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**APPROVED**  
JUN 4 - 1976

86/4/76

THE WHITE HOUSE  
WASHINGTON  
June 3, 1976

ACTION  
Last Day: June 7

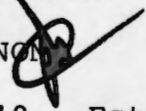
Post 6/4/76

Archives  
6/1/76

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON 

SUBJECT:

H.R. 8719 - Establishment of a  
Washington Metropolitan Area Transit  
Authority Police Force

Attached for your consideration is H.R. 8719, sponsored by Representative Gude and eight others. The enrolled bill would give Congressional approval to the Washington Metropolitan Area Transit Authority to establish a Metropolitan Transit Police force for the purpose of protecting its property, personnel and patrons.

A discussion of the provisions of the enrolled bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign H.R. 8719 at Tab B.





EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8719 - Establishment of a Washington  
(D.C.) Metropolitan Area Transit Authority Police  
Force

Sponsor - Rep. Gude (R) Maryland and 8 others

Last Day for Action

June 7, 1976 - Monday

Purpose

To provide for Congressional approval of the establishment of a Metropolitan Transit Police force to protect the property, personnel, and patrons of the Washington Metropolitan Area Transit Authority.

Agency Recommendations

Office of Management and Budget	Approval
District of Columbia	Approval
Department of Transportation	Approval
Washington Metropolitan Area Transit Authority	Approval
Department of Justice	No objection
	<u>(Informally)</u>

Discussion

H.R. 8719 would give Congressional approval to the Washington Metropolitan Area Transit Authority (WMATA) to establish a Metropolitan Transit Police force (MTP) for the purpose of protecting its property, personnel, and patrons.

Under current law, WMATA is authorized to employ watchmen, guards, and investigators, who may be certified as special police officers by the jurisdiction in which they serve.

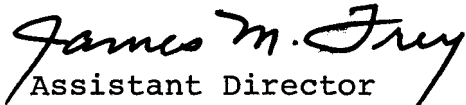
These provisions are considered inadequate to meet the special needs of the metropolitan rapid transit system and an amendment to the Washington Metropolitan Area Transit Regulation Compact is needed to set up a transit police force. Since the Compact is an interstate agreement, Congressional approval of any amendment is also required. Maryland, Virginia, and the District of Columbia have all passed laws which would enable them to implement the Compact amendments upon enactment of this bill. Since it is unclear whether the District has authority to adopt amendments to the Compact on its own, the enrolled bill would adopt and enact the amendments on behalf of the District. It would also make clear that the District Council has the authority to enact any future amendments to the Compact.

The jurisdiction of the MTP would be limited to transit facilities. In cases of hot pursuit, however, MTP officers may make arrests anywhere in the Transit Zone, which essentially includes the entire metropolitan area. The enrolled bill would authorize WMATA to enter into agreements with Maryland, Virginia, and the District (and their political subdivisions), as well as with Federal agencies, to delineate functions and responsibilities among the MTP, fire, and other public safety agencies. It would authorize WMATA to establish the compensation, training, and qualifications for MTP officers. WMATA would also be authorized to adopt rules and regulations for the protection of its facilities, with violations to be punishable by a fine of up to \$250.

Finally, the bill would:

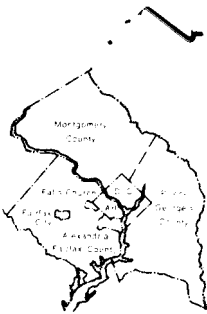
- authorize the Mayor to execute, on behalf of the District, the amendments to the Compact made by the legislation;
- provide that the D.C. Superior Court shall have jurisdiction of violations of WMATA rules committed in the District; and
- reserve the right of Congress to amend, alter, or repeal this Act.

H.R. 8719 is the result of cooperation between WMATA and the local jurisdictions, and is supported by the Washington Metropolitan Council of Governments, the area police chiefs, prosecutors, and county and city councils. It involves no costs to the Federal government.

  
Assistant Director  
for Legislative Reference

Enclosures





WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

600 Fifth Street, N.W., Washington, D. C. 20001

(202) 637-1234

**MAY 27 1976**

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Mr. James M. Frey  
Assistant Director for Legislative  
Reference  
Office of Management and Budget  
Washington, D.C.

Hand carry to Ms. Ramsey  
Room 7201  
New Executive Office Building

Dear Mr. Frey:

The Washington Metropolitan Area Transit Authority appreciates the opportunity to submit its views and recommendations with respect to Enrolled Bill H.R. 8719.

The Authority's partisan position on the subject of an effective security system for Metro ridership and rail transit facilities is familiar, I am sure. The Metro Transit Police amendment to title III of the Washington Metropolitan Area Transit Regulation Compact constitutes the vital final step in providing necessary security so essential to the well-being of our patrons. The concept is not new, obviously. The original title III adopted pursuant to P.L. 89-774, 80 Stat. 1324, contemplated use of watchmen, guards and investigators for protection of passengers, personnel and Metro properties, in anticipation of a subsequent amendment which would carefully delineate and flesh out the detailed authorities and responsibilities of a Metro Transit Police force.

The Washington Metropolitan Area Transit Authority is convinced that the pressing need for this security force can scarcely be exaggerated. We emphatically support the goals and purposes of H.R. 8719 and strongly recommend that the President approve it.

Sincerely,

Warren Quenstedt





GENERAL COUNSEL

OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

MAY 28 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D. C. 20503

Dear Mr. Lynn:

The views of this Department have been requested on H.R. 8719, an enrolled bill:

To provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority.

The bill would establish a Metro Transit Police force, which would have power to enforce laws and regulations on transit facilities owned, controlled or operated by the Washington Metropolitan Area Transit Authority. The bill would also allow the Metro Transit Police to enter into agreements with Federal public safety agencies for the delineation of their respective functions and responsibilities.

The bill as passed contains an ambiguity regarding the authority of the Metro Transit Police on transit facilities located on the Federally-controlled Washington National Airport. The Department does not consider this matter to be sufficiently important to justify a veto of the bill.

The legislation provides necessary authority for the carrying out of vital public safety functions on transit facilities in the Washington area. For that reason, the Department recommends that the President sign the measure.

Sincerely,

A handwritten signature in dark ink, appearing to read "John Hart Ely". The signature is fluid and cursive, with a large loop at the end.

John Hart Ely



THE DISTRICT OF COLUMBIA

WALTER E. WASHINGTON  
MAYOR

WASHINGTON, D. C. 20004

May 28, 1976

Mr. James M. Frey  
Assistant Director for Legislative Reference  
Office of Management and Budget  
Executive Office Building  
Washington, D.C.

Dear Mr. Frey:

This is in reference to a facsimile of an enrolled enactment of Congress entitled:

H.R. 8719 - To provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority.

The enrolled bill will replace existing inadequate security provisions with comprehensive legislation designed to authorize the Washington Metropolitan Area Transit Authority to establish and maintain a regular police force, to be known as the Metro Transit Police, to provide maximum protection for the patrons, personnel, and facilities of the Metro transit system, to provide for mutual aid agreements between WMATA and the various Transit Zone jurisdictions, and to adopt uniform rules and regulations for the Transit Zone.

The bill provides for concurrent jurisdiction of Metro and local police on all transit facilities. However, primary law enforcement responsibility for the trains and the tunnels will rest with the Metro police while the local authorities will retain primary responsibility for stations and parking lots.

The jurisdiction of the Metro Transit Police will be limited to transit facilities, except that Metro police

can make arrests anywhere in the Transit Zone for violations committed upon, to, or against transit facilities while in close or hot pursuit. Members of the Metro Transit Police will enforce the laws of the signatory jurisdictions; the laws, ordinances, and regulations of the political subdivisions within the Transit Zone; and the rules and regulations of the Authority.

The powers of the Metro Transit Police will be identical to those of the duly constituted police force of the jurisdiction in which the Metro Transit Police is on duty. However, a Metro Transit Police member may carry and use a weapon only in the performance of his duties or while on transit facilities in direct transit to and from a duty assignment. He may carry his weapon only while in direct transit to and from a duty assignment.

Members of the Metro Transit Police will also have power to serve process on transit facilities and may serve process off transit facilities, except in the State of Maryland. Prosecution of offenders will be accomplished by issuing a summons or citation, or by booking or delivering the alleged offender to a duly constituted police or judicial officer of the jurisdiction in which the arrest is made.

The bill also grants WMATA the power to adopt rules and regulations for the safe, convenient, and orderly use of the transit system facilities, including payment of fares, protection and safety of persons and property, and the control of traffic and parking. If any of these rules or regulations conflict with laws, ordinances, or regulations of a signatory or political subdivision, the WMATA regulation will be void within such jurisdiction. The rules and regulations will be adopted in accordance with due process. Violations of WMATA rules and regulations will be punishable, after conviction, by a fine of not more than \$250, and costs. Section 3 of the bill vests jurisdiction in the Superior Court to try violations of such rules and regulations which are committed in the District of Columbia.

In addition, the bill provides for the appointment, compensation, qualifications, and training of the Metro Transit Police. Qualification and training will, at a minimum, equal the requirements of each signatory jurisdiction and the political subdivisions thereof for personnel performing comparable duties.

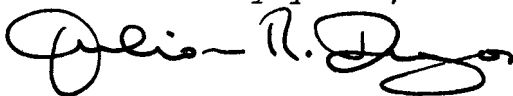
Finally, the bill empowers WMATA to enter into mutual aid agreements with signatories and political subdivisions, including public safety agencies of the Federal Government, and for agreements as to delineation of functions and responsibilities among Metro Transit Police, fire, and public safety agencies.

The authority provided by H.R. 8719 is vitally important to the successful operation of the Metro subway system, especially in view of the fact that phase I of the system has now begun operations within the District of Columbia. Moreover, it is essential that a trained and experienced Metro Transit Police force be operational in order to aid and protect visitors to the Nation's Capital during the Bicentennial.

It is estimated that the costs of the Metro Transit Police force will approximate \$1.5 million for the first year of operation, and when fully operational approximately \$3.5 million a year. The District of Columbia is obligated to pay its proportionate share of these operating costs.

The District Government strongly urges the approval of H.R. 8719.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Julian R. Dugas". The signature is fluid and cursive, with a large initial "J" and "D".

JULIAN R. DUGAS  
City Administrator

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

JUN 1 1976

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill H.R. 8719 - Establishment of a Washington  
(D.C.) Metropolitan Area Transit Authority Police  
Force  
Sponsor - Rep. Gude (R) Maryland and 8 others

Last Day for Action

June 7, 1976 - Monday

Purpose

To provide for Congressional approval of the establishment of a Metropolitan Transit Police force to protect the property, personnel, and patrons of the Washington Metropolitan Area Transit Authority.

Agency Recommendations


Office of Management and Budget	Approval
District of Columbia	Approval
Department of Transportation	Approval
Washington Metropolitan Area Transit Authority	Approval
Department of Justice	No objection (Informally)

Discussion

H.R. 8719 would give Congressional approval to the Washington Metropolitan Area Transit Authority (WMATA) to establish a Metropolitan Transit Police force (MTP) for the purpose of protecting its property, personnel, and patrons.

Under current law, WMATA is authorized to employ watchmen, guards, and investigators, who may be certified as special police officers by the jurisdiction in which they serve.

To -  
J. Conroy  
6-1-76  
4:30 p.m.



These provisions are considered inadequate to meet the special needs of the metropolitan rapid transit system and an amendment to the Washington Metropolitan Area Transit Regulation Compact is needed to set up a transit police force. Since the Compact is an interstate agreement, Congressional approval of any amendment is also required. Maryland, Virginia, and the District of Columbia have all passed laws which would enable them to implement the Compact amendments upon enactment of this bill. Since it is unclear whether the District has authority to adopt amendments to the Compact on its own, the enrolled bill would adopt and enact the amendments on behalf of the District. It would also make clear that the District Council has the authority to enact any future amendments to the Compact.

The jurisdiction of the MTP would be limited to transit facilities. In cases of hot pursuit, however, MTP officers may make arrests anywhere in the Transit Zone, which essentially includes the entire metropolitan area. The enrolled bill would authorize WMATA to enter into agreements with Maryland, Virginia, and the District (and their political subdivisions), as well as with Federal agencies, to delineate functions and responsibilities among the MTP, fire, and other public safety agencies. It would authorize WMATA to establish the compensation, training, and qualifications for MTP officers. WMATA would also be authorized to adopt rules and regulations for the protection of its facilities, with violations to be punishable by a fine of up to \$250.

Finally, the bill would:

- authorize the Mayor to execute, on behalf of the District, the amendments to the Compact made by the legislation;
- provide that the D.C. Superior Court shall have jurisdiction of violations of WMATA rules committed in the District; and
- reserve the right of Congress to amend, alter, or repeal this Act.

H.R. 8719 is the result of cooperation between WMATA and the local jurisdictions, and is supported by the Washington Metropolitan Council of Governments, the area police chiefs, prosecutors, and county and city councils. It involves no costs to the Federal government.

*James M. Fry*  
Assistant Director  
for Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 2

Time: 730am

FOR ACTION: Steve McConahey  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 2

Time: 530pm

SUBJECT:

H.R. 8719 - Establishment of a Washington Metropolitan Area Transit Authority Police Force

ACTION REQUESTED:

\_\_\_ For Necessary Action

\_\_\_ For Your Recommendations

\_\_\_ Prepare Agenda and Brief

\_\_\_ Draft Reply

X For Your Comments

\_\_\_ Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: June 2

Time: 730am

FOR ACTION: Steve McConahey  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jack Marsh  
Jim Cavanaugh  
Ed Schmults

FROM THE STAFF SECRETARY

DUE: Date: June 2

Time: 530pm

SUBJECT:

H.R. 8719 - Establishment of a Washington Metropolitan  
Area Transit Authority Police Force

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection - Ken Lazarus 6/2/76

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James M. Cannon  
For the President

4/3

Judy -

Could this pls be  
added to the bill file -  
thanks. Kate



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET

DATE: 6/2/76

TO: Mr. Linder

FROM: Mr. Frey

Justice's Enrolled Bill letter  
for H.R. 8719

**Department of Justice**  
**Washington, D.C. 20530**

June 2, 1976

Honorable James T. Lynn  
Director, Office of Management  
and Budget  
Washington, D.C. 20503

Dear Mr. Lynn:

I have examined a facsimile of the enrolled bill H.R. 8719, "To provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority."

The Department of Justice maintains no objection to the enactment of this legislation.

Sincerely,



Michael M. Uhlmann  
Assistant Attorney General

THE WHITE HOUSE

WASHINGTON

June 3, 1976

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *m.l.f.*  
SUBJECT: HR 8719 - Establishment of a Washington  
Metropolitan Area Transit Authority Police Force

The Office of Legislative Affairs concurs with the agencies  
that the subject bill be signed.

Attachments

## METRO TRANSIT POLICE

JULY 22, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Diggs, from the Committee on the District of Columbia, submitted the following

### REPORT

[To accompany H.R. 8719]

The Committee on the District of Columbia, to whom was referred the bill (H.R. 8719) to provide for an amendment to the Washington, Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Page 8, before line 16, insert the following:

Sec. 4. Notwithstanding any other provision of this Act or of any other law, the Council of the District of Columbia shall have authority to enact any act adopting on behalf of the District of Columbia amendments to the Washington Metropolitan Area Transit Regulation Compact.

and on line 16, strike out "Sec. 4." and insert "Sec. 5.".

### PURPOSE OF THE BILL

The purpose of the bill (H.R. 8719) is to amend the Washington Metropolitan Area Transit Regulation Compact, Articles I and XVI of Title III (D.C. Code, Title 1, Sec. 1431), in order to authorize the Washington Metropolitan Area Transit Authority (WMATA) to establish and maintain a regular Metro Transit Police Force.

The bill provides Congressional consent to amendments to the Compact substantially adopted by the Commonwealth of Virginia (on April 8, 1974) and the State of Maryland (on May 31, 1974), and enacts such amendments for the District of Columbia. The bill defines the role and jurisdiction of the Metro Transit Police Force; authorizes the issuance of rules and regulations by the Transit Authority

for safe and effective transit facility operations; designates the Superior Court of the District of Columbia as the court of competent jurisdiction in the District of Columbia for prosecution of violations against Transit Authority rules and regulations in the District of Columbia; and clarifies the authority of the Council of the District of Columbia to enact amendments to the Compact agreement.

### MAJOR PROVISIONS OF THE BILL

#### SECTION 1. DEFINITIONS, ESTABLISHMENT OF METRO TRANSIT POLICE

In this section, the Transit Zone of the Washington Metropolitan Area Transit Authority's facilities is defined. The Transit Authority is authorized to establish a regular Metro Transit Police force with defined powers and jurisdiction to be the same as those of law enforcement officers of the signatory jurisdictions. The Transit Police force is provided authority to enforce the laws of the Compact signatory jurisdictions, and is given concurrent jurisdiction with the law enforcement agencies of the signatories and their political subdivisions.

Transit Police will be restricted in their use of weapons by the regulations imposed upon the regular police forces of the political subdivisions in which the Transit Police are performing their duties. Transit Police force personnel are authorized to carry and use only such weapons as are issued by the Transit Authority, and may only carry and use such weapons when in the performance of their duties, or when in direct transit to or from a duty assignment.

