



COMMONWEALTH of VIRGINIA

Commonwealth Transportation Board

Pierce R. Homer
Chairman

1401 East Broad Street - Policy Division - CTB Section - #1106

(804) 786-1830
Richmond, Virginia 23219
Fax: (804) 225-4700

Agenda item # NBI

RESOLUTION OF THE COMMONWEALTH TRANSPORTATION BOARD

November 19, 2009

MOTION

Made By: Mr. Keen Seconded By: Ms. Pandak Action: Motion Carried, Unanimously

**Title: Washington Metropolitan Area Transit Authority and Tri-State Oversight Committee
Memorandum of Understanding
and
Tri-State Oversight Committee Memorandum of Understanding Amendment One**

Location: Northern Virginia, District of Columbia, and State of Maryland

WHEREAS, Section 3028 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) requires that the Federal Transit Administration (FTA) implement the requirements of 45 U.S.C. 5330 known as 49 C.F.R. Part 659 Regulation, (as revised on April 29, 2005) requiring states to designate an agency to oversee the safety of rail fixed guideway systems operating in the state; and

WHEREAS, the Department of Rail and Public Transportation, by and through its Director and the Secretary of Transportation, must ensure the safety of rail fixed guideway transit systems within the Commonwealth and carry out state safety and security oversight responsibilities for rail fixed guideway transit systems as required by the Federal Transit Administration and federal law. For any rail fixed guideway transit system operated within the Commonwealth pursuant to an interstate compact, the Department shall perform its oversight responsibilities in accordance with the interstate compact governing the operation of such system and any applicable federal law, and;

WHEREAS, in the interest of the oversight of public safety and security while on board a rail fixed guideway system pursuant to an interstate compact, the Commonwealth of Virginia, State of Maryland, and the District of Columbia (Member Jurisdictions), have agreed to participate collectively and for the common good to implement the requirements of 49 C.F.R. Part

659 and created on March 7, 1997, the Tri-State Oversight Committee (TOC) through a Memorandum of Understanding (TOC MOU) in November 2008 to implement these requirements in relation to the Washington Metropolitan Area Transit Authority's Metrorail System (WMATA or WMATA Metrorail); and

WHEREAS, throughout the implementation and administration of TOC and 49 C.F.R. Part 659, the Member Jurisdictions have amended the TOC MOU to update policies, procedures and clarify the role of TOC; and

WHEREAS, during the implementation and administration of the safety oversight program, the Member Jurisdictions and WMATA have jointly identified the need to develop a Memorandum of Understanding between WMATA and TOC to define and improve the role and interrelationship between the two parties in the discharge of their duties of ensuring and addressing the safety and security of the WMATA Metrorail's employees and passengers; and

WHEREAS, the Member Jurisdictions and WMATA have worked collaboratively to develop a joint WMATA TOC MOU to define the roles and responsibilities identified by the parties; and

WHEREAS, the Member Jurisdictions have worked collaboratively to develop a TOC MOU Amendment One to amend the existing TOC MOU to the to include the roles and responsibilities identified during the WMATA TOC MOU development process; and

WHEREAS, the Secretary requests that the Board approve, endorse and ratify the execution of the TOC MOU and approve and endorse the WMATA TOC MOU and the TOC MOU Amendment One for the purpose of improving the oversight of the safety and security of WMATA's employees and passengers; and

WHEREAS, the Board acknowledges the importance of providing for the safety and security oversight for those who travel on the WMATA Metrorail system; and

NOW THEREFORE, BE IT RESOLVED, that the Board concurs, approves of and ratifies the Memorandum of Understanding which forms the Tri-State Oversight Committee, and concurs and approves of the Washington Metropolitan Area Transportation Authority and Tri-State Oversight Committee Memorandum of Understanding, the Tri-State Oversight Committee Memorandum of Understanding and the Tri-State Oversight Committee Memorandum of Understanding Amendment One, that will better define the role and interrelationship between the parties in the discharge of their duties of the oversight and assurance of safety and security of the WMATA Metrorail system's employees and passengers, and authorizes their execution by the Secretary of Transportation.

#####