



THE MARYLAND GENERAL ASSEMBLY  
ANNAPOLIS, MARYLAND 21401

July 29, 2019

Secretary Pete Rahn  
Maryland Department of Transportation  
7201 Corporate Center Drive  
Hanover, MD 21076

Dear Secretary Rahn:

We write today regarding your July 1, 2019 letter to Washington Metropolitan Area Transit Administration (WMATA) announcing your unilateral decision to withhold \$55.6 million from WMATA in capital funds at the current time. We were disappointed, although not surprised, that you chose to send the letter and withhold funds with no advance consultation or notice to your partners in the Maryland General Assembly. As you are aware, we share your concern that WMATA receive appropriate oversight in order to ensure that Maryland's tax dollars are appropriately and effectively spent. Moreover, we must also ensure that Maryland's riders have a safe and well-functioning transit system.

Since your letter was released, we have closely consulted with our legislative partners on the Council of the District of Columbia and in the Virginia General Assembly on the best regional approach for next steps. We have also been in communication with your Department and the Governor's Office. You have also now taken your seat on the WMATA Board—a seat that is the result of legislation passed by the Maryland General Assembly and signed by Governor Hogan in 2018. Given those discussions and events, we would encourage you to resolve the key issues outlined in your letter, and as described further below. **We request an update on the status of these issues in writing within 30 days of receipt of this letter.**

First, we agree that WMATA should cooperate with audits of the operating and capital contributions of the jurisdictions. In addition to resolving the outstanding Maryland audits cited in your letter, we strongly encourage you to work with the District of Columbia and Virginia to establish a regional approach to jurisdictional audits. A regional approach will both ensure dollars are being spent appropriately while also using WMATA and jurisdictional resources efficiently.

Second, we concur that a Capital Funding Agreement (CFA) between WMATA and the member jurisdictions is optimal for both Maryland's capital subsidy and dedicated funding. Historically, WMATA entered multi-year CFAs with the jurisdictions but in recent years has relied on extensions and—apparently—has now taken the position that CFAs with each jurisdiction are not necessary at all. We would encourage you and WMATA to enter a short-term CFA with the other member jurisdictions regarding WMATA's capital program.

Furthermore, we support regional efforts to enter into a multi-year, long-term capital funding agreement to avoid the need to regularly renegotiate the CFA. We also support efforts to enter a similar or integrated agreement for the use of dedicated funding.

Third, we request that you make clear that which your letter does not but the law requires: once the above issues are addressed as requested by your letter, Maryland will release the legally required \$55.6 million, as appropriately adjusted for any audit findings.

\* \* \*

In 2018, Governor Hogan and the Maryland General Assembly made a significant and necessary commitment to WMATA because of its importance to Maryland riders and our economy. Increased oversight is a logical extension of that commitment, which is why legislation to place you and your successors on the Board passed unanimously. Again, it is unfortunate that you have chosen to carry out these new duties with no consultation or advance public notice of the withholding of funds, but that is what has occurred. We hope this represents a new substantive era of engagement on the part of your Department with WMATA and not just a rhetorical exercise. We look forward to reestablishing a partnership with you on these issues and accomplishing our shared goal of holding WMATA accountable while providing it the resources it needs.

Sincerely,

Senator Malcolm Augustine  
Senator Joanne C. Benson  
Senator Brian J. Feldman  
Senator Cheryl C. Kagan  
Senator Susan C. Lee  
Senator Paul G. Pinsky  
Senator Jim Rosapepe  
Senator Jeff Waldstreicher  
Delegate Gabriel Acevero  
Delegate Ben Barnes  
Delegate Ereik L. Barron  
Delegate Alfred C. Carr, Jr.  
Delegate Lorig Charkoudian  
Delegate Charlotte Crutchfield  
Delegate Kathleen M. Dumais  
Delegate Diana M. Fennell  
Delegate Wanika Fisher  
Delegate Michael A. Jackson  
Delegate Ariana B. Kelly  
Delegate Marc Korman

Delegate Kumar P. Barve, Chair of the  
Environment and Transportation Committee  
Delegate Tawanna Gaines, Chair of the  
Transportation & Environment  
Appropriations Subcommittee  
Delegate Jazz Lewis  
Delegate Lesley J. Lopez  
Delegate Sara Love  
Delegate Eric G. Luedtke  
Delegate David Moon  
Delegate Julie Palakovich Carr  
Delegate Joseline A. Peña-Melnyk  
Delegate Susie Proctor  
Delegate Lily Qi  
Delegate Pam Queen  
Delegate Kirill Reznik  
Delegate Emily Shetty  
Delegate Jared Solomon  
Delegate Vaughn Stewart  
Delegate Veronica Turner  
Delegate Kriselda Valderrama  
Delegate Geraldine Valentino-Smith  
Delegate Alonzo T. Washington  
Delegate Jheanelle K. Wilkins

CC: Governor Hogan  
Pat Pscherer, Jr.