 87-12, retiring revenue anticipation notes, authorized to be issued by § 87-16 and the payment of interest on the notes, and providing funds for the administrative and other expenses and obligations of the district, there shall be levied against all the assessable property within the district, by the county councils of Montgomery and Prince George's Counties

annually, a tax sufficient to meet these obligations and expenses as they mature or become payable. The tax shall be determined, levied, collected and paid over in the following manner:

At least 30 days before the tax levying period of each year, the respective county council shall certify to the commission, by counties, the whole valuation of assessable property within the district. The commission shall then determine the amounts necessary to be raised by each county for the ensuing year. The amounts shall be determined by the allocation of obligations agreed to under § 87-12 except that the administrative expenses of the commission shall be borne by each county, as set forth in § 87-15, after deducting all amounts in hand available for such purposes. The commission shall determine the number of cents per \$100 necessary for each county to raise the amounts required and shall certify that amount to both county councils. The county councils in their next annual levy shall levy a tax on all land and improvements and any other property assessed for county tax purposes within the district. The tax shall be levied and collected as county taxes are levied and collected, and have the same priority right, bear the same interest and penalties and in every respect be treated the same as county taxes. The tax levied, for the ensuing year shall be collected by the respective tax collecting authorities, and every 60 days they shall remit the whole amount of tax collected to the commission.

(b) Notwithstanding subsection (a) of the section, the county councils of Montgomery County and Prince George's County may, in order to satisfy their separate guarantees of the obligations of the district under § 87-13, levy any tax which they are authorized to levy and use any available revenues or funds and may reduce the number of cents per \$100 to be levied against assessable property as certified by the commission to take into account the use of the alternative funds.

(c) Nothing herein shall be deemed to be a limitation on the power of either the county council of Montgomery County or of Prince George's County to issue bonds or other obligations, in accordance with applicable provisions of law, for the purposes set forth in subsection (a) of this section or to satisfy their separate guarantees of the obligations of the district under § 87-13 or to levy taxes to discharge the obligations of any such bonds or other obligations. (Mont. Co. Code 1965, § 72-14; 1965, ch. 870, § 1; 1968, ch. 727, § 2; 1992, ch. 22, § 1.)

#### **Sec. 87-15. Budgetary procedures.**

The commission annually shall submit to the county councils and county executives of Montgomery County and Prince George's County a budget of its requirements for administrative expenses for the next ensuing year. There shall be included in the budget as an expense of the district, the Maryland share of the expenses of the Joint Commission to Consider Matters Relating to Passenger Carrier Facilities in the Washington Metropolitan Area, which joint commission has been empowered by joint resolution of the General Assembly of Maryland to negotiate an interstate compact between Maryland, Virginia and the District of Columbia dealing with transportation. The obligation of Montgomery and Prince George's Counties, after budget approval, to appropriate for the administrative budget of the commission shall be allocated equally between the counties. The budget shall be limited solely to the administrative expenses of the commission and shall not include any funds for construction or acquisition of transit facilities or performing of transit service. The respective governing bodies shall have the right to review and to approve in whole or in part the administrative budget of the commission, and the agreement of the governing bodies of both counties shall be necessary before the commission's

administrative budget may be reduced. (Mont. Co. Code 1965, § 72-15; 1965, ch. 870, § 1; 1970, ch. 467, § 1; 1972, ch. 655, § 1; 1992, ch. 22, § 1.)

### **Sec. 87-16. Revenue anticipation certificates of indebtedness.**

(a) The commission may borrow during any fiscal year money on promissory notes, known as revenue anticipation certificates of indebtedness, to bear interest not exceeding 6% per year, signed by the chairman and the secretary or treasurer of the commission, as may be necessary to meet the liability of the district under the contracts or agreements provided for in § 87-12 and to provide funds for the administrative and other expenses and obligations of the district. The commission may reissue or renew its revenue anticipation certificates of indebtedness at the same or a greater rate of interest not exceeding 6% per year. Money borrowed within any fiscal year under this subsection shall be repaid during the next succeeding fiscal year from the proceeds of its tax and other revenues received by the commission during the next succeeding fiscal year. The notes shall be guaranteed as to payment of principal and interest by the county councils of Montgomery County and Prince George's County, which guarantee shall be endorsed on each of the notes. The guarantee shall be made by resolution of the county councils of Montgomery County and Prince George's County and shall be evidenced by the endorsement of the guarantee on each of the notes. The endorsement shall be signed on behalf of each county by the county executive or by any officer designated by the county executive. In the event of any liability under the above guarantee, the liability for each county shall be in the proportion agreed to in the allocations approved under § 87-12; except, any notes issued to provide funds for administrative expenses of the commission shall be borne by each of the counties upon the basis of population, as set forth in § 87-15.

