
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT



CHARLES ALLEN, CHAIRPERSON
FISCAL YEAR 2024 COMMITTEE BUDGET REPORT

TO: Members of the Council of the District of Columbia

FROM: Councilmember Charles Allen
Chairperson, Committee on Transportation and the Environment

DATE: April 27, 2023

SUBJECT: Report and Recommendations of the Committee on Transportation and the Environment on the Fiscal Year 2024 Budget for Agencies Under Its Purview

The Committee on Transportation and the Environment (“Committee”), having conducted hearings and received testimony on the Mayor’s proposed operating and capital budgets for Fiscal Year 2024 (“FY 2024”) for the agencies under its purview, reports its recommendations for review and consideration by the Committee of the Whole. The Committee also comments on several sections in the Fiscal Year 2024 Budget Support Act of 2023, as proposed by the Mayor.

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I. SUMMARY

A. EXECUTIVE SUMMARY

This *Report and Recommendations of the Committee on Transportation and the Environment on the Fiscal Year 2024 Budget for the Agencies under its Purview* was developed over months of agency oversight hearings and public and stakeholder engagement. The summary below highlights many of the Committee’s notable investments in the FY24 budget, including the approval of proposed investments by the Mayor (so noted as “approved”).

The Committee’s recommended budget centers around the following themes:

Investing in Clean Energy, Resilience, and the Green Economy

- Includes a Budget Support Act subtitle to *increase revenue in the Sustainable Energy Trust Fund* (“SETF”) by \$25,153,000 in FY24, which will allow DOEE to:
 - Prioritize *workforce development initiatives*, such as the DC Sustainable Energy Utility’s “Train Green” program, so that District residents and CBEs are prepared to participate in and benefit from the green economy;
 - Support the DC Green Bank in its mission of providing low-cost green financing opportunities for District residents and businesses;
 - Provide *financial and technical assistance to owners of affordable housing buildings with energy efficiency upgrades* through the Affordable Housing Retrofit Accelerator;
 - Support *energy efficiency and weatherization programs* that directly benefit low-income residents; and
 - Invest in the District’s *resiliency and sustainability* through initiatives like the energy storage grant program and Solar for All.
- Supports *building electrification* by expanding the statutory mandate of the SETF to allow DOEE to:
 - Provide *financial and technical assistance to residents* who wish to replace fossil-fueled appliances with electric appliances and conduct full energy efficiency upgrades of their homes;
 - Create a priority pilot project for residential electrification in the Deanwood and River Terrace neighborhoods in Ward 7; and

- Provide *financial and technical assistance to building owners* who are converting buildings from commercial to residential use in making energy efficiency upgrades.
- Strikes the Mayor’s proposed subtitle to delay *Building Energy Performance Standards* deadlines, so that the District can continue the urgent task of reducing fossil fuel use by the city’s largest source of greenhouse gas emissions—buildings.
- Strikes the Mayor’s proposed subtitle pausing implementation of the *Transportation Benefits Equity Amendment Act of 2019*, the District’s law that helps discourage commutes by motor vehicle to reduce greenhouse gas emissions.
- Pre-funds the costs for implementing the *Electric Bicycle Rebate Program Amendment Act of 2023*, as well as including \$500,000 for rebates.
- Expands *workforce development opportunities in the field of park maintenance* through an increase in grant funding from \$150,000 in FY23 to \$300,000 in FY24.

Providing Fare-Free Buses and Expanded Service

- Allocates \$153 million in funding to the *Metro for DC Amendment Act of 2022* to begin providing free Metrobus service in the District by:
 - Reducing the K Street Transitway’s FY24 capital budget by \$115 million, accepting a transfer from the Committee of the Whole of \$115 million in operating funds from Paygo, and depositing \$112.5 million of those funds to the Fare-Free Bus Fund; and
 - Accepting \$10.3 million in recurring operating funds from the Committee on Public Works and Operations to be deposited into the Fare-Free Bus Fund; and
- Enhances DDOT’s Project Delivery Division by \$3.5 million in one-time funds to *maintain Eastern Market – L’Enfant Plaza Circulator route* for one year.
- Accepts \$197,000 from the Committee on Public Works and Operations for 2 dedicated Supervisory Traffic Control Officers in DDOT, for dedicated bus lane enforcement at the intersection of 14th and Irving Streets NW

Improving Traffic Safety and Neighborhood Infrastructure

- Approves a BSA subtitle *redirecting automated traffic enforcement camera revenue to the Vision Zero Omnibus Implementation Fund* to ensure that money generated by dangerous driving is invested infrastructure improvements that reduce speeds and improve traffic safety;

- Accepts \$317,000 from the Committee on Public Works and Operations for DMV to adjudicated additional parking citations issued by enforcement office that the Committee on Public Works and Operations has funded.
- Accelerates development of the *Pennsylvania Avenue and Potomac Avenue SE Intersection Improvements Project* by moving funding for the project from FY24 to FY23
- Adds \$500,000 to begin design on the *Tenleytown Plaza and Multimodal Project* for pedestrian, streetscape, and multimodal safety and access improvements in the area surrounding the east entrance of the Tenleytown-AU Metrorail Station;
- Adds \$1 million for the installation of *tactical road diets along South Dakota Avenue NE* to help slow down cars down the residential corridor;
- Adds \$1 million to design and *implement traffic safety measures at the intersection of Alaska Avenue and Geranium Street NW*, including installing a new traffic light; and
- Adds \$1 million towards a *Ward 1 Green Slow Streets Pilot Program* to make sidewalk improvements, grow the urban tree canopy, and install green infrastructure and traffic calming measures on three street segments.

Promoting Safe Passages to School for Students

- The Committee accepts \$395,000 for FY24 and \$1.5 million over the course of the financial plan from the Committee on Facilities and Family Services to fund portions of the *Safe Streets for Students Amendment Act of 2022*. The funding transferred to the committee will support the establishment of the *Safe Routes to School Program*, development of the Safe Streets for Students Master Plan, and implementation of a reduced speed limit in school zones, and reporting requirements placed on the DME regarding the Safe Passage Program.
- The Committee also transfers money from DDOT's capital budget to cover capital costs for the *Safe Streets for Students Amendment Act of 2022*.

Creating and Maintaining Parks and Trails for Recreation and Travel

- The Committee restores \$2.5 million to *connect the Anacostia Riverwalk Trail around Buzzard Point* in Southwest DC
- Dedicates \$500,000 to *purchase the Foundry Branch Trestle Bridge and plan for its conversion to a multiuse trail* to fill pedestrian and cycling gaps in the surrounding area

Reimagining Public Space in the District

- Approves \$1.6 in funding for *two Open Streets events* where the District temporary closes to promote, pilot, and implement the concept for car-free streets;
- Approves \$750,000 in funding for a *Streatory Pilot Program* to improve the aesthetic of these installations across the District
- Approves a new BSA subtitle requiring that DDOT *update and release a study on congestion pricing in the District by January 1, 2024.*
- Approves funding for the *reconstruction of the H Street Bridge, a critical part of the Union Station Expansion Project;*
- Transfers \$10 million to the Committee on Recreation, Libraries, and Youth Affairs to *add a community and senior center to the Rumsey Aquatic Center;*

Protecting Vulnerable District Residents

- The Committee transfers \$1 million to the Committee on the Judiciary and Public Safety to restore cuts to funding for the Access to Justice program, which provides funding for legal representation for residents who could not otherwise afford it;
- The Committee transfers \$1 million to the Committee on Housing, to restore cuts to the Emergency Rental Assistance Program, to ensure that residents at risk of losing their home can remain in a stable situation;
- The Committee transfer \$375,000 to the Committee on Health to restore funding for programs that provide food for vulnerable residents, including food delivery services for residents who cannot leave home;
- The Committee transfers \$170,000 to the Committee on Health to provide dementia training for direct care workers, including those who support residents experiencing Alzheimer’s disease and their families; and
- The Committee transfers \$75,000 to the Committee on Recreation, Libraries, and Youth Affairs to provide behavioral health and substance abuse outreach at the Eastern Market Metro Park
- The Committee transfers \$22K in FY24, and \$917K across the financial plan, provide the Office of Police Complaints a policy analyst and senior investigator needed for implementation of the *Comprehensive Policing and Justice Reform Amendment Act of 2022*. This funding also covers the costs to build and *maintain the database of police misconduct*

B. FY 2024 AGENCY OPERATING BUDGET

Fund Type	FY 2022 Actuals	FY 2023 Approved	Mayor's FY 2024 Proposed	Committee Variance	Committee's FY 2024 Recommendation	Committee Percent Change
Department of Energy and Environment						
FEDERAL GRANT FUND	\$39,343,588	\$36,954,341	\$44,204,986	\$0	\$44,204,986	19.62%
FEDERAL PAYMENTS	\$29,463,849	\$23,000,000	\$8,180,001	\$0	\$8,180,001	(64.43%)
LOCAL FUND	\$53,003,884	\$66,594,419	\$27,859,809	\$511,000	\$28,370,809	(57.40%)
OPERATING INTRA-DISTRICT FUNDS	\$1,190,982	\$0	\$0	\$0	\$0	
PRIVATE GRANT FUND	\$157,564	\$2,457,679	\$2,437,861	\$0	\$2,437,861	(0.81%)
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$73,538,842	\$96,484,002	\$111,117,315	\$25,153,000	\$136,270,315	41.24%
DOEE TOTAL	\$196,698,709	\$225,490,440	\$193,799,972	\$25,664,000	\$219,463,972	(2.67%)
Department of Motor Vehicles						
FEDERAL GRANT FUND	\$21,132	\$129,500	\$0	\$0	\$0	(100.00%)
LOCAL FUND	\$38,064,506	\$45,859,425	\$59,561,351	(\$1,826,790)	\$57,734,561	25.89%
OPERATING INTRA-DISTRICT FUNDS	\$669,616	\$0	\$0	\$0	\$0	N/A
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$6,803,440	\$9,329,950	\$9,473,410	\$0	\$9,473,410	1.54%
DMV TOTAL	\$45,558,694	\$55,318,875	\$69,034,761	(\$1,826,790)	\$67,207,971	21.49%
District Department of Transportation						
FEDERAL GRANT FUND	\$5,003,137	\$21,786,604	\$23,545,527	\$0	\$23,545,527	8.07%
LOCAL FUND	\$123,673,526	\$149,839,732	\$140,603,146	\$4,834,910	\$145,438,056	(2.94%)
OPERATING INTRA-DISTRICT FUNDS	\$255,029	\$0	\$0	\$0	\$0	N/A
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$17,595,505	\$20,729,000	\$20,955,000	\$0	\$20,955,000	1.09%

DDOT TOTAL	\$146,527,197	\$192,355,336	\$185,103,672	\$4,834,910	\$189,938,582	(1.26%)
Green Finance Authority						
ENTERPRISE AND OTHER FUNDS	\$0	\$44,794,000	\$45,294,000	\$0	\$45,294,000	1.12%
GFA TOTAL	\$0	\$44,794,000	\$45,294,000	\$0	\$45,294,000	1.12%
Highway Transportation Fund - Transfers						
DEDICATED TAXES	\$22,927,652	\$24,712,022	\$22,829,691	\$0	\$22,829,691	(7.62%)
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$0	\$2,824,997	\$20,707,000	\$0	\$20,707,000	632.99%
TRUST FUND TOTAL	\$22,927,652	\$27,537,019	\$43,536,691	\$0	\$43,536,691	58.10%
Washington Aqueduct						
ENTERPRISE AND OTHER FUNDS	\$0	\$138,227,183	\$108,444,478	\$0	\$108,444,478	(21.55%)
TRUST FUND TOTAL	\$0	\$138,227,183	\$108,444,478	\$0	\$108,444,478	(21.55%)
Washington Metropolitan Area Transit Authority						
DEDICATED TAXES	\$63,433,000	\$71,804,000	\$72,842,280	\$34,323,250	\$107,165,530	49.25%
LOCAL FUND	\$355,636,098	\$388,864,847	\$391,818,567	\$0	\$391,818,567	0.76%
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	\$28,000,000	\$20,500,000	\$34,141,093	\$0	\$34,141,093	66.54%
WMATA TOTAL	\$447,069,098	\$481,168,847	\$498,801,940	\$34,323,250	\$533,125,190	10.80%
Water and Sewer Authority						
ENTERPRISE AND OTHER FUNDS	\$0	\$686,403,000	\$737,566,811	\$0	\$737,566,811	7.45%
WASA TOTAL	\$0	\$686,403,000	\$737,566,811	\$0	\$737,566,811	7.45%
GRAND TOTAL	\$858,781,350	\$1,851,294,700	\$1,881,582,325	\$62,995,370	\$1,944,577,695	5.04%

C. FY 2024 AGENCY OPERATING BUDGET BY PROGRAM

Program	FY 2022 Actuals	FY 2023 Approved	Mayor's FY 2024 Proposed	Committ ee Variance	Committee's FY 2024 Recommendati on	Committ ee Percent Change
Department of Energy and Environment						
1000 - AGENCY MANAGEMENT	\$5,378,067	\$8,237,118	\$9,774,816	\$0	\$9,774,816	18.67%
1000 - AGENCY MANAGEMENT PROGRAM	\$92,671	\$0	\$0	\$0	\$0	N/A
100F - AGENCY FINANCIAL OPERATIONS	\$756,337	\$2,150,465	\$2,313,006	\$0	\$2,313,006	7.56%
2000 - NATURAL RESOURCES	\$31,898,086	\$48,119,329	\$55,247,039	\$511,000	\$55,758,039	15.87%
3000 - ENVIRONMENTAL SERVICES	\$15,574,279	\$24,757,388	\$23,897,758	\$0	\$23,897,758	(3.47%)
5000 - COMMUNITY RELATIONS	\$1,058,161	\$1,603,542	\$1,591,842	\$0	\$1,591,842	(0.73%)
6000 - ENERGY	\$137,678,005	\$111,254,697	\$63,895,295	\$25,153,000	\$89,048,295	(19.96%)
6500 - UTILITY AFFORDABILITY	\$0	\$24,697,151	\$32,271,431	\$0	\$32,271,431	30.67%
7000 - ENFORCEMENT AND ENVIRONMENTAL JUSTICE	\$356,674	\$523,304	\$544,500	\$0	\$544,500	4.05%
8000 - GREEN ECONOMY	\$403,883	\$473,286	\$282,204	\$0	\$282,204	(40.37%)
8500 - URBAN SUSTAINABILITY	\$3,508,810	\$3,674,159	\$3,982,081	\$0	\$3,982,081	8.38%
9000 - PAYROLL CLEARING	(\$6,264)	\$0	\$0	\$0	\$0	NA
TOTAL GROSS FUNDS	\$196,698,709	\$225,490,440	\$193,799,972	\$25,664,000	\$219,463,972	(2.67%)
Department of Motor Vehicles						
1000 - AGENCY MANAGEMENT	\$7,375,783	\$9,072,809	\$7,563,726	(\$22,703)	\$7,541,023	(16.88%)
100F - AGENCY FINANCIAL OPERATIONS	\$757,377	\$773,599	\$802,044	\$0	\$802,044	3.68%
2000 - ADJUDICATION SERVICES PROGRAM	\$15,345,687	\$15,937,731	\$29,005,125	(\$1,725,194)	\$27,279,931	71.17%

3000 - VEHICLE SERVICES PROGRAM	\$7,862,256	\$11,003,963	\$12,517,032	\$0	\$12,517,032	13.75%
4000 - DRIVER SERVICES PROGRAM	\$9,236,305	\$11,470,204	\$10,396,775	\$0	\$10,396,775	(9.36%)
8000 - TECHNOLOGY SERVICES PROGRAM	\$4,981,286	\$7,060,568	\$8,750,060	(\$78,893)	\$8,671,166	22.81%
TOTAL GROSS FUNDS	\$45,558,694	\$55,318,875	\$69,034,761	(\$1,826,790)	\$67,207,971	21.49%
District Department of Transportation						
9960 - YR END CLOSE	(\$1,677)	\$0	\$0	\$0	\$0	N/A
AA00 - ADMINISTRATIVE ADMINISTRATION	\$5,092,504	\$4,903,415	\$4,723,644	\$0	\$4,723,644	(3.67%)
EA00 - EXTERNAL AFFAIRS ADMINISTRATION	\$7,529,231	\$2,041,896	\$2,164,561	\$0	\$2,164,561	6.01%
OA00 - OPERATIONS ADMINISTRATION	\$59,563,773	\$97,874,063	\$94,129,096	(\$16,919)	\$94,112,177	(3.84%)
OD00 - OFFICE OF THE DIRECTOR	\$8,781,777	\$10,563,008	\$10,757,329	\$0	\$10,757,329	1.84%
PA00 - PERFORMANCE ADMINISTRATION	\$5,364,412	\$2,712,096	\$2,875,287	\$0	\$2,875,287	6.02%
PD00 - PROJECT DELIVERY ADMINISTRATION	\$60,196,834	\$74,260,858	\$70,453,756	\$4,851,829	\$75,305,585	1.41%
TR00 - TRANSPORTATION OPERATIONS	\$342	\$0	\$0	\$0	\$0	N/A
TOTAL GROSS FUNDS	\$146,526,854	\$192,355,336	\$185,103,672	\$4,834,910	\$189,938,582	(1.26%)
Green Finance Authority						
1000 - GREEN FINANCE AUTHORITY	\$0	\$44,794,000	\$45,294,000	\$0	\$45,294,000	1.12%
TOTAL GROSS FUNDS	\$0	\$44,794,000	\$45,294,000	\$0	\$45,294,000	1.12%

Highway Transportation Fund - Transfers						
1000 - TRANSFER TAX TO HIGHWAY TRUST FUND	\$22,927,652	\$27,537,019	\$43,536,691	\$0	\$43,536,691	58.10%
TOTAL GROSS FUNDS	\$22,927,652	\$27,537,019	\$43,536,691	\$0	\$43,536,691	58.10%
Washington Aqueduct						
1000 - WASHINGTON AQUEDUCT	\$0	\$138,227,183	\$108,444,478	\$0	\$108,444,478	(21.55%)
TOTAL GROSS FUNDS	\$0	\$138,227,183	\$108,444,478	\$0	\$108,444,478	(21.55%)
Washington Metropolitan Area Transit Authority						
DC00 - DC PROJECTS ONLY	\$28,405,567	\$21,675,000	\$18,054,514	\$34,323,250	\$52,377,764	141.65%
DS00 - DEBT SERVICE	\$33,273,091	\$33,284,167	\$33,284,167	\$0	\$33,284,167	0.00%
MA00 - METRO ACCESS	\$39,796,316	\$0	\$0	\$0	\$0	N/A
OP00 - WMATA OPERATIONS	\$345,594,124	\$426,209,680	\$447,463,259	\$0	\$447,463,259	4.99%
TOTAL GROSS FUNDS	\$447,069,098	\$481,168,847	\$498,801,940	\$34,323,250	\$533,125,190	10.80%
Water and Sewer Authority						
1000 - WASA	\$0	\$686,403,000	\$737,566,811	\$0	\$737,566,811	7.45%
TOTAL GROSS FUNDS	\$0	\$686,403,000	\$737,566,811	\$0	\$737,566,811	7.45%
GRAND TOTAL	\$858,781,179	\$1,851,294,700	\$1,881,582,325	\$62,995,370	\$1,944,577,695	5.04%

D. FY 2024 AGENCY FULL-TIME EQUIVALENTS

Fund Type	FY 2022 Actuals	FY 2023 Approved	Mayor's FY 2024 Proposed	Committee Variance	Committee's FY 2024 Recommendation	Committee Percent Change
Department of Energy and Environment						
LOCAL FUND	135.94	140.59	133.20	2.00	135.20	(3.83%)
FEDERAL PAYMENTS	11.00	5.00	2.75	0.00	2.75	(45.00%)
FEDERAL GRANT FUND	57.90	101.26	113.02	0.00	113.02	11.61%
PRIVATE GRANT FUND	0.57	1.75	1.35	0.00	1.35	(22.86%)
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	182.06	247.35	248.79	0.00	248.79	0.58%
OPERATING INTRA-DISTRICT FUNDS	13.70	0.00	0.00	0.00	0.00	NA
TOTAL FTE	401.17	495.95	499.11	2.00	501.11	1.04%
Department of Motor Vehicles						
LOCAL FUND	218.94	253.00	301.20	1.00	302.20	19.45%
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	34.00	39.00	39.00	0.00	39.00	0.00%
TOTAL FTE	252.94	292.00	340.20	1.00	341.20	16.85%
District Department of Transportation						
LOCAL FUND	554.56	790.20	737.00	5.00	742.00	(6.10%)
FEDERAL GRANT FUND	3.32	26.00	29.00	0.00	29.00	11.54%
SPECIAL PURPOSE REVENUE FUNDS ('O'TYPE)	9.92	12.00	12.00	0.00	12.00	0.00%
TOTAL FTE	567.80	828.20	778.00	5.00	783.00	(5.46%)
GRAND TOTAL	1,221.91	1,616.15	1,617.31	8.00	1,625.31	0.57%

Agency and Project	Unspent Allotment	FY 2024 Planned Allotment	FY 2025 Planned Allotment	FY 2026 Planned Allotment	FY 2027 Planned Allotment	FY 2028 Planned Allotment	FY 2029 Planned Allotment	FY 2024-FY 2029 Total Planned Allotment
RETROFIT IMPLEMENTATION								
Mayor's Proposed FY24-FY29 CIP	0	1,400,000	0	0	0	0	0	1,400,000
SWM05C-STORMWATER RETROFIT IMPLEMENTATION Total	0	1,400,000	0	0	0	0	0	1,400,000
WETMIC-WETLAND & STREAM MITIGATION								
Mayor's Proposed FY24-FY29 CIP	0	200,000	0	0	0	0	0	200,000
WETMIC-WETLAND & STREAM MITIGATION Total	0	200,000	0	0	0	0	0	200,000
DEPARTMENT OF ENERGY AND ENVIRONMENT Total	0	7,950,000	3,500,000	7,900,000	3,000,000	3,000,000	3,000,000	28,350,000
DEPARTMENT OF MOTOR VEHICLES								
MVS16C-DESTINY REPLACEMENT PROJECT								
Mayor's Proposed FY24-FY29 CIP	0	2,500,000	3,200,000	0	0	0	0	5,700,000
MVS16C-DESTINY REPLACEMENT PROJECT Total	0	2,500,000	3,200,000	0	0	0	0	5,700,000
TPS01C-TICKET PROCESSING SYSTEM								
Mayor's Proposed FY24-FY29 CIP	0	6,000,000	0	0	0	0	0	6,000,000
TPS01C-TICKET PROCESSING SYSTEM Total	0	6,000,000	0	0	0	0	0	6,000,000
DEPARTMENT OF MOTOR VEHICLES Total	0	8,500,000	3,200,000	0	0	0	0	11,700,000
DISTRICT DEPARTMENT OF TRANSPORTATION								
AW000A-SOUTH CAPITOL STREET CORRIDOR								
Mayor's Proposed FY24-FY29 CIP	0	1,464,050	1,381,796	1,154,291	837,509	8,642,617	17,157,054	30,637,317
AW000A-SOUTH CAPITOL STREET CORRIDOR Total	0	1,464,050	1,381,796	1,154,291	837,509	8,642,617	17,157,054	30,637,317

Agency and Project	Unspent Allotment	FY 2024 Planned Allotment	FY 2025 Planned Allotment	FY 2026 Planned Allotment	FY 2027 Planned Allotment	FY 2028 Planned Allotment	FY 2029 Planned Allotment	FY 2024-FY 2029 Total Planned Allotment
BIDCRC-BUSINESS IMPROVEMENT DISTRICT CAPITAL RE								
Mayor's Proposed FY24-FY29 CIP	0	250,000	250,000	250,000	250,000	250,000	250,000	1,500,000
BIDCRC-BUSINESS IMPROVEMENT DISTRICT CAPITAL RE Total	0	250,000	250,000	250,000	250,000	250,000	250,000	1,500,000
BR005C-H STREET BRIDGE								
Mayor's Proposed FY24-FY29 CIP	0	0	65,035,605	48,030,105	58,754,105	42,747,105	5,437,975	220,004,895
BR005C-H STREET BRIDGE Total	0	0	65,035,605	48,030,105	58,754,105	42,747,105	5,437,975	220,004,895
BRBTIC-BENNING ROAD BRIDGES AND TRANSPORTATION								
Mayor's Proposed FY24-FY29 CIP	0	59,577,012	42,809,999	46,097,880	57,179,922	3,577,888	1,897,370	211,140,071
BRBTIC-BENNING ROAD BRIDGES AND TRANSPORTATION Total	0	59,577,012	42,809,999	46,097,880	57,179,922	3,577,888	1,897,370	211,140,071
CBS02C-CAPITAL BIKESHARE EXPANSION								
Mayor's Proposed FY24-FY29 CIP	0	8,431,225	2,547,729	1,085,000	1,085,000	1,085,000	1,085,000	15,318,954
CBS02C-CAPITAL BIKESHARE EXPANSION Total	0	8,431,225	2,547,729	1,085,000	1,085,000	1,085,000	1,085,000	15,318,954
CE309C-LOCAL STREET MAINTENANCE								
Mayor's Proposed FY24-FY29 CIP	0	2,575,790	2,575,790	2,575,790	2,575,790	2,575,790	2,575,790	15,454,740
CE309C-LOCAL STREET MAINTENANCE Total	0	2,575,790	2,575,790	2,575,790	2,575,790	2,575,790	2,575,790	15,454,740
CG314C-TREE PLANTING								
Mayor's Proposed FY24-FY29 CIP	0	452,000	452,000	452,000	452,000	452,000	452,000	2,712,000
CG314C-TREE PLANTING Total	0	452,000	452,000	452,000	452,000	452,000	452,000	2,712,000
DCWATR-DC WATER								
Committee's FY24 Recommendation	0	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	30,000,000
DCWATR-DC WATER Total	0	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	30,000,000

Agency and Project	Unspent Allotment	FY 2024 Planned Allotment	FY 2025 Planned Allotment	FY 2026 Planned Allotment	FY 2027 Planned Allotment	FY 2028 Planned Allotment	FY 2029 Planned Allotment	FY 2024-FY 2029 Total Planned Allotment
ED0D5C-11TH STREET BRIDGE PARK								
Mayor's Proposed FY24-FY29 CIP	0	15,118,763	17,156,463	7,973,164	1,929,220	0	0	42,177,610
ED0D5C-11TH STREET BRIDGE PARK Total	0	15,118,763	17,156,463	7,973,164	1,929,220	0	0	42,177,610
GPC19C-GARFIELD PARK CONNECTOR								
Committee's FY24 Recommendation	0	3,600,000	0	0	0	0	0	3,600,000
GPC19C-GARFIELD PARK CONNECTOR Total	0	3,600,000	0	0	0	0	0	3,600,000
HTF00A-11TH STREET BRIDGE								
Mayor's Proposed FY24-FY29 CIP	0	11,767,719	11,771,319	11,766,725	3,992,125	3,987,250	0	43,285,138
HTF00A-11TH STREET BRIDGE Total	0	11,767,719	11,771,319	11,766,725	3,992,125	3,987,250	0	43,285,138
LMALLC-ALLEYS								
Mayor's Proposed FY24-FY29 CIP	0	19,313,918	15,415,352	15,588,952	15,805,952	15,968,702	18,189,155	100,282,031
LMALLC-ALLEYS Total	0	19,313,918	15,415,352	15,588,952	15,805,952	15,968,702	18,189,155	100,282,031
LMB56C-I-295 RECONNECTING COMMUNITIES								
Mayor's Proposed FY24-FY29 CIP	0	2,000,000	0	0	0	0	0	2,000,000
LMB56C-I-295 RECONNECTING COMMUNITIES Total	0	2,000,000	0	0	0	0	0	2,000,000
LMBSSC-STREETSCAPES AND BEAUTIFICATION								
Committee's FY23 Supplemental	23,870,000	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(23,370,000)	0	0	0	0	0	(23,370,000)
Mayor's Proposed FY24-FY29 CIP	0	90,678,875	35,737,383	35,664,840	10,850,000	27,993,000	58,062,690	258,986,788
LMBSSC-STREETSCAPES AND BEAUTIFICATION Total	23,870,000	67,308,875	35,737,383	35,664,840	10,850,000	27,993,000	58,062,690	235,616,788
LMC02C-K STREET TRANSITWAY								
Committee's FY23 Supplemental	(115,064,997)	0	0	0	0	0	0	0

