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**SENATE JOINT RESOLUTION NO. 28**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
 (Proposed by the House Committee on Appropriations  
 on February 28, 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 Transportation, 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

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

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

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

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

93 The joint subcommittee shall be limited to four meetings for the 2024 interim and four meetings for  
94 the 2025 interim, and the direct costs of this study shall not exceed \$25,000 without approval as set out  
95 in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written  
96 authorization of the chairman of the joint subcommittee and the respective Clerk.

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

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

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