Transit Police force members are authorized to execute traffic citations and criminal process if issued by any court of a signatory jurisdiction, for any offense against the laws and regulations of the signatories, their political subdivisions or the regulations of the Transit Authority. The Transit Police, except in the State of Maryland, may execute criminal process for offenses upon or against transit facilities.

In amending Section 76(d) of the Washington Metropolitan Area Transit Regulation Compact, H.R. 8719 defines the Transit Police officer's procedure upon making an apprehension or arrest. By the provisions of this section, such officer shall either issue a summons or citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the signatory jurisdiction or its political subdivision, where the apprehension or arrest is made, for disposition in accordance with the laws of the place of apprehension or arrest.

The bill, in amending Section 76(e) of the Compact, authorizes the Washington Metropolitan Area Transit Authority to adopt rules and regulations governing the safe and orderly use of transit facilities, providing that such rules and regulations are uniform throughout the Transit Zone, and provided that such rules and regulations are adopted in accordance with due process. Basic requirements for due process are defined in this subsection. Violation of rules and regulations of the Transit Authority are punishable by a maximum fine of \$250, and costs. Any Transit Authority rules and regulations which contravene the laws of a signatory or its political subdivisions shall be void within such a jurisdiction.

The amendments to Compact Section 76(f) authorize the establishment of duty classifications and qualifications for the Transit Police, authorize training of such police, and provide for distinctive uniforms for the Transit Police personnel, as prescribed by the Washington Metropolitan Area Transit Authority.

The amendments to Compact Section 76(g) provide that the Transit Authority may enter into agreements defining the functions and responsibilities of the Transit Police, and may establish agreements for mutual assistance with the signatories, their political subdivisions, and the public safety agencies.

Members of the Transit Police force shall be administered an oath of office to perform the duties of their office faithfully.

#### SECTION 2. DUTIES OF THE MAYOR OF THE DISTRICT OF COLUMBIA

In this section, the Mayor of the District of Columbia is authorized and directed to execute, on behalf of the District of Columbia, any amendments substantially set forth in Section 1 of this legislation. Such amendments will become effective immediately upon execution.

#### SECTION 3. JURISDICTION OF THE DISTRICT OF COLUMBIA SUPERIOR COURT

This section provides that the District of Columbia Superior Court shall have jurisdiction of any violation, committed in the District of Columbia, of rules and regulations of the Washington Metropolitan Area Transit Authority, adopted pursuant to the provisions of the legislation.

#### SECTION 4. AUTHORITY OF DISTRICT OF COLUMBIA COUNCIL

This section clarifies the authority of the Council of the District of Columbia to enact legislation on behalf of the District of Columbia adopting amendments to the Washington Metropolitan Area Transit Regulation Compact.

#### SECTION 5. RESERVATION OF CONGRESSIONAL RIGHT

This section expressly reserves the right of Congress to amend, alter, or repeal this Act, pursuant to the customary practice regarding interstate compact consent legislation.

#### COMMITTEE AMENDMENT

The Committee amendment makes it explicitly clear that the Council of the District of Columbia has the authority to enact legislation on behalf of the District of Columbia adopting amendments to the Washington Metropolitan Area Transit Regulation Compact.

Congressional action was taken in this respect in H.R. 8719 to clarify The District Council authority and to ensure adoption of the amendments to the Compact within the short time period projected for the start of initial rail system operations. Although initial operations of the rapid rail system are projected for November, 1975, the



Committee had received estimates that the earliest effective date for legislation by the City Council would be December, 1975.

Under this amendment, the signatories to any future amendments to this Compact will continue to be required to obtain the usual consent of Congress. As to all such future amendments to this Compact, Congress would be acting solely for itself pursuant to the customary consent procedure for interstate compact amendments, and no longer for and on behalf of the District of Columbia.

#### BACKGROUND

The Washington Metropolitan Area Transit Authority is the interstate compact agency with primary responsibility for construction of METRO rapid transit facilities, operation of such facilities, and the administration and operation of the bus system for the Washington metropolitan region. Construction of the initial segments of the METRO rail system (designed to serve as a regional rapid rail transit system for the District of Columbia and parts of Maryland and Virginia) are nearly completed, with operations of the first four and one-half miles projected to begin November 1, 1975. Two additional phases of subway system operations are currently projected to start during 1976, along with coordination of the regional bus system and transit system passenger parking lots to provide access to METRO rail stations.

The Washington Metropolitan Area Transit Authority is responsible for providing security for its operations, personnel, patrons, and facilities in a transit zone embracing the District of Columbia, portions of two states, four counties, several independent cities, and other municipal corporations, and in which each individual government has varying laws, ordinances, regulations, law enforcement and judicial processes which have an impact upon the security programs for the mass transit system. In previous years, the Transit Authority provided security for the construction of mass transit facilities through the employment of watchmen, guards and special police. The Authority has also, since consolidation and initiation of their control over various regional bus systems, used similar personnel or private firms to provide security for the bus system facilities; and local police forces in the District and in the Virginia and Maryland suburban areas have provided passenger security when needed for the bus system.

Provision of security for initial operating phases of the rapid rail system, as well as for buses, parking and other elements of the coordinated mass transit systems for the region, involves consideration of several factors.<sup>1</sup> First, the costs of operating and maintaining the METRO System, as well as those associated with depreciation and transit system bond debt, under the current funding arrangements are to be handled in the same manner as other operating expenses. A rather high, consistent level of system ridership will be necessary in order to generate sufficient revenues to cover such costs. In order to generate relatively high levels of ridership, the Metro security

<sup>1</sup> The security director for WMA TA testified at the Joint Subcommittee hearings on July 17, 1975, "... we would have authority to put police officers on a bus. You would only do that with the consent of the chief of police of the jurisdiction you are operating in."

system must generate public confidence with regard to the comparative safety of patronizing the mass transit system. Several studies, including one conducted by the President's Commission on Law Enforcement and Administration of Justice, have found a direct relationship between levels of transit ridership and fear of victimization while patronizing public transit systems. Presumably, the effectiveness of the Transit Authority's security system will have a recognizable impact upon its level of ridership and upon its revenues.

Next, the rapid rail system has been designed to begin operations under a schedule phased over a minimum five-year period. Protection will be needed for METRO subway system stations and other facilities before they are operational for patron use, during stages of partial construction completion, and during periods of facilities testing. It has been estimated that rail system facilities in construction and pre-operational phases will require security protection for as long as two years.

Finally, the adopted mass transit system for the Washington metropolitan area involves a high-speed, inter-jurisdictional rapid rail system through the two States, the District of Columbia, four counties, and numerous municipal jurisdictions indicated, whose rules, regulations, laws and ordinances must be enforced by public safety agencies both in transit facilities and near such facilities. The security provision for the regional mass transit system must provide for inter-jurisdictional coordination, must be capable of effectively protecting transit operations across jurisdictional boundaries, and must be capable of effectively providing security in high-speed, technologically sophisticated transit operations.

As a result of the complex factors involved in developing a security system for the regional rapid transit operations, the Washington Metropolitan Area Transit Authority in 1972, retained a consulting firm to study the security needs for their proposed operations. The consultants reviewed security provisions of other transit systems and the specialized needs of the Washington metropolitan region. Their report, completed in December 1972, concluded that watchmen, guards, investigators, or any system of special police would not provide effective protection of regional transit operations, particularly because of the numerous local statutes and ordinances regulating the actions of special police in the Compact signatory jurisdictions. The report recommended a regular, inter-jurisdictional Transit Police force which would work in cooperation with local police forces of the affected jurisdictions.

A similar concept has been used to provide security for various other mass transportation systems, including those of Chicago and New York City. The security system used in Chicago consists of a specialized branch of the city police department, with responsibility for surveillance of all transit system facilities and operations, including the system's trains, parking lots, buses and maintenance facilities. Similarly, the systems used by New York City transit agencies include separate, specially-trained regular police forces, also responsible for the protection of all transit system facilities and operations. (See Table 1.)



TABLE 1.—WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, SECURITY PROGRAM PROJECT, TRANSIT SYSTEM FEATURES COMPARISON CHART

Transit system name	Year of commencing operation	Mileage length	Number stations	Daily passengers through	Type of security force	Size of security force	Scope of security force	Rush hours	Slack hours	Method of fare collection	Hours of operation
Port Authority Transit Corp.	1968	14.5	12	37,500, Monday through Friday.	Port Authority Transit Corp. own force.	17-4 per 8 hr shift.	Trains, stations, parking lots.	5 min.	10 to 20, 20 to 60, minutes.	Change machines, ticket machines. Automatic turnstile and change machines.	24.
Port Authority Trans-Hudson.	1904-62	14	13	145,000, Monday through Friday.	Path force.	\$6.	Train, stations.	2 to 6 min	10 min.	Automatic turnstile and change machines. (Cash booth token turnstiles) token.	24.
New York City Metropolitan Transit Authority.	1912	(237), 578	477	4,100,000, Monday through Friday—1,700,000 Saturdays, Sundays, and holidays. 1,000,000, Monday through Friday.	Metropolitan Transit Authority trained police (own academy). Chicago police department transit security. Metropolitan police.	3383 core force of 200 men per shift expanding to approximately 700 to 800 men per shift. 254. 57	Trains, stations, buses.	2 min			24.
Chicago Transit Authority.	1940	190	137	1,000,000, Monday through Friday.	Chicago police department transit security. Metropolitan police.	311. 81 uniformed, 5 secret, 2 directors.	Trains, stations, parking lots.	3, 2, 3, 6 min. per line, 9 cars per train, 3 element.	6 and 10 min. 3 cars per train, 1 element.	Farecard.	20, 5 a.m. to 1 a.m.
Montreal Urban Community Transit Commission.	1966	16	28, 3 lines, all subway.	400,000, Monday through Friday.	Metropolitan police.		Trains, stations, parking lots.	2 min. main routes, 8 cars per train, 4-8 min. branch lines.	2 cars per train.	Magnetic fare-card stored value.	20 hr, 5 a.m. to 1 a.m.
Washington Metropolitan Area Transit Authority.	1974	98, 38.4 District of Columbia, 29.7 Maryland, 23.1 Virginia, 50 subway, 36 surface.	88, 55 subway, 31 surface or aerial—44 in District of Columbia, 22 in Maryland, 20 in Virginia.	959,000, Monday through Friday—252,000 a.m. peak 287,000,000 annually by 1980.							

Source: Washington Metropolitan Area Transit Authority, "A Report on the Requirements for Establishing a Metro Security Program."

In 1973, a committee of officials representing various jurisdictions within Virginia and Maryland, and representing the District of Columbia, drafted an amendment to the Washington Metropolitan Area Transit Regulation Compact, authorizing the Transit Authority to establish a regular, inter-jurisdictional transit police force. The concept of a joint transit system policing force was approved by seventeen regional and local entities in 1973 and 1974. (See Table 2.)

TABLE 2.—Approval by regional agencies of the joint policing concept for WMATA

Washington Metropolitan Area Transit Authority Board of Directors.	June 14, 1973.
Metropolitan Washington Council of Governments Public Safety Policy Committee.	Oct. 4, 1973.
Metropolitan Washington Council of Governments Board of Directors.	Oct. 10, 1973.
Northern Virginia Transportation Commission.	Unknown—1973.
Washington Suburban Transit Commission.	Unknown—1973.
Montgomery County Executive.	Unknown—1973.
Montgomery County House Delegation.	Oct. 16, 1973.
Prince Georges County Executive.	Nov. 7, 1973.
Prince Georges County Council.	Nov. 7, 1973.
Arlington County.	Jan. 26, 1974.
Fairfax County, Va.	Aug. 6, 1973.
City of Alexandria, Va.	Mar. 14, 1973.
City of Falls Church, Va.	Jan. 14, 1974.
City of Fairfax, Va.	Jan. 15, 1974.
City of Bowie, Md.	Mar. 5, 1973.
City of Takoma Park, Md. (agreed with county)	Mar. 20, 1973.
Council of the District of Columbia.	July 15, 1975.

Source: Washington Metropolitan Area Transit Authority and Council of the District of Columbia.

In March 1974, the State legislature of the Commonwealth of Virginia adopted Senate Bill 315, the Compact amendment, with some insubstantial modifications, on behalf of Virginia and authorized the Governor to execute the document. The Governor of Virginia signed the document on April 8, 1974. The Maryland State Legislature made further insubstantial modifications in the draft amendment, adopted Senate Bill 733 in March 1974, on behalf of Maryland, and authorized the Governor of Maryland to sign the document on May 31, 1974.

At that point, the District of Columbia, as the third signatory of the Washington Metropolitan Area Transit Regulation Compact needed to agree to the Compact amendment. Representatives of the District of Columbia Government testified in favor of the concept of the amendment with some clarification in Committee hearings held on the Compact amendment. As a result, legislation (H.R. 8719) was required to authorize District of Columbia agreement to the Compact amendment agreed to, in substance, by the other Compact signatories.

NEED FOR LEGISLATION

In its present form, the Washington Metropolitan Area Transit Regulation Compact provides for a limited security system for the regional mass transportation system. Article 76 of the Compact provides:

76. The Board is authorized to employ watchmen, guards and investigators as it may deem necessary for the protection of its properties, personnel and passengers and such employees, when authorized by any jurisdiction within the Zone, may serve as special police officers in any such jurisdiction. Nothing contained herein shall relieve any signatory or political subdivision or agency thereof from its duty to provide police service and protection or to limit, restrict or interfere with the jurisdiction of or performance of duties by the existing police and law enforcement agencies.

As stated in Article 76 of the Compact, the Transit Authority is authorized to hire special police officers, or investigators, but, under present Compact provisions, may not employ a regular, or transit police force. At this time, there is legal authorization for special police, or their equivalent, in the District of Columbia, Maryland, Virginia, and in all their political subdivisions. Such special police officers are available to provide transit system security on a purely local basis, and as such, their jurisdiction is limited to the appointing locality.

In all municipalities, jurisdiction of special police is limited to the areas designated in their appointments, and under most regulations, would be limited to specific transit facilities. Although, under most existing local ordinances of the signatory jurisdictions, special police forces have the authority of regular police forces within their appointed geographical limitations, special police officers are limited in their use of hot or fresh pursuit across interstate boundaries for all cases except felony cases, and cost considerations of extradition by special police across jurisdictional boundaries are prohibitive for all except serious offenses. Offenders in a high-speed, interjurisdictional mass transit system may often be apprehended in a jurisdiction other than that in which the offense occurred, and as a result, questions of venue may provide additional restraints on efficient prosecution of violators within the transit zones. Should there be continued use of special police to provide transit system security, the requisite process of transporting and booking offenders for minor infractions may not be economically feasible, and, in addition, the possibilities of cases requiring extradition may make prosecution of infractions not feasible.

Local police forces, although they would not require major additional costs for administration of transit security, would experience patrol dead time on overlapping patrols where transit lines crossed state boundaries, because their personnel would have to make return trips after the transit system crossed each jurisdictional boundary. Similarly, use of state-wide police forces would again result in some patrol dead time as state boundaries are crossed, and, in addition, would require the establishment of new administrative structures to provide state protective services, along with additional costs for such administration.

In addition, the proposed Metro Transit Police force (as opposed to state or local police forces) must be prepared and will be required to deal with unique problems associated with underground

rapid rail systems—including crowd management, vandalism, fire hazards, system power failures, and individual emergencies. A highly trained and skilled transit police force is essential to meet these needs. It would not be cost-effective for each separate jurisdiction to train state or local police in these skills.

The first two phases of rail system operation would include four and one-half route miles with six stations for the first phase scheduled to initiate operations in November, 1975, and an additional eighteen route miles with twenty-five stations scheduled to start operations in June 1976. By the start of the second phase, the rapid rail and coordinated bus systems will cross interjurisdictional boundaries, with projected peak-hour ridership of as many as 100,000 patrons, and would require that security provisions be arranged for the transit operations. Additional ridership of the mass transit system is projected for 1976, with the influx of persons to the District of Columbia to attend Bicentennial events and celebrations. Estimates of visitors to the District during 1976 have ranged as high as 30 million persons, or nearly 200,000 persons per day.

If there is to be established a regular Transit Police force, the estimated recruiting and training period for the initial transit force is six months, and if other provisions are to be made for security provision by the signatory jurisdictions, the estimates for such arrangements range up to one year. Accordingly, the states of Maryland and Virginia have adopted proposed amendments to the Transit Regulation Compact to provide for a regular, Transit Police force for the Washington Metropolitan Area Mass Transit System. This legislation provides for adoption of the proposed amendment on behalf of the District of Columbia, and provides Congressional consent for its adoption by the signatory jurisdictions.

It is the opinion of the Committee that the continued use of special police forces to provide security for the Washington regional mass transportation system is neither practical nor economically feasible, particularly in situations currently projected, in which not only will the rapid rail system begin its operation across jurisdictional boundaries, but also, the system will provide mass transit services to numerous visitors to our National Capital Bicentennial celebrations.