Agency and Project	Unspent Allotment	FY 2024 Planned Allotment	FY 2025 Planned Allotment	FY 2026 Planned Allotment	FY 2027 Planned Allotment	FY 2028 Planned Allotment	FY 2029 Planned Allotment	FY 2024-FY 2029 Total Planned Allotment
LMC02C-K STREET TRANSITWAY Total	(115,064,997)	0	0	0	0	0	0	0
LMBEC-BUS PRIORITY AND EFFICIENCY INITIATIVE								
Mayor's Proposed FY24-FY29 CIP	0	25,881,109	16,743,287	16,615,800	16,629,362	19,165,550	19,165,550	114,200,658
LMBEC-BUS PRIORITY AND EFFICIENCY INITIATIVE Total	0	25,881,109	16,743,287	16,615,800	16,629,362	19,165,550	19,165,550	114,200,658
LMEQUC-EQUIPMENT								
Mayor's Proposed FY24-FY29 CIP	0	5,285,505	0	0	0	0	0	5,285,505
LMEQUC-EQUIPMENT Total	0	5,285,505	0	0	0	0	0	5,285,505
LMFACC-FACILITIES								
Mayor's Proposed FY24-FY29 CIP	0	4,244,021	0	0	0	0	0	4,244,021
LMFACC-FACILITIES Total	0	4,244,021	0	0	0	0	0	4,244,021
LMGGRC-POWERLINE UNDERGROUNDING								
Mayor's Proposed FY24-FY29 CIP	0	39,703,601	18,084,859	0	0	0	0	57,788,460
LMGGRC-POWERLINE UNDERGROUNDING Total	0	39,703,601	18,084,859	0	0	0	0	57,788,460
LMHTSC-HIGHWAY TRUST FUND SUPPORT								
Mayor's Proposed FY24-FY29 CIP	0	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	12,000,000
LMHTSC-HIGHWAY TRUST FUND SUPPORT Total	0	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	12,000,000
LMLIGC-STREETLIGHT MANAGEMENT								
Mayor's Proposed FY24-FY29 CIP	0	11,082,981	11,112,763	11,143,183	12,144,177	12,203,736	12,234,136	69,920,976
LMLIGC-STREETLIGHT MANAGEMENT Total	0	11,082,981	11,112,763	11,143,183	12,144,177	12,203,736	12,234,136	69,920,976
LMMITC-TRANSPORTATION MITIGATION								
Mayor's Proposed FY24-FY29 CIP	0	5,600,000	5,600,000	5,600,000	5,600,000	5,600,000	5,600,000	33,600,000

Agency and Project	Unspent Allotment	FY 2024 Planned Allotment	FY 2025 Planned Allotment	FY 2026 Planned Allotment	FY 2027 Planned Allotment	FY 2028 Planned Allotment	FY 2029 Planned Allotment	FY 2024-FY 2029 Total Planned Allotment
LMMITC-TRANSPORTATION MITIGATION Total	0	5,600,000	5,600,000	5,600,000	5,600,000	5,600,000	5,600,000	33,600,000
LMPDWC-SIDEWALKS								
Mayor's Proposed FY24-FY29 CIP	0	21,846,929	21,846,929	16,888,479	16,899,329	16,899,329	17,273,654	111,654,649
LMPDWC-SIDEWALKS Total	0	21,846,929	21,846,929	16,888,479	16,899,329	16,899,329	17,273,654	111,654,649
LMRESC-RESTORATION MATERIALS								
Mayor's Proposed FY24-FY29 CIP	0	794,220	794,220	794,220	794,220	794,220	794,220	4,765,320
LMRESC-RESTORATION MATERIALS Total	0	794,220	794,220	794,220	794,220	794,220	794,220	4,765,320
LMSAFC-SAFETY & MOBILITY								
Committee's FY24 Recommendation	0	2,000,000	0	0	0	0	0	2,000,000
Mayor's Proposed FY24-FY29 CIP	0	32,478,906	27,003,295	27,046,596	26,603,476	26,028,133	26,042,611	165,203,019
LMSAFC-SAFETY & MOBILITY Total	0	34,478,906	27,003,295	27,046,596	26,603,476	26,028,133	26,042,611	167,203,019
LMSNEW-TRAFFIC SAFETY INFRASTRUCTURE								
Committee's FY24 Recommendation	0	4,036,241	38,969,411	14,268,348	0	0	0	57,274,000
LMSNEW-TRAFFIC SAFETY INFRASTRUCTURE Total	0	4,036,241	38,969,411	14,268,348	0	0	0	57,274,000
LMTCEC-STREET CAR								
Mayor's Proposed FY24-FY29 CIP	0	5,983,750	5,766,750	3,000,000	9,727,000	9,727,000	9,727,000	43,931,500
LMTCEC-STREET CAR Total	0	5,983,750	5,766,750	3,000,000	9,727,000	9,727,000	9,727,000	43,931,500
LMURFC-URBAN FORESTRY								
Mayor's Proposed FY24-FY29 CIP	0	12,335,920	7,152,022	7,152,022	7,152,022	7,152,022	7,152,022	48,096,030
LMURFC-URBAN FORESTRY Total	0	12,335,920	7,152,022	7,152,022	7,152,022	7,152,022	7,152,022	48,096,030
LMVAEC-VEHICLE FLEET								
Mayor's Proposed FY24-FY29 CIP	0	5,149,661	2,803,032	2,887,124	2,973,736	3,661,900	3,771,757	21,247,209
LMVAEC-VEHICLE FLEET Total	0	5,149,661	2,803,032	2,887,124	2,973,736	3,661,900	3,771,757	21,247,209
LMWWMC-STORMWATER AND FLOOD MITIGATION								

Agency and Project	Unspent Allotment	FY 2024 Planned Allotment	FY 2025 Planned Allotment	FY 2026 Planned Allotment	FY 2027 Planned Allotment	FY 2028 Planned Allotment	FY 2029 Planned Allotment	FY 2024-FY 2029 Total Planned Allotment
Committee's FY24 Recommendation	0	1,000,000	0	0	0	0	0	1,000,000
Mayor's Proposed FY24-FY29 CIP	0	6,579,502	7,646,402	7,646,402	7,646,402	7,646,402	7,646,402	44,811,512
LMWWMC-STORMWATER AND FLOOD MITIGATION Total	0	7,579,502	7,646,402	7,646,402	7,646,402	7,646,402	7,646,402	45,811,512
LMXLBC-LONG BRIDGE PEDESTRIAN & BICYCLE CONNECT								
Mayor's Proposed FY24-FY29 CIP	0	350,000	100,000	2,100,000	17,450,000	32,000,000	0	52,000,000
LMXLBC-LONG BRIDGE PEDESTRIAN & BICYCLE CONNECT Total	0	350,000	100,000	2,100,000	17,450,000	32,000,000	0	52,000,000
LRBLMC-BRIDGE REHABILITATION								
Mayor's Proposed FY24-FY29 CIP	0	1,315,427	1,315,427	1,315,427	1,315,427	1,315,427	1,315,427	7,892,562
LRBLMC-BRIDGE REHABILITATION Total	0	1,315,427	1,315,427	1,315,427	1,315,427	1,315,427	1,315,427	7,892,562
MNT00A-MAINTENANCE								
Mayor's Proposed FY24-FY29 CIP	0	71,063,936	66,786,692	56,754,572	41,038,635	56,466,656	46,942,293	339,052,784
MNT00A-MAINTENANCE Total	0	71,063,936	66,786,692	56,754,572	41,038,635	56,466,656	46,942,293	339,052,784
MRR00A-MAJOR REHABILITATION, RECONSTRUCTION ;								
Mayor's Proposed FY24-FY29 CIP	0	19,285,736	2,754,150	16,231,624	18,061,131	73,876,252	80,397,416	210,606,309
MRR00A-MAJOR REHABILITATION, RECONSTRUCTION ; Total	0	19,285,736	2,754,150	16,231,624	18,061,131	73,876,252	80,397,416	210,606,309
OSS00A-OPERATIONS, SAFETY & SYSTEM EFFICIENCY								
Mayor's Proposed FY24-FY29 CIP	0	80,159,939	69,450,303	54,750,783	40,347,891	49,582,368	52,731,480	347,022,764
OSS00A-OPERATIONS, SAFETY & SYSTEM EFFICIENCY Total	0	80,159,939	69,450,303	54,750,783	40,347,891	49,582,368	52,731,480	347,022,764
PAVEDC-LOCAL STREETS								

Agency and Project	Unspent Allotment	FY 2024 Planned Allotment	FY 2025 Planned Allotment	FY 2026 Planned Allotment	FY 2027 Planned Allotment	FY 2028 Planned Allotment	FY 2029 Planned Allotment	FY 2024-FY 2029 Total Planned Allotment
Committee's FY24 Recommendation	0	35,198,592	35,198,592	34,267,664	30,308,712	27,267,680	25,676,528	187,917,768
PAVEDC-LOCAL STREETS Total	0	35,198,592	35,198,592	34,267,664	30,308,712	27,267,680	25,676,528	187,917,768
PM000A-PLANNING, MANAGEMENT & COMPLIANCE								
Mayor's Proposed FY24-FY29 CIP	0	34,226,253	35,520,999	27,302,131	18,229,027	24,063,806	20,163,700	159,505,916
PM000A-PLANNING, MANAGEMENT & COMPLIANCE Total	0	34,226,253	35,520,999	27,302,131	18,229,027	24,063,806	20,163,700	159,505,916
SA394C-STREETCAR - BENNING EXTENSION								
Committee's FY24 Recommendation	0	(4,036,241)	(38,969,411)	(14,268,348)	0	28,000,000	29,274,000	0
Mayor's Proposed FY24-FY29 CIP	0	4,036,241	38,969,411	26,869,591	26,908,199	1,683,712	892,880	99,360,034
SA394C-STREETCAR - BENNING EXTENSION Total	0	0	0	12,601,243	26,908,199	29,683,712	30,166,880	99,360,034
SCG19A-SOUTH CAPITOL STREET BRIDGE - GARVEE								
Mayor's Proposed FY24-FY29 CIP	0	16,122,625	16,118,250	16,124,000	23,894,750	23,899,500	27,888,625	124,047,750
SCG19A-SOUTH CAPITOL STREET BRIDGE - GARVEE Total	0	16,122,625	16,118,250	16,124,000	23,894,750	23,899,500	27,888,625	124,047,750
SR301C-LOCAL STREETS WARD 1								
Committee's FY23 Supplemental	(2,820,396)	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(4,399,824)	(4,399,824)	(4,283,458)	(3,788,589)	(3,408,460)	(3,209,566)	(23,489,721)
Mayor's Proposed FY24-FY29 CIP	0	4,399,824	4,399,824	4,283,458	3,788,589	3,408,460	3,209,566	23,489,721
SR301C-LOCAL STREETS WARD 1 Total	(2,820,396)	0	0	0	0	0	0	0
SR302C-LOCAL STREETS WARD 2								
Committee's FY23 Supplemental	(1,828,937)	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(4,399,824)	(4,399,824)	(4,283,458)	(3,788,589)	(3,408,460)	(3,209,566)	(23,489,721)
Mayor's Proposed FY24-FY29 CIP	0	4,399,824	4,399,824	4,283,458	3,788,589	3,408,460	3,209,566	23,489,721
SR302C-LOCAL STREETS WARD 2 Total	(1,828,937)	0	0	0	0	0	0	0

Agency and Project	Unspent Allotment	FY 2024 Planned Allotment	FY 2025 Planned Allotment	FY 2026 Planned Allotment	FY 2027 Planned Allotment	FY 2028 Planned Allotment	FY 2029 Planned Allotment	FY 2024-FY 2029 Total Planned Allotment
SR303C-LOCAL STREETS WARD 3								
Committee's FY23 Supplemental	(2,924,305)	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(4,399,824)	(4,399,824)	(4,283,458)	(3,788,589)	(3,408,460)	(3,209,566)	(23,489,721)
Mayor's Proposed FY24-FY29 CIP	0	4,399,824	4,399,824	4,283,458	3,788,589	3,408,460	3,209,566	23,489,721
SR303C-LOCAL STREETS WARD 3 Total	(2,924,305)	0	0	0	0	0	0	0
SR304C-LOCAL STREETS WARD 4								
Committee's FY23 Supplemental	(2,813,593)	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(4,399,824)	(4,399,824)	(4,283,458)	(3,788,589)	(3,408,460)	(3,209,566)	(23,489,721)
Mayor's Proposed FY24-FY29 CIP	0	4,399,824	4,399,824	4,283,458	3,788,589	3,408,460	3,209,566	23,489,721
SR304C-LOCAL STREETS WARD 4 Total	(2,813,593)	0	0	0	0	0	0	0
SR305C-LOCAL STREETS WARD 5								
Committee's FY23 Supplemental	(2,949,169)	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(4,399,824)	(4,399,824)	(4,283,458)	(3,788,589)	(3,408,460)	(3,209,566)	(23,489,721)
Mayor's Proposed FY24-FY29 CIP	0	4,399,824	4,399,824	4,283,458	3,788,589	3,408,460	3,209,566	23,489,721
SR305C-LOCAL STREETS WARD 5 Total	(2,949,169)	0	0	0	0	0	0	0
SR306C-LOCAL STREETS WARD 6								
Committee's FY23 Supplemental	(3,122,002)	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(4,399,824)	(4,399,824)	(4,283,458)	(3,788,589)	(3,408,460)	(3,209,566)	(23,489,721)
Mayor's Proposed FY24-FY29 CIP	0	4,399,824	4,399,824	4,283,458	3,788,589	3,408,460	3,209,566	23,489,721
SR306C-LOCAL STREETS WARD 6 Total	(3,122,002)	0	0	0	0	0	0	0
SR307C-LOCAL STREETS WARD 7								
Committee's FY23 Supplemental	(1,727,729)	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(4,399,824)	(4,399,824)	(4,283,458)	(3,788,589)	(3,408,460)	(3,209,566)	(23,489,721)
Mayor's Proposed FY24-FY29 CIP	0	4,399,824	4,399,824	4,283,458	3,788,589	3,408,460	3,209,566	23,489,721
SR307C-LOCAL STREETS WARD 7 Total	(1,727,729)	0	0	0	0	0	0	0

Agency and Project	Unspent Allotment	FY 2024 Planned Allotment	FY 2025 Planned Allotment	FY 2026 Planned Allotment	FY 2027 Planned Allotment	FY 2028 Planned Allotment	FY 2029 Planned Allotment	FY 2024-FY 2029 Total Planned Allotment
SR308C-LOCAL STREETS WARD 8								
Committee's FY23 Supplemental	(2,180,221)	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(4,399,824)	(4,399,824)	(4,283,458)	(3,788,589)	(3,408,460)	(3,209,566)	(23,489,721)
Mayor's Proposed FY24-FY29 CIP	0	4,399,824	4,399,824	4,283,458	3,788,589	3,408,460	3,209,566	23,489,721
SR308C-LOCAL STREETS WARD 8 Total	(2,180,221)	0	0	0	0	0	0	0
TRL00C-TRAILS - MASTER PROJECT								
Committee's FY24 Recommendation	0	500,000	0	0	0	0	0	500,000
Mayor's Proposed FY24-FY29 CIP	0	29,362,907	7,700,381	36,623,506	37,441,126	70,011,014	3,113,950	184,252,884
TRL00C-TRAILS - MASTER PROJECT Total	0	29,862,907	7,700,381	36,623,506	37,441,126	70,011,014	3,113,950	184,752,884
TRL09C-BUZZARD POINT TRAIL								
Committee's FY24 Recommendation	0	2,766,351	0	0	0	0	0	2,766,351
TRL09C-BUZZARD POINT TRAIL Total	0	2,766,351	0	0	0	0	0	2,766,351
TRMBPC-THEODORE ROOSEVELT MEMORIAL BRIDGE								
Mayor's Proposed FY24-FY29 CIP	0	0	47,209,415	64,581,918	39,466,728	0	0	151,258,061
TRMBPC-THEODORE ROOSEVELT MEMORIAL BRIDGE Total	0	0	47,209,415	64,581,918	39,466,728	0	0	151,258,061
ZU000A-TRAVEL DEMAND MANAGEMENT								
Mayor's Proposed FY24-FY29 CIP	0	5,969,420	5,833,944	4,873,415	3,505,961	4,759,452	4,004,673	28,946,865
ZU000A-TRAVEL DEMAND MANAGEMENT Total	0	5,969,420	5,833,944	4,873,415	3,505,961	4,759,452	4,004,673	28,946,865
DISTRICT DEPARTMENT OF TRANSPORTATION Total	(111,561,347)	679,182,884	653,644,559	618,207,204	564,848,934	616,083,511	513,915,358	3,645,882,451
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY								

Agency and Project	Unspent Allotment	FY 2024 Planned Allotment	FY 2025 Planned Allotment	FY 2026 Planned Allotment	FY 2027 Planned Allotment	FY 2028 Planned Allotment	FY 2029 Planned Allotment	FY 2024-FY 2029 Total Planned Allotment
SA311C-WMATA FUND - PRIIA								
Committee's FY23 Supplemental	49,500,000	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(49,500,000)	0	0	0	0	0	(49,500,000)
Mayor's Proposed FY24-FY29 CIP	0	49,500,000	0	0	0	0	0	49,500,000
SA311C-WMATA FUND - PRIIA Total	49,500,000	0	0	0	0	0	0	0
SA501C-WMATA CIP CONTRIBUTION								
Committee's FY23 Supplemental	62,061,347	0	0	0	0	0	0	0
Committee's FY24 Recommendation	0	(62,061,347)	0	0	0	0	0	(62,061,347)
Mayor's Proposed FY24-FY29 CIP	0	284,679,335	287,864,714	291,145,655	294,525,025	298,005,775	301,590,949	1,757,811,453
SA501C-WMATA CIP CONTRIBUTION Total	62,061,347	222,617,988	287,864,714	291,145,655	294,525,025	298,005,775	301,590,949	1,695,750,106
TOP02C-PROJECT DEVELOPMENT								
Mayor's Proposed FY24-FY29 CIP	0	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	6,000,000
TOP02C-PROJECT DEVELOPMENT Total	0	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	6,000,000
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY Total	111,561,347	223,617,988	288,864,714	292,145,655	295,525,025	299,005,775	302,590,949	1,701,750,106
Grand Total	(0)	919,250,872	949,209,273	918,252,859	863,373,959	918,089,287	819,506,307	5,387,682,557

F. TRANSFERS IN FROM OTHER COMMITTEES

<i>Sending Committee</i>	<i>Amount</i>	<i>FT Es</i>	<i>Receiving agency</i>	<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
Committee of the Whole	\$49,111,289	0	Local Funds				Transfer in from COW to account for reduction in Paygo transfers for capital projects within T&E	Recurring
Committee on Public Works and Operations	\$10,342,924	0	WMATA (KE0)	Fund Detail 0112 – Fare-Free Bus Fund			Transfer in from PWO to cover costs of the fare-free bus program established by the Metro for D.C. Amendment Act of 2022	Recurring
Committee on Public Works and Operations	\$100,630	1	DMV (KV0)	Adjudication Services (2000)	Hearings (2010)	11	Enhancement to fund salary for a Hearing Examiner that will support ticket processing associated with additional parking enforcement	Recurring
Committee on Public Works and Operations	\$25,862	0	DMV (KV0)	Adjudication Services (2000)	Hearings (2010)	14	Enhancement to fund fringe benefits for a Hearing Examiner that will support ticket processing associated with additional parking enforcement	Recurring
Committee on Public Works and Operations	\$246,508	0	DMV (KV0)	Adjudication Services (2000)	Ticket Processing (2030)	41	Enhancement to fund additional contract costs associated with additional parking enforcement	Recurring
Committee on Public Works and Operations	\$155,746	2	DDOT (KA0)	Operations Administration (OA00)	Traffic Operations Division (TFDV)	11	Enhancement to fund salary for two Grade 11 Supervisory Traffic Control Officers for dedicated bus lane enforcement and traffic management at 14th and Irving Streets, N.W.	Recurring
Committee on Public Works and Operations	\$42,830	0	DDOT (KA0)	Operations Administration (OA00)	Traffic Operations Division (TFDV)	14	Enhancement to fund fringe benefits for two Grade 11 Supervisory Traffic Control Officers for dedicated bus lane enforcement and traffic management at 14th and Irving Streets, N.W.	Recurring
Committee on Facilities and Family Services	\$354,000	3	DDOT (KA0)	Project Delivery Administration (PD00)	Planning and Sustainability (PSDV)	11, 14	Enhancements to fund salary for 3 FTEs to implement portions of the Safe Streets for Students Amendment Act of 2022	Recurring
Committee on Facilities and Family Services	\$41,000	0	DDOT (KA0)	Project Delivery Administration (PD00)	Planning and Sustainability (PSDV)	20	Enhancements to fund requirement for DDOT to report on traffic danger data and mitigation efforts, in the Safe Streets for Students Amendment Act of 2022	Recurring
Total	\$60,420,789	6						

G. TRANSFERS OUT TO OTHER COMMITTEES

<i>Receiving Committee</i>	<i>Amount</i>	<i>FT Es</i>	<i>Receiving agency</i>	<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
Committee on the Judiciary and Public Safety	\$1,000,000	0	OVSJG (FO0)	Access to Justice (3000)	Access to Justice (3010)	50	Restore cuts to funding for legal services providers through the Access to Justice Program	One-time
Committee on Judiciary and Public Safety	\$79,971	1	Office of Police Complaints (FH0)	Policy Recommendation (4000)	Policy Recommendation (4010)	11	Fund salary of a policy analyst position in the Office of Police Complaints to cover costs in the Comprehensive Policing and Justice Amendment Act of 2022	Recurring
Committee on Judiciary and Public Safety	\$17,993	0	Office of Police Complaints (FH0)	Policy Recommendation (4000)	Policy Recommendation (4010)	14	Fund fringe benefits associated with a new policy analyst position in the Office of Police Complaints to cover costs in the Comprehensive Policing and Justice Amendment Act of 2022	Recurring
Committee on Judiciary and Public Safety	\$79,971	1	Office of Police Complaints (FH0)	Policy Recommendation (4000)	Policy Recommendation (4010)	11	Fund salary of an investigator position in the Office of Police Complaints to cover costs in the Comprehensive Policing and Justice Amendment Act of 2022	Recurring
Committee on Judiciary and Public Safety	\$17,993	0	Office of Police Complaints (FH0)	Policy Recommendation (4000)	Policy Recommendation (4010)	14	Fund fringe benefits for an investigator position in the Office of Police Complaints to cover costs in the Comprehensive Policing and Justice Amendment Act of 2022	Recurring
Committee on Judiciary and Public Safety	\$25,000	0	Office of Police Complaints (FH0)	Agency Management (1000)	Information Technology (1040)	20	Fund Software costs in the Office of Police Complaints in the Comprehensive Policing and Justice Amendment Act of 2022	Recurring
Committee on Judiciary and Public Safety	\$5,000	0	Office of Police Complaints (FH0)	Agency Management (1000)	Information Technology (1040)	20	Fund Software costs in the Office of Police Complaints in the Comprehensive Policing and Justice Amendment Act of 2022	One-time
Committee on Housing	\$1,000,000	0	DHS (JA0)	5000	5014	50	Restore cuts to the Emergency Rental Assistance Program	One-time
Committee on Health	\$170,000	0	DOH (HC0)	4500	4530	41	DC Health implementation of legislatively required dementia training for direct care workers	One-time
Committee on Health	\$150,000	0	DOH (HC0)	8500	8513	50	Restore Healthy Food Access Grants to FY23 levels—Healthy Corners	One-time
Committee on Health	\$25,000	0	DOH (HC0)	8500	8513	50	Restore Healthy Food Access Grants to FY23 levels—Nutritional Home Delivery of Meals	One-time
Committee on Health	\$200,000	0	DOH (HC0)	8500	8513	50	Restore Healthy Food Access Grants to FY23 levels—Produce Plus	One-time
Committee on Recreation, Libraries, and Youth Affairs	\$100,000	0	DPR (HA0)	Park Policy & Programs Division (3800)	Planning Capital Projects (3825)	50	DPR study of potential locations for a new recreation center on Capitol Hill, primarily serving neighborhoods south of Pennsylvania Avenue, SE, between 8th St., SE and 15th St., SE.	One-time

<i>Receiving Committee</i>	<i>Amount</i>	<i>FT Es</i>	<i>Receiving agency</i>	<i>Program</i>	<i>Activity</i>	<i>CSG</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
Committee on Recreation, Libraries, and Youth Affairs	\$75,000	0	DPR (HA0)	3800	3825	50	Enhancement to the Eastern Market Metro Park Grant (EST01), to add dedicated behavioral health and substance abuse outreach within the park, with a goal to increase recreation and enjoyment of the park for all	Recurring
Committee on Facilities and family Services	\$178,000	0	DGS (AM0)	7000	7003	30	Adjustment to account for increased natural gas costs to DGS associated with the Sustainable Energy Trust Fund Rightsizing Amendment Act of 2023 (BSA Subtitle in T&E)	Recurring
Committee on Facilities and Family Services	\$518,000	0	DGS (AM0)	7000	7004	30	Adjustment to account for increased electricity costs to DGS associated with the Sustainable Energy Trust Fund Rightsizing Amendment Act of 2023 (BSA Subtitle in T&E)	Recurring
Committee on Recreation, Libraries, and Youth Affairs	\$10,000,000	0	DPR (HA0)	500038			Enhancement to the Rumsey Aquatic Center (QE940C) redesign, to allow for an additional floor with a community and senior center	Capital
Total Operating	\$3,641,928							
Total Capital	\$10,000,000							

H. REVENUE ADJUSTMENTS

<i>Agency</i>	<i>Fund Type</i>	<i>Amount</i>	<i>Description</i>	<i>Legislation</i>
DOEE (KG0)	Special Purpose Revenue	\$25,153,000	Revenue realized in the Sustainable Energy Trust Fund from a small increase to electric and utility rates, dedicated to clean energy and energy efficiency	Sustainable Energy Trust Fund Rightsizing Amendment Act of 2023 (BSA Subtitle)
DMV (KV0)	Local	\$4,000	Revenue realized from an increase in registration fees on very heavy electric vehicles	Motor Vehicle Registration Fee Abatement for certain Disability Tags Amendment Act of 2023 (BSA Subtitle)

I. FUNDING OF LEGISLATION

<i>Bill, Law, or Subtitle #</i>	<i>Status</i>	<i>Agency</i>	<i>Attributes</i>	<i>Amount</i>	<i>FTEs</i>
Sections 2d, 2f, 2i, and 2j of the Safe Streets for Students Amendment Act of 2022, effective December 21, 2022 (D.C. Law 240285; 70 DCR 3516)	Passed S2A	DDOT (KA0)	PD00/ PSDV/11, 14 PD00/ PSDV/20	\$354,000 \$41,000	3
District Waterways Management Authority Establishment Act of 2022, effective March 22, 2023 (D.C. Law 24-336; 70 DCR 4307)	Passed S2A	DOEE (KG0)	2000/2080/11 2000/2080/14 2000/2080/40	\$269,888 \$66,112 \$25,000	1
Electric Bicycle Rebate Program Amendment Act of 2023, introduced February 25, 2023 (introduced version of B25-115)	Pending in Council	DDOT (KA0)	PSDV/PSAT/11 PSDV/PSAT/14 PSDV/PSAT/40 PSDV/PSAT/41 PSDV/PSAT/50	\$66,690 \$18,310 \$118,310 \$100,000 \$500,000	1

J. SUMMARY OF COMMITTEE BUDGET RECOMMENDATIONS

Please see Attachment B for a spreadsheet detailing all the changes made to agencies under the committee’s purview.