(b) The notes authorized by this section, and the interest payable thereon, shall be and remain forever exempt from all state, county and municipal taxation in the State of Maryland. (Mont. Co. Code 1965, § 72-16; 1965, ch. 870, § 1; 1970, ch. 467, § 1; 1992, ch. 22, § 1.)

### **Sec. 87-17. Additional powers and duties of district.**

Without in any manner limiting or restricting the general powers created by this subtitle, the district shall have power:

- (a) To adopt and have a common seal and to alter the same at pleasure;
- (b) To sue and be sued;
- (c) To make rules and regulations for the conduct of its business;
- (d) Subject to the provisions of subsection (a) of section 87-12 and subject to the review and approval in whole or in part by the respective governing bodies of the counties, to make and enter into all contracts or agreements as the commission may determine which are necessary or incidental to the performance of its duties and to the execution of the powers granted under this chapter;
- (e) To accept loans and grants of money or materials or property at any time from the United States of America or the State of Maryland or any agency or instrumentality thereof;

(f) In the name of the district, and on its behalf, to acquire, hold and dispose of its contract or other revenues;

(g) To exercise any power usually possessed by private corporations, including the right to expend, solely from funds provided under the authority of this chapter, such funds as may be considered by the commission to be advisable or necessary in the performance of its duties and functions;

(h) To employ engineers, attorneys, other professional experts and consultants and general and clerical employees as are necessary, and to prescribe their powers and duties and fix their compensation. The commission may not establish any merit, retirement or pension systems, but the county councils of Montgomery County and Prince George's County may, subject to appropriate agreements with the commission, include employees of the district in the retirement or pension system of either county, as may be agreed upon;

(i) To do and perform any acts and things authorized by this chapter under, through, or by means of its own officers, agents and employees, or by contracts with any persons; and

(j) To execute any and all instruments and do and perform any and all acts or things necessary, convenient or desirable for the purposes of the district or to carry out the powers expressly given in this chapter. (Mont. Co. Code 1965, § 72-17; 1965, ch. 870, § 1; 1992, ch. 22, § 1.)

### **Sec. 87-18. Planning process and procedure.**

(a) In performing the duties imposed upon it by subsection (a) of section 87-11, the commission shall use its best efforts to assure that the mass transit plan adopted by the authority shall be coordinated with:

(1) Other plans and programs affecting transportation in the district, in order to achieve a balanced system of transportation utilizing each mode to its best advantage; and

(2) The general development plans for Montgomery and Prince George's counties and for all cities and towns located in such counties exercising planning powers.

(b) Coordination of planning shall be achieved, as follows:

(1) It shall be the duty and responsibility of each member of the commission to serve as the liaison between the commission, the county by which he was appointed and the cities and towns located therein and those members of the commission who are also members of the authority shall provide liaison between the commission and the authority to the end that the commission, the counties, cities and towns embraced within the district and such authority, shall be continuously, comprehensively, and mutually advised of plans, policies and actions requiring consideration in the planning for transit and in the development of planned transit facilities;

(2) Cooperate with and participate in any continuous, comprehensive, transportation planning process cooperatively established by the Maryland State Highway Administration and the counties and cities embraced within the district to meet the planning standards prescribed by the federal aid highway acts;

(3) To the extent not inconsistent with or in duplication of the planning process specified in paragraph (2) of this subsection, cooperate with the Maryland-National Capital Park and Planning Commission, Maryland State Planning Department, the National Capital Regional Planning Council, the Washington Metropolitan Council of Governments, the Washington Metropolitan Area Transit Commission and the Maryland State Highway Administration. Such cooperation shall include the creation, as necessary, of technical committees composed of personnel concerned with planning and collection and analysis of data relative to decision-making in the transportation planning process; and

(c) Any provision herein to the contrary notwithstanding, the commission shall comply with the provisions of chapter 85 of this Code with respect to the referral to the Maryland-National Capital Park and Planning Commission for the projects therein specified. (Mont. Co. Code 1965, § 72-18; 1965, ch. 870, § 1; 1992, Ch. 22, § 1.)

**Editor's note**—The provisions of chapter 85 are now codified in the Land Use Article of the Maryland Code.

#### **Sec. 87-18A. Six-year programs.**

Prior to October 1 of each calendar year, the commission shall prepare and submit to each county governing body a six-year capital improvements program. The capital improvements program shall include a statement of the objectives of the capital programs and relationship of these programs to the county's adopted long range development plans; shall recommend capital projects and a construction schedule; and shall provide an estimate of cost and a statement of all funding sources. The capital improvements program shall include all programmed land and major equipment acquisition, construction, and development.

