

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To authorize, on an emergency basis, the Mayor and the Council to make appointments to the Board of Directors for the Washington Metrorail Safety Commission and to grant the Mayor the authority to remove any Member or Alternate Member for misconduct or neglect of duty, or for other good cause; to make a conforming amendment to the Confirmation Act of 1978; to repeal the Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997; and to repeal the Washington Metrorail Safety Commission Board of Directors Appointment Temporary Amendment Act of 2017.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Washington Metrorail Safety Commission Board of Directors Appointment Emergency Amendment Act of 2018”.

Sec. 2. Authority to appoint Members of the Board of Directors of the Washington Metrorail Safety Commission.

(a) Pursuant to Article III.B of section 2 of 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), the District of Columbia shall appoint Members of the Board of Directors of the Washington Metrorail Safety Commission as follows:

(1)(A) The Mayor shall appoint or reappoint (including to fill an unexpired term) one Member and one Alternate Member, each of whom shall be subject to confirmation by the Council pursuant to section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)).

(B) The Member initially appointed by the Mayor shall serve a 2-year term. The Alternate Member initially appointed by the Mayor shall serve a 3-year term.

(2)(A) The Council shall appoint or reappoint (including to fill an unexpired term) one Member.

(B) The Member initially appointed by the Council shall serve a 4-year term.

(C) The Council shall not instruct its appointee as to the position to take on a particular matter or otherwise direct its appointee in the performance of his or her duties.

(3) The term of each initial appointment shall not commence until the latest date by which each of the Mayor's 2 appointees has been confirmed by the Council and the Council's appointment has become effective by publication in the District of Columbia Register.

(b) The Mayor may remove or suspend any Member or Alternate Member of the Board for misconduct or neglect of duty, or for other good cause, after notice to the Member or Alternate Member of the Board and to the Board.

Sec. 3. Section 2(e) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(e)), is amended as follows:

(a) Paragraph (31) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(b) Paragraph (32) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(c) A new paragraph (33) is added to read as follows:

“(33) The Board of Directors of the Washington Metrorail Safety Commission established by Article III.B of section 2 of 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).”.

Sec. 4. The Washington Metropolitan Area Transit Authority Safety Regulation Act of 1997, effective September 23, 1997 (D.C. Law 12-20; D.C. Official Code § 9-1109.01 *et seq.*), is repealed.

Sec. 5. The Washington Metrorail Safety Commission Board of Directors Appointment Temporary Amendment Act of 2017, enacted on November 29, 2017 (D.C. Act 22-189; 64 DCR 12310), is repealed.

Sec. 6. Applicability.

Section 4 shall apply upon certification pursuant to 49 U.S.C. § 5329(e)(7) and 49 C.F.R. Part 674 by the Federal Transit Administration of the Washington Metrorail Safety Commission as the State Safety Oversight agency.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report for the Washington Metrorail Safety Commission Board of Directors Appointment Amendment Act of 2018, passed on 2nd reading on January 9, 2018 (Enrolled version of Bill 22-464), as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia