



(Board Copy)
Washington Metropolitan Area Transit Authority
**METRO ELECTRONIC ACTION
DOCUMENT**

IDENTIFICATION			
MEAD ID:	99415	ACTION:	N/A
AWARD VALUE:	(Not yet awarded)	CONTRACT: (Proposed)	
FUND SOURCES: (View)		CONTRACTOR:	
LAST MODIFIED:	04/07/2006		

DESCRIPTION	
SUBJECT:	Indemnification of Motor Vehicle Agencies
PURPOSE:	To obtain Board authorization to execute agreements indemnifying and holding the various Motor Vehicle Administrations harmless for any misuse or misappropriation of any personal information in a record obtained by the Authority in connection with the receipt of drivers license information; and, to obtain Board authorization to execute agreements indemnifying the various Motor Vehicle Administrations against any and all liabilities, costs, expenses, damages, losses, and judgments that arise in relation to acts or omissions by the Authority with respect to laws restricting access to and/or disclosure of information from motor vehicle records, including, without limitation, reasonable attorneys fees and all other costs of defending against such action or claim.

ORIGINATION					
INITIATOR			DEPARTMENTAL APPROVAL		
JULIE HERSHORN on 03/31/2006			Approved by REQUA , JOHN 04/04/2006		
PHONE:	202-962-1113	OFFICE:	COOB	DEPT:	BUS

COORDINATION (ROUTING)		
OFFICE	NAME	ACTION/DATE
COOB (3211)	REQUA, JOHN	Approved 04/04/2006
COUN (1410)	O'KEEFFE, CAROL	Approved 04/07/2006
OPAS (3161)	HUGHES, JAMES	Re-assigned 04/07/2006

FINAL APPROVALS	
OFFICE	NAME/ACTION
OPER_CMTE	JAMES HUGHES (Not Yet Approved)
BEMR	Approved for by Emeka Moneme on 04/10/2006
GM	Approved for GMGR by GMGR CEO on 04/12/2006
BOARD	BOARD WMATA (Not Yet Approved)



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NARRATIVE

The Washington Metropolitan Area Transit Authority employs more than 2,400 bus operators and over 1,000 mechanics and support personnel who are required to operate a commercial vehicle. As a condition of their employment these employees must hold a valid Commercial Drivers License.

WMATA currently checks the Commercial Drivers License records of all such employees upon hiring, and takes measures to ensure that these employees continue to hold a valid Commercial Drivers License. The APTA Bus Peer Review recommended that, in addition to these current efforts, WMATA regularly obtain updated information regarding its employees' Commercial Drivers Licenses ["updated CDL information"] directly from Motor Vehicle Agencies to further insure the safety of passengers, pedestrians, and others.

Maryland, Virginia and the District of Columbia issue the vast majority of Commercial Drivers Licenses held by WMATA employees. The Maryland Motor Vehicle Administration and the Virginia Department of Motor Vehicles offer updated CDL information, without charge, directly to employers such as WMATA; the District of Columbia Department of Motor Vehicles anticipates soon offering the same.

As a condition to providing free updated CDL information, the Maryland Motor Vehicle Administration requires WMATA to indemnify it and hold it harmless from any misuse or misappropriation of CDL information. The District of Columbia Department of Motor Vehicles may develop a similar requirement. Virginia does not now require this indemnification.

The Maryland Motor Vehicle Administration, as further condition to providing free updated CDL information to WMATA, requires WMATA to abide by federal and state laws restricting access to and disclosure of information from motor vehicle records and indemnify it from any action against the Administration based on WMATA's violation of such laws, and the District of Columbia Department of Motor Vehicles may develop a similar requirement.

So that WMATA may receive updated CDL information, it is requested that the Board authorize these indemnifications to the Motor Vehicle Agencies.

Alternatives

The Maryland Motor Vehicle Administration will not release the updated license information without these indemnifications. Therefore data would not be available for 68% of current Metrobus operators. Virginia information, applicable to 6.5% of operators, would continue to be available. Requirements for the District, residence of 25% of Metrobus operators, are not certain at this time.

Prior Approvals

None

Impact on Funding

There are no immediate financial impacts associated with the proposed action.

Recommendation

Board authorization to execute agreements indemnifying and holding the various Motor Vehicle Administrations harmless for any misuse or misappropriation of any personal information in a record obtained by the Authority in connection with the receipt of drivers license information; and,

Board authorization to execute agreements indemnifying the various Motor Vehicle Administrations against any and all liabilities, costs, expenses, damages, losses, and judgments that arise in relation to acts or omissions by the Authority with respect to laws restricting access to and/or disclosure of information from motor vehicle records, including, without limitation, reasonable attorneys fees and all other costs of defending against such action or claim.