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SENATE JOINT RESOLUTION NO. 28
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Rules
on January 26, 2024)

(Patron Prior to Substitute—Senator Ebbin)

Establishing a joint subcommittee to study long-term, sustainable, dedicated funding and cost-containment controls and strategies to ensure the Washington Metropolitan Area Transit Authority, the Virginia Railway Express, and the public transit systems that serve the Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission transportation districts meet the growing needs of public transit in the region. Report.

WHEREAS, Northern Virginia is served by a network of public transit providers that move more than 1.5 million people each week; and

WHEREAS, the Northern Virginia Transportation Commission (NVTC) found that Northern Virginia's transit network generates \$1.5 billion in income and sales tax that goes to the Commonwealth's general fund each year; and

WHEREAS, the Washington Metropolitan Area Transit Authority (WMATA) is the backbone of Northern Virginia's transit system and plays a critical role in the Commonwealth's transportation network and economic growth; and

WHEREAS, the Virginia Railway Express (VRE) provides important commuter rail services that provide access from communities along Interstate 66 and Interstate 95 to the center of the District of Columbia, providing capacity to eliminate at least one highway lane from Interstate 95; and

WHEREAS, the Commonwealth's multibillion dollar investment in Transforming Rail in Virginia enables VRE's and Amtrak Virginia's long-term growth and success; and

WHEREAS, the Northern Virginia Transportation Commission (NVTC) and Potomac and Rappahannock Transportation Commission (PRTC) play important funding, coordination, and governance roles for transit agencies operating within their districts; and

WHEREAS, the COVID-19 pandemic upended the financial operating model of all transit agencies across the United States, including those that serve Northern Virginia, through inflation and reduced ridership; and

WHEREAS, federal pandemic aid, which has supported transit systems across the region since 2020, has already been exhausted or will be exhausted in the coming years; and

WHEREAS, in June 2023, WMATA projected a FY 2025 operating budget gap of \$750 million that would grow to \$1.2 billion by FY 2035; and

WHEREAS, in June 2023, WMATA projected that dedicated capital funding bond capacity would be exhausted by FY 2029 or earlier, which would constrain the capacity of WMATA's capital program; and

WHEREAS, the existing three percent cap on the annual growth in Virginia's operating assistance to WMATA has been a useful tool to help control costs but has resulted in some unintended consequences that need to be addressed; and

WHEREAS, it is in the public interest to ensure that ongoing vital investments in transit are managed in an accountable and transparent way and that every effort is made to ensure reasonable and effective cost-control measures are in place; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study long-term, sustainable, dedicated funding and cost-containment controls and strategies to ensure the Washington Metropolitan Area Transit Authority, the Virginia Railway Express, and the public transit systems that serve the Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission transportation districts meet the growing needs of public transit in the region. The joint subcommittee shall consist of 10 members that include seven legislative members, two nonlegislative citizen members, and one ex officio member. Members shall be appointed as follows: three members of the Senate who shall be members of the Senate Committee on Finance and Appropriations, to be appointed by the Senate Committee on Rules; four members of the House of Delegates, two of whom shall be members of the House Committee on Appropriations and two of whom shall be members of the House Committee on Finance, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and two nonlegislative citizen members, one of whom shall be a member of the WMATA Board of Directors, to be appointed by the Speaker of the House of Delegates, and one of whom shall be a member of the NVTC, with preference given to any such member who is an elected government official, to be appointed by the Senate Committee on Rules. The Executive Director of the NVTC, or their designee, shall serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in

60 writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen
61 members shall be reimbursed only for travel originating and ending within the Commonwealth of
62 Virginia for the purpose of attending meetings. The joint subcommittee shall elect a chairman and
63 vice-chairman from among its membership, who shall be members of the General Assembly.

64 In conducting its study, the joint subcommittee shall establish a technical working group consisting
65 of representatives from NVTC, PRTC, VRE, WMATA, and the Department of Rail and Public
66 Transportation (DRPT) to further examine the 10 revenue sources identified in NVTC's Metro Operating
67 Funding and Reform Working Group and to propose up to five additional revenue sources that would
68 contribute to a fund or set of funds for new dedicated operating or capital funding, or both, for Northern
69 Virginia transit agencies that leverages, and exists in addition to, current state and local funding
70 commitments. The technical working group shall also examine industry-wide cost-saving and
71 cost-containment tools to ensure the long-term fiscal sustainability of heavy-rail transit operators.

72 To the extent feasible, the joint subcommittee shall incorporate in its study the technical work
73 completed as part of NVTC's Metro Operating Funding and Reform Working Group effort and
74 incorporate the WMATA Funding, Accountability, and Reform Recommendations from NVTC's 2023
75 Annual Report on the Performance and Condition of WMATA.

76 Administrative staff support shall be provided by the Office of the Clerk of the chairman of the joint
77 subcommittee. Legal, research, policy analysis, and other services as requested by the joint subcommittee
78 shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the
79 NVTC, PRTC, WMATA, VRE, and DRPT and all other transit agencies operating in these
80 transportation districts. All agencies of the Commonwealth shall provide assistance to the joint
81 subcommittee for this study, upon request.

82 The joint subcommittee shall be limited to four meetings for the 2024 interim and four meetings for
83 the 2025 interim, and the direct costs of this study shall not exceed \$525,000 without approval as set
84 out in this resolution. Of this amount an estimated \$500,000 is allocated for consulting services.
85 Approval for unbudgeted nonmember-related expenses shall require the written authorization of the
86 chairman of the joint subcommittee and the respective Clerk.

87 No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members
88 or a majority of the House members appointed to the joint subcommittee (i) vote against the
89 recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the
90 joint subcommittee.

91 The joint subcommittee shall complete its meetings for the first year by November 30, 2024, and for
92 the second year by November 30, 2025, and the chairman shall submit to the Division of Legislative
93 Automated Systems an executive summary of its findings and recommendations no later than the first
94 day of the next Regular Session of the General Assembly for each year. Each executive summary shall
95 state whether the joint subcommittee intends to submit to the General Assembly and the Governor a
96 report of its findings and recommendations for publication as a House or Senate document. The
97 executive summaries and reports shall be submitted as provided in the procedures of the Division of
98 Legislative Automated Systems for the processing of legislative documents and reports and shall be
99 posted on the General Assembly's website.

100 Implementation of this resolution is subject to subsequent approval and certification by the Joint
101 Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or
102 delay the period for the conduct of the study, or authorize additional meetings during the 2024 or 2025
103 interims.