

(3) The Administration may exempt from the requirements of this subsection new mass transit service for a period of 36 months from the initiation of the service as well as fare modifications for a period of 36 months from the date of the modification.

(4) The Administration shall obtain the fare recovery ratio through the establishment of reasonable fares in the Baltimore region and the implementation of cost containment measures as deemed necessary to meet the standard required under this paragraph.

(c) (1) For fiscal year 2001 and thereafter, the Administration shall implement performance indicators, in addition to the farebox recovery indicator, to track service efficiency for mass transit in the Baltimore region, including:

- (i) Operating expenses per vehicle mile;
- (ii) Operating expenses per passenger trip; and
- (iii) Passenger trips per vehicle mile.

(2) The Administration shall submit an annual performance report to the Senate Budget and Taxation Committee, House Ways and Means Committee, and House Appropriations Committee by December 1 of each year on:

- (i) The status of the performance indicators for the prior fiscal year;
- (ii) The status of managing-for-results goals of the Administration as they pertain to mass transit service in the Baltimore area; and
- (iii) Comparisons of performance indicators for mass transit in the Baltimore region and other similar systems nationwide.

(d) (1) The Administration shall provide for an independent management audit of the operational costs and revenues of mass transit in the Baltimore region every 4 years.

(2) The audit shall provide data on fares, cost containment measures, comparisons with other similar mass transit systems, and other information necessary in evaluating the operations of the Baltimore Regional Transit System.

(3) The findings from the audit shall be used as a benchmark for the annual performance reports.

[(4) A preliminary baseline audit shall be completed by December 1, 2000, with a final baseline audit to be completed by December 1, 2001.]

(e) The determinations of the Secretary, Administration, or Maryland Transportation Authority as to the type of service performed or the rentals, rates, fees, fares, and other charges imposed are not subject to judicial review or to the processes of any court.