The usual practice of amending an interstate compact, such as P.L. 86-794, requires the adoption of all signatories and the consent of the Congress. The approval process requires considerable periods of time, as does the training period projected for the regular transit police force, and, in the opinion of the Committee, this legislation, providing the final stage of the approval process, is required to assure timely, safe, and effective operation of the Washington metropolitan region's rapid transit system.

As to the size of the Metro Transit Police force, the testimony before the Committee was that the current budget estimates for the Security Department of the Washington Metropolitan Area Transit Authority provide for an initial 96-member regular Transit Police force, which when the transit operations expand, will be increased to an approximately 200-member force.



## LEGISLATIVE HISTORY

H.R. 8719 is a clean bill which includes subcommittee amendments to H.R. 3428 introduced by Mr. Gude on February 20, 1975.

On July 17, 1975, joint hearings were held by the Subcommittee on Judiciary and the Subcommittee on Commerce, Housing and Transportation on H.R. 3428 and H.R. 4285 (introduced by Chairman Diggs). Joint Subcommittee mark-up was held on the same day, and Full Committee mark-up on July 21, 1975.

Testimony in support of establishing and maintaining a new Metro Transit Police force was received from representatives of the Washington Metropolitan Area Transit Authority, the District of Columbia Government and the Metropolitan Washington Council of Governments. In addition, comments were solicited and received by the Subcommittee Chairmen from 45 officials of the jurisdictions to be served by Metro. These officials included members of the judiciary, municipal and county executives, prosecuting attorneys, police chiefs, and other interested parties. Their responses, which overwhelmingly support the establishment and maintenance of a Metro Transit Police force, have been entered into the record of the joint Subcommittee hearings.

The District of Columbia Government, although firmly supporting the basic purposes of this legislation, preferred legislation which contemplated the elected government taking action to adopt the Compact amendment. They did not favor legislation which provided that Congress adopt the Compact amendment on behalf of the District government and authorize the Mayor to execute the document.

There was uncertainty as to the authority of the District of Columbia Government to act in this respect, and due to the uncertainties, and questions of time remaining before the initial operation of the rapid transit system, the Committee adopted Section 4 of the bill.

The Committee considered the following matters, *inter alia*, during its mark-up session:

1. The technical and grammatical changes in Section 1 were made to improve the Compact amendment's clarity and consistency, none of which affect the substance of the Compact amendment as adopted.

2. Under Section 1 (see Section 76(a) of the Compact amendment), the Committee considered the security and protection of persons (as distinguished from property) to be a paramount concern of this legislation. It was concluded that the language and intent of this Section clearly imposes a duty upon Metro Transit Police to protect its patrons and personnel as well as transit property. Metro Transit Police are charged with enforcement of all laws, ordinances, rules and regulations applicable in the Transit Zone,<sup>1</sup> but their jurisdiction normally is limited to enforcement while on transit facilities. The sole exception occurs in a situation of "hot pursuit", in which case Metro Transit Police jurisdiction extends beyond the transit facilities into the entire Transit Zone.

3. In Section 1 (see Section 76(d) of the Compact amendment), language concerning Metro Transit Police officers' duties incident to apprehension or arrest was clarified. Although the intention of

<sup>1</sup> Section 76(a) of the Compact amendment imposes upon Metro Transit Police the duties "to provide protection for its patrons, personnel, and transit facilities" and "of enforcing the laws of the signatories, the laws, ordinances, and regulations of the political subdivisions thereof in the Transit Zone, and the rules and regulations of the Authority".

earlier language was to permit a Metro Transit Police officer to deliver the apprehended or arrested person to the local police (as well as to the local judicial officer) for further process, that language regarding delivery apparently was not free from doubt. Compact amendment Section 76(d) as reported makes it clear that a Metro Transit Police officer may make such delivery if the law of the place of apprehension or arrest provides for such delivery. This clarification is therefore not a substantive change because the Transit Police officer must in any case conform to the requirements of the law of the place of apprehension or arrest.

4. Section 3 confers upon the Superior Court of the District of Columbia jurisdiction over violations of WMATA rules and regulations committed within the District of Columbia. This measure was deemed necessary because the language of D.C. Code (Title 11, Sec. 923 (1973 Ed.)) appeared not to confer upon the Superior Court such jurisdiction, and the case law supports this view. The United States District Court for the District of Columbia was considered to be an inappropriate alternative tribunal upon which to confer jurisdiction over such violations.

5. Section 4 was added to clarify the Council's authority to adopt, on behalf of the District of Columbia, amendments to the Washington Metropolitan Area Transit Regulation Compact. This Section is not intended to modify in any way the usual requirement for Congressional consent to compact amendments enacted and adopted by the three signatory jurisdictions. Accordingly, no such compact amendment will take effect without the consent or approval of Congress.

6. Section 5 was added reserving the right of Congress to amend, alter or repeal this Act, in accordance with customary practice.

## SECTION-BY-SECTION ANALYSIS

## SECTION 1

Congress consents to, and adopts and enacts for the District, the following amendments to the Washington Metropolitan Area Transit Regulation Compact.

Paragraphs (1), (2), and (3) provide for a definition of Transit Zone so that such term may be used throughout the Compact.

Paragraph (4) amends Section 76 of Article XVI of the Compact as follows:

*Section 76(a)*

The Washington Metropolitan Area Transit Authority (WMATA) is authorized to establish and maintain the Metro Transit Police to protect its patrons, personnel, and facilities. The Metro Transit Police will enforce the laws of the signatories and the political subdivisions thereof in the transit zone, and WMATA regulations. Metro Transit Police jurisdiction is limited to Metro facilities except for "hot pursuit" arrests in the transit zone for violations committed upon, to, or against transit facilities. Metro Transit Police will have concurrent jurisdiction with law enforcement agencies of the signatories and political subdivisions, but nothing in Section 76 will relieve

local public safety agencies of their duties or interfere with their jurisdiction or the performance of their duties.<sup>1</sup>

*Section 76 (b)*

Metro Transit Police powers (including arrest) and limitations will be the same as those of the law enforcement officers of the political subdivision in which the member of the force is performing his duties. The carrying and use of weapons are only authorized if such weapons are issued by WMATA, and they may only be carried and used in the performance of duty or while on Metro facilities in direct transit to or from a duty assignment. Carrying weapons is also authorized while in direct transit to or from a duty assignment even if not on a Metro facility. Use of handguns is further restricted by the same limitations imposed on the police force of the political subdivision in which the Metro police officer is performing his duties.

*Section 76 (c)*

Execution of traffic citations and criminal process on transit facilities by Metro Transit Police is authorized if issued by any court of a signatory or political subdivision thereof for any offense against the laws of the signatories or the political subdivisions thereof or the regulations of WMATA. Execution of criminal process throughout the Transit Zone by Metro Transit Police for offenses committed upon or against Metro facilities is authorized, except in the State of Maryland.

*Section 76 (d)*

Upon apprehension or arrest, Metro Transit Police will, in accordance with the law of the place of apprehension or arrest, issue a summons or citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the signatory or political subdivision where the apprehension or arrest is made.

*Section 76 (e)*

Power to adopt rules and regulations for the safe and orderly use of the transit facilities is granted to WMATA. WMATA rules and regulations contravening the laws of a signatory or political subdivision thereof will be void within such signatory or political subdivision. Such WMATA rules and regulations will be uniform in all other respects throughout the Transit Zone. The WMATA rules and regulations will be adopted in accordance with due process including, but not limited to: circulating notice of the intended action; affording interested persons the opportunity to submit data or views orally or in writing; and holding a public hearing. Violation of WMATA rules or regulations will be punishable by fine of not more than \$250 and costs.

*Section 76 (f)*

Duty classifications and qualifications for Metro Transit Police will be established. Training of the police will be provided by WMATA and will at least equal the training required by each signatory and

<sup>1</sup> Although Metro Police will have concurrent jurisdiction with the local law enforcement agencies, WMATA has developed working arrangements with the affected local police forces to define their respective primary responsibilities. Under this arrangement, testimony indicates that Metro Transit Police will have primary responsibility for patrolling the trains and tunnels, and the local police will have primary responsibility for station platform areas and parking lots.

political subdivision thereof in the Transit Zone for their personnel performing comparable duties. Distinctive uniforms for the police will be prescribed by WMATA.

*Section 76 (g)*

Agreements defining the functions and responsibilities of Metro Transit Police and other public safety agencies and for mutual assistance may be entered into by WMATA, the signatories, the political subdivisions thereof in the Transit Zone, and the public safety agencies.

*Section 76 (h)*

Each member of the Metro Transit Police will take an oath to perform the duties of his office faithfully.

SECTION 2

The Mayor of the District of Columbia is authorized and directed to execute the Compact amendment on behalf of the District of Columbia.

SECTION 3

The Superior Court of the District of Columbia is granted jurisdiction over cases involving violations, committed in the District of Columbia, of WMATA rules and regulations.

SECTION 4

This section was added to make clear the Council's authority to adopt on behalf of the District of Columbia amendments to the Washington Metropolitan Area Transit Regulation Compact.

SECTION 5

The right of Congress to alter, amend, or repeal this Act is expressly reserved, in accordance with customary language included in interstate compact consent legislation.

DEPARTMENTAL REPORTS

Reports to the Chairman on this legislation from the Washington Metropolitan Area Transit Authority, from the Mayor and the Council of the District of Columbia, and from the Metropolitan Washington Council of Governments, follow:

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY,  
Washington, D.C., April 7, 1975.

Hon. CHARLES C. DIGGS, Jr.,  
Chairman, Committee on the District of Columbia, Washington, D.C.

DEAR CHAIRMAN DIGGS: This is in response to your request for a report and recommendation with respect to H.R. 3428 and H.R. 4285, substantively identical bills "To grant the consent 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 to authorize the Washington Metropolitan Area Transit Authority to establish and maintain a Metro



Transit Police force, to authorize the Washington Metropolitan Area Transit Authority to enter into mutual aid agreements with the various jurisdictions within the Transit Zone, and for other purposes."

Metro security has been a subject of great interest and considerable discussion in the Washington Metropolitan Area for the past several years. It is universally felt that Metro must provide a safe and secure environment for the citizens of the region and visitors to the National Capital Area. How best to accomplish that purpose was the subject of an exhaustive study of Metro's security needs by the Arthur Young Company of Washington, D.C., completed in December of 1972. The basic conclusion of that study was that there is a need for an inter-jurisdictional Metro police force to work in cooperation with local police to protect Metro's passengers, employees and property. It was also recommended that the Washington Metropolitan Area Transit Authority be vested with limited authority to adopt rules and regulations related to transit facilities and operations.

Briefly stated, the joint policing policy calls for both Metro and local police to have full police powers on all Metro transit facilities. In addition, Metro police would have primary law enforcement responsibility in the trains and the tunnels, while the local police organizations would have primary responsibility in the stations and parking lots. Both Metro and local police would lend support to each other as needed.

H.R. 3428 or H.R. 4285 would empower the Washington Metropolitan Area Transit Authority to implement this Metro security program. The program and legislation to implement it have been endorsed by the Authority's Board of Directors, the Metropolitan Washington Council of Governments, the individual prosecutors and police chiefs of the region and the governing bodies of all eight local jurisdictions in the Washington Metropolitan Area Transit Zone. Additionally, the legislation has been enacted by the Commonwealth of Virginia and the State of Maryland.

Although H.R. 3428 and H.R. 4285 are, as previously indicated, substantively identical bills, they differ in the procedural approach for amending the Compact. H.R. 3428 would not only provide congressional consent to amendment of the Compact but would adopt and enact the amendment on behalf of the District of Columbia. H.R. 4285, however, provides only congressional consent to the amendment. The latter presumably presupposes adoption of the amendment by the District of Columbia Government.

We have some concern with respect to the efficacy of the District of Columbia Government legislating in this regard by virtue of certain provisions of the "Home Rule Act". Section 302 of that Act states that ". . . the legislative power of the District shall extend to all rightful subjects of legislation within the District . . ." subject to certain limitations and restrictions.

One of the limitations placed upon the Council of the District of Columbia with respect to its legislative powers is contained in Article VI, Sec. 602(a)(3) which provides that the Council shall have no authority to "enact any Act, or enact any Act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District," (emphasis added).

The proposed Transit Security Police legislation is an amendment to the Washington Metropolitan Area Transit Authority Compact enacted by Congress on behalf of the District of Columbia in P.L. 89-774, which also provided the consent of the Congress required under Article I, Sec. 10 of the United States Constitution. The amendment proposed would have applicability in the States of Maryland and Virginia as well as the District of Columbia. Accordingly, it appears that a literal construction of the above quoted limitation on the Council's legislative powers would preclude it from enacting the proposed amendment to the Compact which is not restricted in its application exclusively in or to the District.

In Section 601 of the "Home Rule Act", the Congress reserved the right, at any time, to exercise its constitutional authority as legislator for the District by enacting legislation for the District on any subject whether within or without the scope of legislative power granted to the Council by the Act.

Since there appears to be some question with respect to the legislative powers of the Council of the District of Columbia in this regard, and since the Congress must, in any event, enact consent legislation to effect amendment of the Compact, we believe that enactment of the legislation in the form set forth in H.R. 3428 would avoid this question and be the preferable course to follow.

Accordingly, the Washington Metropolitan Area Transit Authority endorses H.R. 3428 and urges its enactment by Congress as soon as possible so that the Compact will be effectively amended and Metro may begin its program of organization, recruitment and training to assure the availability of an adequate and competent security force in time for the commencement of rail operation in the Fall of this year.

Sincerely,

JACKSON GRAHAM.

THE DISTRICT OF COLUMBIA,  
Washington, D.C., June 19, 1975.

HON. CHARLES C. DIGGS, JR.,  
Chairman, Committee on the District of Columbia,  
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Government of the District of Columbia has for report H.R. 3428 and H.R. 4285, substantially identical bills "To grant the consent 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 to authorize the Washington Metropolitan Area Transit Authority to establish and maintain a Metro Transit Police force, to authorize the Washington Metropolitan Area Transit Authority to enter into mutual aid agreements with the various jurisdictions within the Transit Zone, and for other purposes."

The purposes of the bills are set forth in their respective titles. They differ only in the respect that while H.R. 4285 grants the consent of Congress to the proposed amendments to the Washington Metropolitan Area Transit Regulation Compact, H.R. 3428 will in addition to such consent also adopt and enact the Compact amendments for and on behalf of the District of Columbia.

In its present form, the Washington Metropolitan Area Transit Regulation Compact provides only a minimal security system for the transit system. Section 76 of article XVI of the Compact states as follows:

76. The Board is authorized to employ watchmen, guards and investigators as it may deem necessary for the protection of its properties, personnel and passengers and such employees, when authorized by any jurisdiction within the Zone, may serve as special police officers in any such jurisdiction. Nothing contained herein shall relieve any signatory or political subdivision or agency thereof from its duty to provide police service and protection or to limit, restrict or interfere with the jurisdiction of or performance of duties by the existing police and law enforcement agencies.

H.R. 3428 and H.R. 4285 will replace these inadequate security provisions with comprehensive legislation designed to authorize the Washington Metropolitan Area Transit Authority to establish and maintain a regular police force to provide maximum protection for the patrons, personnel, and facilities of the Metro transit system, to provide for mutual aid agreements between WMATA and the various transit zone jurisdictions, and to adopt uniform rules and regulations for the Transit Zone.

The bills provide for concurrent jurisdiction of Metro and local police on all transit facilities. However, primary law enforcement responsibility for the trains and the tunnels will rest with the Metro police while the local authorities will retain primary responsibility for stations and parking lots.

The jurisdiction of the Metro Transit Police will be limited to transit facilities, except that Metro police can make arrests anywhere in the Transit Zone for violations committed upon, to, or against transit facilities while in hot pursuit. Members of the Metro Transit Police will enforce the laws of the signatory jurisdictions; the laws, ordinances, and regulations of the political subdivisions within the Transit Zone; and the rules and regulations of the Authority.

The powers of the Metro Transit Police will be identical to those of the duly constituted police force of the jurisdiction in which the Metro Transit Police is on duty. However, a Metro Transit Police member may carry and use a weapon only in the performance of his duties or while on transit facilities in direct transit to and from a duty assignment. He may carry his weapon only while in direct transit to and from a duty assignment.

Members of the Metro Transit Police will also have power to serve process on transit facilities and may serve process off transit facilities, except in the State of Maryland. Prosecution of offenders will be accomplished by issuing a summons or citation, or by booking or delivering the alleged offender to a duly constituted judicial officer of the jurisdiction in which the arrest is made.

The bills also grant WMATA the power to adopt rules and regulations for the safe, convenient, and orderly use of the transit system facilities, including payment of fares, protection and safety of persons and property, and the control of traffic and parking. If any of these rules or regulations conflict with laws, ordinances, or regulations of a signatory or political subdivision, the WMATA regulation will be

void within such jurisdiction. The rules and regulations will be adopted in accordance with due process. Violations of WMATA rules and regulations will be punishable, after conviction, by a fine of not more than \$250.00, and costs.

In addition, the bills provide for the appointment, compensation, qualifications, and training of the Metro Transit Police. Qualification and training will, at a minimum, equal the requirements of each signatory jurisdiction and the political subdivisions thereof for personnel performing comparable duties.

