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SENATE JOINT RESOLUTION NO. 28
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the House Committee on Rules
 on February 23, 2024)

(Patron Prior to Substitute—Senator Ebbin)

Establishing a joint subcommittee to study long-term, sustainable, dedicated operations and capital funding as well as 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 operations and capital funding as well as 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 11 members that include seven legislative members, two nonlegislative citizen members, and two ex officio members. 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 and the Secretary of Transportation, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members shall be

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

In conducting its study, the joint subcommittee shall establish a technical working group consisting of representatives from NVTC, PRTC, VRE, WMATA, the Department of Rail and Public Transportation (DRPT), and the Northern Virginia Transportation Authority, a representative from the Amalgamated Transit Union Local 689, and a representative from the Northern Virginia business community appointed by the Speaker of the House of Delegates to further examine the 10 revenue sources identified in NVTC's Metro Operating Funding and Reform Working Group and to propose up to five additional revenue sources that would contribute to a fund or set of funds for new dedicated operating or capital funding, or both, for Northern Virginia transit agencies that leverages, and exists in addition to, current state and local funding commitments. The technical working group shall also examine industry-wide cost-saving and cost-containment tools to ensure the long-term fiscal sustainability of heavy-rail transit operators including an evaluation of the projected revenue growth from each funding source identified and the current projected annual cost growth for each transit system through at least 2037.

To the extent feasible, the joint subcommittee shall incorporate in its study an evaluation of future land use plans for high-capacity transit corridors in Northern Virginia to support continued transit ridership growth, telework impacts on regional transit ridership, appropriate use of local bus services, WMATA's long-term capital funding needs, WMATA's capital funding prioritization process, Virginia's appropriate share of the jurisdictional subsidy based on existing Metrorail stations and Metrobus routes, WMATA's governance and structural issues that contribute to current funding instability, the technical work completed as part of NVTC's Metro Operating Funding and Reform Working Group effort, and the WMATA Funding, Accountability, and Reform Recommendations from NVTC's 2023 Annual Report on the Performance and Condition of WMATA.

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

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

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

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

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