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AMENDMENT TO H.R. 6003, AS REPORTED

OFFERED BY MR. TOM DAVIS OF VIRGINIA

AND MR. CHRIS VAN HOLLEN OF MARYLAND

Add at the end of title I the following new section:

1 SEC. 105. AUTHORIZATION FOR CAPITAL AND PREVENTIVE
2 MAINTENANCE PROJECTS FOR WASHINGTON
3 METROPOLITAN AREA TRANSIT AUTHORITY.

4 (a) AUTHORIZATION.—

5 (1) IN GENERAL.—Subject to the succeeding
6 provisions of this section, the Secretary of Transpor-
7 tation is authorized to make grants to the Transit
8 Authority, in addition to the contributions author-
9 ized under sections 3, 14, and 17 of the National
10 Capital Transportation Act of 1969 (sec. 9—
11 1101.01 et seq., D.C. Official Code), for the purpose
12 of financing in part the capital and preventive main-
13 tenance projects included in the Capital Improve-
14 ment Program approved by the Board of Directors
15 of the Transit Authority.

16 (2) DEFINITIONS.—In this section—

17 (A) the term “Transit Authority” means
18 the Washington Metropolitan Area Transit Au-
19 thority established under Article III of the
20 Compact; and

1 (B) the term "Compact" means the Wash-
2 ington Metropolitan Area Transit Authority
3 Compact (80 Stat. 1324; Public Law 89—774).

4 (b) USE OF FUNDS.—The Federal grants made pur-
5 suant to the authorization under this section shall be sub-
6 ject to the following limitations and conditions:

7 (1) The work for which such Federal grants are
8 authorized shall be subject to the provisions of the
9 Compact (consistent with the amendments to the
10 Compact described in subsection (d)).

11 (2) Each such Federal grant shall be for 50
12 percent of the net project cost of the project in-
13 volved, and shall be provided in cash from sources
14 other than Federal funds or revenues from the oper-
15 ation of public mass transportation systems. Con-
16 sistent with the terms of the amendment to the
17 Compact described in subsection (d)(1), any funds
18 so provided shall be solely from undistributed cash
19 surpluses, replacement or depreciation funds or re-
20 serves available in cash, or new capital.

21 (3) Such Federal grants may be used only for
22 the maintenance and upkeep of the systems of the
23 Transit Authority as of the date of the enactment of
24 this Act and may not be used to increase the mile-
25 age of the rail system.

1 (c) APPLICABILITY OF REQUIREMENTS FOR MASS
2 TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS
3 UNDER FEDERAL TRANSPORTATION LAW.—Except as
4 specifically provided in this section, the use of any
5 amounts appropriated pursuant to the authorization under
6 this section shall be subject to the requirements applicable
7 to capital projects for which funds are provided under
8 chapter 53 of title 49, United States Code, except to the
9 extent that the Secretary of Transportation determines
10 that the requirements are inconsistent with the purposes
11 of this section.

12 (d) AMENDMENTS TO COMPACT.—No amounts may
13 be provided to the Transit Authority pursuant to the au-
14 thorization under this section until the Transit Authority
15 notifies the Secretary of Transportation that each of the
16 following amendments to the Compact (and any further
17 amendments which may be required to implement such
18 amendments) have taken effect:

19 (1)(A) An amendment requiring that all pay-
20 ments by the local signatory governments for the
21 Transit Authority for the purpose of matching any
22 Federal funds appropriated in any given year au-
23 thorized under subsection (a) for the cost of oper-
24 ating and maintaining the adopted regional system

1 are made from amounts derived from dedicated
2 funding sources.

3 (B) For purposes of this paragraph, the term
4 “dedicated funding source” means any source of
5 funding which is earmarked or required under State
6 or local law to be used to match Federal appropria-
7 tions authorized under this Act for payments to the
8 Transit Authority.

9 (2) An amendment establishing an Office of the
10 Inspector General of the Transit Authority.

11 (3) An amendment expanding the Board of Di-
12 rectors of the Transit Authority to include 4 addi-
13 tional Directors appointed by the Administrator of
14 General Services, of whom 2 shall be nonvoting and
15 2 shall be voting, and requiring one of the voting
16 members so appointed to be a regular passenger and
17 customer of the bus or rail service of the Transit
18 Authority.

19 (e) ACCESS TO WIRELESS SERVICE IN METRORAIL
20 SYSTEM.—

21 (1) REQUIRING TRANSIT AUTHORITY TO PRO-
22 VIDE ACCESS TO SERVICE.—No amounts may be
23 provided to the Transit Authority pursuant to the
24 authorization under this section unless the Transit
25 Authority ensures that customers of the rail service

1 of the Transit Authority have access within the rail
2 system to services provided by any licensed wireless
3 provider that notifies the Transit Authority (in ac-
4 cordance with such procedures as the Transit Au-
5 thority may adopt) of its intent to offer service to
6 the public, in accordance with the following time-
7 table:

8 (A) Not later than 1 year after the date of
9 the enactment of this Act, in the 20 under-
10 ground rail station platforms with the highest
11 volume of passenger traffic.

12 (B) Not later than 4 years after such date,
13 throughout the rail system.

14 (2) ACCESS OF WIRELESS PROVIDERS TO SYS-
15 TEM FOR UPGRADES AND MAINTENANCE.—No
16 amounts may be provided to the Transit Authority
17 pursuant to the authorization under this section un-
18 less the Transit Authority ensures that each licensed
19 wireless provider who provides service to the public
20 within the rail system pursuant to paragraph (1) has
21 access to the system on an ongoing basis (subject to
22 such restrictions as the Transit Authority may im-
23 pose to ensure that such access will not unduly im-
24 pact rail operations or threaten the safety of cus-
25 tomers or employees of the rail system) to carry out

1 emergency repairs, routine maintenance, and up-
2 grades to the service.

3 (3) PERMITTING REASONABLE AND CUSTOMARY
4 CHARGES.—Nothing in this subsection may be con-
5 strued to prohibit the Transit Authority from requir-
6 ing a licensed wireless provider to pay reasonable
7 and customary charges for access granted under this
8 subsection.

9 (4) REPORTS.—Not later than 1 year after the
10 date of the enactment of this Act, and each of the
11 3 years thereafter, the Transit Authority shall sub-
12 mit to the Committee on Oversight and Government
13 Reform of the House of Representatives and the
14 Committee on Homeland Security and Governmental
15 Affairs of the Senate a report on the implementation
16 of this subsection.

17 (5) DEFINITION.—In this subsection, the term
18 “licensed wireless provider” means any provider of
19 wireless services who is operating pursuant to a Fed-
20 eral license to offer such services to the public for
21 profit.

22 (f) AMOUNT.—There are authorized to be appro-
23 priated to the Secretary of Transportation for grants
24 under this section an aggregate amount not to exceed

1 \$1,500,000,000 to be available in increments over 10 fis-
2 cal years beginning in fiscal year 2009, or until expended.

3 (g) AVAILABILITY.—Amounts appropriated pursuant
4 to the authorization under this section shall remain avail-
5 able until expended.

