

NAME OF THE ADMINISTRATION AND CONDUCTED UNDER TITLE 12  
OF THE REAL PROPERTY ARTICLE.

REVISOR'S NOTE: This section presently appears as Art. 64B, §46.

In subsection (a) of this section, the present reference to a "right, title,...easement, or privilege" in property is deleted as unnecessary in light of the reference to "property", which—as broadly defined in §1-101 of this article—includes these specifics.

In subsection (b) of this section, the words "but not limited to" are deleted as unnecessary in light of the definition of "including" in §1-101 of this article. Also, the present reference to transit service "in the District" is deleted as unnecessary in light of and as inconsistent with the definition of "transit service", which includes service both in the District and "in any county contiguous to the District".

The only other changes are in style.

As to the exercise of the powers granted by this section, see §7-203(b) of this title.

Several questions arise as to the intended relationship between subsection (b) of this section and §7-402 of this subtitle. Section 7-402 authorizes the Administration to acquire certain property of a private carrier—whether by purchase, lease, or condemnation—but only if one of the conditions described in items (1) to (3) of that section has been met. On the other hand, subsection (b) of this section would appear to permit condemnation of that same property, even if none of these conditions had been met. (Query: whether the single reference in subsection (b) to "condemnation" is intended to preclude acquisitions by purchase or lease or, by a fortiori analysis, to include such acquisitions.) As a result of its review of these sections, the Commission recommends that §7-402 be deleted and that references to purchases of stock and other acquisitions by "purchase" and "lease" be added to subsection (b) of this section; in any event, one or the other of these inconsistent provisions require revision. For comparable provisions relating to the Washington Metropolitan Transit Authority, see Article XVI, §382(a) of the WAMATA Compact, as set forth in §10-204 of this article.