Finally, the bills empower WMATA to enter into mutual aid agreements with signatories and political subdivisions and for agreements as to delineation of functions and responsibilities among Metro Transit Police, fire, and public safety agencies.

H.R. 3428 and H.R. 4285 are the result of the cooperative efforts of WMATA and the local jurisdictions. They are endorsed by the Board of Directors of the Council of Governments, the area police chiefs, prosecutors, and county and city councils. Substantially identical legislation was enacted by the legislatures of the State of Maryland and the Commonwealth of Virginia in 1974.

The District Government recommends that H.R. 4285 be enacted by the Congress in lieu of H.R. 3428. It is our view that under the District of Columbia Self-Government and Governmental Reorganization Act, the Council of the District of Columbia has full authority to adopt and enact the proposed amendments to the Washington Metropolitan Area Transit Regulation Compact for the District of Columbia in like manner as the amendments were agreed to by the legislative bodies of Maryland and Virginia. Accordingly, draft legislation for this purpose has been transmitted to the Council for its consideration.

The District Government also recommends an amendment to the proposed subsection (d) of section 76 of the Compact. This subsection now provides that a person apprehended or arrested by the Metro Transit Police will either be issued a summons or citation or delivered to a judicial officer. The law of the District of Columbia and procedures followed by the Metropolitan Police Department provide that persons arrested by another police force be turned over to an officer of our local police force for custody and booking. Adherence to this long-standing procedure with respect to arrests made in the District of Columbia will eliminate the necessity for members of the Metro Transit Police force to transport prisoners and assure a more orderly and centralized procedure for the booking and detention of such persons. Accordingly, it is recommended that in line 8 on page 5 of H.R. 3428 and in line 4 on page 5 of H.R. 4285 there be inserted immediately after "officer" the following: ", or deliver the person to the custody of a duly constituted police officer,".

It is vitally important that this legislation be considered by the Congress soon inasmuch as the transit system will open within the District of Columbia in September of 1975. Moreover, it is essential that a trained and experienced Metro Transit Police force be operational in order to aid and protect visitors to the Nation's Capital during the Bicentennial.

It is estimated that the costs of the Metro Transit Police force will when fully operational approximate \$3.5 million a year.



I strongly urge the favorable consideration and early enactment by the Congress of H.R. 4285 with the amendment suggested herein.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely yours,

WALTER E. WASHINGTON,  
Mayor.

COUNCIL OF THE DISTRICT OF COLUMBIA,  
Washington, D.C., July 16, 1975.

Hon. W. S. (BILL) STUCKEY, Jr.,  
Chairman, Subcommittee on Commerce, Housing, and Transportation,  
Committee on the District of Columbia, U.S. House of Representatives,  
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your recent invitation asking that I provide the Committee on the District of Columbia with my reactions and recommendations concerning Bills H.R. 3428 and H.R. 4285. In response to your request, the following comments are submitted for the Committee's consideration.

First, I would strongly recommend that the Committee endorse H.R. 4285 over H.R. 3428. Legislation at the local level in support of H.R. 4285 has been introduced and was approved by the Council last night. I have attached a copy of the resolution under consideration for the Committee's information. There is one important difference between the two bills, a difference that is critical to the City Council. While H.R. 4285 gives the State of Maryland, the Commonwealth of Virginia and the District of Columbia the authority to amend articles 1 and 16 of Title 3 of the WMATA Compact for the creation of a Metro Transit Police Force (MTPF), under H.R. 3428—the Congress “consents, adopts, and enacts for the District of Columbia” the necessary amendments which establish a MTPF. By the terms of this Bill, it seems to me, both the spirit and legislative intent of the District of Columbia Home Rule Charter are frustrated. I and my Council colleagues believe strongly that the local government in the District should be given the opportunity to exercise its full legislative authority pursuant to Section 302 of the District of Columbia Self Government and Governmental Reorganization Act. Under that provision, the Council and the Mayor have been vested with the authority to consider for enactment those amendments to the Compact which would sanction the establishment of a MTPF. Clearly, under H.R. 4285, each jurisdiction would have to enact similar amendments for the ultimate establishment of a regular transit police unit. The Council of the District of Columbia has already taken steps to do this. I have introduced a bill at the request of Mayor Washington in accord with the Mayor's 1975 Legislative Program authorizing a Metro Transit Police Force. Previously, Councilmembers Jerry A. Moore, Jr. and Arrington Dixon had co-sponsored a bill on the same subject. Both bills have been referred to the Committee on Transportation and Environmental Affairs for action. The Committee has demonstrated its eagerness to consider this matter expeditiously, by scheduling

Public Hearings for September 18, 1975, at 2:00 p.m. and 7:30 p.m. in Room 503 of the District Building.

While I emphasize that the Committee, as well as the full Council, is aware of the urgency for having the proposed legislation enacted, so that the Washington Metropolitan Area Transit Authority can assure Metro rail patrons and employees of adequate protection when the trains begin to run, I believe a cautionary comment is in order. I suggest that urgency should not outweigh the legislative process of the District government. WMATA will not need the services of a regular MTPF for Phase I rail operations until probably some time in October. The Council, in my estimation, can and will give the MTPF measure its most careful consideration and still complete action on it before large-scale subway operations get underway, in Phases II and III.

While the local government is working on the proposal for a permanent MTPF, temporary security can be provided in either of two ways:

(1) Under the provision of Section 73 of the Compact, WMATA can utilize its existing security personnel to patrol the trains and stations during the initial Phase I operations. WMATA's security force is currently commissioned in the District of Columbia as “special police” as provided for by statute under Title 4, Section 115 of the D.C. Code 1973 (ed.) and the rules and regulations governing the activities of special policemen under the D.C. Police Manual Regulations and General Orders of the Metropolitan Police Department. As constituted, they have the full authority to:

Arrest without a warrant when there is probable cause to believe that a felony has been committed and that the arrested person committed it (*Smith v. United States*, 103 U.S. Appr. D.C. 48, 254 F 2nd 751, cert. denied. 357 U.S. 937, 78 S. Ct. 1388, 2L Ed. 1552 (1958)).

Arrest without warrant upon probable cause for certain misdemeanors, including petit larceny, and for unlawful possession of implements of a crime such as burglar tools, weapons, lottery tickets, or stolen property (*Singleton v. United States*, 225 A. 2d 315, 317 (1967)).

Arrest when misdemeanors involving a breach of the peace and for felonies when such crimes have been committed in their presence or view (*Maghan v. Jerome*, 67 App. D.C. 9, 88 F 2d. 1001 (1973). Restatement (Second), Torts Section 119 (1965)).

Although special police are commissioned to protect the property of the employer, the arrest powers of special police forces in the District of Columbia appears to date not limited to offenses against the property of the employer. In addition special police are privileged to carry firearms and black jacks under the conditions of Chapter IX of the Police Manual.

The requirements that such weapons “may be carried only when . . . on actual duty in the area thereof or while traveling, without deviation, immediately before or after the period of actual duty, between such area and his residence” (Police Manual, Chapter IX, Section 11.8) is similar to the conditions set forth under the proposed amendments before your Committee.

(2) The establishment of a Transit Unit by the D.C. Metropolitan Police Department to patrol the 4.5 mile transit zone within the District until permanent police legislation is adopted.

It should be noted that the proposed legislation provides for concurrent jurisdiction of Metro and local police on all transit facilities. The primary law enforcement responsibility for the stations and parking lots will remain with the local police units.

Specific multi-jurisdictional problem areas to be eliminated by the creation of a MTPF, such as legal issues involving venue, hot pursuit and extradition are not faced during Phase I because the start-up operations are solely within the jurisdiction of the District of Columbia. Moreover, the proposed amendments do not fully address questions of venue and extradition nor problems surrounding the Inter-state Compact on Juveniles; future amendments will be necessary to completely resolve such legal matters.

Although the Council upon the passage of H.R. 4285 will have the opportunity to address in detail the substantive issues of the proposed, I prefer to comment preliminary upon a few key provisions.

As previously mentioned, I support the proposed limitation upon the Metro police officer's ability to carry firearms as it is nearly identical to existing requirements for special policemen.

I have no problems with granting the Metro Authority power to adopt rules and regulations concerning "the safe, convenient and orderly use of transit facilities . . .". Such authority in my view amounts to mere delegation of authority by the locally elected officials, similar to those instances when the Council passes enabling legislation for an appropriate District agency in certain well defined areas. This delegation of authority as proposed appears properly granted given the condition that the Authority must exercise that power "in accordance with all standards of due process . . .". In addition, I feel that the extent of this authority is appropriately limited under the language of both bills which provide for its preemption by any signatory or political subdivision. I support the supremacy of "existing or subsequently enacted" legislation by a signator or political subdivision which is in contravention of any rule or regulation adopted by WMTA. In some instances, a jurisdiction will have input in the establishment, or the rejection, of a particular rule through its representatives on the WMATA Board of Directors.

The Authority's ability to adopt rules and regulations would further system-wide management by conforming where possible varying kinds of laws, ordinances and regulations which create obstacles for the Metro security program. The District of Columbia government was one of the first jurisdictions to adopt legislation developed through the Council of Governments which seeks to obtain uniformity among jurisdictional laws relating to public transit vehicles in the transit zone of greater Washington. If I can be of further assistance please do not hesitate to inform me.

Again, I thank the Committee for including my views in support of H.R. 4285 in the record of its proceedings. Given the opportunity to address itself to the enactment of MTPF legislation, I am certain the Council of the District of Columbia will acquit itself in admirable fashion.

Sincerely,

STERLING TUCKER,  
Chairman.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS,  
Washington, D.C., April 17, 1975.

Hon. CHARLES C. DIGGS, Jr.,  
Chairman, District of Columbia Committee,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your letter of April 10, 1975, requesting our recommendations on H.R. 3428 and H.R. 4285. Both of these bills amend the consent legislation and the compact establishing the Washington Metropolitan Transit Authority to provide for the establishment and maintenance of a METRO Transit Police Force.

The Council of Governments, in conjunction with WAMTA, the local governments in the Metropolitan Washington Area and the prosecutorial officials in the region, cooperatively developed legislation authorizing the creation of a METRO Police Force. The substantive provisions in the two bills submitted for our review embody the amendment which was drafted through this cooperative process.

The Public Safety Policy Committee and the COG Board of Directors have endorsed such legislation and recommended enactment to the Congress and General Assemblies of Maryland and Virginia. Moreover, this compact amendment has been adopted by Maryland and Virginia legislators. Because of the scheduled operations of the METRO system in September of 1975, we urged your Committee to take affirmative action on this necessary amendment to enable METRO to hire and train its security force. Accordingly, we hope that early hearings will be held on this legislation.

Our only comments on these bills pertain to certain technical changes the Committee might want to consider. They are as follows:

The language in the "Enacting" clause of H.R. 3428, page 1, line 3, contains the following words: "That the Congress hereby consents to, adopts, and enacts for the District of Columbia . . ." We believe that the words "adopts, and enacts for the District of Columbia" does not accurately reflect the proposed action of Congress. The Congress must approve certain types of interstate compacts and amendments thereto. In this case, the consent is to the actions taken in Maryland and Virginia, as well as for the District of Columbia. Therefore, we believe the "Enacting" clause in H.R. 4285 more accurately reflects this need. Under that bill, line 3 simply reads, "That the Congress hereby consents to Amendments to Articles I and XVI of Title III of the Washington Metropolitan Area Transit Regulation Compact . . ."

Both bills appear to have a typographical error in Section 76(f), paragraph (2). Next to the last line of paragraph (2), the words "political subdivision" should probably read "political subdivisions."

Section 2 of H.R. 3428 states, "The Commissioner of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments . . ." We believe Section 2 is necessary and suggest it be added to H.R. 4285 if that is the bill that is passed. But, in addition, the word "Commissioner" should be deleted and the word "Mayor" should be placed in lieu thereof. This reflects the current title of the elected chief executive of the District of Columbia, as pro-



vided in the "District of Columbia Self-Government and Governmental Reorganization Act," (P.L. 93-198).

Again, we want to reiterate the urgent need for this amendment and extend our appreciation to you for giving us the opportunity to comment on these bills.

Sincerely yours,

WALTER A. SCHEIBER,  
*Executive Director.*

#### BUDGET AUTHORITY

This bill creates no new budget authority for the Federal Government.

#### COSTS

Costs for the regular Metro Transit Police force are estimated to be approximately \$1.5 million for the first year of operation, and approximately \$3.5 million per year when the system becomes fully operational. Most significantly, however, establishment of this Transit Police force is not expected to have any significant impact on the Federal Government budget because its costs are treated as ordinary operational expenses.

#### INFLATIONARY IMPACT

This bill, if enacted into law, will have no foreseeable inflationary impact on prices or costs in the operation of the national economy.

#### COMMITTEE VOTE

H.R. 8719 was unanimously approved by voice vote of the Committee on July 21, 1975.

#### CONCLUSION

By this legislation, the Committee has endeavored to ameliorate the present inadequacies of the Washington Metropolitan Area Transit Regulation Compact, as it relates to provisions for use of special police on rapid transit facilities. The Committee believes that the provisions of H.R. 8719, together with other security measures already in effect, will ensure the establishment of an effective security system to protect the patrons, personnel and facilities of the mass transportation system for the Washington Metropolitan Region.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

\* \* \* \* \*

### TITLE III

#### ARTICLE I

##### DEFINITIONS

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

(a) "Board" means the Board of Directors of the Washington Metropolitan Area Transit Authority;

(b) "Director" means a member of the Board of Directors of the Washington Metropolitan Area Transit Authority;

(c) "Private transit companies" and "private carriers" means corporations, persons, firms or associations rendering transit service within the Zone pursuant to a certificate of public convenience and necessity issued by the Washington Metropolitan Area Transit Commission or by a franchise granted by the United States or any signatory party to this Title;

(d) "Signatory" means the State of Maryland, the Commonwealth of Virginia and the District of Columbia;

(e) "State" includes District of Columbia;

(f) "Transit facilities" means all real and personal property located in the Zone, necessary or useful in rendering transit service between points within the Zone, 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 transit service;

(g) "Transit services" means the transportation of persons and their packages and baggage by means of transit facilities between points within the Zone including the transportation of newspapers, express, and mail between such points, and charter service which originates within the Zone but does not include taxicab service or individual-ticket-sales sightseeing operations; [and]

(h) "Transit Zone" or "Zone" means the Washington Metropolitan Area Transit Zone created by and described in section 3, as well as any additional area that may be added pursuant to section 83(a); and

[(h)] (i) "WMATC" means Washington Metropolitan Area Transit Commission.