II. AGENCY FISCAL YEAR 2024 BUDGET RECOMMENDATIONS

A. INTRODUCTION

The Committee on Transportation and the Environment is responsible for matters relating to environmental protection; highways, bridges, traffic, vehicles, and other transportation issues; maintenance of public spaces; waterways; and water supply and wastewater treatment.

The District agencies, boards, and commissions that come under the Committee’s purview are as follows:

- Commission on Climate Change and Resiliency
- Department of Energy and Environment
- Department of Motor Vehicles
- District Department of Transportation
- District of Columbia Bicycle Advisory Council
- District of Columbia Water and Sewer Authority
- Green Buildings Advisory Council
- Green Finance Authority
- Leadership Council for a Cleaner Anacostia River

- Major Crash Review Task Force
- Multimodal Accessibility Advisory Council
- Office of the Deputy Mayor for Operations and Infrastructure
- Pedestrian Advisory Council
- Public Space Committee
- Recreational Trails Advisory Committee
- Soil and Water Conservation District
- Streetcar Financing and Governance Task Force
- Sustainable Energy Utility Advisory Board
- Transit Rider Advisory Council
- Urban Forestry Advisory Council
- Washington Aqueduct
- Washington Metropolitan Area Transit Authority
- Washington Metrorail Safety Commission

The Committee is chaired by Ward 6 Councilmember Charles Allen. The other members of the Committee are At-Large Councilmember Christina Henderson, Ward 3 Councilmember Matthew Frumin, Ward 4 Councilmember Janeese Lewis George, and Ward 5 Councilmember Zachary Parker.

The Committee held performance and budget oversight hearings on the following dates:

<i>Performance Oversight Hearings</i>	
January 26, 2023	Green Finance Authority
January 31, 2023	Department of Motor Vehicles
February 16, 2023	Department of Energy and Environment, Commission on Climate Change and Resiliency
February 16, 2023	Deputy Mayor for Operations and Infrastructure
February 17, 2023	Washington Area Metropolitan Transit Authority, Washington Metrorail Safety Commission
February 27, 2023	District Department of Transportation, Bicycle Advisory Council, Pedestrian Advisory Council, Multimodal Accessibility Advisory Council
February 28, 2023	District of Columbia Water and Sewer Authority

<i>Budget Oversight Hearings</i>	
March 28, 2023	Department of Motor Vehicles
March 30, 2023	District Department of Transportation (public witnesses only), Bicycle Advisory Council, Pedestrian Advisory Council, Multimodal Accessibility Advisory Council
April 6, 2023	Department of Energy and Environment, Green Finance Authority
April 6, 2023	District of Columbia Water and Sewer Authority
April 10, 2023	District Department of Transportation (government witness only)

The Committee received important comments from members of the public during these hearings. A video recording of the hearings can be obtained through the Office of Cable Television or at oct.dc.gov. The Committee continues to welcome public input on the agencies and activities within its purview.

B. DEPARTMENT OF ENERGY AND ENVIRONMENT

1. AGENCY MISSION AND OVERVIEW

The Department of Energy and the Environment (“DOEE”) is the District’s leading agency on energy and environmental issues. The agency’s mission is to improve the quality of life for the residents and natural inhabitants of the nation’s capital by protecting and restoring the environment, conserving our natural resources, mitigating pollution, and educating the public on ways to secure a sustainable future. DOEE executes its mission through the work of the following divisions: Agency Management, which provides administrative support and operational management; Agency Financial Operations, which provides financial management to DDOE; the Natural Resources Administration, which oversees water quality, storm water, and fisheries and wildlife management; the Environmental Services Administration, which works to reduce contamination from toxic substances and air pollution; the Community Relations Administration, which manages public affairs and community-education programs for DDOE; the Energy Administration, which works to advance the District’s energy policies and the effort to achieve reliable, clean and affordable energy, including by monitoring compliance with the District’s clean energy regulations and overseeing the DC Sustainable Energy Utility; the Utility Affordability Administration, which provides financial assistance to low-income District residents in affording their utility bills and works to improve the efficiency and safety of homes in the District, such as by providing technical and financial assistance in identifying and addressing lead hazards; the Enforcement and Environmental Justice Administration,

which develops and implements effective practices to support DDOE’s enforcement efforts; the Green Economy Administration, which encourages green business, green buildings, and green jobs while creating market-based incentives to promote environmental sustainability and economic development; and the Urban Sustainability Administration, which develops policies and programs to encourage sustainability and address equity, and oversees the implementation of Sustainable DC, the District’s sustainability plan.

2. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2024 Operating Budget Recommendations

The Mayor’s proposed FY24 Operating Budget for DOEE is \$193,799,972, which represents a 14.1% decrease from the FY23 approved budget of \$225,490,440. This funding supports 499.1 FTEs, an increase of 3.1 FTEs from the FY23 approved level. In FY23, DOEE received significant federal funding through the American Rescue Plan Act (“ARPA”); much, but not all, of the decrease in the proposed FY23 budget can be attributed to a decrease in the amount of one-time ARPA funds. The Committee recommends adoption of the FY24 operating budget for the Department of Energy and the Environment as proposed by the Mayor, with the modifications noted in the tables in Section I. of this report.

The threat of climate change is more urgent than ever. Just recently, in March 2023, the United Nations released its latest report detailing the size and scope of the threat.¹ The report brings into sharp focus the irreversible losses and damages we have already experienced and will continue to experience if transformational change is not made immediately. The report also outlines the importance of environmental justice in addressing the crisis, noting the disproportionate impact on vulnerable populations who contribute the least to climate change. Despite this report – and other warning bells repeatedly rung – the Mayor’s proposed budget falls far short of investments needed to meet the District’s climate goals. The Committee is deeply disappointed with the lack of funding for – or even discussion of – addressing the climate crisis in this budget. In fact, when the Mayor presented the proposed budget to the Council, Committee Chairperson Allen asked what investments the budget made in climate action. In response, members of the Executive could only respond that the District was beginning a pilot composting program in FY24. The Committee applauds the composting pilot and recognizes the need to divert more waste from our landfills. However, climate change needs a bigger response than a composting program alone.

We already know that, globally, every increment of warming results in rapidly escalating hazards, including more intense heat waves, heavier rainfall, stronger and more extreme storms, larger and more destructive wildfires, and widespread water and food insecurity. Here in the District, the impacts are similar; we have already seen earlier and hotter weather (pushing the District’s cherry blossom bloom and accompanying economic

¹ Laura Paddison, ‘*The climate time-bomb is ticking*’: *The world is running out of time to avoid catastrophe, new UN report warns*, CNN (March 20, 2023), <https://www.cnn.com/2023/03/20/world/ipcc-synthesis-report-climate-intl/index.html>.

benefits into uncertainty), more frequent extreme weather events, and more severe flooding. These impacts, as elsewhere, hit the most vulnerable communities hardest. This is no accident, as residents of color and lower financial means have been historically excluded from communities with more resources. For example, in the District, the majority of highest risk homes for flooding are located in Wards 7 and 8. Similarly, low-income residents suffer the brunt of increased heat waves in the District, as they may not have access to air conditioning or the luxury to take time off of work to stay inside. Low-income residents and communities of color are also more likely to suffer the impacts of unclear air and water – from proximity to polluters, to fossil fuel emissions in their own homes, to lead in their water pipes. The Committee recognizes the inextricable connection between climate change and racial and social justice – and this is yet another reason to demand bold action in this space.

Preparing the District to be resilient in the face of this urgent threat will take continued, substantial investment. The Committee understands that significant federal funding is slated to become available for this purpose. However, even generous investments from the federal government are not enough on their own, and the District will not always be able to rely on federal money to meet our commitments. The District should be proud of its leadership in taking bold action to make the city green, sustainable, and resilient for all residents and visitors, both current and future. The District has been on the cutting edge of efforts to combat climate change, for example, through its Building Energy Performance Standards, and it should not concede its position as a leader now. Continued leadership in this space benefits all District residents: it addresses historic environmental injustice and inequity, improves health outcomes, develops a skilled workforce, fosters a robust and vibrant green economy, and ensures that future generations are able to thrive. As such, the Committee is committed to taking bold and large-scale action on climate change now – not later.

Below are some of the most significant items in DOEE’s budget that the Committee wishes to highlight:

The Sustainable Energy Trust Fund

The Sustainable Energy Trust Fund (“SETF”) is one of DOEE’s major sources of funding used for a variety of programs critical to the District’s sustainability efforts and carbon emissions reductions goals, as enumerated in D.C. Official Code § 8–1774.10. Some of the purposes include the contract with DC Sustainable Energy Utility (“SEU”), initiatives advanced by the CleanEnergy DC Omnibus Amendment Act, funding of the DC Green Bank, assistance for energy retrofits for owners of affordable housing buildings, funding for the Solar for All program, and green workforce development initiatives. The SETF is funded through assessments on electric and gas usage. These assessments are very small, starting at less than one-third of a cent per kilowatt hour of electricity use.² As

² Low-income residential ratepayers who participate in the PSC’s assistance programs – the Residential Essential Service (“RES”) or Residential Aid Discount (“RAD”) programs – are exempt from the fee. Ratepayers with incomes below 80% AMI—such as a family of four making \$113,000—are eligible to enroll.

initially structured, these fees were slated to taper off from FY 2020 through FY 2032 before remaining steady at slightly under one-fifth of a cent from 2032 on. In last year’s budget, the Committee’s predecessor reversed the phase down of fees and held them steady at FY22 levels. The prior Committee made this decision based on their evaluation that DOEE was unable to cover programmatic needs supported by SETF dollars if fees were to decrease as planned.

The Committee shares its predecessor’s concerns about the lack of available funding to meet the SETF’s commitments in FY24 despite the reverse of the phase down. To make matters worse, the Mayor’s proposed budget sweeps an additional \$3 million from the SETF. Through the oversight process, the Committee came to understand the real impacts of insufficient SETF funds, including incomplete funding of the Green Bank, reduced funding for workforce development initiatives through DOEE and the SEU, and reduced investment in resiliency efforts like the energy storage grant program. Given this predicament, the Committee considered its options and has decided to propose an extremely small increase in fees on electric and gas usage.³ The subtitle, discussed in more detail below, will allow DOEE to recoup dollars that will help fully fund existing programs and meaningfully move forward our efforts to meet our climate goals. The subtitle also amends D.C. Official Code § 8-1774.10 to expand the allowable use of funds within the SETF to include broad residential electrification, a pilot project for residential electrification in two neighborhoods in Ward 7, and energy efficiency upgrade assistance for building owners converting commercial properties into residential properties.

Sustainable Energy Utility Contract

One of the most significant obligations of the SETF is DOEE’s contract with the DC Sustainable Energy Utility (“SEU”). DOEE funds this contract through the SETF in the amount of at least \$20 million annually, per D.C. Official Code § 8–1774.10. DOEE provides advice, strategic guidance, and technical assistance to SEU and receives 10% of the contract’s value for administration. The SEU is unique from other energy utilities in its explicit social equity goals and performs a number of critical functions that support residents and businesses in the District, including offering energy rebates, income-qualified financial support, technical guidance, and workforce development initiatives. The SEU has a demonstrated track record of cost efficiency and effectiveness – for example, a report in 2022 found that every dollar spent by the SEU, the District realized about \$1.93 return on its investment.⁴

In FY22, DOEE substantially increased the five-year option period value of the SEU contract to add funding to support the design and implementation of a Strategic Electrification Program for low-income residents and the administration of the Affordable

³ The Committee’s proposed subtitle maintains the statutory exemption from the fee for low-income residents enrolled in the RAD and RES programs, and thus the increased fee does not impact these ratepayers.

⁴ *DCSEU FY21 Performance Benchmarks Report*, NMR Group, Inc. (August 11, 2022), <https://doee.dc.gov/sites/default/files/dc/sites/ddoe/publication/attachments/DCSEU%20FY2021%20Performance%20Benchmarks%20Report%20FINAL%2008.11.2022.pdf>.

Housing Retrofit Accelerator (“AHRA”) program with the Green Bank. These programs provide technical and financial assistance to help owners of affordable residential buildings decarbonize and comply with Building Energy Performance Standards (“BEPS”). The Committee is particularly interested in the AHRA program, which is funded by a combination of SETF and American Rescue Plan Act (“ARPA”) funds. The program provides energy audits, incentives, design assistance, accelerating permitting and final inspections, and other technical assistance to help building owners understand and comply with BEPS. The program also provides rebates and low-interest loans to help offset the cost of installing energy efficiency upgrades. This program had been funded primarily through American Rescue Plan Act (“ARPA”) funding, and when the Committee first checked the budget books, it appeared that the funding for AHRA had been cut by \$37 million—zeroed-out. The Committee understands from DOEE and the Green Bank that ARPA funds for the AHRA were not *actually* cut in the proposed FY24 budget. Instead, DOEE will continue to have the \$37 million available in FY23, and both DOEE and the Committee expect that any funds that are not expended in FY23 can continue to be obligated during FY24. However, the Committee is concerned about continued funding for this program once ARPA dollars run out and will be watching carefully to ensure that all funding is prioritized for large affordable housing units. Part of ensuring that long-time District residents are not priced out of their homes includes keeping costs like utilities under control, which AHRA can help building owners do—ensuring that “naturally occurring” affordable housing can stay that way.

The SEU also provides District residents with many other services, including workforce development opportunities. Twice a year, the SEU connects District residents with paid green externships working with local contractors and other organizations. Through job skill development, training and certification, direct work experience, and assistance with job placement, the SEU helps create pathways to careers in the green economy. The Committee believes this type of workforce development is critically important as we work to address climate change and meet our climate goals. More and more workers will be needed in this effort – and the District benefits from having its workers trained and ready to participate. Programs like this one are funded through the SETF in addition to the SEU’s base contract of \$20 million.

CRIAC Assistance Fund

The CRIAC Assistance Fund was established in FY20 to support financial assistance for residents and non-profit organizations in paying CRIAC fees. CRIAC, or the Clean Rivers Impervious Area Charge, is a special fee included on water bills directly related to the amount of impervious area on the resident’s property and their water usage. CRIAC fee funds are used to support the District’s compliance with a \$2.7 billion consent decree with the federal Environmental Protection Agency that requires the District to install tunnels and other infrastructure to prevent stormwater overflows into the Anacostia River.⁵

⁵ The District has a wastewater collection system in which approximately two-thirds of the District is served by a separate sewer system and the other one-third is served by combined sewers. The combined sewer system, developed before 1900, conveys both sanitary sewage and storm water in one piping system. During

Because CRIAC fees are based on the amount of impervious surface area associated with a property (e.g., rooftops and paved driveways), they can be quite high for certain properties. The CRIAC Assistance Fund provides essential relief for many residents, non-profits, and other institutions struggling to afford the fee.

The Mayor's proposed budget includes a subtitle that would make this Fund lapsing, so that unused funds would revert to the District's General Fund. The Committee is convinced that this Fund should remain non-lapsing and, therefore, recommends striking this subtitle, as discussed in more detail below.

Building Performance Energy Standards and Green Buildings

Buildings in the District make up for approximately 75% of the city's greenhouse gas emissions, and as such, making buildings more efficient is one of the most important steps the District can take to meet its climate commitments. High-performing buildings are not only critical to reducing emissions, but they also benefit the health and well-being of residents, create workforce development opportunities, save building owners money in energy costs, and increase the value of buildings.

On December 18, 2018, the Council passed the CleanEnergy DC Omnibus Amendment Act, which among other things, established Building Performance Energy Standards ("BEP"). The BEPS program sets a minimum threshold for energy performance in existing buildings based on the building's demonstrated energy performance and requires buildings to reduce energy usage by about 20% over the course of the cycle. BEPS is expected to result in a 10-12% reduction in greenhouse gas emissions by 2032, if the program stays on its current track.

Unfortunately, the Mayor's proposed budget includes a subtitle to push BEPS back three years, including the current cycle, which is already more than two years underway. The Committee strongly opposes such a delay and recommends striking this subtitle, as discussed in more detail below. Such a delay would not only be devastating to the District's efforts to address the climate crisis, but it would also potentially harm building owners who have already taken steps, and in many cases spent real time and money in a good-faith effort to come into compliance with BEPS. Nearly 80% of eligible building owners are in this position: they have worked with DOEE to create a required path for coming into compliance with BEPS. And delaying the first cycle could also make it more difficult for building owners to meet the 20% energy use reduction requirement. The current baseline from which building owners would need to reduce energy use is based on pre-pandemic energy use. Delaying BEPS would mean that building owners will need to reduce energy use from post-pandemic levels, when energy use is already lower than pre-pandemic levels as commercial buildings in particular are seeing high vacancy rates and less than half of

periods of rainfall, the capacity of the combined sewer may be exceeded, and excess flow (stormwater and waste combined) is discharged into the District's waterways. Combined sewage overflow ("CSO") can adversely affect the quality of waterways, through bacteria, organic material, and debris contained in the flow. CSOs only occur during rainfall; however, as rainfall becomes more intense due to climate change, the negative impact of CSOs will increase.

office workers are working in-person on a given day. In short, delaying BEPS as the Mayor has proposed would both harm the owners of large commercial and residential buildings and would be a major step backward for the District in meeting its climate change goals.

In addition, the Mayor's proposed budget fails to allocate funding for the Greener Government Buildings Amendment Act of 2022, which would require the construction of new or substantially improved buildings that the District owns or finances adhere to net zero energy standards and not incorporate fossil fuel consumption. The bill would also require the Department of General Services to train facilities staff, certified business enterprises, and interested parties on net zero energy construction and maintenance. The Committee is disappointed that this critical bill did not receive funding, and the Committee recommends that the Council find the approximately \$8.4 million needed in FY24.

Lead Pipe Replacement

DOEE provides financial assistance to homeowners with partial lead service lines through the Lead Pipe Replacement Assistance Program. The fund is used to finance the replacement of lead lines on private property, where DC Water has previously replaced the lead lines on the public side. Last year, the budget included \$10 million in each of FY23 and FY24 of federal ARPA funds. However, the Mayor's proposed FY24 budget cuts this \$10 million from the program for FY24.

The Committee is disappointed to see a cut in the District's investment in fully replacing the District's lead service lines. The project to ensure that all lead service lines are replaced is critical to the health and safety of residents', particularly our most vulnerable. More funding, not less, is needed to meet the goal of lead-free service lines by 2030. The Committee understands that significant federal money will be available to dedicate to lead service line replacement through, for example, the Infrastructure Investment and Jobs Act ("IIJA"), from which the District is expected to get \$355 million. However, the Committee does not feel confident that relying on federal dollars alone is sufficient. At the budget hearing, DC Water said as much, estimating that the agency will need an additional \$50 million in local funds in the coming years. It is true that federal dollars are likely sufficient in FY24 and perhaps FY25, but the Committee notes that the District will not be able to rely solely on federal money to complete the herculean task. Particularly if the Committee moves forward legislation currently before it that would create a mandate for private-side lead service line replacement – which it plans to do – the District will need to increase funding to ensure that low-income residents do not bear the financial burden of replacement.

In addition to IIJA, there are other federal opportunities for grants for this purpose, as well, and even some private funding opportunities. The Committee urges DOEE and DC Water to take advantage of all opportunities available to find funding to meet this critical goal.

Park Maintenance Grant

Starting in FY22, DOEE has administered a park maintenance grant to be given to organizations conducting restoration of historically underserved and publicly owned parks and natural green spaces in the District. The purpose of the grant is to remove trash and invasive species, maintain trails, and engage residents in the District’s natural areas. In both FY22 and FY23, the grant was funded at \$150,000. There were three awardees, each given \$50,000.

The proposed FY24 budget includes \$150,000 for this grant. At the budget oversight hearing, the Committee heard testimony from multiple witnesses requesting an increase in funding for this grant in FY24. Nathan Harrington, Executive Director of Ward 8 Woods, one of the recipients of the grant, testified that the grant money goes directly to the residents he hires, and he has the capacity to hire more employees if given more funding. Through the funding, he is able to train employees – many of whom face barriers to employment such as criminal records – in park maintenance and help them carve a path in the green economy. The Committee views this grant as a valuable workforce development opportunity, as well as a mechanism to keep the District’s green spaces clean. The grant is a low-cost opportunity to create jobs in the green economy, and the Committee therefore doubles the funding as proposed to \$300,000.

FloodSmart Homes Program

As the District grapples with the effects of climate change, we are already seeing an increasing number of flooding events, and we can expect more frequent and severe flooding in the future. As part of the response to this increased risk, the FY23 budget included \$2.6 million and 1.0 FTE to create the FloodSmart Homes program at DOEE to provide assistance to residents whose homes are most at risk of flooding.⁶ The program has two parts: providing resilience assessments and then completing retrofits to reduce homes’ vulnerability to flooding. DOEE planned to focus on homes in the 100-year floodplain in Wards 7 and 8, comprising about 400 properties deemed at-risk for severe flooding.⁷

To date, there are 120 homes already signed up for the program, and DOEE estimates that there will be double this number signed up by the end of FY24. Despite this, in the FY24 proposed budget, the Committee is disappointed to see that no local dollars were allocated for this program. From DOEE, the Committee understands that the agency has about \$200,000 in federal dollars from FEMA to use for flood assessments (which will not fully cover the assessments for the homes already signed up). The FEMA money cannot be used for making the fixes needed; only local dollars can be used for construction and retrofitting. As a result, it appears that some, but not all, of the residents already signed up for the program may receive assessments through the federal money, but none of the

⁶ See DC Flood Risk Portal, available at: <https://dcfloodrisk.org>.

⁷ It should be noted that climate change is driving more severe flooding across much of the country, and flood risk is estimated to increase by about 25% in the next 30 years. Harm from flooding will disproportionately impact Black communities, particularly in the South. One study estimates a 40% increase in flood risk in places where at least one-fifth of the population is Black. Rebecca Hersher, *Climate-driven floods will disproportionately affect Black communities, study finds*, NPR (January 31, 2022), <https://www.npr.org/2022/01/31/1076363702/climate-driven-floods-will-disproportionately-affect-black-communities-study-fin>.

residents already signed up will receive the remediation services. The Committee finds this to be problematic for a number of reasons, including that residents should be able to rely on the follow through of their government on programs offered to them by the government. Though the Committee was unable to do so itself, the Committee recommends that the Council find \$2 million to fund this important program.

Energy Storage Grants

Because of the intermittent nature of renewable energy – in particular solar energy – battery storage systems are essential to maximizing the potential of renewable energy. Battery storage is also critical to the District’s resilience, serving as backup power sources during a grid outage. However, energy storage technology is just burgeoning, and while costs have dropped, prices still put these systems out of reach for many renewable energy providers and building owners. As a result, renewable energy companies are often hesitant to invest in storage systems.

In the FY23 budget, the previous Committee included a subtitle to address this issue and help accelerate the development of energy storage systems in the District. The subtitle created a program at DOEE to award grants for commercial and residential energy storage systems associated with renewable energy resources. The program is funded from the SETF, in the amount of at least \$600,000 per year in fiscal years 2023, 2024, and 2025. However, to date, DOEE has not issued an RFP for the grant. The Committee is unsure of the reason for this delay but urges DOEE to move forward with the grant process expeditiously. The Committee is also concerned that the lack of funds in the SETF, without the Committee’s proposed subtitle to increase funding for the SETF, will likely result in a cut to this program. These grants are critical to accelerate the development of energy storage systems, which play a key role in resiliency.

Wildlife Rehabilitation Grant

For years, the District has awarded an annual competitive grant, allocated through the Fisheries and Wildlife Division, to support wildlife rehabilitation services. Wildlife rehabilitation is an essential city service, as it protects human health and safety and is an integral part of the District’s Animal Care and Control program, which is required to provide humane treatment for sick, injured, and orphaned wildlife. In many cases, wild animals require specialized care that only a licensed wildlife rehabilitator can provide. This grant is also critical in furthering the broad mission of DOEE in protecting wildlife, and, in particular, species of greatest conservation need.⁸ Unfortunately, in some fiscal years,

⁸ Species of greatest conservation need (“SGCN”) have low or declining populations and need conservation action. They include specials that are listed as threatened or endangered, experiencing threats to their habitats, few or low in abundance or distribution, or currently are not rare but are showing declines in abundance or habitat. *See, e.g.*, Wisconsin Department of Natural Resources, Species of Greatest Conservation Need, [https://dnr.wisconsin.gov/topic/WildlifeHabitat/actionPlanSGCN.html#:~:text=Species%20of%20Greatest%20Conservation%20Need%20\(SGCN\)%20have%20low%20and%2Fpopulations%20and%20need%20conservation%20action](https://dnr.wisconsin.gov/topic/WildlifeHabitat/actionPlanSGCN.html#:~:text=Species%20of%20Greatest%20Conservation%20Need%20(SGCN)%20have%20low%20and%2Fpopulations%20and%20need%20conservation%20action).

the Mayor’s budget proposal has cut funding for this important grant, which the Committee has had to restore.

The Mayor’s FY24 budget includes \$200,000 for this grant. At the budget oversight hearing, the Committee heard testimony from City Wildlife, the recipient of the grant, that this amount is sufficient and that in some years DOEE has notified grant recipients that there is not sufficient funding to provide the full funding that had been promised to grantees. The Committee strongly urges DOEE to use the full amount of funding for wildlife rehabilitation as intended in FY24.

Of note, in the FY 2022 budget, the Committee’s predecessor sought to create a stable source of funding for this grant by establishing a new “Protect Local Wildlife” motor vehicle identification tag. Revenues from the license plate would flow to the Anacostia River Clean Up and Protection Fund to fulfill this annual grant. Unfortunately, to date, the license plate design has not been finalized, so no funds have been allocated for this purpose. The Committee urges DMV to complete the design and issue this tag as soon as possible, so that funds can begin to be collected to support this important grant.

Anacostia River Sediment Project

In 2013, DOEE initiated the Anacostia River Sediment Project to identify any potential sediment contamination in the tidal portion of the Anacostia River, Washington Channel, and Kingman Lake. Since then, the project has undergone several phases, including determining the nature and extent of the contamination and the risks posed to humans and wildlife and identifying potential solutions. In September 2020, DOEE issued an Interim Record of Decision identifying early action areas or “hot spots” where contamination is highest and requires remediation. Overall, an area of approximately 77 acres will be cleaned up via this project at an estimated cost of \$35.5 million.

In FY24, DOEE’s Environmental Services Administration intends to use \$10 million in capital funds to continue implementation of this project. In January 2024, DOEE will begin the process to secure permits for remedial action at the early action areas and begin remedial designs. In March 2023, DOEE Interim Director Richard Jackson briefed Committee Chairperson Allen on the project’s status. Chairperson Allen learned that DOEE will conduct remediation on a different schedule than initially proposed. The change includes addressing the Washington Channel first, which came as a surprise to many stakeholders along the Channel. The Committee recommends that DOEE continue to actively engage the community and keep stakeholders informed about the progress of the project. As of now, DOEE’s proposed timeline is as follows:

- Pre-design Investigation: July 2022 – January 2023 (complete);
- 30% Remediation Design Report: September 2023;
- 100% Remediation Design: August 2024;
- Permitting for Construction: October 2024 – November 2025;
- Remedial Action Contractor Procurement: August 2024 – August 2025;
- Washington Channel Remedy Construction: September 2025 – December 2025;

- Main Stem Remedy Construction: January 2026 – April 2026; and
- Kingman Lake Remedy Construction: May 2026 – February 2027.

b. Fiscal Year 2024 Capital Budget Recommendations

The Mayor’s proposed FY24 capital budget request for DOEE is \$7,950,000. This represents a decrease of 28.0% from the FY23 approved budget of \$11,177,000. This decrease is primarily in the Clean Water Construction Management project, which received \$5.5 million in FY23 and received no funding in the proposed FY24 budget. This project receives funding from the U.S. Environmental Protection Agency for the construction of wastewater treatment facilities and associated infrastructure. The Committee recommends adoption of the FY24 capital budget for the Department of Energy and the Environment as proposed by the Mayor.

