



**MARYLAND TRANSIT ADMINISTRATION**

**MARYLAND DEPARTMENT OF TRANSPORTATION**

Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor  
Beverly K. Swaim-Staley, Acting Secretary • Paul J. Wiedefeld, Administrator

July 10, 2009

Robert N. McDonald, Esquire  
Chief  
Opinions and Advice  
Office of the Attorney General  
200 Saint Paul Place  
Baltimore MD 21201

Dear Mr. McDonald:

On behalf of the Maryland Transit Administration (MTA), I am writing to request an Opinion of the Attorney General on several issues relating to audio recordings on board public transit vehicles operated by or under contract to MTA. MTA currently deploys closed circuit television (CCTV) video recording devices on certain revenue vehicles in its fleet, but has not thus far used audio recording devices.

MTA operates a multi-modal transit system in the Baltimore metropolitan area, as well as Commuter Bus and MARC commuter rail service to Baltimore and Washington, D C from areas across the State. In the Baltimore region, MTA's system includes more than 50 local bus lines, the Central Light Rail line and the Metro Subway. MTA's highest priority is the safety and security of its employees and the members of the public who travel on its system every day. As part of MTA's ongoing efforts to deter criminal activity and mitigate other dangerous situations on board its vehicles, Agency management has considered adding audio recording equipment to the video recording technology now in use throughout its fleet. Initial investigations by Agency staff have raised several legal issues, which in turn have led to my request for an Attorney General's Opinion as set forth below.

Specifically, I am requesting your opinion on the following questions:

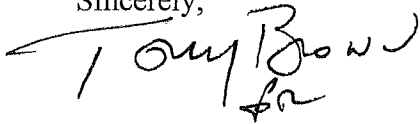
1. Can MTA lawfully make audio recordings of the conversations of passengers and employees on board public transit vehicles operated by or under contract to MTA?
2. Does the Maryland Wiretapping and Electronic Surveillance Act, Sections 10-401 through 10-403 of the Courts and Judicial Proceedings Article, Annotated Code of Maryland, require MTA, when using audio recording devices on board transit vehicles operated by or under contract to it, to obtain the consent of passengers and employees before recording their conversations?

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3. If the answer to Question 2. above is in the affirmative, through what means can consent be obtained, e.g., can MTA obtain passengers' and employees' consent by posting signage on board its vehicles containing words such as, "This car (or bus) is subject to video and audio surveillance?"

Thank you for your assistance in this matter. If you have any questions or wish to discuss this matter in further detail, please contact Ms. Betty A. Stemley, Deputy Counsel to MTA, at 410-767-3872 or by email at [bstemley@mtamaryland.com](mailto:bstemley@mtamaryland.com).

Sincerely,

A handwritten signature in black ink that reads "Paul J. Wiedefeld". The signature is written in a cursive style with a long horizontal stroke extending to the left.

Paul J. Wiedefeld  
Administrator

cc: Ms. Betty A. Stemley, Deputy Counsel, MTA  
Mr. Ralign T. Wells, Deputy Administrator, Transit Operations, MTA