\* \* \* \* \*

#### ARTICLE XVI

##### GENERAL PROVISIONS

\* \* \* \* \*

##### Police

[76. The Board is authorized to employ watchmen, guards and investigators as it may deem necessary for the protection of its properties, personnel and passengers and such employees, when authorized by any jurisdiction within the Zone, may serve as special

police officers in any such jurisdiction. Nothing contained herein shall relieve any signatory or political subdivision or agency thereof from its duty to provide police service and protection or to limit, restrict or interfere with the jurisdiction of or performance of duties by the existing police and law of enforcement agencies.】

76. (a) *The Authority is authorized to establish and maintain a regular police force, to be known as the Metro Transit Police, to provide protection for its patrons, personnel, and transit facilities. The Metro Transit Police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be composed of both uniformed and plainclothes personnel and shall be charged with the duty of enforcing the laws of the signatories, the laws, ordinances, and regulations of the political subdivisions thereof in the Transit Zone, and the rules and regulations of the Authority. The jurisdiction of the Metro Transit Police shall be limited to all the transit facilities owned, controlled, or operated by the Authority, but this shall not limit the power of the Metro Transit Police to make arrests in the Transit Zone for violations committed upon, to, or against such transit facilities committed from within or outside such transit facilities while in hot or close pursuit, or to execute traffic citations and criminal process in accordance with subsection (c). The members of the Metro Transit Police shall have concurrent jurisdiction in the performance of their duties with the duly constituted law enforcement agencies of the signatories and of the political subdivisions thereof in which any transit facility of the Authority is located or in which the Authority operates any transit service. Nothing contained in this section shall either relieve any signatory or political subdivision or agency thereof from its duty to provide police, fire, and other public safety service and protection, or limit, restrict, or interfere with the jurisdiction of or the performance of duties by the existing police, fire, and other public safety agencies.*

(b) *Except as otherwise provided in this section, a member of the Metro Transit Police shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his duties as a member of the duly constituted police force of the political subdivision in which the Metro Transit Police member is engaged in the performance of his duties. However, a member of the Metro Transit Police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority, and only in the performance of his duties or while on the transit facilities owned, controlled, or operated by the Authority in direct transit to and from a duty assignment. A member of the Metro Transit Police is authorized to carry such weapons only while in direct transit to and from a duty assignment and is 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.*

(c) *Members of the Metro Transit Police shall have power to execute on the transit facilities owned, controlled, or operated by the Authority any traffic citation or any criminal process issued by any court of any signatory or of any political subdivision of a signatory, for any felony, misdemeanor, or other offense against the laws, ordinances, rules, or regulations specified in subsection (a). However, with respect to offenses committed upon, to, or against the transit facilities owned, controlled, or operated by the Authority, the Metro Transit Police shall have power, except in the State of Maryland, to execute criminal process within the Transit Zone.*

(d) *Upon the apprehension or arrest of any person by a member of the Metro Transit Police pursuant to the provisions of subsection (b), the officer, as required by the law of the place of apprehension or arrest, shall either issue a summons or a citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the signatory or political subdivision where the apprehension or arrest is made, for disposition as required by law.*

(e) *The Authority shall have the power to adopt rules and regulations for the safe, convenient, and orderly use of the transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the transit facilities, the control of traffic and parking upon the transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that signatory or political subdivision. In all other respects the rules and regulations of the Authority shall be uniform throughout the Transit Zone. The rules and regulations established under this subsection shall be adopted and published in accordance with all standards of due process, including, but not limited to, the publishing or otherwise circulating of a notice of the intended action of the Authority and the affording to interested persons the opportunity to submit data or views orally or in writing, and the holding of a public hearing. Any person violating any rule or regulation of the Authority shall, upon conviction by a court of competent jurisdiction, pay a fine of not more than \$250 and costs.*

(f) *With respect to members of the Metro Transit Police, the Authority shall—*

(1) *establish classifications based on the nature and scope of duties, and fix and provide for their qualification, appointment, removal, tenure, term, compensation, pension, and retirement benefits;*

(2) *provide for their training and, for this purpose, the Authority may enter into contracts or agreements with any public or private organization engaged in police training, and this training and the qualifications of the uniformed and plainclothes personnel shall at least equal the requirements of each signatory and of the political subdivisions therein in the Transit Zone for their personnel performing comparable duties; and*

(3) *prescribe distinctive uniforms to be worn.*

(g) *The Authority shall have the power to enter into agreements with the signatories, the political subdivisions thereof in the Transit Zone, and public safety agencies located therein, including those of the Federal Government, for the delineation of the functions and responsibilities of the Metro Transit Police and the duly constituted police, fire, and other public safety agencies, and for mutual assistance.*

(h) *Before entering upon the duties of office, each member of the Metro Transit Police shall take or subscribe to an oath or affirmation, before a person authorized to administer oaths, faithfully to perform the duties of that office.*

\* \* \* \* \*



## TITLE 11, DISTRICT OF COLUMBIA CODE

TITLE 11.—ORGANIZATION AND JURISDICTION OF THE  
COURTS

\* \* \* \* \*

Chapter 9.—SUPERIOR COURT OF THE DISTRICT OF  
COLUMBIA

## SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

## Sec.

- 11-901. Continuation of courts; court of record; seal.
- 11-902. Organization of the court.
- 11-903. Composition.
- 11-904. Judges; service; compensation.
- 11-905. Oath of judges.
- 11-906. Administration by chief judge; discharge of duties.
- 11-907. Absence, disability, or disqualification of chief judge.
- 11-908. Designation and assignment of judges.
- 11-909. Meetings and reports.
- 11-910. Clerks and secretaries for judges.

## SUBCHAPTER II.—JURISDICTION

- 11-921. Civil jurisdiction.
- 11-922. Transfer of civil actions to Superior Court.
- 11-923. Criminal jurisdictions; commitment.
- 11-924. *Jurisdiction With Respect to Violations of the Rules and Regulations of the Washington Metropolitan Area Transit Authority.*

## SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

- 11-941. Issuance of warrants; record.
- 11-942. Subpenas.
- 11-943. Process.
- 11-944. Contempt power.
- 11-945. Oaths, affirmations, and acknowledgments.
- 11-946. Rules of court.

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## SUBCHAPTER II.—JURISDICTION

\* \* \* \* \*

**§ 11-924. *Jurisdiction with respect to violations of the Rules and Regulations of the Washington Metropolitan Area Transit Authority.***

*The Superior Court has jurisdiction with respect to any violation, committed in the District of Columbia, of the rules and regulations adopted by the Washington Metropolitan Area Transit Authority under section 76(e) of title III of the Washington Metropolitan Area Transit Regulation Compact.*

\* \* \* \* \*

94TH CONGRESS  
1ST SESSION

# H. R. 8719

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IN THE HOUSE OF REPRESENTATIVES

JULY 17, 1975

Mr. GUDE (for himself, Mr. MANN, Mr. STUCKEY, Mr. MAZZOLI, Mr. HARRIS, Mr. NOWAK, Mr. RAILSBACK, Mr. MCKINNEY, and Mrs. SPELLMAN) introduced the following bill; which was referred to the Committee on the District of Columbia

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## A BILL

To provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Congress hereby consents to, and adopts and enacts
- 4 for the District of Columbia, amendments to articles I and
- 5 XVI of title III of the Washington Metropolitan Area
- 6 Transit Regulation Compact (D.C. Code, sec. 1-1431 note)
- 7 as follows, which amendments have been adopted substan-
- 8 tially by the Commonwealth of Virginia and the State of
- 9 Maryland:

1 (1) Section 1 (g) of article I is amended by striking  
2 "and" at the end thereof.

3 (2) Section 1 (h) of article I is amended to read as  
4 follows:

5 "(h) 'Transit Zone' or 'Zone' means the Washington  
6 Metropolitan Area Transit Zone created by and described in  
7 section 3, as well as any additional area that may be added  
8 pursuant to section 83 (a) ; and".

9 (3) Section 1 of article I is amended by adding at the  
10 end thereof the following:

11 "(i) 'WMATC' means Washington Metropolitan Area  
12 Transit Commission."

13 (4) Section 76 of article XVI is amended to read as  
14 follows:

15 "76. (a) The Authority is authorized to establish and  
16 maintain a regular police force, to be known as the Metro  
17 Transit Police, to provide protection for its patrons, per-  
18 sonnel, and transit facilities. The Metro Transit Police  
19 shall have the powers and duties and shall be subject to the  
20 limitations set forth in this section. It shall be composed  
21 of both uniformed and plainclothes personnel and shall  
22 be charged with the duty of enforcing the laws of the signa-  
23 tories, the laws, ordinances, and regulations of the polit-  
24 ical subdivisions thereof in the Transit Zone, and the  
25 rules and regulations of the Authority. The jurisdiction of

1 the Metro Transit Police shall be limited to all the transit  
2 facilities owned, controlled, or operated by the Authority,  
3 but this shall not limit the power of the Metro Transit Police  
4 to make arrests in the Transit Zone for violations com-  
5 mitted upon, to, or against such transit facilities committed  
6 from within or outside such transit facilities while in hot  
7 or close pursuit, or to execute traffic citations and criminal  
8 process in accordance with subsection (c). The members  
9 of the Metro Transit Police shall have concurrent juris-  
10 diction in the performance of their duties with the duly  
11 constituted law enforcement agencies of the signatories and  
12 of the political subdivisions thereof in which any transit  
13 facility of the Authority is located or in which the Authority  
14 operates any transit service. Nothing contained in this sec-  
15 tion shall either relieve any signatory or political sub-  
16 division or agency thereof from its duty to provide police,  
17 fire, and other public safety service and protection, or limit,  
18 restrict, or interfere with the jurisdiction of or the perform-  
19 ance of duties by the existing police, fire, and other public  
20 safety agencies.

21 "(h) Except as otherwise provided in this section, a  
22 member of the Metro Transit Police shall have the same  
23 powers, including the power of arrest, and shall be subject  
24 to the same limitations, including regulatory limitations, in  
25 the performance of his duties as a member of the duly con-



1 stituted police force of the political subdivision in which the  
 2 Metro Transit Police member is engaged in the performante  
 3 of his duties. However, a member of the Metro Transit  
 4 Police is authorized to carry and use only such weapons, in-  
 5 cluding handguns, as are issued by the Authority, and only  
 6 in the performance of his duties or while on the transit  
 7 facilities owned, controlled; or operated by the Authority in  
 8 direct transit to and from a duty assignment. A member of  
 9 the Metro Transit Police is authorized to carry such weapons  
 10 only while in direct transit to and from a duty assignment  
 11 and is subject to such additional limitations in the use of  
 12 weapons as are imposed on the duly constituted police force  
 13 for the political subdivision in which he is engaged in the  
 14 performance of his duties.

15 “(c) Members of the Metro Transit Police shall have  
 16 power to execute on the transit facilities owned; controlled,  
 17 or operated by the Authority any traffic citation or any  
 18 criminal process issued by any court of any signatory or of  
 19 any political subdivision of a signatory, for any felony,  
 20 misdemeanor, or other offense against the laws, ordinances,  
 21 rules; or regulations specified in subsection (a). However,  
 22 with respect to offenses committed upon, to, or against  
 23 the transit facilities owned, controlled, or operated by the  
 24 Authority, the Metro Transit Police shall have power,

1 except in the State of Maryland, to execute criminal process  
 2 within the Transit Zone.

3 “(d) Upon the apprehension or arrest of any person  
 4 by a member of the Metro Transit Police pursuant to the  
 5 provisions of subsection (b), the officer, as required by the  
 6 law of the place of apprehension or arrest, shall either issue  
 7 a summons or a citation against the person, book the person,  
 8 or deliver the person to the duly constituted police or judicial  
 9 officer of the signatory or political subdivision where the  
 10 apprehension or arrest is made, for disposition as required  
 11 by law.

12 “(e) The Authority shall have the power to adopt  
 13 rules and regulations for the safe, convenient, and orderly use  
 14 of the transit facilities owned, controlled, or operated by the  
 15 Authority, including the payment and the manner of the pay-  
 16 ment of fares or charges therefor, the protection of the transit  
 17 facilities, the control of traffic and parking upon the transit  
 18 facilities, and the safety and protection of the riding public.  
 19 In the event that any such rules and regulations contravene  
 20 the laws, ordinances, rules, or regulations of a signatory  
 21 or any political subdivision thereof which are existing or  
 22 subsequently enacted, these laws, ordinances, rules, or  
 23 regulations of the signatory or the political subdivision shall  
 24 apply and the conflicting rule or regulation, or portion there-

1 of, of the Authority shall be void within the jurisdiction of  
 2 that signatory or political subdivision. In all other respects  
 3 the rules and regulations of the Authority shall be uniform  
 4 throughout the Transit Zone. The rules and regulations  
 5 established under this subsection shall be adopted and pub-  
 6 lished in accordance with all standards of due process,  
 7 including, but not limited to, the publishing or otherwise  
 8 circulating of a notice of the intended action of the Authority  
 9 and the affording to interested persons the opportunity to  
 10 submit data or views orally or in writing, and the holding  
 11 of a public hearing. Any person violating any rule or  
 12 regulation of the Authority shall, upon conviction by a  
 13 court of competent jurisdiction, pay a fine of not more than  
 14 \$250 and costs.

15 “(f) With respect to members of the Metro Transit  
 16 Police, the Authority shall—

17 “(1) establish classifications based on the nature  
 18 and scope of duties, and fix and provide for their qualifi-  
 19 cation, appointment, removal, tenure, term, compensa-  
 20 tion, pension, and retirement benefits;

21 “(2) provide for their training and, for this pur-  
 22 pose, the Authority may enter into contracts or agree-  
 23 ments with any public or private organization engaged  
 24 in police training, and this training and the qualifications  
 25 of the uniformed and plainclothes personnel shall at least

1 equal the requirements of each signatory and of the po-  
 2 litical subdivisions therein in the Transit Zone for their  
 3 personnel performing comparable duties; and

4 “(3) prescribe distinctive uniforms to be worn.

5 “(g) The Authority shall have the power to enter into  
 6 agreements with the signatories, the political subdivisions  
 7 thereof in the Transit Zone, and public safety agencies lo-  
 8 cated therein, including those of the Federal Government,  
 9 for the delineation of the functions and responsibilities of  
 10 the Metro Transit Police and the duly constituted police,  
 11 fire, and other public safety agencies, and for mutual as-  
 12 sistance.

13 “(h) Before entering upon the duties of office, each  
 14 member of the Metro Transit Police shall take or subscribe to  
 15 an oath or affirmation, before a person authorized to admin-  
 16 ister oaths, faithfully to perform the duties of that office.”.

17 SEC. 2. The Mayor of the District of Columbia is  
 18 authorized and directed to enter into and execute on behalf  
 19 of the District of Columbia amendments, substantially as  
 20 set forth in the first section of this Act, to title III of the  
 21 Washington Metropolitan Area Transit Regulation Compact  
 22 with the State of Maryland and the Commonwealth of  
 23 Virginia, which amendments shall become effective imme-  
 24 diately upon execution of same.



1 SEC. 3. (a) Subchapter II of chapter 9 of title 11 of  
2 the District of Columbia Code is amended by adding at the  
3 end thereof the following new section:

4 "§ 11-924. Jurisdiction with respect to violations of the  
5 **Rules and Regulations of the Washington**  
6 **Metropolitan Area Transit Authority**

7 "The Superior Court has jurisdiction with respect to  
8 any violation, committed in the District of Columbia, of the  
9 rules and regulations adopted by the Washington Metro-  
10 politan Area Transit Authority under section 76 (e) of title  
11 III of the Washington Metropolitan Area Transit Regulation  
12 Compact."

13 (b) The chapter analysis for such chapter 9 is amended  
14 by inserting immediately after the item relating to section  
15 11-923 the following new item:

"11-924. Jurisdiction with Respect to Violations of the Rules and Regu-  
lations of the Washington Metropolitan Area Transit  
Authority."

16 SEC. 4. The right of Congress to alter, amend, or repeal  
17 this Act is hereby expressly reserved.



94TH CONGRESS  
1ST SESSION

# H. R. 8719

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## A BILL

To provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority.

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By Mr. GUDE, Mr. MANN, Mr. STUCKEY, Mr. MAZZOLI, Mr. HARRIS, Mr. NOWAK, Mr. RAILSBACK, Mr. MCKINNEY, and Mrs. SPELLMAN

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JULY 17, 1975

Referred to the Committee on the District of Columbia

## METRO TRANSIT POLICE

MAY 13, 1976.—Ordered to be printed

Mr. EAGLETON, from the Committee on the District of Columbia, submitted the following

### R E P O R T

[To accompany H.R. 8719]

The Committee on the District of Columbia, to whom was referred the bill (H.R. 8719) to provide for an amendment to the Washington, Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

On page 8 line 15 continuing to page 9 line 2, strike all after "Sec. 4." and insert the following:

The Council of the District of Columbia shall have authority to enact any act adopting on behalf of the District of Columbia amendments to the Washington Metropolitan Area Transit Regulation Compact, but in no case shall any such amendment become effective until after it has been approved by Congress.

### PURPOSE OF THE BILL

The purpose of the bill (H.R. 8719) is to amend the Washington Metropolitan Area Transit Regulation Compact, Articles I and XVI of Title II (D.C. Code, Title I, Sec. 1431), in order to authorize the Washington Metropolitan Area Transit Authority (WMATA) to establish and maintain a regular METRO Transit Police Force.

The bill provides Congressional consent to amendments to the Compact substantially adopted by the Commonwealth of Virginia (on April 8, 1974) and the State of Maryland (on May 31, 1974), and enacts such amendments for the District of Columbia. The bill defines the role and jurisdiction of the METRO Transit Police Force; authorizes the issuance of rules and regulations by the Transit Authority for safe and effective transit facility operations; designates the

Superior Court of the District of Columbia as the court of competent jurisdiction in the District of Columbia for prosecution of violations against Transit Authority rules and regulations in the District of Columbia; and clarifies the authority of the Council of the District of Columbia to enact amendments to the Compact agreement.

### MAJOR PROVISIONS OF THE BILL

#### SECTION 1. DEFINITIONS, ESTABLISHMENT OF METRO TRANSIT POLICE

In this section, the Transit Zone of the Washington Metropolitan Area Transit Authority's facilities is defined. The Transit Authority is authorized to establish a regular Metro Transit Police force with defined powers and jurisdiction to be the same as those of law enforcement officers of the signatory jurisdictions. The Transit Police force is provided authority to enforce the laws of the Compact signatory jurisdictions, and is given concurrent jurisdiction with the law enforcement agencies of the signatories and their political subdivisions.

Transit Police will be restricted in their use of weapons by the regulations imposed upon the regular police forces of the political subdivisions in which the Transit Police are performing their duties. Transit Police force personnel are authorized to carry and use only such weapons as are issued by the Transit Authority, and may only carry and use such weapons when in the performance of their duties, or when in direct transit to or from a duty assignment.

Transit Police force members are authorized to execute traffic citations and criminal process if issued by any court of a signatory jurisdiction, for any offense against the laws and regulations of the signatories, their political subdivisions or the regulations of the Transit Authority. The Transit Police, except in the State of Maryland, may execute criminal process for offenses upon or against transit facilities.

In amending Section 76(d) of the Washington Metropolitan Area Transit Regulation Compact, H.R. 8719 defines the Transit Police officer's procedure upon making an apprehension or arrest. By the provisions of this section, such officer shall either issue a summons or citation against the person, book the person, or deliver the person to the constituted police or judicial officer of the signatory jurisdiction or its political subdivision, where the apprehension or arrest is made, for disposition in accordance with the laws of the place of apprehension or arrest.