3. COMMITTEE POLICY RECOMMENDATIONS

The Committee makes the following policy recommendations:

a. Prepare and plan for the receipt of federal funding.

Throughout the course of the performance and budget oversight process, the Committee and DOEE have had numerous discussions about preparing for the receipt of federal funding. The Committee would like to reemphasize the need for ensuring a plan is in place for these funds, so that DOEE can start getting the money out of the door immediately. The Committee stands by to assist as needed.

b. Prioritize hiring staff support for the Commission on Climate Change and Resiliency.

The Committee recommends that DOEE, if it has not done so already, expedite the hiring of an FTE to support the Commission on Climate Change and Resiliency (“Commission”). The Commission is a key part of the District’s development of a plan to meet its climate goals made up of volunteers. Staff support from DOEE is critical to the Commission’s ability to carry out its goals.

c. Collaborate with DC Health and DC Water on a tap water education campaign

The Committee recommends that DOEE work with DC Water and DC Health to create an education campaign to promote tap water as a healthy alternative to sugary drinks, reduce single-use plastic, and provide education about using water filters to ensure tap water is lead-safe. At the budget oversight hearing, the Committee heard testimony suggesting this campaign, and the Committee sees it as a low-cost win-win for the environment and the health of District residents.

C. DEPARTMENT OF MOTOR VEHICLES

2. AGENCY MISSION AND OVERVIEW

The mission of the Department of Motor Vehicles ("DMV") is to promote the safe operation of motor vehicles and public safety while providing outstanding customer service. The DMV executes its duties through the work of six divisions: **Adjudication Services**, which provides ticket processing, notices, and hearing and hearing support services to residents and non-residents, in order to render legally sound decisions on parking, photo, and moving violations, and to ensure proper processing of violation and penalty payments for those infractions; **Vehicle Services**, which provides certification and inspection services to residents, businesses, and government entities so that they may legally park, drive, and sell their vehicles in the District of Columbia; **Driver Services**, which provides driver certification and identification services to residents to ensure they have the proper credentials to reflect their identity, residence, and driving qualifications so that they may legally operate their vehicles; **Technology Services**, which provides integrated and reliable information systems for all DMV services and complies with District-wide technology standards and requirements; **Agency Management**, which provides administrative support and the required tools to achieve operational and programmatic results; and **Agency Financial Operations**, which provides comprehensive and efficient financial management services to, and on behalf of, District agencies so that the financial integrity of the District of Columbia is maintained. As proposed, DMV will have no changes in its division structures in the FY 2024 budget.

3. COMMITTEE BUDGET RECOMMENDATION

a. Fiscal Year 2024 Operating Budget Analysis & Recommendations

The Mayor's proposed FY 2024 Operating Budget for DMV is \$69,034,761, which represents a 24.8% increase from the FY 2023 approved budget of \$55,318,875. This funding supports 340.2 Full-Time Equivalents (FTEs), an increase of 48.2 FTEs from the FY 2023 approved level of 292.0 FTEs. The changes included in DMV's proposed FY 2024 operating budget represent a continued pattern of growth at the Agency, which has focused on improving and expanding existing programs within the DMV, strengthening technological capabilities, and supporting other initiatives, such as the State-to-State (S2S) Verification Service.

The Committee recommends the adoption of the FY24 operating budget for DMV as proposed by the Mayor, with the modifications noted in the tables in Section I. of this report.

Below are some of the most significant items in DMV's budget proposal that the Committee wishes to highlight:

Increased Funding for Automated Traffic Enforcement Ticketing

As described elsewhere in this Report, the Committee is concerned that the Mayor's proposed increase of automated traffic enforcement (“ATE”) infrastructure is focused more on generating revenue than deterring dangerous driving—and that to the extent that there is new revenue generated by the ATE infrastructure, those funds have not been used to implement the many well-researched policies that the Council has enacted to increase roadway safety and help achieve the Mayor’s Vision Zero goals. The Mayor’s ATE policy proposal implicates DMV, because there is an assumed increase in citations that additional cameras will issue. Accordingly, the Chief Financial Officer (“CFO”) recognized just enough revenue—\$13,326,000—to add 38.0 FTEs to expand DMV's ticket processing unit. As proposed, DDOT would implement enhancements to the ATE program by adding 122-speed limit cameras; 140 cameras to enforce bus lane restrictions; and 80 additional cameras covering stopping, school bus, and vehicle size rules. DMV will support ticketing processing by receiving vehicle identification and traffic infraction information from DDOT and issuing a ticket to the vehicle registrant. The registrant may then pay the ticket or contest it utilizing DMV's adjudication process, and the additional FTEs in the ticket processing unit are expected to handle an increased number of appeals for an increased number of citations issued by an increased number of ATE cameras.

However, as the Committee understands it, the CFO did not recognize any new revenue in FY24 associated with the fines that will be paid for additional citations. Yet, DMV will receive funding to hire additional staff for the entire year. The Committee strongly believes that it cannot be true at the same time both that DMV needs additional staff to process more citations *and* that there will be no additional revenue in FY24 from those citations; those are plainly contradictory assertions. Further, this new funding raises concerns about DMV’s ability to fill these new positions by October 1, 2023. DMV has not been able to timely fill previously approved FTE slots across its multiple divisions, including Adjudication Services, where these new FTEs are directed. As of the Committee’s performance oversight hearing of DMV in January, the Agency still had 30 vacancies across multiple divisions, including Adjudication Services. Thus, the Committee **recognizes \$2.2 million in savings for the delayed hiring of adjudication staff** related to review of additional ATE citations. The Committee also **accepts a transfer of \$373,000 in FY24, \$456,000 in FY25, \$451,000 in FY26, and \$447,000 in FY27 from the Committee on Public Works and Operations**, for one additional FTE and contractual services in DMV’s Adjudication Division, associated with an increase in staff in the Department of Public Works (“DPW”) to issue parking citations. The Committee notes that no additional revenue is associated with the increase in parking citations in DPW, despite the asserted need for additional DMV staff to review additional citations—creating the same conundrum as with the ATE program.

Update to Motor Vehicle Registration Fee Schedule

The Mayor's proposed budget included a BSA subtitle that would amend Section 3(b)(1) of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 681; D.C. Official Code § 50-1501.03(b)(1)), to reduce the registration fee burden on vehicles owners with a disability license plate. District residents with physical disabilities sometimes must modify their vehicles to enable them to get in and out or to

operate the vehicle. These modifications increase the weight of a vehicle to a level that would trigger the increased fees that the previous Committee enacted last year. Those fees were intended to address the additional danger to other road users attributable to the weight of a vehicle—not to penalize residents who must use modifications in order to operate their vehicle. The Committee supports the Mayor’s proposed language, exempting heavy vehicles with disability tags from the increase in registration fees, which will only impact a small number of vehicles, and the Committee recommends adopting the Mayor’s subtitle, with some additions, described below.

Last year, this Committee examined how vehicle weight has been increasing year over year. The Council acted in FY23 to ensure that the vehicle registration fee structure was modernized, considering vehicles weighing over 4,000 pounds that have been around 60% of the market since 2020. The previous leadership of this Committee pointed rightfully to a broad body of research showing clearly that heavier vehicles are far more likely to cause serious injury or death when hitting a pedestrian or bicyclist⁹ and that heavy vehicles create additional wear on our roads, creating additional costs for the District government.¹⁰ However, the previous Committee proposal continued to exempt heavy electric vehicles (“EV”) from these additional fees. While this Committee wholeheartedly endorses a shift from internal combustion engines toward EVs for as many vehicle trips as are necessary, there has been a recent trend toward EVs with massive batteries designed to maintain high performance—that is, high speeds and quick acceleration, both of which are also well-understood to increase the risk of injury or death for pedestrians and bicyclists and other drivers.¹¹

Table 1: Changes to Weight Class Registration Fee in FY23 Budget Subtitle Act

<i>Class/Weight Range</i>	<i>Annual Registration Fee, prior to October 1, 2022</i>	<i>Current Annual Registration Fee—including changes made in FY23 BSA</i>
Class I (3,499 pounds or less)	\$72.00	\$72.00
Class II (3,500-4,499 pounds)	\$115.00	\$175.00
Class III (5,000-5,999 pounds)	\$155.00	\$250.00

⁹ Insurance Inst. for High. Saf., *New study suggests today’s SUVs are more lethal to pedestrians than cars* (Jun. 16, 2020), <https://www.iihs.org/news/detail/new-study-suggests-todays-suvs-are-more-lethal-to-pedestrians-than-cars>; <https://smartgrowthamerica.org/bigger-vehicles-are-directly-resulting-in-more-deaths-of-people-walking/>; <https://www.urban.org/urban-wire/us-could-taxing-heavy-cars-be-first-step-toward-reducing-pedestrian-fatalities#:~:text=Studies%20have%20shown%20that%20collisions,their%20bodies%2C%20around%20the%20torso.> (Recommending increased fees on heavier vehicles as a policy to reduce pedestrian fatalities).

¹⁰ U.S. Dep’t of Transp. Fed. High. Admin., *Public Roads - May/June 2009*, (May/June 2009), <https://highways.dot.gov/public-roads/mayjun-2009/exploring-vehicle-size-and-weight-solutions>

¹¹ Keith Barry, *Higher Speed Limits Led to 36,760 More Deaths, Study Shows*, CONSUMER REP., Apr. 04, 2019, <https://www.consumerreports.org/car-safety/higher-speed-limits-led-to-36760-more-deaths-study-shows/> (Showing that every increase in speed of 5 miles per hour increased road deaths by 8.5%); Nat’l Ass’n Trans. Officials, *Speed Kills*, <https://nacto.org/publication/city-limits/the-need/speed-kills/>. (“A person hit by a car traveling at 35 miles per hour is five times more likely to die than a person hit by a car traveling at 20 miles per hour.”).

Class IV (6,000 pounds or greater)	-	\$500.00
Class V (A new electric vehicle, other than a motorcycle and motorized bicycle, less than 5,000 pounds.) (This provision shall only apply to the first 2 years of the vehicle’s registration, after which the vehicle shall be treated as Class I or Class II, whichever is applicable.)	\$36.00* *Applies to the first two years of the vehicle registration, with the exception of motorcycles and motorized bicycles	\$36.00* *Applies to the first two years of the vehicle registration, with the exception of motorcycles and motorized bicycles

Source: DC DMV

The most extreme example of this trend of super-heavy EVs is the recently released GMC Hummer EV, a supersized truck that weighs more than 9,000 pounds. This is even heavier than the Ford F-150 Lightning, which weighs “only” 6,500 pounds, which can be more than 2,000 pounds heavier than the non-EV F-150, which has a curb weight between 4,000 pounds and 5,000 pounds.¹² The batteries on these vehicles alone weigh 2,923 lbs and 1,800 lbs, respectively. For comparison, the Hummer EV’s battery is about the same weight as a Honda Civic. And in addition to the risks to others on the road that these heavy EVs create because of their weight, they also show diminishing returns when it comes to energy efficiency. While a Hummer EV has a much smaller carbon footprint than its gasoline-powered counterpart, it creates more emissions per mile than smaller gasoline-powered cars.¹³

Increasing the fees on very heavy EVs accounts for the danger to other road users caused by the increased weight of their vehicle's battery. Making this change recognizes that they do not provide the same carbon reductions that shifting to a smaller vehicle—even a smaller gasoline-powered vehicle—would. As the ambitious push for EVs continues at the federal level¹⁴ and market demand grows,¹⁵ electrified vehicles will likely overtake market projections, requiring jurisdictions like the District to balance the move towards vehicle electrification with the desire for heavier-sized cars, SUVs, and trucks. EVs are a key part of meeting our climate change goals and reducing carbon

¹² Henry Grabar, *The Weight, Ford’s new F-150 could be a milestone for electric vehicles. There’s just one problem*, SLATE (May 21, 2021), <https://slate.com/business/2021/05/ford-f150-lightning-electric-weight.html>.

¹³ Peter Huether, *9,000-Pound Electric Hummer Shows We Can’t Ignore Efficiency of EVs*, (Jun. 21, 2022), <https://www.aceee.org/blog-post/2022/06/9000-pound-electric-hummer-shows-we-cant-ignore-efficiency-evs>.

¹⁴ Michael Wayland, *Biden pushes for electric vehicles to make up half of U.S. auto sales by 2030*, CNBC (AUG. 5, 2021), <https://www.cnbc.com/2021/08/05/biden-pushes-for-evs-to-make-up-40percent-or-more-of-us-auto-sales-by-2030.html>.

¹⁵ Bureau of Labor Statistics, “Charging into the future: the transition to electric vehicles”, (Feb. 2023), <https://www.bls.gov/opub/btn/volume-12/charging-into-the-future-the-transition-to-electric-vehicles.htm#:~:text=The%20market%20for%20electric%20vehicles,to%204.6%20percent%20in%202021>

emissions. The Committee's proposed changes to the Mayor's subtitle simply recognize that not all EVs are created equal when it comes to our climate goals.

Continued Implementation of State-2-State Verification System

The proposed budget includes an increase of \$429,758 and 5.0 FTES for the continued implementation of the State-to-State Verification System ("S2S"), which the American Association of Motor Vehicle Administrators ("AAMVA") operates. S2S allows the District to verify electronically, with other participating states, whether a license or identification card applicant holds a license or identification card in another state. Federally required, continued implementation of S2S is requisite for issuing REAL ID credentials, which provides for a national set of standards regarding the reliability and accuracy of state driver and identification cards. This will increase the accuracy and integrity of DMV's data, which will have positive ripple effects for all agencies that use such data, like the Metropolitan Police Department. The Committee supports this continued implementation and systems integration of S2S and will monitor its impact on operational improvements at DMV and its usefulness to other agencies.

Enhanced Automatic Voter Registration

The Council recently passed the Automatic Voter Registration Expansion Amendment Act of 2022 (D.C. Law 24-265), which expands automatic voter registration ("AVR") by moving towards a modernized "back-end" system, which automatically places eligible residents on a "preapproved for registration" list when they apply for identification at DMV.¹⁶ Through this "back-end" system, residents can opt out after the agency transaction, allowing the District to capture more eligible unregistered voters and facilitating the process of registering them to vote. DMV and the Board of Elections ("BOE") share responsibilities under this new registration system, with DMV gathering certain demographic information during a person's transaction for each person who applies for a driver's license (including any renewal or correction) or nondriver's identification card, such as documentation demonstrating US citizenship, verifying that the individual is of sufficient age to register to vote or to preregister to vote, or is not already registered to vote in the District. DMV then submitting that information to the BOE. DMV is also required to notify BOE if a registered or pre-registered voter submits a change of name or address notice or supplies a name or address as part of a driver's license or nondriver's identification card application, renewal, or correction that differs from the voter's name or address on their current voter registration. DMV is responsible for automatically and electronically transmitting the information necessary to update the voter registrations to the BOE.

This "pre-sort" of data will be handled entirely by DMV, which the Agency has confirmed with BOE after some advocates registered concerns with the Committee about the division of funding and impacts on the respective responsibilities of the two agencies.

¹⁶ See Charles Allen, *Report on B24-0951, the Automatic Voter Registration Expansion Amendment Act of 2022*, (Nov. 3, 2022), https://lms.dccouncil.gov/downloads/LIMS/51067/Committee_Report/B24-0951-Committee_Report1.pdf.

BOE will be required to verify a voter's eligibility to register and place them on a pre-approved registration list, and then send each preapproved voter a mailer within fourteen days with instructions on activating their registration. A resident may activate their voter registration by returning the mailer sent by BOE, accessing the digital voter service system, appearing in person at BOE, appearing to vote in person, or returning a general election mail-in ballot. Additionally, BOE must automatically send individuals on the pre-approved registration list a mail-in ballot in general elections for four years after they are added to the pre-approved registration list and remain on such list. The Committee commends the Mayor for including \$500,000 in funding in the Agency's budget to implement this crucial expansion of voting rights.

Second Chance Act Implementation

In 2022, the Council passed the Second Chance Amendment Act. The Fiscal Impact Statement for the Act found that the bill would cost the DMV \$78,000 in FY24, \$80,000 in FY25, and \$81,000 in FY26, for a total of \$239,000 over the six-year financial plan. Those funds would be needed to hire a Correspondence Specialist and IT system updates. Given those anticipated costs for implementation, the final bill was passed subject to appropriations ("S2A"). At the Committee's budget oversight hearing for the Agency, advocates expressed alarm over the lack of funding to support the implementation of the law, noting that delayed implementation would further limit individuals seeking a fresh start as they re-enter society or seek opportunities following criminal legal system involvement. However, the Committee confirmed with DMV that the Mayor's FY24 proposed budget does include a repeal of the law's S2A clause, because funds are included within the DMV's budget to implement the Second Chance Act. The Committee commends the Mayor for swiftly moving to implement the Second Chance Act and applauds DMV for planning to hire two FTEs instead of the one mandated by the Act.

b. Fiscal Year 2024 Operating Budget Analysis & Recommendations

The Mayor's proposed FY 2024–FY 2028 capital budget request for the Agency is \$11,700,000, representing a \$13,458,000 decrease in total dollars from the FY 2023–FY 2027 approved levels. The DMV's proposed capital budget decreases by \$300,000 in FY 2024 and remains at \$3,200,000 in FY 2025. This funding is allocated to the ongoing replacement of the DMV's legacy operating system and its ticket processing system, detailed below. The Committee recommends the adoption of the Agency's capital budget with no changes.

Destiny Replacement Project

The proposed capital budget of \$11,700,000 allocates \$2,500,000 in FY 2024 and \$3,200,000 in FY 2025 for the Agency's Destiny Replacement Project; this project also has an available balance of \$13,900,000 after the projected spend for FY23 of \$4,500,000, as provided by the Agency. These proposed allocations are the same as last year's budget. Through this project, DMV plans to create a modernized, state-of-the-art, web-based driver-license and motor-vehicle-information system, migrating away from its reliance on

the District's mainframe system, used by agencies city-wide. Upon completion, this new system will reduce the complexities of maintaining multiple software platforms that the Agency currently uses and improve the efficiency of changes to application software when DMV regulations change. After the deployment of the new system, the DMV should be able to recognize a reduction in the cost to maintain this system in future budgets. The Committee supports this project given the DMV's current system's age, complexities, and associated data risks.

Ticket Processing System

The proposed capital budget includes \$6 million in FY 2024 for the DMV's Ticket Processing System (E-TIMS) Upgrade Project. The E-TIMS system is over 25 years old, and the DMV has been planning a much-needed upgrade of the system for nearly a decade. After the initial compilation of an RFP package in FY 2021, the DMV is now able to request the additional funding required by the project in this budget.

The project is currently in contract negotiation, with DMV finalizing negotiations, completing the Best and Final Offer with the proposed vendor, and executing a contract by the end of the second quarter of FY23. Once executed, the remainder of FY23 will include requirement gathering, design, and infrastructure setup. The Agency informed the Committee that it intends to spend at least \$3 million in FY23 but cannot confirm an exact estimate until the award is issued. Once the contract is fully executed, the Agency believes it will be able to assess and report projected spending by the third quarter of FY23. Accordingly, the Committee will monitor this progress and request that DMV notifies the Committee of how additional funding provided in this year's budget will advance the project once the Agency announces the award.

4. COMMITTEE POLICY RECOMMENDATIONS

a. Ticket Processing and Verification of Current Registration Status

The Committee heard significant feedback from District residents during oversight hearings of the Agency regarding tickets they received on vehicles they long ago reported stolen. The emergence of recent news reports made the significance of this issue to the Committee about adjudication issues that many of these residents faced for vehicles they no longer legally owed or were liable for. It begs the question of why these tickets are issued once a vehicle has been reported stolen – which DMV, in testimony, acknowledge they confirm with the Metropolitan Police Department – and why when they are contested, a more straightforward process for quashing them is not in place. The Committee urges more significant coordinated action by DMV to work alongside the appropriate District agencies – Deputy Mayor for Operations and Infrastructure, Department of Public Works, and Metropolitan Police Department, Office of the Chief Technology Officer – to identify systems integration solutions.

b. Developing Necessary System Infrastructure for Digital Identification Credentials

In December 2021, the Council passed the Department of Motor Vehicles Electronic Proof of License, Permit or Identification Card Amendment Act of 2021, requiring DMV to provide electronic licenses, permits, and identification cards. During hearing testimony, Director Robinson said DMV is reviewing current market research and case studies from other jurisdictions, intending to ensure it is safe and secure to roll out digital credentials for identification cards and driver's licenses. AAMVA has issued Mobile Driver's License Implementation Guidelines as of September 2022, along with interoperability guidance. In 2016, DMV successfully participated in a pilot initiative alongside several other states, including Maryland, with Gemalto, a digital security corporation, to deploy digital driver's licenses. Gemalto received a two-year grant from the U.S. National Institute of Standards and Technology to support these jurisdictions in piloting the development of a smartphone-based credential and implementing an interoperable solution to potentially scale nationwide. DMV noted that before the end of FY23, it would issue a request for proposals or information to begin identifying vendors to assist with the design of a digital credential for the District. The Committee recommends that DMV finalize a plan to deploy digital credentials, both driver's licenses and identification cards, with a target implementation date set before the end of FY24.

c. Transition to Electrification for District-owned Vehicles

The Council passage of the Clean Energy DC Omnibus Amendment Act in 2018 identified aggressive clean energy actions that District agencies have yet even partially met. The Committee urges DMV to accelerate its transition to electric-only vehicles to meet our 50% zero-emission goal by 2030 or sooner. We must lead by example, and District agencies should comply with this law as quickly as possible using all available resources.

D. DISTRICT DEPARTMENT OF TRANSPORTATION

1. AGENCY MISSION AND OVERVIEW

The District Department of Transportation's ("DDOT") mission is to equitably deliver a safe, sustainable, and reliable multimodal transportation network for all residents and visitors of the District of Columbia. DDOT executes its mission through its six administrations. The *Project Delivery Administration* is responsible for multimodal infrastructure projects (planning, design, and construction), transit delivery, and traffic engineering and safety. The *Operations Administration* maintains the District's transportation infrastructure assets (e.g., streets, alleys, sidewalks, and trees), manages traffic operations, provides vehicle and pedestrian safety control, manages public space and parking regulations, and conducts snow removal operations. The *Administrative Administration* manages the agency's operating and capital budgets, liaisons with the Office of the Chief Financial Officer and the Chief Procurement Officer, manages human resources and workforce development, and provides agency-wide support through State and Regional Planning. The *Performance Administration* tracks and reports performance

metrics, manages facilities, fleet, and information technology resources, and provides customer service. The *External Affairs Administration* provides enhanced community engagement and outreach to District residents, and coordinates communication with and messaging to the public, media, and other stakeholders. Finally, the *Office of the Director* is responsible for the oversight and management of the Department.

2. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2024 Operating Budget Recommendations

The Committee recommends the adoption of the FY24 operating budget for DDOT as proposed by the Mayor, with the modifications noted in the tables in Section I. of this report.

Overview of FY24 Proposed Budget

The Mayor’s proposed FY24 Operating Budget for DDOT is \$185,103,672, which represents a \$7,251,664 – or 3.8% – decrease from the FY23 approved budget of \$192,355,336.¹⁷ The proposed FY24 funding supports 778.0 FTEs, a reduction of 50.2 FTEs – or 6.1% – from the FY23 approved level of 828.2 FTEs.

One of the single greatest cuts to the agency is a \$10.6 million reduction to the Transit Delivery Division, largely comprised of cuts to the Circulator service. The next largest cut is a \$1.5 million reduction to the Traffic Operations Division, achieved through the elimination of 30.2 positions – including 7 school crossing guards (formally titled “Safety Technicians” and budgeted at 0.4 FTEs each) and 1 Traffic Control Officer. The proposed budget also includes a reduction of \$1.3 million to the Maintenance Division. The other notable cuts to DDOT’s budget include a \$808K and 1.0 FTE reduction to the Office of the Chief Operations Officer, a \$515K and 1.0 FTE reduction to the Office of the Deputy Chief Operation Officer, and \$493K and 9.0 FTE reduction. These reductions are blunted by a \$6.7 million increase to the Planning and Sustainability Division – largely comprised of enhancements to the Capital Bikeshare program – and a \$964K increase to the Parking and Ground Transportation Division.

Table 1: Positions Eliminated Under DDOT’s FY24 Proposed Operating Budget

<i>Position Title</i>	<i>FTEs</i>	<i>Position Title</i>	<i>FTEs</i>
City-wide Program Support Supervisor	1.0	Safety Technicians	2.8
Contract Specialist	2.0	Street and Bridge Maintenance	2.0
Engineering Tech. (Civil)	1.0	Supervisory Engineering Tech	1.0

¹⁷ This decrease is mostly due to a 6.2% reduction in local funds, offset by a 1.1% increase in SPR funds and an 8.1% increase in federal payments.

Forensic Toxicologist	2.0	Human Supervisory Resources Spec.	1.0
Forester (Urban)	2.0	Supervisory Management and Pro.	2.0
Information Technology Spec.	1.0	Supervisory Contract Specialist	1.0
IT Specialist (Customer Supt)	1.0	Traffic Control Officer	1.0
Lead Safety Technician	0.4	Traffic System Operator	1.0
Legal Instruments Examiner	5.0	Training Spec.	1.0
Maintenance Mechanic Leader	1.0	Training Specialist	1.0
Management Analyst	1.0	Transportation Engineer	2.0
Masonry Worker	1.0	Transportation Planner	4.0
Paralegal Specialist	1.0	Transportation Specialist	1.0
Program Analyst	6.0	Trial Attorney	5.0
Program Support Assistant (OA)	2.0		

Source: Department of Transportation

The Committee understands the financial pressures facing DDOT this budget cycle and commends the agency for reducing its budget in a way that avoids laying off or terminating staff. The Committee was initially concerned about cuts to school crossing guard positions. However, DDOT currently has 19 vacant school crossing guard positions. Even with the reductions, DDOT’s FY24 budget supports 12 additional school crossing guards. Among the Committee’s various traffic safety priorities, improving safe routes to school ranks is one of the most urgent. School crossing guards “help students safely cross hazardous intersections en route to the school building and work in conjunction with school monitors, school security, parking enforcement officers, roadway traffic operations patrols, and police officers.”¹⁸ As of September 30, 2022, school crossing guards served 136 public school and public charter schools in the District.¹⁹

More generally, as of April 13, 2023, 138.4 – or 17% – of the 828.2 positions funded through DDOT’s FY23 Operating Budget are vacant.²⁰ The Mayor’s proposed FY24 Operating Budget proposes carrying 104.4 of these vacant positions forward, suggesting optimism about the ability to fill these positions. Some of these positions are currently in recruitment status, so it is possible that the agency closes FY23 with a lower vacancy rate.

Table 2: Vacant Positions Funded by DDOT’s Operating Budget

¹⁸ District Department of Transportation, *School Crossing Guard Program* (last visited April 18, 2023), <https://ddot.dc.gov/node/481172>.

