



WMATA Annual Reporting Requirements

Commonwealth Transportation Board

Jennifer DeBruhl, Director

September 20, 2022



Background

- Chapter 854 and 856 of the 2018 Virginia Acts of Assembly:
 - Established WMATA Capital Fund to provide Virginia's agreed upon share of regional dedicated capital funding to WMATA
 - Requires the CTB to withhold funding available to WMATA (passed through NVTC) under certain conditions
- In September 2018 the CTB adopted its "Policy and Guidelines for Implementation of Governance and Funding Reforms for WMATA" (amended in January 2021) to govern future Board decisions
 - WMATA submits information to demonstrate compliance to the CTB by July 1
 - DRPT analyzes information, coordinates with OAG for legal sufficiency, and presents recommendation for enforcement actions to CTB

WMATA Reporting Requirements

- By July 1 WMATA must annually certify compliance with applicable law and CTB policy for the following items:
 - Board Governance
 - 3% cap on annual growth in total Virginia Operating Assistance
 - Strategic Plan
 - Capital Improvement Plan
- WMATA provides required documentation/certifications to DRPT on June 30
- Office of Attorney General reviews for compliance with statutory requirements
- DRPT reviews for compliance with CTB policy requirements (non-statutory)

WMATA Board Governance

DRPT Recommendation

- **WMATA has met the requirements of the statute and Board policy**
- **No enforcement action is recommended**

Legislative Requirement

- Alternate directors shall not participate or take action at an official WMATA Board meeting or Committee meeting unless they are serving in absence of a primary director
- WMATA Board must adopt bylaws that would prohibit such participation by alternate directors

Consequences of Non-compliance (Code of Virginia)

- Board shall withhold 20% of state WMATA allocation if found to be non-compliant

3% Cap on Growth in Operating Assistance

DRPT Recommendation

- **WMATA has met the requirements of the statute and Board policy**
- **No enforcement action is recommended**

Legislative Requirement

- Operating costs related to the following are excluded from this calculation:
 - Any service, equipment, or facility that is required by any applicable law, rule or regulation
 - Any capital project approved by the WMATA Board before or after effective date
 - Any payment/obligation resulting from a legal dispute or proceeding
 - Any service increases approved by the WMATA Board

Consequences of Non-compliance (Code of Virginia)

- Board shall withhold 35% of state WMATA allocation if found to be non-compliant

WMATA Strategic Plan

DRPT Recommendation

- **WMATA has met the minimum requirements of the statute and Board policy**
- **No enforcement action is recommended**
- **DRPT recommends that the Board amend its policy to require the next WMATA strategic plan to focus on safety, operating costs, service optimization and recovery from the ridership impacts of COVID**

Legislative Requirement

- WMATA must adopt or update within the preceding 36 months a strategic plan and hold an in-person public hearing on the strategic plan in Northern Virginia
- Next update due by June 30, 2023
 - Delayed from March 2022 by 2021 State Budget Amendment

Consequences of Non-compliance (Code of Virginia)

- Board shall withhold 20% of state WMATA allocation if found to be non-compliant

WMATA Capital Improvement Plan

DRPT Recommendation

- **WMATA has met the requirements of the statute and Board policy**
- **No enforcement action is recommended**

Legislative Requirement

- WMATA must adopt every year by July 1 a capital improvement program that covers a 6-year period
- WMATA must hold an in-person public hearing in Northern Virginia
 - WMATA held a hybrid hearing with an in-person element on February 7, 2022 at the Arlington County Board Room facilitated by Commonwealth appointee and WMATA Board Chair, Paul Smedberg

Consequences of Non-compliance (Code of Virginia)

- Board shall withhold 20% of state WMATA allocation if found to be non-compliant

Next Steps

- October 2022 – DRPT will present the annual certification resolution and decision memo to the Board for action on compliance recommendations
- December 2022 – DRPT will present recommendations at CTB Workshop for revisions and/or updates to the Board Policy that governs future Board decisions related to the Governance and Funding Reforms for WMATA enacted by the General Assembly in 2018
- January 2023 – CTB takes action on DRPT's recommendations for revisions and/or updates to Board Policy