Each county governing body shall, on or before adoption of its annual budget and appropriations resolution, adopt the six-year capital improvements program. Such adoption shall occur only after public hearings thereon which may be conducted in conjunction with public hearings on their own and other agencies' six-year programs or capital budgets. In its adoption, the county governing body may make such amendments, revisions or modifications as it may determine. Any such amendment, revision or modification shall not become final until submission to the commission for written comment on at least thirty days' notice.

The capital budget of the commission for the succeeding fiscal year shall include such projects so as to be in full conformity with that part of the capital program adopted for the first of the six-year program. No such capital project shall be undertaken, in whole or in part, which is not in conformity with that part of the program applicable to that year unless the same shall be amended by the county governing body on its own initiative or at the request of the commission and after public hearing upon reasonable notice to the public.

Notwithstanding anything herein to the contrary, no action taken by any county governing body, and no failure of any county governing body to take any action, with respect to any capital improvements program or capital budget of the commission shall affect or impair any obligation for a commitment of the commission or any county arising out of any present or future contract or agreement between the commission, either of such counties and the Washington Metropolitan

Area Transit Authority for financing the construction or operation of any transit facilities. (1970, ch. 163, § 1.)

#### **Sec. 87-19. Records and reports.**

(a) The commission shall keep and preserve complete and accurate accounts and records of all monies received and disbursed by it and of all of its business and operations and of all property and funds owned or managed by it or under its control.

(b) On or before the first day of December in each year, the commission shall make an annual report of the activities of the district for the preceding fiscal year to the county councils and county executives of Montgomery County and Prince George's County. The report shall include a complete operating and financial statement covering the operations of the district during the year. The commission shall cause an audit to be made of the books and accounts of the district at least once in each year by certified public accountants. The cost of the audit shall be treated as an item of administrative expense. (Mont. Co. Code 1965, § 72-19; 1965, ch. 870, § 1; 1970, ch. 467, § 1; 1992, ch. 22, § 1.)

#### **Sec. 87-20. Property, income, etc., of district exempt from taxation.**

The exercise of the powers granted by this chapter is in all respects for the benefit of the people of the State of Maryland and of the district and is a public purpose and the district and the commission will be performing an essential governmental function in the exercise of the powers conferred by this chapter. Accordingly, the district shall not be required to pay taxes or assessments upon any property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities or upon any revenues therefrom and the property and the income derived therefrom shall be exempt from all state, county and local taxation. (Mont. Co. Code 1965, § 72-20; 1965, ch. 870, § 1.)

#### **Sec. 87-21. Enlargement of and withdrawal from district.**

(a) The geographical area embraced within the district may be enlarged to include any additional county, or part thereof, upon such terms and conditions, consistent with the provisions of this chapter, as may be agreed upon by the commission and such additional county and in conformance with the following procedures. The governing body of the county desiring to be included in the district shall adopt an ordinance or resolution, as may be appropriate, specifying the area of the county to be included and a statement that a contract or agreement between the county and the district, specifying the terms and conditions of admittance to the district has been executed. The ordinance or resolution to which shall be attached a certified copy of such contract shall be filed with the commission. Upon such filing, the district shall thereupon be enlarged to embrace the county or the portion thereof specified in the contract.

(b) A county may withdraw from the district by resolution or ordinance, as may be appropriate, adopted by majority vote of the governing body thereof. The withdrawal of any county shall not be effective until the resolution or ordinance of withdrawal is filed with the commission. The withdrawal from the district of any county shall not relieve such county from the obligation of any guarantee made by such county with respect to contracts, agreements, notes, certificate of indebtedness or other obligations of the district nor from the obligation to

levy taxes and pay over to the district the proceeds therefrom for the purposes and in the manner set forth in section 87-14. (Mont. Co. Code 1965, § 72-21; 1965, ch. 870, § 1.)

**Sec. 87-22. Commission and district not municipal corporations.**

The term "municipal corporation" in article XI-E of the Constitution of Maryland, does not embrace or include the commission or the district. The commission and the district cannot be classified in any group of municipal corporations as required by said article XI-E and that article has no application to the commission or to the district. (Mont. Co. Code 1965, § 72-22; 1965, ch. 870, § 1.)

**Sec. 87-23. Chapter to be liberally construed.**

This chapter, by necessity for the welfare of the state and its inhabitants, shall be liberally construed to effect the purposes thereof. (Mont. Co. Code 1965, § 72-23; 1965, ch. 870, § 1.)