¹⁹ District Department of Transportation, *Schools and Intersections Covered by DDOT School Crossing Guards* (September 30, 2022), https://ddot.dc.gov/sites/default/files/dc/sites/ddot/page_content/attachments/School%20Post_FY22-23.pdf.

²⁰ 135.4 vacant positions are funded through local funds, while 3 vacant positions are funded through ARPA Local Revenue Replacement funds. The vacancy savings rate for DDOT was 11.9% in FY23 and 10.43% in FY24.

	<i>Filled</i>	<i>Vacant</i>	<i>Total</i>	<i>% Vacant</i>	<i>Vacancies Carried over to FY24</i>
Local Funds	646.8	135.4	782.2	17%	103.4
ARPA Revenue Replacement Funds	5	3	8	38%	1
DDOT Enterprise Fund	12	0	12	0%	0
Federal Grants	26	0	26	0%	0
Total Operating FTEs	689.9	138.4	828.2	17%	104.4

Source: Department of Transportation

The Mayor’s proposed FY24 Operating Budget includes \$1,535,304 in funding for two Open Streets events where the District “temporarily close[s] roadways to vehicles to provide safe spaces for walking, biking, skating, and other social activities.”²¹ The District held 1 Open Streets event in FY20; 0 in FY21; 5 in FY22; and 3 in FY23. For FY24, the first Open Streets event will be held on June 4, 2023, on 12th Street NE between Franklin Street and Michigan Avenue (Ward 5). The second event will be held on October 7 on Georgia Avenue (Wards 1 and 4).²²

The Mayor’s FY24 operating budget also includes \$750,000 in funding for a Streatery Pilot Program. The Streateries program allows restaurants to “use expanded sidewalk space, alleys, parking lanes, and travel lanes for table seating” and retailers to use “space for curbside pickup and delivery.”²³ DDOT maintains an interactive map showing where DDOT has issued public space permits.²⁴ Initially a response to the COVID-19 pandemic, streateries have become a popular attraction. Streateries help promote the city’s vibrant dining and retail scenes, while reallocating space dedicated to cars back towards use and enjoyment by residents and visitors.

The Committee believes both programs have been a success. That being said, the Committee believes DDOT should transition away from piloting temporary traffic safety and public space improvements. Instead, DDOT should prioritize permanent reallocations of public space away from motor vehicles and towards pedestrians, persons with disabilities, and multimodal users. Instead of one-off street festivals, DDOT should be more deliberate in using Open Streets to promote, pilot, and implement the concept for car-free streets. Similarly, instead of maintaining temporary streatery installations, DDOT

²¹ District Department of Transportation, *Open Streets* (last visited April 23, 2023), <https://open-streets-dcgis.hub.arcgis.com/>. The program has four main goals: (1) promoting healthy lifestyles by encouraging residents to walk, roll, or bike to the event; (2) boosting the economy by drawing foot traffic to local businesses; (3) protecting the environment by decentering motor vehicle travel; and (4) building community through shared use and ownership of public space. *Id.*

²² Executive Office of the Mayor, *Mayor Bowser Announces 2023 Open Streets Events* (last visited April 23, 2023), <https://mayor.dc.gov/release/mayor-bowser-announces-2023-open-streets-events>.

²³ District Department of Transportation, *Streateries in the District* (April 23, 2023), <https://ddot.dc.gov/page/streateries-district>.

²⁴ *Id.*

should convert these to permanent sidewalk extensions. Research has shown mixed, if any, long-term impact of one-off open street festivals.²⁵ And the overwhelming evidence shows that prioritizing pedestrians through permanently or partially open streets has positive impacts on restaurants and other businesses along the street.²⁶ The Committee urges DDOT to be prepared during the FY25 budget conversation to recommend at least one street that can be closed to cars permanently.

Road Safety Legislation Left Unfunded by Redirection of ATE Revenue

On top of cuts to critical positions within DDOT, the Mayor’s budget also leaves portions of critically needed traffic safety legislation unfunded. Together, these laws can help increase traffic safety, reduce the District’s impact on climate change, and improve quality-of-life – but only if they are fully funded and faithfully implemented. Below is a summary of some of the key provisions left unfunded.

B23-0288, the Vision Zero Enhancement Omnibus Amendment Act of 2020 (D.C. Law 23-158; 68 DCR 732)²⁷ was passed by the Council on September 22, 2020, signed by the Mayor and enacted on November 2, 2020, and completed its congressional review period on January 15, 2021. The law includes numerous mandates to improve pedestrian and bicycle infrastructure that have not been funded and, therefore, have not taken effect. For example, the law requires that DDOT make certain improvements to crosswalks and sidewalks – e.g., installing new sidewalks, filling gaps in the sidewalk network, and upgrading existing crosswalks to high-visibility, marked crosswalks – when undertaking similar work in the area. Similarly, if DDOT is reconstructing a road in a place where the Multimodal Long-Range Transportation Plan recommends installing a protected bike lane, DDOT must install it. The law requires that driver’s license examinations cover issues related to bicyclist awareness, such as providing at least three feet of space to bikers and using the Dutch reach to open car doors). The law also requires that DDOT install signage prohibiting right turns at red traffic lights (“no-turn-on-red” or “NOTR”) in high-risk areas, including within 400 feet of school, recreation center, or library. Finally, the law creates a public outreach campaign for Vision Zero administered by DDOT in coordination with the Metropolitan Police Department, the DMV, the Department of Public Works, and the Washington Area Bicyclist Association.

²⁵ Andrew Glazener *et al.*, *The Impacts of Car-Free Days and Events on the Environment and Human Health*, CURRENT ENVIRONMENTAL HEALTH REPORTS (February 10, 2022), <https://link.springer.com/article/10.1007/s40572-022-00342-y>.

²⁶ Winnie Hu, *On Car-Free Streets, Many New York Restaurants Thrived*, NEW YORK TIMES (October 25, 2022), <https://www.nytimes.com/2022/10/25/nyregion/ny-open-streets-restaurants.html>; Laura Bliss, *Where Covid’s Car-Free Streets Boosted Business*, BLOOMBERG, <https://www.bloomberg.com/news/articles/2021-05-11/the-business-case-for-car-free-streets>.

²⁷ Council of the District of Columbia, Legislative Information Management System, *B23-0288, the Vision Zero Enhancement Omnibus Amendment Act of 2019* (last visited April 23, 2023), <https://lims.dccouncil.gov/Legislation/B23-0288>.

B24-0673, the Safer Streets Amendment Act of 2022 (D.C. Law 24-214; 70 DCR 10)²⁸ was passed by the Council on October 4, 2022, enacted without the Mayor’s signature on November 1, 2022, and completed its congressional review period on January 6, 2023. The law implements a permanent no-turn-on-red policy beginning in 2025, preceded by a public education campaign about the change in law. To ensure that DDOT’s written directives keep up with emerging research and best practices, the bill requires that DDOT update its Design & Engineering Manual (“DEM”) and standard drawings by 2024 and every five years thereafter. The law also requires that DDOT conduct annual planning for upgrading tactical safety projects to permanent streetscape projects and to review bike lanes for safety upgrades. While these provisions have not been funded, the Committee notes that DDOT has identified several locations where tactical safety projects will be converted to permanent infrastructure upgrades. The Capital Improvement Plan (“CIP”) for FY23-FY28 included \$122K annually to cover converting tactical safety projects to permanent streetscape projects. DDOT is currently in the design phase for those projects, but does not anticipate completing them before the end of the calendar year.²⁹

B24-0066, the Safe Streets for Students Amendment Act of 2022 (D.C. Law 24-285; 70 DCR 3516)³⁰ was passed by the Council on October 4, 2022, enacted without the Mayor’s signature on November 1, 2022, and completed its congressional review period on January 6, 2023. The law requires that the Mayor establish a Safe Passage Program within the Office for the Deputy Mayor of Education (“DME”), which is responsible for ensuring students can travel safely to and from school. The DME is, in turn, required to establish a Safe Blocks Program to designate priority areas for the upcoming school year, publish an interactive map showing the boundaries of priority areas, the location of sidewalks, crosswalks, and stops signs, as well as the placement of crossing guards. The bill allows the DME to award grants to community-based organizations for safe passages work. The bill requires that DDOT establish a Safe Routes to School Program which shall be responsible for developing the Safe Streets for Students Master Plan, producing Action Plans, and conducting spot safety assessments and installing traffic safety infrastructure. The bill also establishes a 2-year School Streets Pilot Program. Under the pilot, DDOT would close one roadway adjacent to a school to vehicle traffic during certain hours, assign at least one traffic control officer or crossing guard to the closed roadway, install signage about the closed roadway, and provide schools with necessary equipment to prevent vehicles from entering the roadway. Within 18 months after the end of the pilot, DDOT must provide a report to the Mayor and Council. The bill requires that DDOT place crossing

²⁸ Council of the District of Columbia, Legislative Information Management System, *B24-0673, the Safer Intersections Amendment Act of 2022* (last visited April 21, 2023), <https://lims.dccouncil.gov/Legislation/B24-0673>. The name was changed to the “Safer Streets Amendment Act of 2022” prior to the Committee markup of the bill held on July 13, 2022.

²⁹ *District Department of Transportation: Budget Oversight Hearing before the Committee on Transportation and the Environment* (April 10, 2023) (oral statement of Everett Lott, Executive Director, District Department of Transportation at 4:24:49), https://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=8240.

³⁰ Council of the District of Columbia, Legislative Information Management System, *B24-0066, the Safe Passage to School Expansion Act of 2021* (last visited April 21, 2023), <https://lims.dccouncil.gov/Legislation/B24-0066>. The name was changed to the “Safe Streets for Students Amendment Act of 2022” prior the Committee markup of the bill held on July 13, 2022.

guards at schools as needed and maintain an online system through which public schools can request crossing guards. DDOT must also submit a plan to the Mayor and Council for converting part-time crossing guard positions to full-time employees. The bill also requires that the Mayor submit to the Council a Safe Streets for Students Master Plan for the next 5 years. Finally, the bill sets the default speed limit for school zones at 15 miles per hour, though DDOT can raise the limit on arterials.

The Committee is pleased to accept \$395,000 for FY24 and \$1,512,000 over the course of the financial plan from the Committee on Facilities and Family Services to help fund portions of the law. The funding transferred to the committee will support the establishment of the Safe Routes to School Program, development of the Safe Streets for Students Master Plan, and implementation of a reduced speed limit in school zones, and reporting requirements placed on the DME regarding the Safe Passage Program.

B24-0429, the Metro for DC Amendment Act of 2022 (D.C. Law 24-793; 70 DCR 4306)³¹ was passed by the Council on December 20, 2022, enacted without the Mayor’s signature on January 26, 2023, and completed its congressional review period on April 14, 2023. The bill would provide fare-free Metrobus transportation within the District, as well as 24/7 Metrobus service on at least 12 routes with high ridership along major transportation corridors and activity centers. The bill also created a Bus Service Enhancement Fund, which can be used to improve access and service to areas “identified in DDOT’s Multimodal Long-Range Transportation Plan as areas of high transportation need or historically underserved communities or to serve residents of those areas.” Finally, the bill establishes a Transit Subsidy Program, which would provide up to \$100 District residents 5 years of age or older who do not receive subsidies on another transit card.

The Committee believes that Metro for DC can be transformative for the District. Therefore, the Committee reduces the FY23 capital budget of the K Street Transitway project by \$115 million, accepts a transfer from the Committee of the Whole of \$115 million in operating funds, and ***increases the balance of the Fare Free Bus Fund by \$112.5 million***. The Committee is also excited to ***accept \$10,342,924 in recurring operating funds from the Committee on Public Works and Operations to be deposited into the Fare-Free Bus Fund*** created by the law. In total, this provides ***\$153 million to fund the cost of the Fare-Free Bus Program***, which the Committee estimates is around three-fourths of the total cost, depending on the start date. Unfortunately, because the Mayor swept funding away from the Fare-Free Bus Program in her budget proposal, this delayed discussions toward an implementation agreement which will delay the start of the service until at least January 1, 2024—perhaps later. To further support bus service, the Committee was happy to accept funding from the Committee on Public Works and Operations to restore some TCO positions—specifically, 2 Supervisory Traffic Control Officers, who would be dedicated to bus lane enforcement at the corner of 14th and Irving Streets NW. This area is at confluence of two major bus corridors and experiences a high volume of pedestrian and motor vehicle traffic. Regular commercial activity, pick-up and

³¹ Council of the District of Columbia, Legislative Information Management System, *B24-0429, the Metro for D.C. Amendment Act of 2021* (last visited April 23, 2023), <https://lims.dccouncil.gov/Legislation/B24-0429>.

drop-off, and illegal parking pose safety risks to pedestrians and can contribute to blocked bus and bike lanes. The new TCO positions will provide enforcement in the area to reduce friction points between road users as DDOT prepares to install bus lane enforcement cameras along 14th Street.

Of course, the reductions to the K Street Transitway project will not – alone – fully fund the Fare-Free Bus Program, so the Committee looks forward to working with Chairman Mendelson and the full Council to identify additional funding. The Committee also awaits WMATA’s response to the Committee’s request for an updated cost of the Fare-Free Bus Program. Thus far, the Committee has received confusing responses from WMATA indicating that its Board may use a different methodology to determine the cost of fare-free buses in the District, even though WMATA just approved its FY24 budget. The Committee looks forward to receiving WMATA’s updated estimate, as well as an explanation for why the Board would change its methodology for determining the cost of operations just after approving its new budget.

Some may question why the Committee continues to support free bus service for all, as opposed to limiting free transit benefits to low-income residents. However, there are several reasons why extending the benefit to all residents – regardless of income – will have more positive impacts. During discussions to determine the cost of the bill, the Committee learned that establishing means-testing requirements would have dramatically increased the administrative costs; in fact, it could have as much as doubled the cost of the Fare-Free Bus Program. Furthermore, making Metrobus service free in the District can reduce headways because it avoids the delays associated with the farebox – passengers are not slowed by the need to tap their farecard, operators do not need to verify payment, and passengers can use rear doors without a farebox for boarding.

Most importantly, reliable bus service is critical for District’s, and specifically downtown’s, economic recovery. In the District, nearly two-thirds of bus riders are Black residents,³² 68% of bus riders have incomes of less than \$50,000³³, and 18%—nearly one-fifth—have incomes below \$10,000.³⁴ Many bus riders are service workers who never had a chance to work from home during the pandemic. The funding to expand overnight Metrobus service to the routes in the District with the highest ridership is especially important to hospitality and service industry workers, on whom the District’s economy depends. These workers stand to benefit the most from 24/7 service because they often go to work before, and leave after, current Metrobus operating hours.

Circulator

³² Council of the District of Columbia, Office of the Budget Director, *Metro for DC Study* (last visited April 25, 2023), <https://www.dccouncilbudget.com/metro-for-dc-study>.

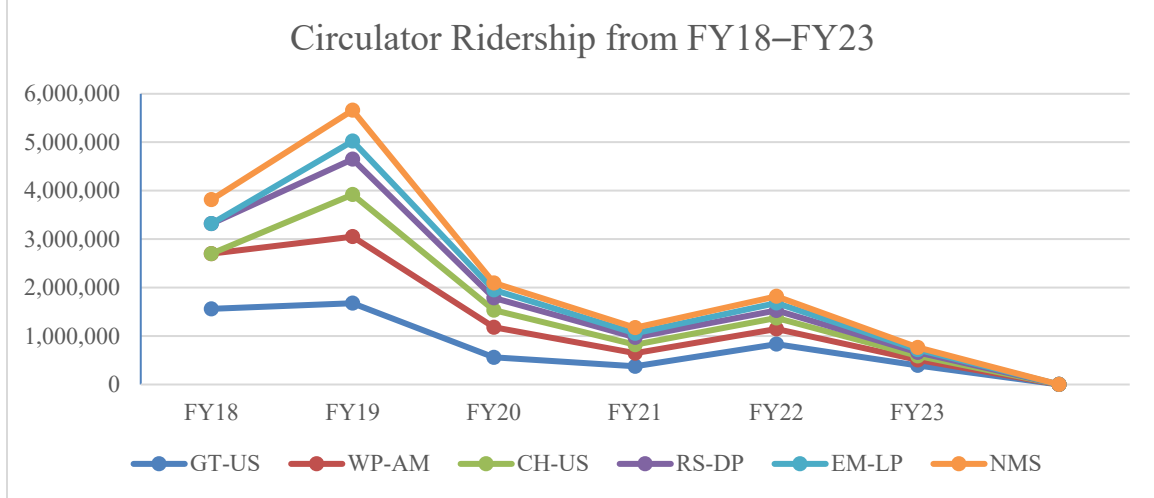
³³ Chelsea Cirruzzo, *New D.C. Council bill proposes free Metrobus starting next summer*, AXIOS (December 1, 2022), <https://www.axios.com/local/washington-dc/2022/12/01/dc-wmata-metrobus-free-bus>.

³⁴ Susanna Groves, *Analysis of the Metro for D.C. Amendment Act of 2022*, COUNCIL OF THE DISTRICT OF COLUMBIA, OFFICE OF THE BUDGET DIRECTOR (May 2022), <https://static1.squarespace.com/static/5bbd09f3d74562c7f0e4bb10/t/6274278bb8e3ba3aa296dde2/1651779467964/Metro+for+DC+Amendment+Act+of+2022+-+Analysis.pdf>.

The Circulator is a bus system currently operated by a vendor with whom DDOT contracts for service. It advertises \$1 fares and bus service every 10 minutes. The Circulator currently operates the following six routes: (1) Georgetown – Union Station; (2) Woodley Park – Adams Morgan – McPherson Square Metro; (3) Congress Heights – Union Station; (4) Eastern Market – L’Enfant Plaza; (5) Dupont Circle – Georgetown – Rosslyn; and (6) National Mall Service. Circulator ridership reached its apex in FY19 before dropping off dramatically in FY20 during the COVID-19 pandemic. Between FY19 and FY22, ridership across all six routes fell by 68%.

Table 3: Circulator Ridership from FY18–FY23

Route	FY18	FY19	FY20	FY21	FY22	FY23 YTD (Oct. – Feb.)
GT-US	1,559,638	1,679,128	559,992	375,036	832,546	392,531
WP-AM	1,138,436	1,372,676	530,049	269,557	313,373	114,626
CH-US	170,188*	869,405	354,387	175,798	226,309	81,825
RS-DP	619,814	729,174	251,853	152,358	153,831	72,553
EM-LP	85,504*	372,632	165,414	82,039	154,683	55,724
NMS	495,080	635,436	143,958	117,199	137,828	46,321
Combined	4,068,660	5,658,451	2,005,653	1,171,986	1,818,570	763,580



Source: Department of Transportation

As mentioned above, the Mayor has proposed cutting Circulator funding by \$6.9 million, which would eliminate the Woodley Park–Adams Morgan–McPherson Square Metro, Eastern Market–L’Enfant Plaza, and Dupont Circle–Georgetown–Rosslyn lines in FY24. The Woodley Park route has traditionally been one of the highest ridership routes (see Table 3, below), while the other routes proposed for elimination have had among the lowest ridership rates. The Committee notes that the National Mall Service, which has had the lowest ridership levels in FY22 and FY23 to date, operates pursuant to an agreement between DDOT and the National Park Service, which subsidizes the route.

* New routes began operation in June 2018.

The OCFO has provided the Committee with the estimated costs for all six Circulator routes in FY24. The contract costs for the three Circulator lines maintained in the proposed budget are \$23,278,936. The estimated costs for restoring the Woodley Park – Adams Morgan – McPherson Square Metro and Eastern Market – L’Enfant Plaza routes is \$16,232,955, broken down in more detail below. The increased costs for operating the Circulator in FY24 are due to collective bargaining agreement negotiations that have increased the personal services costs.

Table 4: Estimated Funding for Circulator in FY24³⁵

Route	Estimated FY24 Cost	Revenue Hours
Georgetown – Union Station	\$10,803,697	75,485
Woodley Park – Adams Morgan – McPherson Square	\$7,752,585	54,167
Congress Heights – Union Station	\$7,768,185	54,276
Eastern Market – L’Enfant Plaza	\$3,589,829	28,173
Dupont Circle – Georgetown – Rosslyn	\$4,890,541	38,381
National Mall Service	\$4,707,054	32,888
TOTAL	\$39,511,891	283,370

As noted by the Capitol Hill BID, the elimination of the Eastern Market – L’Enfant Plaza route will cut off a critical transit option along a bustling corridor:

“Servicing both residents and visitors, the EM-LP route creates a seamless, one-seat ride between the retail/food and beverage commercial areas of Eastern Market/ Barracks Row – Navy Yard – the Wharf. The Circulator is a highly visible and tangible connection between DC’s oldest commercial corridor with two of its newest. The route is the easiest and most direct connection between many of DC’s newest residents and a significant number of independent and locally-owned businesses in and around the Eastern Market/ Barracks Row neighborhood. Severing this connection will harm those businesses by limiting the flow of potential customers to the area. The result would be a weakening of economic activity at a time when many of these businesses are already facing tough conditions.”

Moreover, there are limited transit options for this service area. This concern was echoed by ANC6B, which noted that “[t]here is no bus route that provides this service” other than the Circulator, leaving residents in the area without reliable transit options. The Metrobus 74 line also serves the Southwest community, but since the Circulator began operations, WMATA has reduced 74 line service significantly. In FY20, the Council identified funding to enhance the service of the 74 line, but any enhancements made with that funding were

³⁵ The Office of the Chief Financial Officer has cautioned the Committee that the cost for operating the Circulator is “not solely priced by route” and that there are “other ancillary costs associated with operating the Circulator system that are not reflected in the O&M contract estimates above.”

lost during the pandemic. Cutting the Circulator line without increasing service on the 74 leaves many residents without reliable transit options. Therefore, the Committee allocates \$3.5 million in one-time funds for the restoration of the Eastern Market – L’Enfant Plaza route—only for FY24.

Electric Bicycle Rebate Program Amendment Act of 2023

The Committee also funds the costs for *Bill 25-0115, the Electric Bicycle Rebate Program Amendment Act of 2023*. While the bill has not yet been approved by the Council, the Committee intends to markup the bill prior to the Council’s summer recess. The Committee has worked with DDOT on a revised committee print, which has allowed DDOT to determine the estimated costs for the bill, below.

Table 6: Administrative Costs for E-Bike Rebates

	<i>FY 2024</i>	<i>FY 2025</i>	<i>FY 2026</i>	<i>FY 2027</i>	<i>Financial Plan</i>
Contract Support	\$100,000	\$102,000	\$104,000	\$106,000	\$412,000
DDOT Staff	\$85,000	\$87,000	\$88,000	\$90,000	\$350,000
Program Support	\$118,000	\$120,000	\$122,000	\$124,000	\$484,000
Total Costs	\$303,000	\$309,000	\$314,000	\$320,000	\$1,246,000

The Committee, therefore, allocates \$303,000 in FY24, and \$1,246,000 over the financial plan, for the administrative costs associated with implementation of B25-0115. The Committee also allocates \$500,000 to cover the cost of the actual rebates.

Increased Administrative Support for Advisory Councils

The proposed FY24 budget does not include increased funding for the Bicycle Advisory Council (“BAC”), Multimodal Accessibility Advisory Council (“MAAC”), and the Pedestrian Advisory Council (“PAC”). These councils were established to make recommendations to the Mayor and Council on various modes of transportation. The Bicycle Advisory Council, for example, “serve[s] as the advisory body to the Mayor, Council of the District of Columbia, and District agencies on matters pertaining to bicycling in the District.”³⁶ The law requires that DDOT provide the BAC, MAAC, and PAC with an “annual operating budget, which shall include funds to maintain a website” where the groups “shall provide a public listing of members, meeting notices, and meeting minutes.”³⁷ D.C. Code states that DDOT shall additionally provide the “MAAC with reasonable and accessible accommodations for holding meetings.”³⁸

³⁶ D.C. Official Code § 50–1604(d).

³⁷ D.C. Official Code § 50–1604(c-1) and § 50–1931(e).

³⁸ D.C. Official Code § 50–2361.31(e).

In his testimony during the BAC’s performance oversight hearing, BAC Co-Chair Warren Gorlick highlighted the need for further administrative support:

“Right now, the BAC receives only \$10,000 for its Administrative Assistant, a level of funding that has been stuck at that level for many years. The BAC is requesting that funding be set at no less than \$20,000 for its Administrative Assistant so that the AA can perform additional tasks that would enhance the effectiveness of the BAC.”³⁹

The PAC also underscored the importance of being able to hire an administrative assistant in their prehearing responses:

“The administrative assistant plays a key role in the efficient functioning of the PAC . . . For instance, the administrative assistant is responsible for maintaining updated circulation lists, virtual meeting preparation and management that includes posting meeting agendas, creating virtual meeting links, and drafting meeting minutes. Additionally, the administrative assistant posts PAC testimonies and other communications on the PAC website, maintains the website to inform the public, and will be trained to handle PAC social media such as sharing pedestrian-related items on Twitter.”⁴⁰

The Committee continues to believe that the BAC, MAAC, and PAC provide valuable insight on how current laws and proposed changes affect bicyclists, persons with disabilities, and pedestrians, respectively – insights that has directly informed the Committee’s work. The Committee has also observed the councils provide valuable, occasionally critical, community feedback directly to DDOT and other agencies involved in road safety and maintenance. The councils thus provide another layer of oversight over DDOT. However, the Committee simultaneously recognizes that these councils are largely composed of dedicated volunteers who are not compensated for their service. These groups must, therefore, have adequate administrative support to operate as intended – developing recommendations, advocating for change, pressing DDOT and other implicated agencies on implementation, and conducting outreach to the community. For these reasons, the Committee doubles the annual budget for each council to a total of \$20,000 per year. The Committee hopes that the increased budget will allow the councils to procure more robust administrative support to schedule meetings, prepare and circulate agendas, take meeting minutes, prepare draft resolutions for approval, manage social media, and help elevate the public profile of each council and its priorities.

b. Fiscal Year 2024 - 2029 Capital Budget Recommendations

³⁹ *Bicycle Advisory Council: Performance Oversight Hearing before the Committee on Transportation and the Environment* (February 27, 2023) (written testimony of Warren Gorlick, Co-Chair, Bicycle Advisory Council at 4–5) [hereinafter *FY23 BAC POH Testimony*].

⁴⁰ Pedestrian Advisory Council, *FY23 Performance Oversight Prehearing Responses* at 2 (February 23, 2023).

The Mayor’s proposed FY24 Capital Budget for DDOT is \$687,686,533, which represents an 8.3% decrease from the FY23 approved budget of \$750,094,941. This funding supports 470.0 FTEs, an increase of 23.2 FTEs – or 5.2% – from the FY23 approved level. As of April 13, 2023, 97 – or 18% – of the 525 positions funded through DDOT’s FY23 Capital Budget are vacant. The Mayor’s proposed FY24 Operating Budget proposes carrying 95 of these vacant positions forward, again suggesting the agency remains optimistic about its ability to fill the positions.