The bill, in amending Section 76(e) of the Compact, authorizes the Washington Metropolitan Area Transit Authority to adopt rules and regulations governing the safe and orderly use of transit facilities, providing that such rules and regulations are uniform throughout the Transit Zone, and provided that such rules and regulations are adopted in accordance with due process. Basic requirements for due process are defined in this subsection. Violation of rules and regulations of the Transit Authority are punishable by a maximum fine of \$250, and costs. Any Transit Authority rules and regulations which contravene the laws of a signatory or its political subdivisions shall be void within such a jurisdiction.

The amendments to Compact Section 76(f) authorize the establishment of duty classifications and qualifications for the Transit Police, authorize training of such police, and provide for distinctive uniforms for the Transit Police personnel, as prescribed by the Washington Metropolitan Area Transit Authority.

The amendments to Compact Section 76(g) provide that the Transit Authority may enter into agreements defining the functions and responsibilities of the Transit Police, and may establish agreements for mutual assistance with the signatories, their political subdivisions, and the public safety agencies.

Members of the Transit Police force shall be administered an oath of office to perform the duties of their office faithfully.

#### SECTION 2. DUTIES OF THE MAYOR OF THE DISTRICT OF COLUMBIA

In this section, the Mayor of the District of Columbia is authorized and directed to execute, on behalf of the District of Columbia, any amendments substantially set forth in Section 1 of this legislation. Such amendments will become effective immediately upon execution.

#### SECTION 3. JURISDICTION OF THE DISTRICT OF COLUMBIA SUPERIOR COURT

This section provides that the District of Columbia Superior Court shall have jurisdiction of any violation, committed in the District of Columbia, of rules and regulations of the Washington Metropolitan Area Transit Authority, adopted pursuant to the provisions of the legislation.

#### SECTION 4. AUTHORITY OF DISTRICT OF COLUMBIA COUNCIL

This section clarifies the authority of the Council of the District of Columbia to enact legislation on behalf of the District of Columbia adopting amendments to the Washington Metropolitan Area Transit Regulation Compact. It does not change Congress' constitutional authority over interstate compacts.

#### SECTION 5. RESERVATION OF CONGRESSIONAL RIGHT

This section expressly reserves the right of Congress to amend, alter, or repeal this Act, pursuant to the customary practice regarding interstate compact consent legislation.

#### COMMITTEE AMENDMENT

The Committee amendment makes it explicitly clear that the Council of the District of Columbia has the authority to enact legislation on behalf of the District of Columbia adopting amendments to the Washington Metropolitan Area Transit Regulation Compact.

Congressional action was taken in this respect in H.R. 8719 to clarify the District Council authority and to ensure adoption of the amendments to the Compact within the short time period projected for the start of initial rail system operations.



Under this amendment, the signatories to any future amendments to this Compact will continue to be required to obtain the usual consent of Congress. As to all such future amendments to this Compact, Congress would be acting solely for itself pursuant to the customary consent procedure for interstate compact amendments, and no longer for and on behalf of the District of Columbia.

#### BACKGROUND

The Washington Metropolitan Area Transit Authority is the interstate compact agency with primary responsibility for construction of METRO rapid transit facilities, operation of such facilities, and the administration and operation of the bus system for the Washington metropolitan region. Construction of the initial segment of the METRO rail system (designed to serve as a regional rapid rail transit system for the District of Columbia and parts of Maryland and Virginia) is completed, operations having begun on the first four and one-half miles. One additional phase of subway system operations is currently projected to start during 1977, along with coordination of the regional bus system and transit system passenger parking lots to provide access to METRO rail stations.

The Washington Metropolitan Area Transit Authority is responsible for providing security for its operations, personnel, patrons, and facilities in a transit zone embracing the District of Columbia, portions of two states, four counties, several independent cities, and other municipal corporations, and in which each individual government has varying laws, ordinances, regulations, law enforcement and judicial processes which have an impact upon the security programs for the mass transit system. In previous years, the Transit Authority provided security for the construction of mass transit facilities through the employment of watchmen, guards and special police. The Authority has also used similar personnel or private firms to provide security for the bus system facilities; and local police forces in the District and in the Virginia and Maryland suburban areas have provided passenger security when needed for the bus system.

Provision of security for initial operating phases of the rapid rail system, as well as for buses, parking and other elements of the coordinated mass transit systems for the region, involves consideration of several factors. First, the costs of operating and maintaining the METRO System, as well as those associated with depreciation and transit system bond debt, under the current funding arrangements are to be handled in the same manner as other operating expenses. A rather high, consistent level of system ridership will be necessary in order to generate sufficient revenues to cover such costs. In order to generate relatively high levels of ridership, the METRO security system must generate public confidence with regard to the comparative safety of patronizing the mass transit system. Several studies, including one conducted by the President's Commission on Law Enforcement and Administration of Justice, have found a direct relationship between levels of transit ridership and fear of victimization while patronizing public transit systems. Presumably, the effectiveness of the Transit Authority's security system will have a recognizable impact upon its level of ridership and upon its revenues.

Next, the rapid rail system will begin operations in the entire area over a five-year period. Protection will be needed for METRO subway system stations and other facilities before they are operational for patron use, during stages of partial construction completion, and during periods of facilities testing. It has been estimated that rail system facilities in construction and preoperational phases will require security protection for as long as two years.

Finally, the adopted mass transit system for the Washington metropolitan area involves a high-speed, inter-jurisdictional rapid rail system through the two States, the District of Columbia, four counties, and numerous municipal jurisdictions indicated, whose rules, regulations, laws and ordinances must be enforced by public safety agencies both in transit facilities and near such facilities. The security provision for the regional mass transit system must provide for interjurisdictional coordination, must be capable of effectively protecting transit operations across jurisdictional boundaries, and must be capable of effectively providing security in high-speed, technologically sophisticated transit operations.

As a result of the complex factors involved in developing a security system for the regional rapid transit operations, the Washington Metropolitan Area Transit Authority in 1972, retained a consulting firm to study the security needs for their proposed operations. The consultants reviewed security provisions of other transit systems and the specialized needs of the Washington metropolitan region. Their report, completed in December 1972, concluded that watchmen, guards, investigators, or any system of special police would not provide effective protection of regional transit operations, particularly because of the numerous local statutes and ordinances regulating the actions of special police in the Compact signatory jurisdictions. The report recommended a regular, inter-jurisdictional Transit Police Force which would work in cooperation with local police forces of the affected jurisdictions.

A similar concept has been used to provide security for various other mass transportation systems, including those of Chicago and New York City. The security system used in Chicago consists of a specialized branch of the city police department, with responsibility for surveillance of all transit system facilities and operations, including the system's trains, parking lots, buses and maintenance facilities. Similarly, the systems used by New York City transit agencies include separate, specially-trained regular police forces, also responsible for the protection of all transit system facilities and operations. (See Table 1.)

TABLE 1.—WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY, SECURITY PROGRAM PROJECT, TRANSIT SYSTEM FEATURES COMPARISON CHART

Transit system name	Year of commencement-operation	Mileage length	Number stations	Daily passengers	Type of security force	Size of security force	Scope of security force	Headway		Method of fare collection	Hours of operation
								Rush hours	Slack hours		
Port Authority Transit Corp.	1968	14.5	32	37,500, Monday through Friday	Port Authority Transit Corp. own force.	17—4 per 8 hr shift	Trains, stations, parking lots.	5 min.	10 to 20, 20 to 60, minutes.	Change ticket machines, Automatic turn-stile and change machines (Cash booth-tokens turn-stiles) taken.	24.
Port Authority Trans-Hudson.	1904-62	14	13	145,000, Monday through Friday	Path force	86	Train, stations.	2 to 6 min.	10 min.	Automatic turn-stile and change machines (Cash booth-tokens turn-stiles) taken.	24.
New York City Metropolitan Transit Authority.	1912	(237), 578	477	4,100,000, Monday through Friday—1,700,000 Saturdays, and 1,000,000 holidays.	Metropolitan Transit Authority trained police (with academy).	3383 core force of 200 men per shift expanding to approximately 700 to 800 men per shift, 254, 37, 311.	Trains, stations, buses.	2 min.		(Cash booth-tokens turn-stiles) taken.	24.
Chicago Transit Authority.	1940	180	137	1,000,000, Monday through Friday	Chicago police department transit security.	81 uniformed, 5 secret, 2 directors.	Trains, stations, parking lots, buses.	3, 2.3, 6 min. per line, 9 cars per train, 3 element.	6 and 10 min., 3 cars per train, 1 element.	Farecard.	20, 5 a.m. to 1 a.m.
Montreal Urban Transit Commission.	1966	38	28, 3 lines, all subway.	400,000, Monday through Friday	Metropolitan police.						
Washington Metropolitan Area Transit Authority.	1974	98, 38.4 District of Columbia, 29.7 Maryland, 29.1 Virginia—50 subway, 36 surface.	88, 55 subway, 31 surface or aerial—44 in District of Columbia, 22 in Maryland, 20 in Virginia.	959,000, Monday through Friday—252,000 a.m. peak annually by 1990.			Trains, stations, parking lots.	2 min. main routes, 8 cars per train, 4-9 min. branch lines.	2 cars per train.	Magnetic fare-card stored value.	20 hr, 9 a.m. to 1 a.m.

Source: Washington Metropolitan Area Transit Authority, "A Report on the Requirements for Establishing a Metro Security Program."

In 1973, a committee of officials representing various jurisdictions within Virginia and Maryland, and representing the District of Columbia, drafted an amendment to the Washington Metropolitan Area Transit Regulation Compact, authorizing the Transit Authority to establish a regular, inter-jurisdictional transit police force. The concept of a joint transit system policing force was approved by seventeen regional and local entities in 1973 and 1974. (See Table 2.)

TABLE 2.—Approval by regional agencies of the joint policing concept for WMATA

Washington Metropolitan Area Transit Authority Board of Directors.	June 14, 1973.
Metropolitan Washington Council of Governments Public Safety Policy Committee.	Oct. 4, 1973.
Metropolitan Washington Council of Governments Board of Directors.	Oct. 10, 1973.
Northern Virginia Transportation Commission.	Unknown—1973.
Washington Suburban Transit Commission.	Unknown—1973.
Montgomery County Executive.	Unknown—1973.
Montgomery County House Delegation.	Oct. 16, 1973.
Prince Georges County Executive.	Nov. 7, 1973.
Prince Georges County Council.	Nov. 7, 1973.
Arlington County.	Jan. 28, 1974.
Fairfax County, Va.	Aug. 6, 1973.
City of Alexandria, Va.	Mar. 14, 1973.
City of Falls Church, Va.	Jan. 14, 1974.
City of Fairfax, Va.	Jan. 15, 1974.
City of Bowie, Md.	Mar. 5, 1973.
City of Takoma Park, Md. (agreed with county)	Mar. 20, 1973.
Council of the District of Columbia.	July 15, 1975.

Source: Washington Metropolitan Area Transit Authority and Council of the District of Columbia.

In March 1974, the State legislature of the Commonwealth of Virginia adopted Senate Bill 315, the Compact amendment, with some insubstantial modifications, on behalf of Virginia and authorized the Governor to execute the document. The Governor of Virginia signed the document on April 8, 1974. The Maryland State Legislature made further insubstantial modifications in the draft amendment, adopted Senate Bill 733 in March 1974, on behalf of Maryland, and authorized the Governor of Maryland to sign the document on May 31, 1974.

At that point, the District of Columbia, as the third signatory of the Washington Metropolitan Area Transit Regulation Compact needed to agree to the Compact amendment. Representatives of the District of Columbia Government testified in favor of the compact amendment in Committee hearings.

NEED FOR LEGISLATION

In its present form, the Washington Metropolitan Area Transit Regulation Compact provides for a limited security system for the regional mass transportation system. Article 76 of the Compact provides:

76. The Board is authorized to employ watchmen, guards, and investigators as it may deem necessary for the protection of its properties, personnel and passengers and such employees, when authorized by any jurisdiction within



the Zone, may serve as special police officers in any such jurisdiction. Nothing contained herein shall rel(e)ve any signatory or political subdivision or agency thereof from its duty to provide police service and protection or to limit, restrict or interfere with the jurisdiction of or performance of duties by the existing police and law enforcement agencies.

As stated in Article 76 of the Compact, the Transit Authority is authorized to hire special police officers, or investigators, but, under present Compact provisions, may not employ a regular, or transit police force. At this time, there is legal authorization for special police, or their equivalent, in the District of Columbia, Maryland, Virginia, and in all their political subdivisions. Such special police officers are available to provide transit system security on a purely local basis, and as such, their jurisdiction is limited to the appointing locality.

In all municipalities, jurisdiction of special police is limited to the areas designated in their appointments, and under most regulations, would be limited to specific transit facilities. Although, under most existing local ordinances of the signatory jurisdictions, special police forces have the authority of regular police forces within their appointed geographical limitations, special police officers are limited in their use of hot or fresh pursuit across interstate boundaries for all cases except felony cases, and cost considerations of extradition by special police across jurisdictional boundaries are prohibitive for all except serious offenses. Offenders in a high-speed, interjurisdictional mass transit system may often be apprehended in a jurisdiction other than that in which the offense occurred, and as a result, questions of venue may provide additional restraints on efficient prosecution of violators within the transit zones. Should there be continued use of special police to provide transit system security, the requisite process of transporting and booking offenders for minor infractions may not be economically feasible, and, in addition, the possibilities of cases requiring extradition may make prosecution of infractions not feasible.

Local police forces, although they would not require major additional costs for administration of transit security, would experience patrol dead time on overlapping patrols where transit lines crossed state boundaries, because their personnel would have to make return trips after the transit system crossed each jurisdictional boundary. Similarly, use of state-wide police forces would again result in some patrol dead time as state boundaries are crossed, and, in addition, would require the establishment of new administrative structures to provide state protective services, along with additional costs for such administration.

In addition, the proposed Metro Transit Police force (as opposed to state or local police forces) must be prepared and will be required to deal with unique problems associated with underground rapid rail systems—including crowd management, vandalism, fire hazards, system power failures, and individual emergencies. A highly trained and skilled transit police force is essential to meet these needs. It would not be cost-effective for each separate jurisdiction to train state or local police in these skills.

The first two phases of rail system operation would include four and one-half route miles with six stations for the first phase of scheduled operations initiated in March 1976, and an additional eighteen route miles with twenty-five stations scheduled to start operations in 1977. By the start of the second phase, the rapid rail and coordinated bus systems will cross interjurisdictional boundaries, with projected peak-hour ridership of as many as 100,000 patrons, and would require that security provisions be arranged for the transit operations.

It is the opinion of the Committee that the continued use of special police forces to provide security for the Washington regional mass transportation system is neither practical nor economically feasible, particularly in situations currently projected, in which the rapid rail system begins its operation across jurisdictional boundaries.

The usual practice of amending an interstate compact, such as P.L. 86-794, requires the adoption of all signatories and the consent of the Congress. The approval process requires considerable periods of time, as does the training period projected for the regular transit police force, and, in the opinion of the Committee, this legislation, providing the final stage of the approval process, is required to assure timely, safe, and effective operation of the Washington metropolitan region's rapid transit system.

As to the size of the Metro Transit Police force, the testimony before the Committee was that the current budget estimates for the Security Department of the Washington Metropolitan Area Transit Authority provide for an initial 96-member regular Transit Police force, which when the transit operations expand, will be increased to an approximately 200-member force.

#### LEGISLATIVE HISTORY

A hearing on H.R. 8719 was held on April 1, 1976, at which representatives of the Washington Metropolitan Area Transit Authority and representatives of the District of Columbia government appeared. They all favored enactment of the compact and approved of the creation of a special police force which would have power to cross jurisdictional boundaries because of the special nature of the Metro transit system.

During the course of the hearing certain questions were asked regarding the overlapping jurisdiction of the local police force and the proposed Metro police. In an attempt to clarify the situation the following policy discription was supplied for the record by Metro.

#### ARREST IN FEDERAL OFFICE BUILDINGS

Metro Transit Police jurisdiction is restricted to the properties of Metro and for crimes committed to or against the properties of Metro in hot or close pursuit. If the Federal building involved was under exclusive Federal jurisdiction, the Metro Transit Police would not have jurisdiction and could not legally make an arrest in the building. Most Federal buildings are under concurrent jurisdiction and in these instances the Metro Transit Police officers could legally make an arrest in hot or close pursuit. In practice, our orders will direct the Metro

Transit Police officer to radio the dispatcher and advise a hot or close pursuit has begun. The Metro Transit Police Dispatcher will immediately notify the Federal Protective Service who have primary jurisdiction in the Federal Buildings and request their assistance. In addition, the local police will be notified of the occurrence. Except in extreme instances involving felony type crimes (murder, armed robbery). The Metro Transit Police officers will be directed not to pursue a subject into a Federal building.

