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SENATE JOINT RESOLUTION NO. 28  
AMENDMENT IN THE NATURE OF A SUBSTITUTE  
(Proposed by the Senate Committee on Rules  
on \_\_\_\_\_)  
(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

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

30 WHEREAS, federal pandemic aid, which has supported transit systems across the region since  
31 2020, has already been exhausted or will be exhausted in the coming years; and

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

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

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

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

43 RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be  
44 established to study long-term, sustainable, dedicated funding and cost-containment controls and  
45 strategies to ensure the Washington Metropolitan Area Transit Authority, the Virginia Railway Express,  
46 and the public transit systems that serve the Northern Virginia Transportation Commission and Potomac  
47 and Rappahannock Transportation Commission transportation districts meet the growing needs of public  
48 transit in the region. The joint subcommittee shall consist of 10 members that include seven legislative  
49 members, two nonlegislative citizen members, and one ex officio member. Members shall be appointed  
50 as follows: three members of the Senate who shall be members of the Senate Committee on Finance and  
51 Appropriations, to be appointed by the Senate Committee on Rules; four members of the House of  
52 Delegates, two of whom shall be members of the House Committee on Appropriations and two of whom  
53 shall be members of the House Committee on Finance, to be appointed by the Speaker of the House of

54 Delegates in accordance with the principles of proportional representation contained in the Rules of the  
55 House of Delegates; and two nonlegislative citizen members, one of whom shall be a member of the  
56 WMATA Board of Directors, to be appointed by the Speaker of the House of Delegates, and one of whom  
57 shall be a member of the NVTC, with preference given to any such member who is an elected government  
58 official, to be appointed by the Senate Committee on Rules. The Executive Director of the NVTC, or their  
59 designee, shall serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of  
60 the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint  
61 subcommittee and the respective Clerk, nonlegislative citizen members shall be reimbursed only for travel  
62 originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The  
63 joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be  
64 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, and the Department of Rail and Public  
67 Transportation (DRPT) to further examine the 10 revenue sources identified in NVTC's Metro Operating  
68 Funding and Reform Working Group and to propose up to five additional revenue sources that would  
69 contribute to a fund or set of funds for new dedicated operating or capital funding, or both, for Northern  
70 Virginia transit agencies that leverages, and exists in addition to, current state and local funding  
71 commitments. The technical working group shall also examine industry-wide cost-saving and cost-  
72 containment tools to ensure the long-term fiscal sustainability of heavy-rail transit operators.

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

77 Administrative staff support shall be provided by the Office of the Clerk of the chairman of the  
78 joint subcommittee. Legal, research, policy analysis, and other services as requested by the joint  
79 subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be  
80 provided by the NVTC, PRTC, WMATA, VRE, and DRPT and all other transit agencies operating in

81 these transportation districts. All agencies of the Commonwealth shall provide assistance to the joint  
82 subcommittee for this study, upon request.

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

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

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

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

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