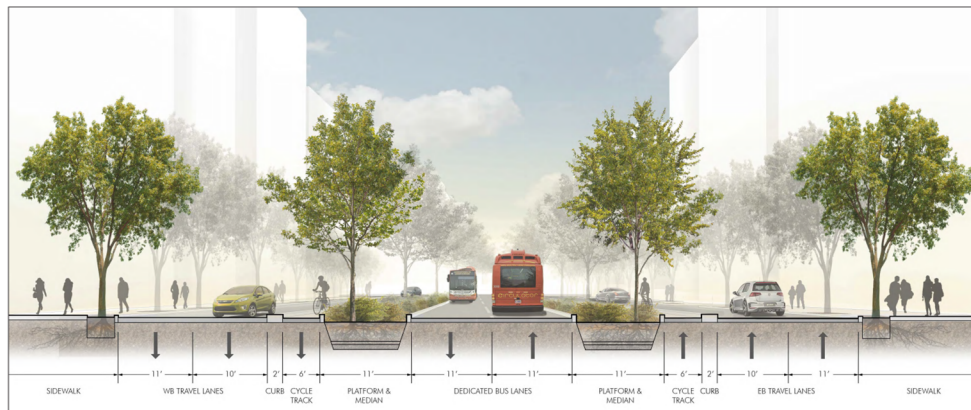
Table 7: Vacant Positions Funded by DDOT’s Capital Budget

	<i>Filled</i>	<i>Vacant</i>	<i>Total</i>	<i>% Vacant</i>	<i>Vacancies Carried over to FY24</i>
Capital Fund	428	97	525	18%	95

K Street Transitway

DDOT has described the K Street Transitway project as one “that will reconfigure one of the District’s major east-west corridors, K Street, NW, with vast improvements to benefit bus riders, motorists, cyclists, and pedestrians.”⁴¹ The proposed transitway would include wider, enhanced sidewalks, landscaped medians, bioretention, and expanded tree wells.⁴² Initial designs also included a cycletrack for biking and dedicated, center-running bus lanes to encourage modal shifts.⁴³

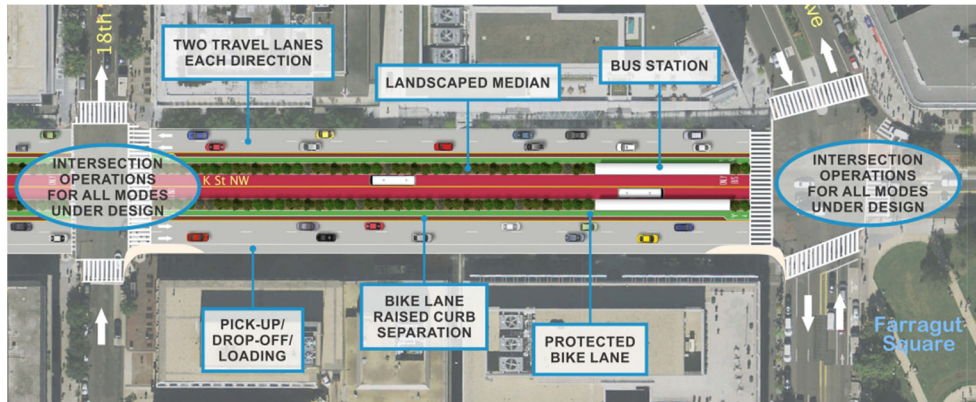
Image: Preliminary Designs for K Street Transitway



⁴¹ District Department of Transportation, *K Street Transitway* (last visited April 25, 2023), <https://ddot.dc.gov/page/k-street-transitway>.

⁴² District Department of Transportation, *K Street Transitway: April 2020 Preliminary Design Boards* (April 2020), <https://ddot.dc.gov/page/k-street-transitway>.

⁴³ *Id.*



Source: District Department of Transportation⁴⁴

While the Committee supports a reimagined K Street, the Committee fears the current vision for the project has not fully accounted for post-pandemic travel trends and was developed in isolation from a comprehensive vision of the District’s downtown. Caitlin Rogger, Executive Director of the DC Sustainable Transportation Coalition, raised similar concerns in her testimony before the Committee:

“The Covid pandemic changed the landscape for downtown mobility needs, including how many people want to be downtown, when, and how they prefer to get there. While DDOT has made commendable efforts to accommodate the shifting environment in late-stage design processes, it’s challenging to build a strong project on the back of an outdated vision. The K St Transitway is an important project, but since the current designs aren’t what the District needs from a once-in-a-generation investment of this scale, more work is needed to get the priorities and design right.”

Furthermore, the Committee is concerned that pushback has led to compromises on the current design. During DDOT’s budget oversight hearing, Director Lott mentioned that DDOT was considering shifting the bike lanes currently planned for the eponymous K Street, N.W., to L Street, N.W., in response to criticism. That is, even at close to 100% design, DDOT was still meeting with Downtown stakeholders to reconcile differences about key design components. Ultimately, the project does not have the kind of enthusiastic support necessary for one of its scale and magnitude. Therefore, the Committee recommends removing FY24 funding for this project so that DDOT can take time to revisit the design for the K Street Transitway. At a lifetime cost of \$116 million, it’s important that the project be considered alongside a comprehensive vision for Downtown.

That being said, a wide coalition of stakeholders – the business community, the District government, and transit advocates – agree that a key goal for capital projects is to facilitate workers returning to the office, especially downtown. The Committee believes there are two main ways to do that: convincing more people to use public transit, and providing alternatives for traveling in and out of downtown to people for whom public

⁴⁴ *Id.*

transit is not a viable option. To the second point, traffic congestion is back to pre-pandemic levels, and it is not clear that the K Street Transitway project will fix that. Therefore, the Committee’s sweep of the FY23 funds for this project will instead be put toward providing fare-free bus service. However, the Committee maintains \$1 million for continued planning of the K Street Transitway.

Bus service is the most resilient form of public transit; during the pandemic, bus ridership fell much less, and recovered much faster, than Metrorail service. Shifting K Street Transitway funding to fare-free bus service for District residents will provide some measure of relief to low-income residents, and expanded late night service will be a boon for restaurants and hospitality industry workers, many of whom commute during times with limited bus service and may of ten resort to expensive rideshare services. Finally, dedicated funding to WMATA could help it to improve Metrorail service and get more office workers downtown.

Streetcar

The Mayor’s FY24 capital budget eliminates \$94.6 million in funding from the existing Streetcar project and funds a new Streetcar – Benning Road Extension project at \$99.4 million, for a net increase of approximately \$4.8 million in funding across the CIP. While the Committee is committed to expanding public transit options in the District, the Committee is alarmed by the Streetcar’s fairly low ridership pre- and post-pandemic. Even at its peak, the Streetcar’s ridership hovered just around 1.2 million passengers per fiscal year – comparable to the Woodley Park – Adams Morgan – McPherson Square Circulator route. Despite moving nearly the same amount of people per year, the Streetcar requires significant capital investments when compared to the Circulator.

Table 5: Streetcar Ridership from FY18–FY22

	<i>FY 2018</i>	<i>FY 2019</i>	<i>FY 2020</i>	<i>FY 2021</i>	<i>FY 2022</i>
<i>Ridership</i>	1,171,527	1,185,571	504,920	309,084	267,093

Source: District Department of Transportation

Beyond the expense, the Streetcar also suffers from the inherent limitations of a fixed track system; because the streetcar is bound to a specific route, it will never be a dynamic transit option that can quickly adjust to new travel patterns or reroute itself around construction. For example, the H Street Bridge project, discussed below, requires “temporarily removing the streetcar stop atop the bridge,” though the final plan would install a new stop “closer to the Union Station access with two sets of embedded tracks for smoother operations and more efficient travel.”⁴⁵ In comparison, a bus could simply detour around the construction. Moreover, the District is not committed to a robust Streetcar network that runs across the city. The District abandoned “a years-long plan to extend the city’s streetcar line between

⁴⁵ District Department of Transportation, *H Street Bridge NE Replacement* (last visited April 26, 2023), <https://www.hstreetbridgeproject.com/>.

Union Station and Georgetown via downtown, saying they will instead build dedicated bus lanes on K Street NW,” leaving the city with no real plan for an east-west connection by Streetcar. Given the Streetcar’s low ridership, limited flexibility, and dependence on long-term planning, the Committee has lingering questions about the future of the Streetcar. The Committee, therefore, delays capital funding for the Streetcar to FY26, to allow time to examine how to best utilize those funds and the service. The capital costs saved by this delay will instead be used to fund the capital costs of roadway projects that will improve the safety of students traveling to school the *Safe Streets for Students Amendment Act of 2022*.

H Street Bridge

One of the Committee’s highest priorities is a modernized Union Station that serves as major regional transportation hub and neighborhood anchor. This project would replace the H Street Bridge, which spans over 1st Street, the Metro Red Line, the Union Station railyard, and 2nd Street. Pre-pandemic, Union Station was comparable to the region’s airports in the number of people who used it daily to travel around the District. A restored H Street Bridge is a vital step to a restoring Union Station to its former glory as a national model for transit. Unfortunately, the Mayor’s FY24 proposed capital budget pushes funding back for the project to FY25. In her testimony at DDOT’s budget oversight hearing, Laura Miller Brooks cautioned that the District must demonstrate its commitment to the project to fully reap the benefits:

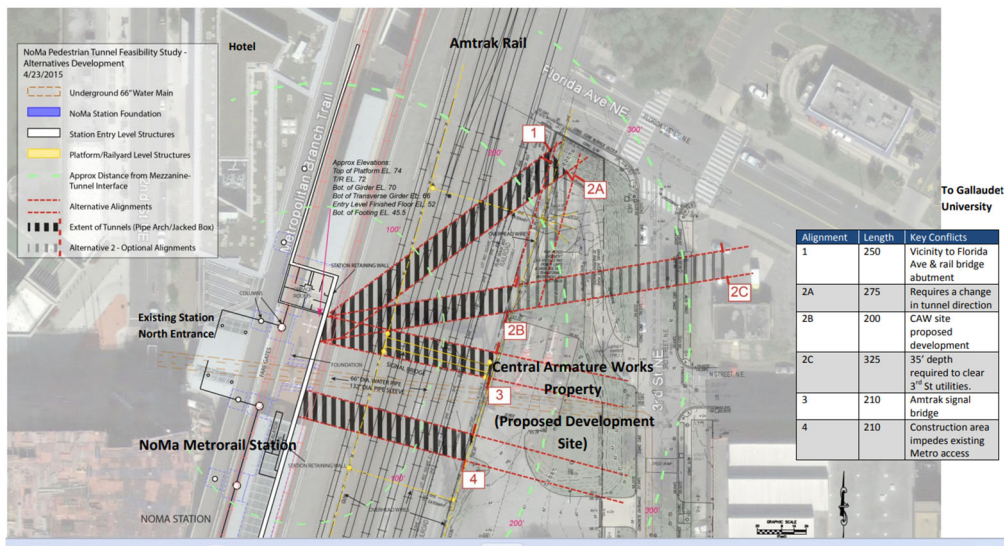
“The full funding for the project in the FY 24 Capital budget demonstrates the District’s support for the \$10.7B Union Station Expansion Project, which will create over 67,000 construction jobs and unlock the ROI of rail investments, like the Long Bridge, being made throughout the region. Combined with the Council’s support, fully funding H Street Bridge’s reconstruction in this budget demonstrates the District’s commitment to ensuring that this once in a generation project can be realized, and has long term support.”

For years, the Council – especially Chairman Mendelson – has ensured that the District can make this claim by helping restore proposed cuts. To its credit, DDOT recently had to navigate concerns regarding design elements that may have conflicted with Amtrak’s proposed track alignment. However, after consulting with interested parties, including DDOT, the Committee is satisfied that the project will move forward on time. There is sufficient funding in FY23 to begin the contracting work, and DDOT has assured the Committee that the contract will not be delayed by the shift of previously budgeted FY24 funds. However, the Committee urges DDOT to continue close collaboration with partners to maintain and build support for modernizing Union Station. The Committee also plans to convene local, regional, and national leaders to ensure that the U.S. Department of Transportation and the region’s congressional leadership understand the urgency of this project and provide the funding necessary for a comprehensive Union Station revitalization effort.

NoMa Metro Station Pedestrian Tunnel

The Committee is frustrated by the proposed delay of the NoMa Pedestrian tunnel. Year after year, the Council has worked to find funds for this project, which would help reconnect a neighborhood currently divided by the Noma-Gallaudet Metro station. During the FY23 budget cycle, the Council approved \$5 million in FY23 for planning and \$45 million in FY28 for construction.⁴⁶ This funding supported “a new entrance at 3rd St [that] would increase the walkshed of the station to provide easier and safer transit access to more neighborhoods and destinations.”⁴⁷

Image: Initial Pedestrian Tunnel Alignments



Source: WMATA⁴⁸

Moreover, the tunnel “would support District goals to reduce car travel, increase transit ridership and reduce traffic fatalities and injuries.”⁴⁹ NoMa is a case-study in how transit can help revitalize neighborhoods:

“In the years since the station came to NoMa, the neighborhood has transformed from a warehouse district into a rapidly developing mixed-use, live, work, and play area with 5,500 new residents and workers in the area. And for the past 10 years or so, the area’s business improvement district has

⁴⁶ Government of the District of Columbia, *FY23 Approved Budget and Financial Plan, Volume 5, FY 2023 – FY 2028 Capital Improvements Plan* at 347 (August 1, 2022), <https://app.box.com/s/m0sjaadt17yveo6lfl46odsasgfarnkx>.

⁴⁷ *Id.*

⁴⁸ Washington Metropolitan Area Transit Authority, *NoMa Pedestrian Tunnel Feasibility Study: Engineering Assessment Report* (December 17, 2015), https://www.wmata.com/initiatives/plans/upload/NoMa_Feasibility_Study-Final_Report_and_Eng_Assessment.pdf.

⁴⁹ *Id.*

been pushing for a third entrance to its Metro station to match the growth and development east of the station near Union Market.”⁵⁰

The confluence of the NoMa Metro station and the Metropolitan Branch Trail, coupled with its proximity to Union Station, present unique challenges – and opportunities – for a potential redesign.

Buzzard Point

Last year, the Committee invested \$4 million to renovate the area around Buzzard Point in Southwest DC: \$2,959,000 to fill a gap in the Anacostia Riverwalk and Trail and \$1.1 million for the design of a new waterfront park. As of DDOT’s performance oversight hearing, DDOT had still not transferred the funds to the National Park Service for planning. Now, the Mayor’s proposed budget would eliminate the nearly \$3 million in capital funding to address the gap in the Anacostia Riverwalk and Trail. Royston Lyttle, the principal at Eagle Academy Public Charter School located in the Buzzard Point Community, testified in support of the project and encouraged the “District to build a playground in the Buzzard Point Community.” An Eagle Academy parent, Shannon Little, spoke to other challenges facing children in the community:

“The students of DC Eagle Academy are forced to be in a neighborhood that is not conducive to what we know as outdoor play – and is replaced with other businesses and constructions that are not environmentally friendly, which include-- bustling high traffic and construction, a power plant directly across the street from the school, a helicopter pad also a military base, and new high-rise condos.”

The Committee shifts \$2.5 million in capital funding to fill the gap in the trail.

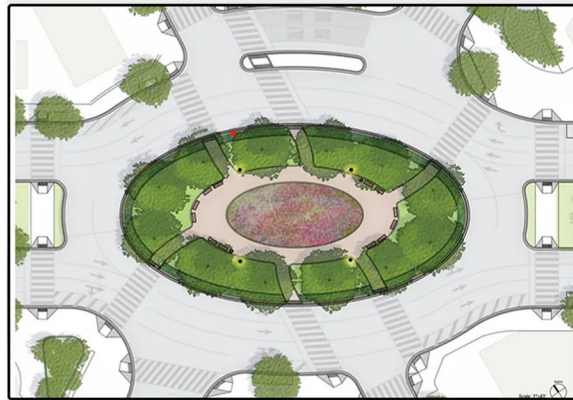
Pennsylvania Ave and Potomac Ave SE Intersection Improvements

This project “proposes to enhance safety at these street intersections for neighborhood pedestrians and transit users of the Potomac Avenue Metrorail Station and the numerous area bus stops.” Some features of the project, based on the current design, would be the construction of an ellipse-shaped park featuring a fountain or sculpture and ringed by trees to protect it from traffic. According to the Anacostia Waterfront Initiative, the park would be surrounded by 3, 12-foot wide lanes, on Pennsylvania Avenue SE to encourage lower traffic speeds.⁵¹ The proposed budget allocates \$23.9 million towards the project in FY24. The Committee moves this funding forward to FY23 to accelerate completion of the project.

Image: Ellipse Park Street Design

⁵⁰ Jordan Pascale, *Neighborhoods Like NoMa, Crystal City Are Growing So Fast They Need Another Metro Entrance*, DCIST (October 7, 2022), <https://dcist.com/story/22/10/07/dc-new-metro-entrances/>.

⁵¹ Anacostia Waterfront Initiative, *Pennsylvania & Potomac Avenues SE Intersection Improvement Study* (last visited April 24, 2023), <https://www.anacostiawaterfront.org/penn-potomac>.



Source: Anacostia Waterfront Initiative⁵²

South Dakota Avenue NE Tactical Road Diet

The Committee is also establishing a new sub-project within DDOT's Safety & Mobility master project to fund tactical safety improvements on South Dakota Avenue NE. South Dakota Avenue is one of the most dangerous corridors in Ward 5. However, due to the presence of even more dangerous arterial corridors in Ward 5, South Dakota Avenue NE was not designated a high-injury network corridor in DDOT's 2022 Vision Zero Report. The Committee is placing \$1M in the new sub-project to fund efforts to improve safety on the corridor in the short term, preferably by constructing a road diet on a segment of the corridor to calm traffic, reduce injuries, and improve connectivity along the corridor. DDOT shall determine which segment of the corridor would be a suitable starting point for safety improvements; however, the Committee recommends that DDOT consider either the segment between Bladensburg Road and Monroe Street NE or the segment between Sargent Street NE and Riggs Road NE.

Foundry Branch Trestle Bridge

The Committee is also intrigued by plans to convert the dilapidated Foundry Branch Trestle Bridge to a multi-use trail. Ward 3 Councilmember Frumin expressed support for the proposal at DDOT's budget oversight hearing, noting that stabilizing the bridge and converting it to a multi-use trail could fill the pedestrian and cycling gaps to four area schools.⁵³ This project, combined with existing funding for the Arizona Avenue pedestrian bridge and trails, would fill key gaps in the pedestrian and cycle routes in Ward 3 and provide an accessible bike route to the new MacArthur High School. Notably, the District must purchase the trestle because the trail cannot be completed without it. ANC 3D04

⁵² *Id.*

⁵³ *District Department of Transportation: Budget Oversight Hearing before the Committee on Transportation and the Environment* (April 10, 2023) (oral statement of Councilmember Matt Frumin at 1:41:51), https://dc.granicus.com/MediaPlayer.php?view_id=2&clip_id=8240

Commissioner Jeremy Joseph highlighted the time-sensitive nature of this aspect of the project:

“Time is of the essence to save this critical and spectacular trestle! This trestle is owned by WMATA, is in disrepair, and is the subject of historic preservation litigation. WMATA seeks to destroy the structure as it has no use for it Once the trestle is gone, it will not easily be replaced.”

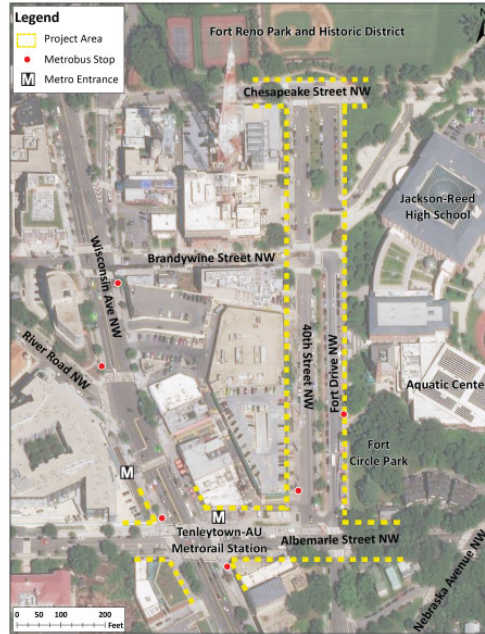
The Committee supports securing the trestle bridge for conversion to a multi-use trail can be Therefore, the Committee allocates \$500,000 in FY24 to DDOT’s master project for trails, TRL00C – Trails, to purchase the Trolley Trestle and plan a trail from the southernmost point of Arizona Avenue up to the trestle.

Tenleytown Plaza and Multimodal Project

The Committee is also supportive of the Tenleytown Plaza and Multimodal Project, “a concept design for pedestrian, streetscape, and multimodal safety and access improvements in the area surrounding the east entrance of the Tenleytown-AU Metrorail Station.”⁵⁴ The Committee, therefore, allocates \$500,000 to DDOT’s Streetscapes and Beautification master project for the creation of a new Tenleytown Plaza and Multimodal Project sub-project. This funding should be sufficient for a 30% design of the project. The Committee intends for any remaining balance to be carried forward to subsequent fiscal years so that progress on the project is uninterrupted. DDOT is scheduled to complete the concept design this summer after a substantial community engagement process.

Image: Initial Concept for Tenleytown Plaza and Multimodal Project

⁵⁴ District Department of Transportation, *Tenleytown Multimodal Access Project* (last visited April 24, 2023), <https://ddot.dc.gov/page/tenleytown-multimodal-access-project>.



Source: District Department of Transportation

Reorganizing Ward-Level Capital Projects

DDOT currently maintains a separate “local streets” capital project for each of the District’s eight wards. Funding for each capital project is identical across the entire CIP, despite the fact that the miles of roadway, and their state of repair, vary by ward. Ward 1 has the fewest miles of roadways at 29 miles, compared to Ward 4, which was the most roadway miles of any ward. Despite the fact that Ward 4 has nearly 4 times as many roadway miles as Ward 1, roadway improvements for both wards are funded at the same level. This funding structure does not reflect the fact that the overall state-of-repair for local roads varies from ward to ward. Moreover, DDOT does not actually manage road repairs through eight separate, ward-specific contracts; rather, road resurfacing is call covered by a single PaveDC contract.

Table 8: Local Roadway Miles by Ward

<i>Ward</i>	<i>Local Roadway Miles</i>
1	29
2	30
3	106
4	109
5	88
6	61
7	105
8	62

The Committee is concerned that this arrangement pressures DDOT to spend equally by ward, despite their disparate needs. Moreover, the current capital budget structure does not actually map onto how DDOT spends on road improvements, which are managed through a single contract, not eight. Therefore, the Committee recommends consolidating these projects into a single project, realizing approximately \$20 million in efficiencies. This restructuring will give DDOT the flexibility to prioritize projects based on objective factors – a road’s state of repair and other roadway characteristics, crash patterns, and whether it is part of a high injury network.

Ward 1 Green Slow Streets

Part of the District’s pandemic response was the implementation of Slow Streets: streets “restricted to local traffic only and the speed limit is set at 15 mph to support neighborhood-based safe social distancing while walking, running, or cycling for essential travel or recreation.”⁵⁵ The primary purpose of the Slow Streets program was to create “‘first-mile/last-mile’ connections for residents traveling to and from essential business . . . and for residents who work essential jobs.”⁵⁶ A secondary function of Slow Streets is “to facilitate essential recreational activity for adults and families to promote physical and mental health” on neighborhood streets in addition to parks and recreational facilities.⁵⁷ This project would build on those efforts by establishing a Slow Streets program with more permanent installations, including neighborhood greenways networks that compliment redesigned arterials, sidewalks, increased green infrastructure, and more traffic calming measures. The Committee agrees and includes \$1 million to establish a “Ward 1 Green Slow Streets” subproject.

Geranium Street and Alaska Avenue NW Intersection Upgrades

The Committee is concerned by reports that the all-way stop intersection at Geranium Street & Alaska Avenue NW in Shepherd Park has very low compliance. This presents significant safety risks to drivers and pedestrians alike due to limited visibility and poor road design. Many students use this intersection to travel to school, and residents are concerned that traffic issues will only worsen once traffic to and from Walter Reed resumes. Councilmember Lewis George’s staff informed the Committee that it conducted a walkthrough of the area with DDOT in January 2022 and asked for improvements, but there have not been significant improvements to the intersection and the problem persists. To help improve the safety of this intersection, the Committee allocates \$1 million to establish a new subproject to address these concerns.

⁵⁵ District Department of Transportation, *Frequently Asked Questions about Slow Streets* (last visited April 23, 2023), <https://ddot.dc.gov/page/frequently-asked-questions-about-slow-streets#:~:text=Slow%20Streets%20are%20restricted%20to,for%20essential%20travel%20or%20recreatio>

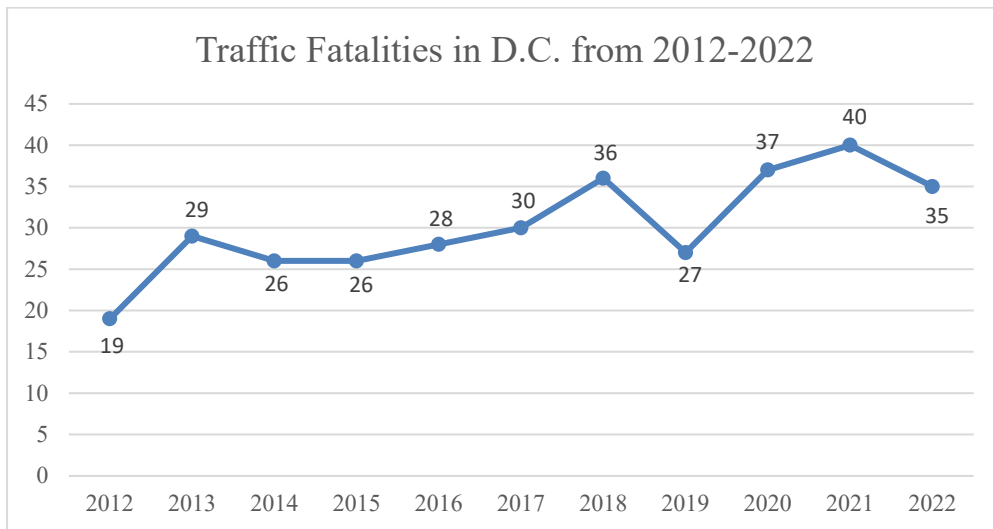
⁵⁶ *Id.*

⁵⁷ *Id.*

3. COMMITTEE POLICY RECOMMENDATIONS/

a. The District needs to accelerate its progress towards Vision Zero.

Vision Zero is the goal to eliminate all traffic fatalities and serious injuries. It was first adopted by Sweden in 1997, where traffic deaths were cut in half between 2000 and 2013.⁵⁸ Mayor Bowser announced her commitment to Vision Zero back in 2015, touting it as “an all-hands-on-deck approach to transportation safety” with the goal of eliminating all traffic deaths by 2024.⁵⁹ However, eight years after the Mayor’s announcement, the District is no closer to success; traffic fatalities have increased dramatically from 26 in 2015 to 35 in 2021.⁶⁰



Beyond a public safety issue, traffic violence is also an issue of racial and geographic inequity. Of the 35 traffic fatalities that occurred in 2022, 20 fatalities occurred in the three wards with the highest percentage of Black residents: 8 people were killed in Ward 5; 7 were killed in Ward 7; and 5 were killed in Ward 8.⁶¹ This trend is not new:

“During 2020, there were 37 traffic fatalities in the District. Ward 3, D.C.’s whitest and wealthiest Ward, had one crash fatality while more than half of bicycle and pedestrian fatalities in D.C. last year happened east of the Anacostia River. This trend was not isolated to one year; from 2017 through

⁵⁸ Office of the District of Columbia Auditor, *Vision Zero Part I: DDOT Made Progress on Engineering & Equity but Gaps Remain* at 2 (March 16, 2023), https://dcauditor.wpenginepowered.com/wp-content/uploads/2023/03/Vision.Zero_Part-I.3.16.23.pdf.

⁵⁹ *Id.* at 1.

⁶⁰ Metropolitan Police Department, Traffic Data (last visited April 23, 2023), <https://mpdc.dc.gov/page/traffic-data>.

⁶¹ District Department of Transportation, *DC Vision Zero Traffic Fatalities and Injury Crashes* (last visited April 25, 2023), <https://visionzero.dc.gov/pages/crash-analysis#analysis>.