#### ARREST IN PUBLIC SCHOOL BUILDINGS

Metro Transit Police jurisdiction is restricted to the properties of Metro and for crimes committed to or against the properties of Metro in hot or close pursuit. Legally a Metro Transit Police Officer could pursue a person who had committed a crime on Metro property into a school building and make a legal arrest. In practice, our orders will direct the Metro Transit Police Officer to radio the dispatcher and advise that a hot or close pursuit has begun. The Metro Transit Police Dispatcher will immediately notify the local police and request their assistance at the scene. Except in extreme instances involving felony type crimes (murder, armed robbery) schools will be treated in a manner similar to Federal Buildings. The Metro Transit Police Officers will be directed not to pursue a subject into a school building.

#### ARSON

Arson incidents occurring on transit facilities owned, controlled or operated by WMATA and reported to the Metro Transit Police will be initially investigated by same. All facts and information gathered will be made available to the specialized unit of the respective local police and fire departments as required.

The technical knowledge and expertise of the Metro Transit Police and WMATA technical personnel will be made available to local investigators with a view towards avoiding duplication of effort.

#### ASSAULT

A simple or aggravated assault occurring on a train normally will be processed by the Metro Transit Police. If the assault was observed by a Metro Transit Police Officer, an arrest could be made and the subject delivered to the appropriate police officer or judicial officer of the political subdivision where the offense occurred. If the assault was not observed, the initial investigation would be conducted by the Metro Transit Police. If the investigation required leaving Metro property, the case could either be worked jointly by the Metro Transit Police and the local police department or transferred to the local police department. The action taken would be dictated by the circumstances. If a Metro employee was involved, certainly it would be a joint investigation. If the subject and victim were passengers, it could be either a joint or a local investigation. For example, if it were determined that witnesses to the offense were passengers who rode the same train at the same time each day, it would be helpful to have a joint investigation. The Metro Transit Police would work the undeveloped leads on Metro

Trains and the local police would work the undeveloped leads in their community.

#### AUTO THEFTS

Auto thefts that occur on WMATA property and are reported to or observed by Metro Transit Police will be initially investigated by same. The follow-up investigations of these offenses will, to the extent possible, be referred to the respective local police department. The problem of interstate auto thefts is very possible and every effort will be made to utilize the expertise of local police and federal special units with a view towards avoiding duplication.

#### BURGLARY

Burglaries occurring on WMATA properties reported to or observed by Metro Transit Police will be initially investigated by same. The type burglaries will determine the agency that will control follow-up investigations that may be required. For example, burglaries which require little or no long term investigation (1 day or less) will be completed by Metro Transit Police. More serious burglaries which may require extensive long term follow-up investigations will be referred to the respective local police department with a view towards avoiding duplication.

#### DISORDERLY CONDUCT

Incidents of disorderly conduct occurring on WMATA properties that are reported to or observed by Metro Transit Police will be handled by same. Warning, citations or arrests will be the procedures utilized by Metro Transit Police officers in accordance with the severity of the incident. Local police officers witnessing similar types of offenses will also be expected to initiate proper police action on all of the incidents coming to their attention.

#### DESTRUCTION OF PROPERTY

Offenses of this nature occurring on Metro property and reported to or observed by Metro Transit Police will be handled entirely by same.

Malicious defacing of property by drawings, marking, writing on, breaking, cutting, etc., all require the presence of an Authority representative in court cases. This prerequisite makes it desirable for Metro Transit Police to handle these cases in their entirety to avoid duplication of effort.

Vandalism and graffiti are two of the major problems of transit systems. New York City Transit System spends over \$3,000,000 yearly to repair the damages resulting from offenses of this nature.

#### FARE EVASION

Offenses of this nature require that an officer observe the incident prior to arrest or issuance of any citation/summons.

Metro Transit Police officers will in all cases either warn the offender, issue a citation/summons or make an arrest depending on the circumstances surrounding the respondent/defendant and the incident.



It is expected that local police departments will instruct their officers to follow the same type or similar procedures when they observe violations of this nature.

Fare evasion is a misdemeanor offense that is increasing greatly in many rapid transit systems throughout the United States. New York City claims that they are saving \$15 million yearly as a result of a recent crackdown on incidents of this type by their plainclothes transit police officers.

#### HOMICIDES

Murder, negligent manslaughter or any natural deaths occurring on WMATA's property will be handled in their entirety by the local police department. (Statutory regulation.)

Metro Transit Police officers arriving on the scene of any death, violent or otherwise, will cause the local police department to be notified; secure the scene, and detain any witnesses pending arrival of the local police investigators.

#### ILLNESS AND INJURIES

Actions by Metro Transit Police officers will be predicated on the nature and severity of the incident, although some general rules will always apply. Upon notification or discovery of an ill passenger, the Metro Transit Police shall first use the car intercom to notify the Command Center who shall, in turn, summon an ambulance from the proper authority having jurisdiction. Coordination at this point is essential since an ambulance may be closer to a transit station farther down the line and the Metro Transit Police need to know that assistance may not be at the next transit station. If the passenger is simply sick, the officer shall offer whatever aid possible to comfort the passenger. If an ambulance has been requested, but has not arrived at the designated transit station prior to the train, the officer will assist the patient off the train and make him as comfortable as possible on a station bench. For more serious illness, i.e., convulsions, heart attack, stroke, etc., action by the officer must be immediate in using whatever first aid techniques are necessary to sustain life. The officer shall continue first aid until the train reaches the transit station where an ambulance crew will be waiting. An officer should not attempt to move the patient off the train until trained assistance arrives. Unless extenuating circumstances dictate otherwise, Metro Transit Police officers shall not leave ill or injured passengers unattended.

Persons found appearing to be mentally unstable will be delivered to the local police for transportation to the proper medical facilities for treatment.

Persons found within the system inebriated to the point where their personal safety must be considered will be removed and delivered to the local police for transportation to the local Detoxification Center.

#### JUVENILE INCIDENTS

Juveniles committing negative incidents (anti-social acts amounting to a criminal offense) will be disposed of in accordance with the laws of the jurisdiction where the incident occurred. In the District of Columbia, the juvenile will be processed according to the MPDC

General Order 305.1, dated March 4, 1973. For example, a Metro Transit Police Officer observes a juvenile painting "graffiti" on the walls of a transit facility and/or train. The juvenile would be taken in custody and his/her name, address, parents' name would be obtained. The juvenile would be notified that the District of Columbia Code forbids the "defacing of public property" and would then be delivered to a Metropolitan Police Officer for disposition as follows. The parents would be notified to report to a Metropolitan District Police Station and notified of the circumstances. After all the reporting form information is obtained, the juvenile would be released to the parents (guardian). A petition could be filed with the Juvenile Court and the disposition of the case by the Court could range from a warning for a first offender to commitment in a detention facility for a juvenile who had committed multiple offenses.

In the majority of juvenile contact police cases involving minor infractions, a PD Form 379 report is made. The juvenile is then released and the parents are notified of the infraction by the officer handling the case. In serious offenses (murder, rape, robbery, and aggravated assault), the juvenile delinquent could be placed in immediate detention.

#### LARCENY

Larcenies that occur on WMATA property and are reported to or observed by Metro Transit Police will be initially investigated by same. The type of larceny, i.e., petit or grand, will determine the agency that will control followup investigations that may be necessary. For example, petit larcenies which require little or no long term investigation (1 day or less) will be completed by Metro Transit Police. More serious grand larcenies which may require extensive long term followup investigations will, to the extent possible, be referred to the specialized unit of the respective local police department. Every effort will be made to utilize the expertise of local police special units with a view towards avoiding duplication.

#### NARCOTIC INCIDENTS

The nature of drug/narcotic incidents i.e., the actual location at which the purchase, selling or use is accomplished is vital to the determination of the proper agency to effect jurisdiction. In each instance involving reports or observations concerning drugs/narcotics, the Metro Transit Police will seek to establish jurisdiction according to the specific circumstances present. If there is any doubt as to jurisdiction, both local and federal drug/narcotic specialized units will be notified.

In instances where the initial report or observation is made to or by Metro Transit Police, as many details as possible will be secured (who, what, when, where and how) so that jurisdiction may be fixed and coordination initiated with agencies that have jurisdiction or that may assist in the investigation. Generally speaking, where such an incident occurs on WMATA property, a preliminary investigation will be undertaken by Metro Transit Police. Concurrently, notification will be made to the applicable local and/or federal drug enforcement agencies so that they may assume jurisdiction at the earliest possible time and conduct such followup investigations as may be required.



Jurisdictional questions take on added emphasis in a rapid rail environment (trains travelling at 70 MPH). The collection, marking and necessary identification of drugs/narcotics is vital to the establishment of venue and determination of proper referral agencies.

#### RAPE

The need for speedy investigations in all cases wherein the crime of rape is alleged is essential to any successful prosecution of such cases. Since rape is believed by many to be a crime of violence as opposed to some other sex deviations, special units have been established in most local police departments to conduct these investigations. Moreover, nonpolice organizations such as the Rape Crisis Center become involved in reporting of rapes and counseling/assisting rape victims to the extent they deem appropriate. In this regard, all cases of rape reported to Metro Transit Police and alleged to have occurred on WMATA property will be referred as expeditiously as possible to the applicable local police specialized rape squad. Where such reports are made by the victim in person and the perpetrator is still believed to be on the scene, every effort will be made to apprehend same concurrent with notification to the specialized rape squad of the applicable local police department. Information regarding rapes alleged to have occurred off WMATA property will be provided to the local police for any use they may deem appropriate. The proper collection and evaluation of evidence and testimony is extremely important in rape offense investigations. Therefore, those cases occurring on WMATA property where Metro Transit Police are first to arrive on the scene, will result in securing the scene pending necessary examination by the local police special rape squad.

#### RIOT OR PUBLIC DISTURBANCE

A general definition of riot is a public disturbance involving an assemblage of five or more persons who by tumultuous and violent conduct or the threat thereof create grave danger and damage or injury to property or persons. In actuality, a riot normally involves many more than five persons and results in serious incidents including looting and serious bodily harm. A public disturbance is a lesser event with the possibility of danger or minor difficulties. In either case, a Metro Transit Police Officer observing either of the above occurrences on Metro property would notify the Metro Transit Police dispatcher and request immediate assistance. The dispatcher would immediately advise the local police and request immediate help. In addition, he would dispatch available Transit Police officers. With the limited strength of the Metro Transit Police Department the predominant number of police officers arriving on the scene could be from the local jurisdiction. As such, the command of the scene would be under the control of the local senior police officer. The senior Transit Police officer would assist and support the local police as requested. If the event occurred off Metro property and was observed by a Metro Transit Police officer, the local police would be notified immediately through the Transit Police dispatcher. The Transit Police could not be used to control a riot or disturbance off Metro property. Practice

would dictate that additional Metro Transit Police Officers be dispatched to the Metro properties closest to the scene to furnish additional protection in the event the disturbance moved into Metro property.

#### ROBBERY

Acts of robbery which occur on WMATA property and are observed by Metro Transit Police will be pursued by same with a view towards apprehending the subject. Reports of robberies made to Metro Transit Police will result in the collection of all available information and referral of same to the robbery squad of the applicable local police department for action. Such assistance as the Metro Transit Police can legally provide the local police in the conduct of these investigations will be furnished.

Moreover, there may be robbery cases which occur on WMATA property which suggest a joint investigation by local police and Metro Transit Police. In such instances, the Metro Transit Police will assist to the extent legally authorized as advised by the General Counsel of the Authority and the respective local police departments.

#### SEX OFFENSES

Since sex offenses may involve males, females and minor children and the scenes of such offenses may be under concurrent jurisdiction or outside the jurisdiction of Metro Transit Police a concerted effort is required to rapidly determine venue.

In every sex case reported to Metro Transit Police, as many details as possible will be secured from the person(s) making the report. The who, what, when, where and how will be fixed as rapidly and clearly as possible so that jurisdiction can be established and coordination initiated with the appropriate local police agency. In all such cases maximum use will be made of the expertise available in the specialized sex units of local police departments. However, in some minor cases, such as where an act of "frottage"<sup>1</sup> occurs on a crowded train and both the victim and subject are identified, such subject may be cited by Metro Transit Police for disorderly conduct or breach of peace as opposed to some other specific sex charge. Otherwise, all sex offenses requiring extended (1 day or more) investigations will be referred to the local police for action as indicated above.

#### TRESPASSING VIOLATIONS

Usually routine instances of trespass on posted WMATA properties will be handled by Metro Transit Police. This point notwithstanding, the assistance of the local police is desired and required if maximum protection is to be accrued to WMATA properties. The sizeable and widely dispersed properties owned or controlled by WMATA makes it virtually impossible for the limited resources authorized the Metro Transit Police Force to provide requisite protection against trespassers without local police assistance. The concurrent jurisdictional provisions of legislation passed in the States of Virginia and Maryland provide for utilization of such an operational concept.

<sup>1</sup> Frottage—is a form of masturbation, closely associated to buttock fetishism; the male subject usually rubs or presses against the buttocks of a female while in a crowd.

## TRAFFIC INCIDENTS

Traffic incidents not involving death or serious injury which occur on WMATA properties i.e., bus storage lots, may be investigated by Metro Transit Police. Those incidents involving death or serious injury, likely to result in death, will be referred to local police, specifically in the District of Columbia. Traffic incidents occurring on WMATA parking lots used by patrons of the rapid rail system are programmed to be investigated by the local police agency having primary law enforcement responsibility for the parking facility in question.

## WEAPONS

Persons found on WMATA facilities by Metro Transit Police officers to be in possession of weapons expressly prohibited to be carried or concealed about their person will be arrested by same and delivered to the respective local police agencies in all cases where weapons are found on WMATA properties.

## SPECIAL SQUADS

It was further discussed during the hearing that Metro did not intend to establish any special squads such as a homicide squad or a bomb squad as they would be duplicative of those which present police forces already maintain. It was mentioned that Metro presently has a 3-man investigative squad for internal investigations. It is the committee's view that this squad should concern itself only with investigations of persons employed by Metro and on Metro properties. If the investigation should lead to other individuals or require off-property interviews the local police department of the appropriate jurisdiction should be the appropriate investigative body. It is further the committee's view that the size of this group should be limited to three individuals and that if any expansion of this squad is contemplated, advance approval of such expansion should be obtained from the appropriate congressional committees prior to such expansion.

The committee on May 13, 1976, approved the bill as amended unanimously.

## SECTION-BY-SECTION ANALYSIS

## SECTION 1

Congress consents to, and adopts and enacts for the District, the following amendments to the Washington Metropolitan Area Transit Regulation Compact.

Paragraphs (1), (2), and (3) provide for a definition of Transit Zone so that such term may be used throughout the Compact.

Paragraph (4) amends Section 76 of Article XVI of the Compact as follows:

*Section 76(a)*

The Washington Metropolitan Area Transit Authority (WMATA) is authorized to establish and maintain the Metro Transit Police to protect its patrons, personnel, and facilities. The Metro Transit Police will enforce the laws of the signatories and the political subdivisions thereof in the transit zone, and WMATA regulations. Metro Transit Police jurisdiction is limited to Metro facilities except

for "hot pursuit" arrests in the transit zone for violations committed upon, to, or against transit facilities. Metro Transit Police will have concurrent jurisdiction with law enforcement agencies of the signatories and political subdivisions, but nothing in Section 76 will relieve local public safety agencies of their duties or interfere with their jurisdiction or the performance of their duties.<sup>1</sup>

*Section 76(b)*

Metro Transit Police powers (including arrest) and limitations will be the same as those of the law enforcement officers of the political subdivision in which the member of the force is performing his duties. The carrying and use of weapons are only authorized if such weapons are issued by WMATA, and they may only be carried, and used in the performance of duty or while on Metro facilities in direct transit to or from a duty assignment. Carrying weapons is also authorized while in direct transit to or from a duty assignment even if not on a Metro facility. Use of handguns is further restricted by the same limitations imposed on the police force of the political subdivision in which the Metro police officer is performing his duties.

*Section 76(e)*

Execution of traffic citations and criminal process on transit facilities by Metro Transit Police is authorized if issued by any court of a signatory or political subdivision thereof for any offense against the laws of the signatories or the political subdivisions thereof or the regulations of WMATA. Execution of criminal process throughout the Transit Zone by Metro Transit Police for offenses committed upon or against Metro facilities is authorized, except in the State of Maryland.

*Section 76(d)*

Upon apprehension or arrest, Metro Transit Police will, in accordance with the law of the place of apprehension or arrest, issue a summons or citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the signatory or political subdivision where the apprehension or arrest is made.

*Section 76(e)*

Power to adopt rules and regulations for the safe and orderly use of the transit facilities is granted to WMATA. WMATA rules and regulations contravening the laws of a signatory or political subdivision thereof will be void within such signatory or political subdivision. Such WMATA rules and regulations will be uniform in all other respects throughout the Transit Zone. The WMATA rules and regulations will be adopted in accordance with due process including, but not limited to: circulating notice of the intended action; affording interested persons the opportunity to submit data or views orally or in writing; and holding a public hearing. Violation of WMATA rules or regulations will be punishable by fine of not more than \$250 and costs.

<sup>1</sup> Although Metro Police will have concurrent jurisdiction with the local law enforcement agencies, WMATA has developed working arrangements with the affected local police forces to define their respective primary responsibilities. Under this arrangement, testimony indicates that Metro Transit Police will have primary responsibility for patrolling the trains and tunnels, and the local police will have primary responsibility for station platform areas and parking lots.