2021, Ward 8 was the deadliest ward for pedestrians and bicyclists, with 42 deaths.”⁶²

The District must act with urgency to address the public health crisis that is traffic violence. Although Vision Zero gives the District an actionable goal to work towards, and DDOT has completed numerous capital projects improving public safety, people continue to be killed on District roadways with alarming frequency.

Earlier this year, the D.C. Auditor released an audit of DDOT’s implementation of Vision Zero, specifically focusing on engineering concerns. Among its major findings, the Auditor found that DDOT needs to improve not only the way it collects data, but how that data is then synthesized to inform project selection, design, and construction:

“DDOT used resources to conduct safety studies that proactively identified the District’s most dangerous roadways but did not incorporate the results into a comprehensive database to target, track, and document traffic safety investments which delayed action to mitigate traffic danger.”⁶³

The Auditor also found that “DDOT did not have effective systems in place to provide equity data on completed capital projects,” nor were procedures in “place to implement the equity goal for medium size and small traffic safety investigation (TSI) projects.”⁶⁴ The Committee hopes changes made to the program with the launch of TSI 2.0 will address the Auditor’s concerns.

While the Committee commends the Mayor for taking the initial step to commit the District to Vision Zero, the Auditor’s report reveals that the District has failed to follow through on that vision with well-coordinated action guided by data. For starters, we failed to update existing, and establish new, policies need to transition from business-as-usual to a laser-focus on Vision Zero:

“Contributing to the failure to adequately fund the initiative from the outset was the absence of action to develop agency-wide policies and procedures to implement its engineering action plan strategies from the top down to the staff level. Developing such procedures would have forced the identification of the divisions and FTEs needed to do the work. While DDOT staff and stakeholders shared with us their belief in DDOT’s commitment to safety, the Vision Zero Initiative is a sufficiently different approach to traffic safety, applying a public health approach to the problem and necessitating new methodologies and expertise. To reach an objective, especially a new and radically different one, it is essential that management designs control activities to achieve this objective, specifically,

⁶² Office of the District of Columbia Auditor, *Vision Zero Part I: DDOT Made Progress on Engineering & Equity but Gaps Remain* at 6.

⁶³ *Id.*

⁶⁴ *Id.*

“management defines responsibilities, assigns them to key roles, and delegates authority to achieve the entity’s objectives.”⁶⁵

The Committee is disheartened by the lack of progress towards Vision Zero and encourages DDOT to use the Auditor’s report as a roadmap for improvement. Perhaps the Committee’s largest frustration regarding the lack of progress towards Vision Zero is that other American cities have seen incredible success. For example, Hoboken, New Jersey has not had a traffic fatality in four years.⁶⁶ The city’s director of transportation and parking emphasized the valuable impact that “quick implementation, high impact solutions” can have on traffic safety. One solution, called “daylighting” is focused on improving the visibility of intersections:

“[Daylighting] can be installing something as simple as what we call a vertical delineator post or a flexible bollard. These posts get installed within 25 feet of crosswalks, and they physically restrict cars from parking right up against a crosswalk.

These daylighting solutions eliminate blind spots for cars at intersections so they can see any cyclists, pedestrians, or other cars as they approach and drive through or turn.”⁶⁷

Another high-impact solution is to implement leading pedestrian intervals:

“[B]asically, what that means is we’ve programmed our traffic signals to give pedestrians a few-second head start when they get into the crosswalk during their pedestrian phase without having to worry about turning vehicles.”

That allows for crossing pedestrians to take up space in the crosswalk before any eager drivers try to make a turn.”

Daylighting and leading pedestrian intervals are two solutions that the MAAC has specifically recommended. To its credit, DDOT has adjusted the timing at hundreds of intersections across the District since 2016.⁶⁸ Committee, therefore, encourages DDOT to accelerate the implementation of these interventions. Additionally, the Mayor and Council must prioritize funding traffic safety related legislation that mandates certain infrastructure upgrades, curtails dangerous driving, improves traffic safety, promotes the use of public transit, and allows for more enjoyment of public space.

⁶⁵ *Id.*

⁶⁶ Megan Lim, *A New Jersey city achieved 0 traffic deaths in 4 years with quick, high impact ideas*, NPR (August 25, 2022), <https://www.npr.org/2022/08/25/1119110757/traffic-deaths-car-accident-hoboken-new-jersey-vision-zero>.

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⁶⁸ Jordan Pascale, *DDOT Retimes Traffic Signals In NW D.C. With Pedestrians, New 20 MPH Speed Limit In Mind*, DCIST (November 6, 2020), <https://dcist.com/story/20/11/06/ddot-time-traffic-signal-pedestrian-northwest-dc-transportation-speed-limit/>.

b. DDOT must continue to improve its Traffic Safety Input System based on feedback from the community.

In Fall 2021, DDOT announced its plan to accelerate safety improvements through the launch of its Traffic Safety Investigation program (“TSI 1.0”), which

“[S]trengthened the TSI intake by eliminating bureaucratic processes and allowing residents to directly submit requests to DDOT. As part of TSI 1.0, DDOT also launched a public TSI Dashboard and delivered safety improvements at over 900 locations in a single year through a dedicated construction contract that fast tracked the implementation of the recommended safety countermeasures. Residents could check the status of any TSI from start to finish, including the installation status on the TSI Dashboard.”⁶⁹

Earlier this year, DDOT announced the successor system, rebranded as the Traffic Safety Input System. One of the main changes under this new system is that it will:

“[U]tilize a quarterly prioritization model that considers objective factors such as roadway characteristics, crash patterns, race and social equity, proximity to Vision Zero High Injury Network corridors and locations with vulnerable road users near schools, community centers, Metrorail stations, and bus stops.”⁷⁰

The Committee views TSI 2.0 as an improvement over its predecessor. However, DDOT’s rollout of the program is a case-study in how inadequate public outreach can lead to significant criticism. Multiple witnesses at DDOT’s performance oversight hearing complained about the lack of meaningful opportunity to review and comment on the new process before its launch. On some level, the Committee finds that criticisms of TSI 2.0 should have been expected. Prior to TSI 2.0, traffic safety requests from Advisory Neighborhood Commissions (“ANCs”) were given great weight. On the one hand, such deference can be a good thing. In the best light, it means that communities closest to the issues have a method through which they can provide guidance to DDOT on traffic safety priorities in their neighborhood. In practice, however, it meant that ANCs with the institutional and administrative capacity could submit more traffic safety requests than their peers. Since these requests are to be given great weight, this resulted in disproportionate—and inequitable—response from DDOT to dangerous roadways. This was a concern the PAC raised in their prehearing responses:

“For several years, the PAC has raised the equity implications of heavy reliance on 311 calls in prioritization of work orders. This position was based in part on significantly lower use of the 311 system in Wards 7 and 8. An approach that is more heavily guided by safety studies and the collection and comparison of data

⁶⁹ District Department of Transportation, *FY23 Performance Oversight Prehearing Responses: Part 2* at 78 (February 21, 2023), <https://dccouncil.gov/wp-content/uploads/2023/02/DDOTPOH.pdf>.

⁷⁰ *Id.*

and conditions across Wards has the potential to ensure more equitable approaches to how work is prioritized. Therefore, we were pleased to see that revisions to Traffic Safety Investigation (TSI) system lessens reliance on 311 by allowing direct participation in TSI submission by residents, who may not have a relationship with any ANC.”⁷¹

Besides striking the right balance between soliciting community input and prioritizing a community at the expense of others, TSI 2.0’s rollout was also hampered by what appeared to be more modest performance targets set by DDOT. As noted by ANC 5B05 Commissioner Colleen Costello explained in her testimony:

“DDOT claimed that the new TSI 2.0 process was being launched in the interests of equity. While some aspects of this process are laudable, it is still remarkably constrained. For instance, DDOT says it will review 800 TSI requests this year. If it implements them at the same rate as last year, it will end up installing only 350 traffic calming measures in 2023—a more than 60% reduction compared to the 950 that were installed last year. DDOT cannot possibly achieve equity by doing less.”

The Committee’s understanding is that these targets are floors set by DDOT that can be exceeded, rather than hard limits that would prevent DDOT from considering more than 200 projects a quarter. However, the Committee encourages DDOT to meet or exceed the number of TSI requests it has been able to review in previous years under the new system.

c. The Mayor and Council must ensure the BAC, MAAC, and PAC are fully staffed.

Beyond their adjusting their budgets, the other concern the Committee has related to the councils is ensuring they are fully appointed. Currently, the BAC and PAC have two vacancies, and the MAAC has one vacancy – reducing their capacity to advocate and advise the Council. Chairperson Allen recently sent a letter to his colleagues noting the absences on the BAC that need to be filled.

Table 9: Bicycle Advisory Council Membership

<i>Name</i>	<i>Ward, Agency, or Organization</i>	<i>Who Makes Appointment</i>	<i>Term End Date</i>
Meghan Faulkner	Ward 1	CM Nadeau	January 2026
David Alexander	Ward 2	CM Pinto	June 2024
Warren Gorlick	Ward 3	CM Frumin	<i>Reappointment pending</i>
Rachel Maisler	Ward 4	CM Lewis George	December 2024
<i>Vacant</i>	Ward 5	CM Parker	<i>Vacant</i>
Katherine White	Ward 6	CM Allen	January 2026

⁷¹ Pedestrian Advisory Council, *FY23 Performance Oversight Prehearing Responses*, supra note 23, at 8.

<i>Vacant</i>	Ward 7	CM Gray	<i>N/A</i>
Jay Stewart	Ward 8	CM T. White, Sr.	May 2020
Anders Pedersen	At-Large	CM Mendelson	August 2024
Jeff Johnson	At-Large	CM McDuffie	September 2024
<i>Vacant</i>	At-Large	CM Bonds	<i>N/A</i>
<i>Vacant</i>	At-Large	CM R. White	<i>N/A</i>

Table 10: Multimodal Accessibility Advisory Council Membership

Name	Ward, Agency, or Organization	Who Makes Appointment	Term End Date
Buddy Moore	Community	MOTA	12/16/23
Helen Urquhart	Community	MOTA	12/16/24
Karthik Balasubramian	Community	MOTA	12/16/24
<i>Vacant</i>	Community	MOTA	<i>N/A</i>
<i>Vacant</i>	Community	MOTA	<i>N/A</i>
Zachary Smith	DDOT	MOTA	<i>N/A</i>
Susie McFadden-Resper	ODR	MOTA	<i>N/A</i>
Stephanie Franklin	OHR	MOTA	<i>N/A</i>

Table 11: Pedestrian Advisory Council Membership

Name	Ward, Agency, or Organization	Who Makes Appointment	Term End Date
J.I. Swiderski	Ward 1	CM Nadeau	2/16/2024
Kathy Davin	Ward 2	CM Pinto	9/17/2023
Charlotte Lee Jackson	Ward 3	CM Frumin	10/19/2024
David Tumblin	Ward 4	CM Lewis George	7/29/2023
Pyrrha Hallums	Ward 5	CM Parker	11/17/2023
Cheryle Adams	Ward 6	CM Allen	9/24/2023
Dalton Howard	Ward 7	CM Gray	<i>Reappointment pending</i>
Ameen Beale	Ward 8	CM T. White, Sr.	9/8/2023
Paul Harrison	At-Large	Chairman Mendelson	9/12/2024
Brianne Eby	At Large	CM Henderson	<i>Appointment pending</i>
Juan Ulloa	At-Large	CM R. White	10/19/2024
Heather Foote	At-Large	CM Bonds	5/29/2025
<i>Vacant</i>	At-Large	CM McDuffie	<i>N/A</i>

Karyn McAlister	DDOT	DDOT	N/A
Sgt. Terry Thorne	MPD	MPD	N/A
Rita AbouSamra	OP	OP	N/A
Dulce Naime	DPR	DPR	N/A
Celeste Duffie	DPW	DPW	N/A

With all vacancies filled and a larger administrative budget, the Committee believes each advisory Council will be able to uplift their priorities and advocate more effectively for necessary changes.

d. DDOT should continue to carefully consider recommendations issued by the BAC, MAAC, and PAC.

The BAC, MAAC, and PAC have stated their priorities and goals for FY24 in both their performance oversight prehearing responses and testimony before the Committee. DDOT should carefully consider these recommendations. The BAC’s top priority is more, wider bike lanes:

“The days in which a painted white line down the side of a busy street can serve as a bike lane are long gone. We applaud DDOT for moving forward on key proposed and completed infrastructure But many more such bike lanes must be built, and they should be fit for purpose, with industry-standard five feet wide bike lanes, and four feet buffers. In certain of the proposed bike lanes, DDOT is compromising the safety of such lanes by narrowing the width to just four feet, and 2.5-foot buffers, creating unduly dangerous conditions for cyclists using such bike lanes.”⁷²

Indeed, DDOT’s Bicycle Facility Design, re-issued in 2020, states that “The preferred lane width for bicycle facilities is 6’. Per DDOT DEM 30.10.1 (Table 30-12 and 30-13), the minimum width of a bicycle lane is 5’. Note that when adjacent to a curb and gutter, a bicycle lane may be a minimum of 4’ wide, not inclusive of gutter width since the gutter is not typically traversable by cyclists.”⁷³ DDOT should consult with the BAC, WABA, and other stakeholders to determine if the manual should be updated. With the rapid adoption of e-bikes, our bicycle infrastructure needs to accommodate the wider range of speeds that will be used in bike lanes and cycletracks.

Several of the BAC’s priorities related to unsafe driving practices and improved traffic enforcement. The BAC is hopeful for a successful implementation *Safer Streets Amendment Act of 2022*’s NOTR policy and recommends that the Mayor have “ample signage on hand so that even out-of-town motorists are aware that, beginning Jan. 1, 2025, No Turn on Red is the law of the District.”⁷⁴

⁷² FY23 BAC POH Testimony at 2.

⁷³ District Department of Transportation, *Bicycle Facility Design Guide Version 2* (2020), <https://ddot.dc.gov/sites/default/files/dc/sites/ddot/DDOT%20Bicycle%20Facility%20Design%20Guide%20-%20Version%202%20%28Final%29.pdf>.

⁷⁴ FY23 BAC POH Testimony at 2–3.

The BAC remains concerned “that safety enforcement will be reduced by a recently passed DC law that allows DC residents with outstanding moving violations to be able to renew their drivers licenses despite unpaid violations,” referring to the recent passage of the *Clean Hands Certification Equity Amendment Act of 2022*.⁷⁵ That law allow individuals with outstanding debt to the District to renew a driver’s license, operator’s permit, or other identification card issued by the District, even when they have outstanding unpaid tickets for dangerous moving violations. That being said, the BAC was sympathetic to the equity concerns that have been raised in the debate to use fines as a deterrent for unsafe driving. The BAC suggested that “if monetary fines are not deemed appropriate, violators should be required to take driver education courses in order to renew their vehicle registration and driver’s licenses.”⁷⁶

The BAC also called for expanding the automated traffic enforcement system, “particularly red light and speed cameras.”⁷⁷ The BAC, however, also noted the limitations of traffic enforcement if “the District continues to fail to pursue ticket reciprocity with Maryland and Virginia.”⁷⁸ The BAC cautioned that “[u]ntil ticket reciprocity exists, Maryland and Virginia motorists will be able to avoid paying fines incurred from District traffic cameras with impunity.”⁷⁹

The PAC has called on the District to “[e]xpand and diversify speed management and enforcement efforts.”⁸⁰ The PAC would also like to see the District “[a]ccelerate efforts to study, maintain and improve infrastructure that ensures pedestrian safe passage at intersections and marked and unmarked crosswalks.”⁸¹ The Committee notes that implementation of the (and this year, obtain from DDOT its intersection prioritization, as well as data to quantify what appear to be measurable and widespread improvements over the prior year). The PAC underscored that these changes must be planned with equity in mind. The PAC also requested that the District create a way to report issues related to dockless shared vehicle operations to address the current inability to submit complains about dangerous scooter operation on sidewalks.⁸² Finally, the PAC demanded that the District “[c]onsistently write safe accommodations requirements into construction permits and enforce them in a timely and consistent manner, including at the District’s own work sites.”⁸³

The MAAC has grouped its recommendations into for improving multimodal user accessibility into two categories: engineering and enforcement. On the engineering side, the MACC would like to increase the number of audible walk-signals, move more swiftly to daylight intersections (especially along High Injury Corridors), and implement

⁷⁵ *Id.* at 3.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Pedestrian Advisory Council, *FY23 Performance Oversight Prehearing Responses*, supra note 19, at 9.

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

“immediate road-diets on the most injury prone roads.”⁸⁴ To help address the issues caused by bikes, scooters, and dockless vehicles, the MAAC recommends installing “scooter corrals at every block in the central business district to get parked scooters off the sidewalk” and “[e]nsure that bicycles and scooters have dedicated road space off the sidewalks, especially in dense parts of the city.”⁸⁵ On enforcement, the MAAC recommends “proactively searching for cars with license plates associated with dangerous moving violations” for towing or booting.⁸⁶ They would also like to see more practice bus lane enforcement, recommending that tow trucks are “proactively deployed to bus lanes to ensure smooth operation of our most accessible form of transit.”⁸⁷ Finally, the MAAC called for the expanded use of geofencing technology, for scooter and other micro-mobility device companies.⁸⁸

e. The District needs a comprehensive, coherent approach to public transportation that supports our vision for a more modern, resilient, and equitable District.

The District needs a coherent vision for its public transportation system. As it stands, the District has four key services comprising its public transportation network: Metrobus, Metrorail, Circulator, and Streetcar service. Public investments in each have fluctuated over the years. For example, the Mayor’s FY20 proposed budget included a proposal to make the Circulator fare-free,⁸⁹ though the FY24 proposed budget would eliminate three of its six routes. Plans for the Streetcar have also been amended multiple times, and the future of the Streetcar’s expansion westward have never been more uncertain. The Committee believes a safe, reliable multimodal transportation network is critical for a robust and equitable economic recovery. The lack of vision around the future of public transportation in the District both contributes to, and is exacerbated by, a lack of vision around the future of Downtown. There is not a clear sense of whether, and how, the District will incentivize the conversion of downtown office space to residential uses. The District has also sent mixed messages about its mode shifting priorities, with Director Lott’s suggestion that DDOT is considering removing bike lanes from the K Street Transitway project just the latest example. DDOT’s refusal to release the congestion pricing report, or to otherwise advance plans to manage roadway demand, is another area where the District has made little progress. And the continued use of Open Streets events and Streateries as one-off events, rather than more permanently restricting or outright banning personal vehicle travel on certain roads, suggests that DDOT is not fully committed to reducing personal vehicle trips within the District.

⁸⁴ Multimodal Accessibility Advisory Council, *FY23 Performance Oversight Prehearing Responses* at 5 (February 2023).

⁸⁵ *Id.* at 5.

⁸⁶ *Id.*

⁸⁷ *Id.* at 6.

⁸⁸ *See id.*

⁸⁹ Luz Lazo, *Bowser and D.C. Council spar over keeping Circulator free and whom it benefits*, WASHINGTON POST, https://www.washingtonpost.com/local/trafficandcommuting/bowser-and-dc-council-spar-over-keeping-circulator-free-and-who-it-benefits/2019/05/12/0731e13c-71ac-11e9-9eb4-0828f5389013_story.html.

E. DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

1. AGENCY MISSION AND OVERVIEW

The mission of the District of Columbia Water and Sewer Authority (“DC Water”), as stated in its authorizing statute, is to “plan, design, construct, operate, maintain, regulate, finance, repair, modernize, and improve water distribution and sewage collection, treatment, and disposal systems and services, and to encourage conservation.” DC Water ensures that District residents have safe drinking water, manages wastewater collection and treatment, and manages the District’s 9,500 fire hydrants. Each year, DC Water provides these services to the approximately 700,000 residents of the District and over 22,000,000 annual visitors.

DC Water is governed by a Board of Directors consisting of eleven principal and eleven alternate members. Six principal members and six alternate members are appointed by the Mayor with the advice and consent of the Council; the other members represent Montgomery and Prince George’s counties in Maryland and Fairfax County in Virginia. Although the DC Water Board of Directors has representation from the entire region, only the members from the District establish the rate policies. Following approval by the Board of Directors, DC Water submits its annual operating and capital budgets to the Mayor and to the Council for inclusion in the District’s budget. Although the Mayor and Council can review and comment on DC Water’s budget, neither has the authority to change it.

DC Water provides core services in five main categories. DC Water manages: Drinking Water Treatment and Distribution with the U.S. Army Corps of Engineers Washington Aqueduct by collecting water from the Potomac River, treating the water to exceed federal drinking water requirements, and distributing the drinking water through 1,300 miles of underground pipes to individual homes and other buildings; Wastewater Collection, which consists of 1,800 miles of sanitary and combined sewers, sixteen stormwater stations, 75,000 catch basins and manholes, and nine wastewater pumping stations that carry wastewater to the Blue Plains treatment facility; Wastewater Treatment for wastewater from the District, Maryland, and Virginia at Blue Plains, the largest treatment plant of its kind in the world; Stormwater, which includes 25,000 catch basins which remove more than twenty-three tons of debris from stormwater each day, and through the Clean Rivers Project, a large infrastructure project which will reduce combined sewer overflows due to stormwater; and Fire Hydrants to protect public safety.

2. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2024 Operating Budget Recommendations

DC Water’s proposed FY24 operating budget is \$737,566,811, which represents a 7.5% increase from the FY23 approved budget. DC Water’s budget is made up entirely of Enterprise funds raised by DC Water. The Committee recommends adoption of DC Water’s FY24 operating budget as proposed. As noted above, although the Mayor and

Council can review and comment on DC Water's budget, neither has the authority to change it.

Lead Service Line Replacement

The biggest issue DC Water faces is the replacement of lead service lines in the District. Studies have long shown that there is no safe level of exposure to lead. Lead exposure risks are particularly acute for infants and young children; even low levels of lead exposure can affect brain development, causing cognitive delays and behavioral disorders, and causing physical harm to children's cardiovascular, endocrine, and immune systems. Although we typically speak of the harms stemming from lead exposure in the context of youth, lead has been linked to negative health outcomes for adults, including cardiovascular and kidney disease. We also know that communities of color and low-income families are at heightened risk of lead exposure and lead poisoning. Therefore, ensuring we remove and replace all lead water service lines by 2030 is not only an issue of public health, but an issue of equity.

Unfortunately, to date, the District has not allocated the level of funding necessary for DC Water to complete this work. As discussed in DOEE's budget chapter, the Committee is disappointed to see a cut of \$10 million to DOEE's budget to support lead service line replacement. The Committee understands that significant federal money will be available to dedicate to lead service line replacement through, for example, the Infrastructure Investment and Jobs Act ("IIJA"), from which the District is expected to get \$355 million. DC Water also testified that they expect \$143 million from the Environmental Protection Agency through FY26 that could be used for this purpose. However, the Committee does not feel confident that relying on federal dollars alone is sufficient. At the budget hearing, DC Water said as much, estimating that the agency will need an additional \$50 million in local funds in the coming years. It is true that federal dollars are likely sufficient in FY24 and perhaps FY25, but the Committee notes that the District will not be able to rely solely on federal money to complete the herculean task. Without additional sources of funding, including local funding, it will take decades for the District to remove all lead service lines. The Committee urges DC Water to look for supplemental funding for this work, such as private funding and other federal programs. The Committee does not support increases on ratepayers as a source of funding.

Later this legislative session, the Committee expects to hold a hearing on two pieces of introduced legislation addressing lead service line replacement and making recommendations for changes in policy that will expediate and make more efficient the replacement process. One of those recommendations, which DC Water supports, is to create a mandate for private-side lead service line replacement. Particularly if the Committee includes this recommendation in its legislation – which it likely will do – the District will need to increase funding to ensure that low-income residents do not bear the financial burden of replacement. The Committee expects to work closely and collaboratively with DC Water as the Committee moves a final bill through the legislative process.

Clean Team Labor Dispute

At both the performance oversight and budget oversight hearings on DC Water, the Committee heard testimony regarding an ongoing labor issue with the Clean Team, a DC Water contractor. Clean Team employees filed an unfair labor practice claim at the National Labor Relations Board (“NLRB”), alleging that the Clean Team interfered with and coerced employees by firing an employee in retaliation for union activities. In addition, employees allege that the Clean Team failed to pay employees minimum wage and owe employees back pay. The Committee discussed the allegations with DC Water at both oversight hearings at length. CEO Gadis stated that DC Water has completed its own internal investigation of the allegations against the contractor and continues to monitor the ongoing claim as it moves through the NLRB. The Committee is of course concerned about the allegations but understands that there have been no findings in support of the allegations at this time. The Committee expects DC Water to keep the Committee updated on any findings and to take immediate action against the Clean Team if findings support the allegations.

b. Fiscal Year 2024 Capital Budget Recommendations

DC Water does not have a capital budget.

3. COMMITTEE POLICY RECOMMENDATIONS

The Committee makes the following policy recommendations:

a. Provide all residents with known or suspected lead service lines with free water filters.

The Committee strongly urges DC Water to provide all District resident with known or suspected lead service lines with water filters, such as other jurisdictions like Denver, CO, do. The Committee understands that DC Water currently provides residents with filters for the six months *after* their service lines have been replaced. Though this makes sense as well, it seems to the Committee that there is a greater need for filters among residents who have not yet had their lines replaced and may still be exposed to lead. The Committee requests that DC Water evaluate the cost – which seems likely to be relatively small – of expanding this program to residents who are waiting for lead service line replacement.

b. Collaborate with DOEE and DC Health on a tap water education campaign.

The Committee recommends that DC Water work with DOEE and DC Health to create an education campaign to promote tap water as a healthy alternative to sugary drinks, reduce single-use plastic, and provide education about using water filters to ensure tap water is lead-safe. As part of this campaign, DC Water could provide free filters to residents, as suggested in recommendation #1. The

Committee believes this campaign could be used to create trust between communities and DC Water, particularly historically underinvested in communities. This trust is a vital part of achieving the District’s goal of fully replacing lead service lines.

c. Monitor the labor dispute involving the Clean Team.

The Committee recommends that DC Water continue to closely monitor the labor dispute involving the Clean Team and keep the Committee updated.

F. GREEN FINANCE AUTHORITY

1. AGENCY MISSION AND OVERVIEW

The mission of the Green Finance Authority is to serve to increase private investment in clean energy, clean transportation, clean water, stormwater management, energy efficiency, water efficiency, and green infrastructure projects in the District of Columbia. The Authority, commonly referred to as the Green Bank, first received funding in FY 2020. During that first year, the Mayor nominated, and the Council approved, the Authority’s first Board of Directors, and the Board hired the Authority’s first Chief Executive Officer. Since it began operations, the Authority has contributed significantly, through a variety of financial products, to the District’s climate and energy goals, investing millions of dollars, and attracting millions more dollars of private investment, in renewable energy projects, and saving the District’s residents millions of dollars in electric bills.

2. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2024 Operating Budget Recommendations

The Mayor’s proposed FY24 Operating Budget for the Green Bank is \$45,294,000, which represents a 1.1% increase from the FY23 approved budget of \$44,794,000. This funding does not support FTEs. The budget increase of \$500,000 is to support the Property Assessed Clean Energy (“PACE”) financing program operated by the Green Bank in partnership with DOEE. The Committee recommends adoption of the FY24 operating budget for the Green Bank as proposed by the Mayor.

Since the agency’s inception just a few years ago, the Green Bank has grown demand for its products and increased its impact on the green economy through low-barrier financing. At this year’s performance oversight hearing, the Green Bank reported that demand is strong for their projects – in fact, stronger than available funding can meet. The Green Bank noted that there are more than 25 projects in their pipeline with potential overall financing needs of more than \$900 million, with more than \$80 million of that financing under consideration for investment with Green Bank dollars. The agency noted that demand for Green Bank investment will grow as more dollars flow in via District commitments, returns on existing investments, and efforts to unlock additional private capital and explore utilizing bonding authority to increase available capital.