*Section 76(f)*

Duty classifications and qualifications for Metro Transit Police will be established. Training of the police will be provided by WMATA and will at least equal the training required by each signatory and political subdivision thereof in the Transit Zone for their personnel performing comparable duties. Distinctive uniforms for the police will be prescribed by WMATA.

*Section 76(g)*

Agreements defining the functions and responsibilities of Metro Transit Police and other public safety agencies and for mutual assistance may be entered into by WMATA, the signatories, the political subdivisions thereof in the Transit Zone, and the public safety agencies.

*Section 76(h)*

Each member of the Metro Transit Police will take an oath to perform the duties of his office faithfully.

## SECTION 2

The Mayor of the District of Columbia is authorized and directed to execute the Compact amendments on behalf of the District of Columbia.

## SECTION 3

The Superior Court of the District of Columbia is granted jurisdiction over cases involving violations, committed in the District of Columbia, of WMATA rules and regulations.

## SECTION 4

This section was added to make clear the Council's authority to adopt, on behalf of the District of Columbia, amendments to the Washington Metropolitan Area Transit Regulation Compact. It does not relieve the compact participants from obtaining affirmative approval for any compact amendment from Congress.

## SECTION 5

The right of Congress to alter, amend, or repeal this Act is expressly reserved, in accordance with customary language included in interstate compact consent legislation.

## BUDGET AUTHORITY

This bill creates no new budget authority for the Federal Government.

## Costs

Costs for the regular Metro Transit Police force are estimated to be approximately \$1.5 million for the first year of operation, and approximately \$3.5 million per year when the system becomes fully operational. Most significantly, however, establishment of this Transit

Police force is not expected to have any significant impact on the Federal Government budget because its costs are treated as ordinary operational expenses.

## INFLATION IMPACT

This bill, if enacted into law, will have no foreseeable inflationary impact on prices or costs in the operation of the national economy.

## COMMITTEE VOTE

H.R. 8719 was unanimously approved by vote of the Committee.

## CONCLUSION

The passage of this legislation is recommended to ensure the safety of the public riding the new subway and to lessen jurisdictional difficulties which are caused by the multistate operation of the system.

## CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italics*, existing law in which no change is proposed is shown in *roman*):

## WASHINGTON METROPOLITAN AREA TRANSIT REGULATION COMPACT

## TITLE III

## ARTICLE I

## DEFINITIONS

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

(a) "Board" means the Board of Directors of the Washington Metropolitan Area Transit Authority;

(b) "Director" means a member of the Board of Directors of the Washington Metropolitan Area Transit Authority;

(c) "Private transit companies" and "private carriers" mean corporations, persons, firms or associations rendering transit service within the Zone pursuant to a certificate of public convenience and necessity issued by the Washington Metropolitan Area Transit Commission or by a franchise granted by the United States or any signatory party to this Title;

(d) "Signatory" means the State of Maryland, the Commonwealth of Virginia and the District of Columbia;

(e) "State" includes District of Columbia;

(f) "Transit facilities" means all real and personal property located in the Zone, necessary or useful in rendering transit service between

points within the Zone, by means of rail, bus, water or air and any other mode of travel, including without limitations, 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 transit service;

(g) "Transit services" means the transportation of persons and their packages and baggage by means of transit facilities between points within the Zone including the transportation of newspapers, express, and mail between such points, and charter service which originates within the Zone but does not include taxicab service or individual-ticket-sales sightseeing operations; [and]

(h) "Transit Zone" or "Zone" means the Washington Metropolitan Area Transit Zone created by and described in section 3, as well as any additional area that may be added pursuant to section 33(a); and

[(h)] (i) "WMATC" means Washington Metropolitan Area Transit Commission.

\* \* \* \* \*

## ARTICLE XVI

### GENERAL PROVISIONS

\* \* \* \* \*

#### Police

[76. The Board is authorized to employ watchmen, guards and investigators as it may deem necessary for the protection of its properties, personnel and passengers and such employees, when authorized by any jurisdiction within the Zone, may serve as special police officers in any such jurisdiction. Nothing contained herein shall relieve any signatory or political subdivision or agency thereof from its duty to provide police service and protection or to limit, restrict or interfere with the jurisdiction of or performance of duties by the existing police and law enforcement agencies.]

76. (a) *The Authority is authorized to establish and maintain a regular police force, to be known as the Metro Transit Police, to provide protection for its patrons, personnel, and transit facilities. The Metro Transit Police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be composed of both uniformed and plainclothes personnel and shall be charged with the duty of enforcing the laws of the signatories, the laws, ordinances, and regulations of the political subdivisions thereof in the Transit Zone, and the rules and regulations of the Authority. The jurisdiction of the Metro Transit Police shall be limited to all the transit facilities owned, controlled, or operated by the Authority, but this shall not limit the power of the Metro Transit Police to make arrests in the Transit Zone for violations committed upon, to, or against such transit facilities committed from within or outside such transit facilities while in hot or close pursuit, or to execute traffic citations and criminal process in accordance with subsection (c). The members of the Metro*

*Transit Police shall have concurrent jurisdiction in the performance of their duties with the duly constituted law enforcement agencies of the signatories and of the political subdivisions thereof in which any transit facility of the Authority is located or in which the Authority operates any transit service. Nothing contained in this section shall either relieve any signatory or political subdivision or agency thereof from its duty to provide police, fire, and other public safety service and protection, or limit, restrict, or interfere with the jurisdiction of or the performance of duties by the existing police, fire, and other public safety agencies.*

(b) *Except as otherwise provided in this section, a member of the Metro Transit Police shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his duties as a member of the duly constituted police force of the political subdivision in which the Metro Transit Police member is engaged in the performance of his duties. However, a member of the Metro Transit Police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority, and only in the performance of his duties or while on the transit facilities owned, controlled, or operated by the Authority in direct transit to and from a duty assignment. A member of the Metro Transit Police is authorized to carry such weapons only while in direct transit to and from a duty assignment and is 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.*

(c) *Members of the Metro Transit Police shall have power to execute on the transit facilities owned, controlled, or operated by the Authority any traffic citation or any criminal process issued by any court of any signatory or of any political subdivision of a signatory, for any felony, misdemeanor, or other offense against the laws, ordinances, rules, or regulations specified in subsection (a). However, with respect to offenses committed upon, to, or against the transit facilities owned, controlled, or operated by the Authority, the Metro Transit Police shall have power, except in the State of Maryland, to execute criminal process within the Transit Zone.*

(d) *Upon the apprehension or arrest of any person by a member of the Metro Transit Police pursuant to the provisions of subsection (b), the officer, as required by the law of the place of apprehension or arrest, shall either issue a summons or a citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the signatory or political subdivision where the apprehension or arrest is made, for disposition as required by law.*

(e) *The Authority shall have the power to adopt rules and regulations for the safe, convenient, and orderly use of the transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the transit facilities, the control of traffic and parking upon the transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a signatory or any political subdivision thereof which are existing or subsequently enacted, these*



laws, ordinances, rules, or regulations of the signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that signatory or political subdivision. In all other respects the rules and regulations of the Authority shall be uniform throughout the Transit Zone. The rules and regulations established under this subsection shall be adopted and published in accordance with all standards of due process, including, but not limited to, the publishing or otherwise circulating of a notice of the intended action of the Authority and the affording to interested persons the opportunity to submit data or views orally or in writing, and the holding of a public hearing. Any person violating any rule or regulation of the Authority shall, upon conviction by a court of competent jurisdiction, pay a fine of not more than \$250 and costs.

(f) With respect to members of the Metro Transit Police, the Authority shall—

(1) establish classifications based on the nature and scope of duties, and fix and provide for their qualification, appointment, removal, tenure, term, compensation, pension, and retirement benefits;

(2) provide for their training and, for this purpose, the Authority may enter into contracts or agreements with any public or private organization engaged in police training, and this training and the qualifications of the uniformed and plainclothes personnel shall at least equal the requirements of each signatory and of the political subdivisions therein in the Transit Zone for their personnel performing comparable duties; and

(3) prescribe distinctive uniforms to be worn.

(g) The Authority shall have the power to enter into agreements with the signatories, the political subdivisions thereof in the Transit Zone, and public safety agencies located therein, including those of the Federal Government, for the delineation of the functions and responsibilities of the Metro Transit Police and the duly constituted police, fire, and other public safety agencies, and for mutual assistance.

(h) Before entering upon the duties of office, each member of the Metro Transit Police shall take or subscribe to an oath or affirmation, before a person authorized to administer oaths, faithfully to perform the duties of that office.

\* \* \* \* \*

TITLE 11, DISTRICT OF COLUMBIA CODE

TITLE 11.—ORGANIZATION AND JURISDICTION OF THE COURTS

\* \* \* \* \*

CHAPTER 9.—SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

SUBCHAPTER I.—CONTINUATION AND ORGANIZATION

Sec.

- 11-901. Continuation of courts; court of record; seal.
- 11-902. Organization of the court.
- 11-903. Composition.
- 11-904. Judges; service; compensation.
- 11-905. Oath of judges.
- 11-906. Administration by chief judge; discharge of duties.
- 11-907. Absence, disability, or disqualification of chief judge.
- 11-908. Designation and assignment of judges.
- 11-909. Meetings and reports.
- 11-910. Clerks and secretaries for judges.

SUBCHAPTER II.—JURISDICTION

- 11-921. Civil jurisdiction.
- 11-922. Transfer of civil actions to Superior Court.
- 11-923. Criminal jurisdictions; commitment.

\* \* \* \* \*

- § 11-924. Jurisdiction With Respect to Violations of the Rules and Regulations of the Washington Metropolitan Area Transit Authority.

SUBCHAPTER III.—MISCELLANEOUS PROVISIONS

- 11-941. Issuance of warrants; record.
- 11-942. Subpenas.
- 11-943. Process.
- 11-944. Contempt power.
- 11-945. Oaths, affirmations, and acknowledgments.
- 11-946. Rules of court.

\* \* \* \* \*

SUBCHAPTER II.—JURISDICTION

- § 11-924. Jurisdiction with respect to violations of the Rules and Regulations of the Washington Metropolitan Area Transit Authority.

The Superior Court has jurisdiction with respect to any violation, committed in the District of Columbia, of the rules and regulations adopted by the Washington Metropolitan Area Transit Authority under section 76(e) of title III of the Washington Metropolitan Area Transit Regulation Compact.

\* \* \* \* \*

# Ninety-fourth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the nineteenth day of January,  
one thousand nine hundred and seventy-six*

## An Act

To provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress hereby consents to, and adopts and enacts for the District of Columbia, amendments to articles I and XVI of title III of the Washington Metropolitan Area Transit Regulation Compact (D.C. Code, sec. 1-1431 note) as follows, which amendments have been adopted substantially by the Commonwealth of Virginia and the State of Maryland:

(1) Section 1(g) of article I is amended by striking "and" at the end thereof.

(2) Section 1(h) of article I is amended to read as follows:

"(h) 'Transit Zone' or 'Zone' means the Washington Metropolitan Area Transit Zone created by and described in section 3, as well as any additional area that may be added pursuant to section 83(a); and"

(3) Section 1 of article I is amended by adding at the end thereof the following:

"(i) 'WMATC' means Washington Metropolitan Area Transit Commission."

(4) Section 76 of article XVI is amended to read as follows:

"76. (a) The Authority is authorized to establish and maintain a regular police force, to be known as the Metro Transit Police, to provide protection for its patrons, personnel, and transit facilities. The Metro Transit Police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be composed of both uniformed and plainclothes personnel and shall be charged with the duty of enforcing the laws of the signatories, the laws, ordinances, and regulations of the political subdivisions thereof in the Transit Zone, and the rules and regulations of the Authority. The jurisdiction of the Metro Transit Police shall be limited to all the transit facilities owned, controlled, or operated by the Authority, but this shall not limit the power of the Metro Transit Police to make arrests in the Transit Zone for violations committed upon, to, or against such transit facilities committed from within or outside such transit facilities while in hot or close pursuit, or to execute traffic citations and criminal process in accordance with subsection (c). The members of the Metro Transit Police shall have concurrent jurisdiction in the performance of their duties with the duly constituted law enforcement agencies of the signatories and of the political subdivisions thereof in which any transit facility of the Authority is located or in which the Authority operates any transit service. Nothing contained in this section shall either relieve any signatory or political subdivision or agency thereof from its duty to provide police, fire, and other public safety service and protection, or limit, restrict, or interfere with the jurisdiction of or the performance of duties by the existing police, fire, and other public safety agencies.



“(b) Except as otherwise provided in this section, a member of the Metro Transit Police shall have the same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his duties as a member of the duly constituted police force of the political subdivision in which the Metro Transit Police member is engaged in the performance of his duties. However, a member of the Metro Transit Police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority, and only in the performance of his duties or while on the transit facilities owned, controlled, or operated by the Authority in direct transit to and from a duty assignment. A member of the Metro Transit Police is authorized to carry such weapons only while in direct transit to and from a duty assignment and is 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.

“(c) Members of the Metro Transit Police shall have power to execute on the transit facilities owned, controlled, or operated by the Authority any traffic citation or any criminal process issued by any court of any signatory or of any political subdivision of a signatory, for any felony, misdemeanor, or other offense against the laws, ordinances, rules, or regulations specified in subsection (a). However, with respect to offenses committed upon, to, or against the transit facilities owned, controlled, or operated by the Authority, the Metro Transit Police shall have power, except in the State of Maryland, to execute criminal process within the Transit Zone.

“(d) Upon the apprehension or arrest of any person by a member of the Metro Transit Police pursuant to the provisions of subsection (b), the officer, as required by the law of the place of apprehension or arrest, shall either issue a summons or a citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the signatory or political subdivision where the apprehension or arrest is made, for disposition as required by law.

“(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient, and orderly use of the transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the transit facilities, the control of traffic and parking upon the transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that signatory or political subdivision. In all other respects the rules and regulations of the Authority shall be uniform throughout the Transit Zone. The rules and regulations established under this subsection shall be adopted and published in accordance with all standards of due process, including, but not limited to, the publishing or otherwise circulating of a notice of the intended action of the Authority and the affording to interested persons the opportunity to submit data or views orally or in writing, and the holding of a public hearing. Any person violating any rule or regulation of the Authority shall, upon conviction by a court of competent jurisdiction, pay a fine of not more than \$250 and costs.

“(f) With respect to members of the Metro Transit Police, the Authority shall—

“(1) establish classifications based on the nature and scope of duties, and fix and provide for their qualifications, appointment, removal, tenure, term, compensation, pension, and retirement benefits;

“(2) provide for their training and for this purpose, the Authority may enter into contracts or agreements with any public or private organization engaged in police training, and this training and the qualifications of the uniformed and plainclothes personnel shall at least equal the requirements of each signatory and of the political subdivisions therein in the Transit Zone for their personnel performing comparable duties; and

“(3) prescribe distinctive uniforms to be worn.

“(g) The Authority shall have the power to enter into agreements with the signatories, the political subdivisions thereof in the Transit Zone, and public safety agencies located therein, including those of the Federal Government, for the delineation of the functions and responsibilities of the Metro Transit Police and the duly constituted police, fire, and other public safety agencies, and for mutual assistance.

“(h) Before entering upon the duties of office, each member of the Metro Transit Police shall take or subscribe to an oath or affirmation, before a person authorized to administer oaths, faithfully to perform the duties of that office.”

SEC. 2. The Mayor of the District of Columbia is authorized and directed to enter into and execute on behalf of the District of Columbia amendments, substantially as set forth in the first section of this Act, to title III of the Washington Metropolitan Area Transit Regulation Compact with the State of Maryland and the Commonwealth of Virginia, which amendments shall become effective immediately upon execution of same.

SEC. 3. (a) Subchapter II of chapter 9 of title 11 of the District of Columbia Code is amended by adding at the end thereof the following new section:

**“§ 11-924. Jurisdiction with respect to violations of the Rules and Regulations of the Washington Metropolitan Area Transit Authority**

“The Superior Court has jurisdiction with respect to any violation, committed in the District of Columbia, of the rules and regulations adopted by the Washington Metropolitan Area Transit Authority under section 76(e) of title III of the Washington Metropolitan Area Transit Regulation Compact.”

(b) The chapter analysis for such chapter 9 is amended by inserting immediately after the item relating to section 11-923 the following new item:

“11-924. Jurisdiction with Respect to Violations of the Rules and Regulations of the Washington Metropolitan Area Transit Authority.”



H. R. 8719—4

SEC. 4. The Council of the District of Columbia shall have authority to enact any act adopting on behalf of the District of Columbia amendments to the Washington Metropolitan Area Transit Regulation Compact, but in no case shall any such amendment become effective until after it has been approved by Congress.

SEC. 5. The right of Congress to alter, amend, or repeal this Act is hereby expressly reserved.

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

May 24, 1976

Dear Mr. Director:

The following bills were received at the White House on May 24th:

S. 2129 ✓  
S. 2498 ✓  
S. 3399 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D.C.