At the performance oversight hearing, the Committee heard from small businesses making an impact in the green economy who directly benefited from and likely would not exist without the Green Bank. For example, the owner of Flywheel Development, a solar company, testified that the Green Bank provided cash collateral for her loan from a traditional bank, which was a key part of the deal. She testified that the Green Bank put her in the position to receive financing she otherwise never would have received through a traditional bank. As a result, Flywheel has built over 34 solar projects in the District and Maryland, from some of the largest commercial solar arrays to innovative efforts such as the region's first combined solar-green roof on a sustainable townhouse development. All of Flywheel's projects are designed for net-zero energy performance. Similarly, the founder of Rainplan, a startup in the stormwater management industry, testified that his organization received a loan from the Green Bank to implement green infrastructure retrofits to help private property owners with stormwater runoff. He noted that the deal prioritizes environmental justice with an emphasis on projects in Wards 5, 7, and 8. The loan from the Green Bank allowed Rainplan to increase affordability for stormwater management infrastructure. Without the loan, Rainplan would not have been able to expand its impact to more residents through smaller distributed projects than otherwise would have been feasible. In addition, the Committee heard from Enterprise Community Loan Fund ("ECLF") – a community development financial institution working to build and preserve affordable housing. With the assistance of the Green Bank, ECLF closed on a loan for the construction and installation of solar panels on affordable housing. The Green Bank offered low-cost capital to ECLF, which made the deal feasible. As a result of the investment, ECLF will bring solar energy to 536 homes, as well as a new community solar program and a workforce development program for those interested in a career in solar energy. All of these witnesses stated unequivocally that their organizations would not be able to provide the full services they provide without the assistance of the Green Bank.

Unfortunately, despite increased demand, at the budget oversight hearing, the Committee heard from DOEE that the agency would not be able to provide the Green Bank full funding this fiscal year, due to insufficient funds in the SETF. As such, the Green Bank will be receiving \$1 million less than the \$10 million expected in FY24 per D.C. Official Code § 8-1774.10, the statute outlining permissible and required uses of the SETF. The Committee is disappointed to hear this, particularly in a budget in which the Mayor swept \$3 million from the SETF. Through the projects it finances, the Green Bank is able to leverage each dollar the District invests in it by attracting additional private funding. The bank serves a vital partner in the District's efforts to meet its climate goals and create a sustainable future for its residents. As discussed more below, the Committee includes a subtitle that increases revenue in the SETF over the four-year plan. The Committee hopes DOEE can fully fund the Green Bank with this additional revenue.

In addition to SETF funding, there is an opportunity for the Green Bank to receive federal funding through the federal IIJA. DC Green Bank's work focuses on several sectors for both formula and competitive grants under the legislation will be available, including electrifying transportation, building efficiency, and utility and grid resilience and efficiency. The Committee understands from the Green Bank that the agency is in

conversations with other District agencies to identify opportunities to leverage a portion of those dollars to efficiently accelerate progress towards achieving the District’s climate goals. Federal dollars could be used to deploy microgrids across the District, rapidly increase the amount of community solar deployed, accelerate the transition of the city and regional car, truck, and public transportation fleets to electric, and tackle the District’s foremost source of emissions – our buildings. The Committee believes the Green Bank has great potential to move the needle on the District’s climate goals and supports the transfer of federal, as well as local, dollars to the agency to carry out its mission.

b. Fiscal Year 2024 Capital Budget Recommendations

The Green Finance Authority does not have a capital budget.

3. COMMITTEE POLICY RECOMMENDATIONS

The Committee makes the following policy recommendations:

a. Increase community outreach.

The Committee recommends that the Green Bank increase community outreach and education about its financial offerings. The Green Bank is a relatively new entity, and many District residents and businesses likely are unaware of the products available. The Committee recognizes that demand outpaces funds at the moment but hopes that continued upticks in demand and demonstrated outcomes will help spur increased funding.

b. Provide grants for technical support.

The Committee recommends that the Green Bank look for opportunities to provide grants for technical support to its customers. At the budget oversight hearing, the Committee heard about specific instances where entities applying for Green Bank financing were struggling with the technical aspects of the process. As a result, these entities have not been able to access financing through the Green Bank. The Committee hopes to work with the Green Bank to think through solutions to this issue, including via grants for technical assistance from the Green Bank or from elsewhere.

c. Continue to support and grow the Affordable Housing Retrofit Accelerator.

The Committee recommends that the Green Bank continue robust support of the Affordable Housing Retrofit Accelerator (“AHRA”), which it operates in coordination with DOEE and DC SEU. The AHRA is critical tool for owners of affordable housing buildings to make energy efficiency upgrades and meet the requirements of BEPS. Currently funded by ARPA dollars, and the Committee remains concerned about the program’s financial stability when this funding runs out.

G. OFFICE OF THE DEPUTY MAYOR FOR OPERATIONS AND INFRASTRUCTURE

1. AGENCY MISSION AND OVERVIEW

The mission of the Office of the Deputy Mayor for Operations and Infrastructure (“DMOI”) is to support the Mayor to ensure a strong and sustained District government focused on maintaining, strengthening, and investing in the District’s infrastructure (both the built and natural environment) and delivering high-quality government services to residents, non-residents, and businesses. The agencies under DMOI’s purview include the Department of Buildings; the Department of Energy and Environment; the Department of For-Hire Vehicles; the Department of Licensing and Consumer Protection the Department of Insurance, Securities, and Banking; the Department of Motor Vehicles; the Department of Public Works; and the District Department of Transportation. DMOI coordinates with several independent agencies, including the DC Water and Sewage Authority. DMOI, like other deputy mayors, assists the Mayor and the City Administrator in coordinating the day-to-day operations and decision-making for the agencies under its jurisdiction and managing projects that overlap among the agencies in the cluster.

2. COMMITTEE BUDGET RECOMMENDATIONS

The Mayor’s proposed FY 2024 Operating Budget for DMOI is \$1,399,416, a 9.1% increase from last year’s approved amount of \$1,282,808. This funding supports 9.0 Full-Time Equivalents (FTEs), including one proposed for FY24. DMOI’s FY 2024 budget remains largely the same as FY 2023, aside from some slight increases in personal services to support staff development initiatives, including travel for conferences and other professional development opportunities. DMOI’s 8.0 FTEs include the Deputy Mayor, Chief of Staff, Executive Assistant, Senior Legislative and Policy Advisor, Policy Advisor, Budget and Data Analyst, Communications Director/Public Information Officer, and Program Analyst. These FTEs account for \$1,310,000 in Personal Services funds. The remaining \$89,000 is in Non-personal Services funds, which cover costs related to operating the office, such as supplies, contracting costs, and travel.

Automated Traffic Enforcement

As part of her budget presentation to the Council, Mayor Bowser highlighted a \$2 million investment in the Automated Traffic Enforcement Task Force (“Task Force”), which Deputy Mayor for Operations and Infrastructure Lucinda Babers co-chairs, along with the District’s Chief Equity Officer Amber Hewitt. The Committee has been invited to participate in the Task Force, which will begin meeting in early May.

The debate about the Clean Hands Certification Equity Amendment Act of 2022, effective September 21, 2022 (D.C. Law 24-174; 69 DCR 11944), highlighted ongoing debates about how to balance enforcement of traffic laws with the inequitable impact of fines and fees on Black District residents and other residents of color. While automated

enforcement of traffic laws does reduce pretextual in-person traffic stops by law enforcement that disproportionately impact Black and Latino District residents, automated enforcement still ends with a fine. The lower one's income, the more financial impact any particular fine has, simply because it is a larger percentage of one's income. Because the median household income for Black families in the District is around half that of White families, this means that fines associated with automated enforcement will likely have a larger relative impact on Black drivers.

The biggest impediment to reducing the impact of fines and fees on Black residents is the revenue the District government generates from automated enforcement. As discussed elsewhere in this Report, the Chief Financial Officer projects well over \$200 million in revenue from automated traffic enforcement cameras in FY25. There would be a huge cost to any proposal to reduce fines and fees in general or automated enforcement fees in particular. For this reason, the Committee believes that the currently active Tax Revision Commission should consider if and how the impact of fines and fees on residents with low incomes can be mitigated as part of a broader conversation about revenue. The Committee looks forward to participating in the Task Force and exploring some targeted programs, which appears to be the rationale for the \$2 million set aside for the Task Force.⁹⁰

In a related matter, at DMOI's performance oversight hearing, Chairperson Allen engaged with Deputy Mayor Babers about how to ensure that Maryland and Virginia's residents feel that there is a consequence to automated enforcement in the District. Our regional neighbors owe nearly three-fourths of the outstanding automated traffic enforcement ("ATE") fines.⁹¹ The Committee opposes the cynical use of automated enforcement simply to balance the budget, but if ATEs are perceived as less consequential for certain drivers commuting through the District, that raises equity issues as well. The Committee looks forward to working with DMOI to explore solutions to all these issues.

Metro for DC

During the DMOI oversight hearing, Chairperson Allen also explored with Deputy Mayor Babers DMOI's role in moving forward Metro for DC—and, in the short-term, the Fare-Free Bus Program. Shortly before the hearing, Chairperson Allen had sent a letter to DDOT Director Lott asking about the progress that had been made. This was after the Council had approved emergency legislation that funded the Fare-Free Bus Program and before the Mayor chose to remove funding to provide District residents with fare-free bus rides—an initiative that would provide a massive benefit to Black District residents and residents with low-income levels. At that point, both DMOI and DDOT had begun having meetings with WMATA to work toward an agreement for the implementation of a Fare-Free Bus Program, as required by the Metro for D.C. Amendment Act of 2022, effective March 22, 2023 (D.C. Law 24-335; 70 DCR 4306) ("Metro for DC"). Unfortunately, as

⁹⁰ This funding was loaded in the Non-Departmental "agency," so it is not within the Committee's jurisdiction.

⁹¹ Letter from Mayor Muriel Bowser to Chairman Phil Mendelson (January 24, 2022), <https://lms.dccouncil.gov/downloads/LIMS/48616/Introduction/RC24-0117-Introduction.pdf>.

the Committee understands it, those meetings stopped when the Mayor removed funding for a Fare-Free Bus Program.

As evidenced by the Committee’s investment of more than \$100 million toward the total cost of Metro for DC, most of the Council remains supportive of providing free public transportation for the District’s most vulnerable residents. And the Fare-Free Bus Program, as set up by the Metro for DC legislation, is especially important for the District’s hospitality sector, which is still struggling to recover from the pandemic, because fully funding Metro for DC would allow WMATA to provide 24-hour service on 12 of the District's highest-ridership bus routes. Restaurant and other hospitality and service-industry workers often arrive before or leave work after Metrobus, or Metrorail service is operating. By providing District workers with fare-free bus service and ensuring that it more closely fits their needs, fare-free bus service is incredibly important for our economic recovery. For that reason, the Committee urges DMOI to continue to take a leadership role in working with WMATA to prepare for the moment when the Fare-Free Bus Program is a reality.

a. Fiscal Year 2024 Operating Budget Recommendations

The Committee recommends no changes to the Mayor’s proposed FY24 operating budget for DMOI.

b. Fiscal Year 2024 - 2029 Capital Budget Recommendations

The Mayor’s proposed FY 2024 – FY 2029 capital budget includes no request for DMOI.

3. COMMITTEE POLICY RECOMMENDATIONS

The Committee makes the following policy recommendations:

a. Examine equity issues associated with ATE enforcement.

The Committee recommends that DMOI continue to work with interested parties across the Executive branch and the Council to examine how to balance equity with the need for certainty of enforcement for automated citations.

b. Work closely with WMATA to compete a fare-free bus agreement.

The Committee recommends that DMOI work with DDOT to continue its dialogue with WMATA about how to implement the Fare-Free Bus Program. The Committee is heartened by conversations with DMOI and its sincerity in coming to a workable agreement. Providing fare-free busses for residents will have a massive impact on many working District residents, in particular Black residents and District residents with lower income levels.

H. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

1. AGENCY MISSION AND OVERVIEW

The Washington Metropolitan Area Transit Authority ("WMATA") is a regional agency and instrumentality that was created in 1967 through an interstate compact between the District of Columbia, the State of Maryland, and the Commonwealth of Virginia to plan, develop, finance, and operate a regional transportation system in the Washington metropolitan area.⁹² WMATA operates the third-largest heavy rail transit system and the sixth-largest bus network in the United States. Pursuant to the Compact, WMATA is governed by the WMATA Board of Directors. The purpose of the WMATA Board is not only to oversee WMATA but to develop policies and provide oversight for the transportation system's management, maintenance, funding, and operation. The District has two voting members and two non-voting members on WMATA's Board. WMATA operates Metrorail, which has 97 stations and over 128 miles of tracks, a Metrobus fleet of over 1,500 buses, and MetroAccess, the paratransit service for our neighbors with disabilities. WMATA recently celebrated the 50th anniversary of Metrobus, which it launched in 1973. The Project Delivery Administration of the District Department of Transportation ("DDOT") oversees the District's funding of WMATA and recommends policy direction, develops service initiatives, and monitors service quality. DDOT's role is inclusive of all transit modes.

2. COMMITTEE BUDGET RECOMMENDATIONS

a. Fiscal Year 2024 Operating Budget Recommendations

WMATA operates and sets and approves its budget independent of the District, and the Committee does not have a role in approving the Authority's budget. Accordingly, the Committee does not recommend changes to 'WMATA's operating budget. However, through its oversight, the Committee has explored several aspects of 'WMATA's operations related to its budget—including 'WMATA's ability to attract riders and generate fare revenue to help fund operations—and offers comments below.

Fiscal Cliff

Through the COVID-19 pandemic, WMATA ridership, in general, plummeted. However, Metrorail ridership fell much more and has since recovered more slowly than Metrobus ridership.⁹³ This is because, during the pandemic, essential workers and first

⁹² Wash. Metro. Area Trans. Auth.,

https://www.wmata.com/about/board/upload/Compact_Annotated_2009_final.pdf

⁹³ See e.g., Wash. Metro. Area Trans. Auth., "Performance Report FY2023 Q1 July – September 2022)" (Dec. 5, 2022),

responders who could not work remotely relied on public transit—busses in particular—because they often did not have other options for commuting. This is no surprise because we know that in the District, nearly two-thirds of bus riders are Black residents, 68% have incomes of less than \$50,000, and 27%—more than one-quarter—have incomes below \$10,000.⁹⁴ The often low-wage workers who keep our regional economy running rely on public transit, in general, and Metrobus, in particular.

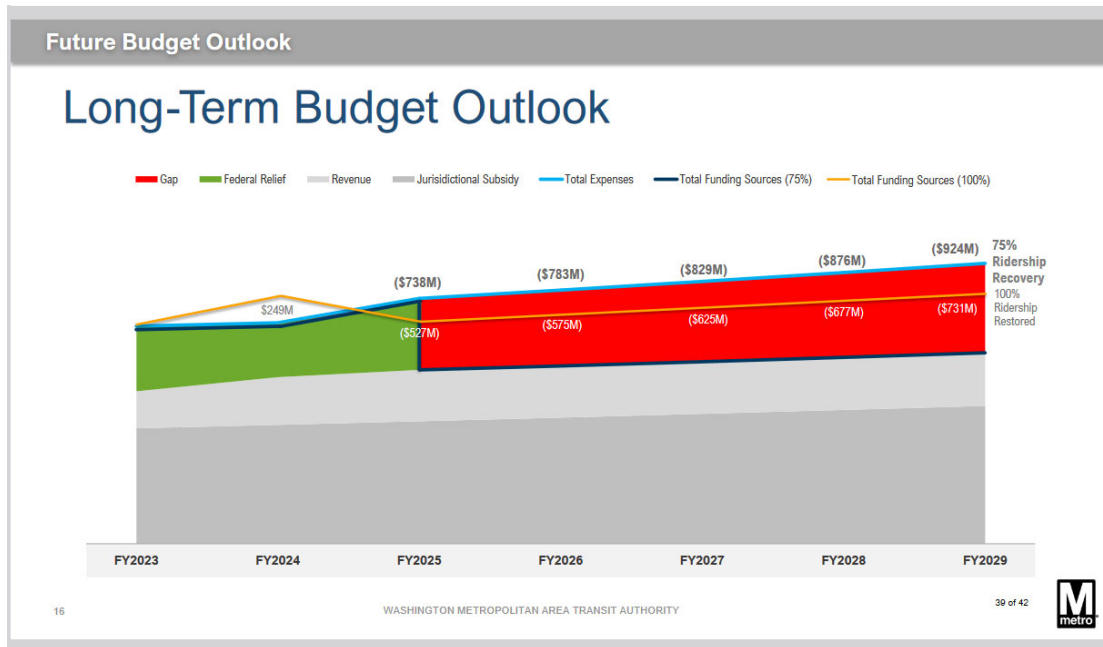
As public transit systems across the country struggled during the pandemic, Congress made a strong statement about the importance of public transit by providing massive amounts of funding to keep these vital systems afloat during a time when fare collection was not an option. Here in the District, in 2020 and 2021, WMATA used \$768 million in federal funding to balance its budget. In March 2021, WMATA received another \$1.2 billion through the American Rescue Plan Act of 2021, approved March 11, 2021 (Pub. Law No. 117-2; 135 Stat. 4).⁹⁵ This funding has allowed WMATA to maintain operations, but the funding will run out at the end of WMATA's Fiscal Year 2024, which ends on June 30, 2024. At that point, WMATA projects a "fiscal cliff" and a budget deficit of more than \$500 million in its Fiscal Year 2025, which WMATA projects will not close even as ridership recovers—see Figure 1.

Figure 1: Long-term budget Outlook of Metro through FY29

https://www.wmata.com/about/records/upload/MetroPerformanceReport_FY23Q1_1Report_20221201.pdf;
Gaya Gupta, The uneven recovery of transportation modes in Washington region, WASH. POST (Jul. 2, 2022), <https://www.washingtonpost.com/transportation/2022/07/01/covid-transportation-ridership-pandemic/>; Justin George, Metro ridership rises, but not enough to alter financial projections, WASH. POST (May 12, 2022), <https://www.washingtonpost.com/transportation/2022/05/12/metrorail-bus-ridership-wmata/>;

⁹⁴ Abigail Constantino, *Council paves way for making Metrobus free in DC*, WTOP, (Dec. 6, 2022), <https://wtop.com/dc/2022/12/council-paves-way-for-making-metrobus-free-in-dc/>.

⁹⁵ Wash. Metro. Area Trans. Auth., ARPA Allocation, (Jun. 24, 2021), <https://wmata.com/about/board/meetings/board-pdfs/upload/11B-ARPA-Allocation-FINALIZED.pdf>.



(Source: WMATA)

This fiscal cliff is not unique to WMATA. Transit agencies nationwide face similar projected massive budget deficits as ridership has not recovered to pre-pandemic levels. Transit agencies, like other businesses and even state and local governments, face rising operating costs due to inflation, supply chain issues, and high-interest rates that increase capital and maintenance costs.⁹⁶ In 2021, Congress met the moment to ensure that public transit systems did not fail. The Committee calls on Congress to meet the moment again to ensure that our public transit systems do not enter a death spiral, where falling revenue leads the agencies to cut service, which leads to further revenue losses as riders choose other transportation options.⁹⁷

WMATA's management has made real improvements to the Agency's public perception, and riders are starting to respond to recent increases in service. Certainly, bus ridership has rebounded much more quickly, but WMATA has recently hit post-pandemic ridership highs across the system. Currently, Metrobus ridership stands at about 74% of pre-pandemic levels on weekdays compared to 40% for Metrorail. WMATA is ambitiously mounting a comeback, but overall ridership is projected to remain below pre-pandemic levels, despite posting numbers that often exceed pre-pandemic highs in rail ridership on a given day.⁹⁸ In a recent snapshot report, WMATA ridership is on the uptick month over

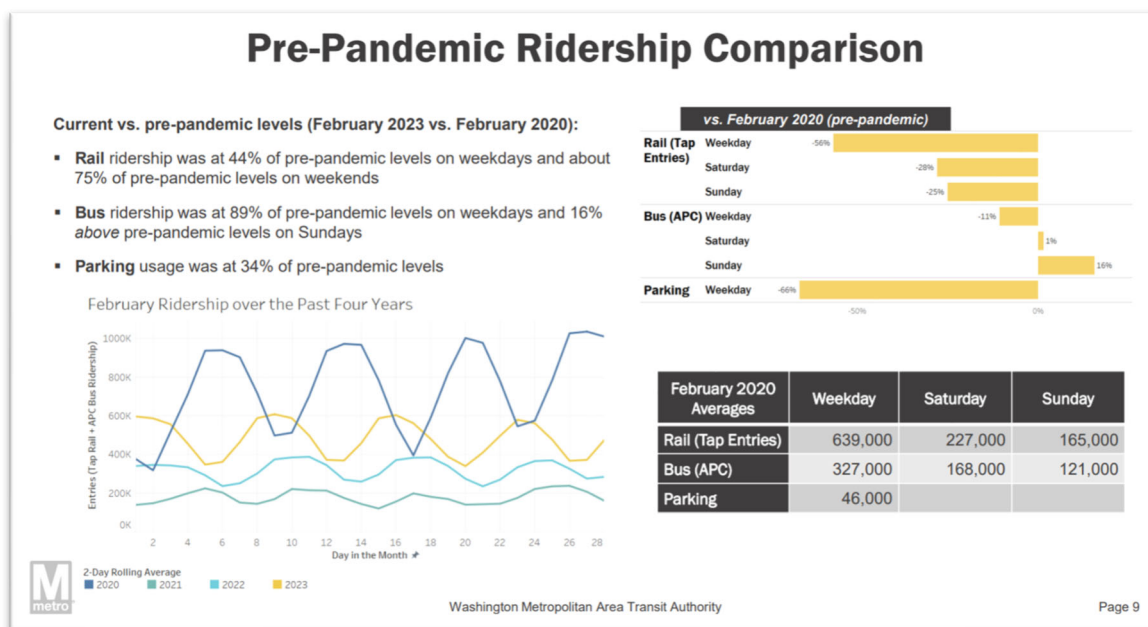
⁹⁶ E.g., Transit Center, *Transit's Looming Fiscal Cliff: How Bad is it and What Can We Do?* (Apr. 7, 2023), <https://transitcenter.org/transits-fiscal-cliff-why-we-need-a-new-funding-paradigm/>.

⁹⁷ David Zipper, *How to save America's public transit systems from a doom spiral*, VOX (Mar. 27, 2023), <https://www.vox.com/future-perfect/23653855/covid-transit-fares-buses-subways-crisis>.

⁹⁸ Wash. Metro. Area Trans. Auth. "Metro Ridership Snapshot February 2023" <https://www.wmata.com/initiatives/ridership-portal/upload/February-2023-Ridership-Snapshot.pdf>. (Bus ridership was at 89% of pre-pandemic levels on weekdays and 16% above pre-pandemic levels on Sundays).

month compared to pre-pandemic numbers (see Figure 2). Metrobus ridership is comparably up, having been buoyed during the pandemic by essential workers and others who still required mobility around the city.⁹⁹ At the same time, car trips into downtown DC—and the associated congestion—are also nearly at pre-pandemic levels.¹⁰⁰ This will lead to increased carbon emissions and gridlock for those without transit options and who must commute by car. It also demonstrates that many commuters are unsatisfied with WMATA's current operations, and the potential for a transit death spiral is real. To get workers downtown—as well as the other job centers in the District and the region—efficiently, safely, and in an environmentally-friendly way, we need a strong public transit system that can get drivers out of their cars.

Figure 2: Changes in Ridership Pre- and Post-Pandemic, February 2023 Snapshot



Source: WMATA

The District must lead in ensuring the region meets its obligations to WMATA during this critical year leading to the potential fiscal cliff. As discussed below, the Mayor has proposed a subtitle in the BSA that would place a 2% cap on the growth of the District's annual operating subsidy. While the Committee has not been able to identify funds to restore these reductions in the operating subsidy—which admittedly will not solve WMATA's revenue concerns—this sends the wrong message.

⁹⁹ See Wash. Metro. Area Trans. Auth., "Metrobus Ridership Summary - Average Daily Entries by Year," <https://www.wmata.com/initiatives/ridership-portal/Metrobus-Ridership-Summary.cfm>; Wash. Metro. Trans. Auth., "Bus Ridership Year-over-Year Change - Number of Entries This Year and Last Year by Day", <https://www.wmata.com/initiatives/ridership-portal/Metrobus-Ridership-Year-over-Year-Change.cfm>.

¹⁰⁰ Hannah Denham, *D.C.-area traffic is nearly back to pre-pandemic levels even as offices remain half empty. Why commuters are still choosing to drive*, WASH. BUS. J. (Apr. 10, 2023), <https://www.bizjournals.com/washington/news/2023/04/10/dc-traffic-pandemic-metro.html>.

The Metropolitan Washington Council of Governments, the National Capital Region Transportation Planning Board, and state and local governments in the District, Maryland, and Virginia all have a role in addressing WMATA's coming fiscal cliff. The federal government also has an essential role to play, specifically for WMATA, which will be the key to getting the portion of the federal workforce in the region back to the office, but also to respond to the needs of public transit systems across the country. The Committee looks forward to collaborating with other regional leaders to support our regional public transit system.

Rail Safety and Management

The Committee remains concerned but optimistic about rail safety and managing issues arising from those safety concerns by WMATA and its safety regulator, the Washington Metro Safety Commission ("WMSC"). On December 29, 2021, the WMSC ordered all 7000-series Metrorail trains removed from passenger service.¹⁰¹ This followed a 60% reduction order in October after preliminary findings by the National Transportation Safety Board ("NTSB") during its investigation of the October 12, 2021, Blue Line derailment.¹⁰² In their findings, the NTSB concluded that the 7000-series railcars had defects in the wheelsets.¹⁰³ The NTSB further determined that the safety issues involving the 7000-series wheelsets were significant, given they failed two inspections in 2017 and 2018, four in 2019, five in 2020, and 18 in 2021,¹⁰⁴ obviously, all before the October 12 derailment (see Figure 3). The 7000-series was first deployed in 2015, so this was a glaring issue only a few years following, and still, WMATA took no decisive action to correct it.

Figure 3: Frequency of Wheelset Failures from 2017-2021

Year	2017	2018	2019	2020	2021: Pre-Derailment	2021: Post-Derailment
Issues Identified	2	2	4	5	18	21

(Source: WMATA OIG)

After the December 2021 order from the WMSC, WMATA was forced to make significant changes in Metrorail service across the District and metropolitan region,

¹⁰¹ Wash. Metro Saf. Comm'n, (Dec. 12, 2021), https://wmsc.gov/wp-content/uploads/2021/12/2021_12_29_Order-Keeping-7000-Series-Trains-Out-of-Service_FINAL_signed.pdf; See Jordan Pascale, *Metro Ordered To Pull 7000-Series Trains ... Again*, DCIST (Dec. 29, 2021), <https://dcist.com/story/21/12/29/metro-ordered-to-pull-7000-series-trains-again/>.

¹⁰² Jordan Pascale, *Safety Commission Orders WMATA To Pull 60% Of Its Train Fleet, Severely Reducing Service*, DCIST (Oct. 17, 2021), <https://dcist.com/story/21/10/17/metrorail-safety-commission-orders-wmata-to-pull-7000-series-trains-severely-reducing-service/>.

¹⁰³ Tom Dempsey, *NTSB report on WMATA derailment: Wheelset problem has 'potential to create a catastrophic event'*, WUSA9 (Dec. 1, 2021), <https://www.wusa9.com/article/news/local/dc/ntsb-wmata-report-investigation-train-derailment-dc-arlington/65-f4990f90-2bd2-40cc-87e5-1018d28d8f5c>.

¹⁰⁴ Tom Roussey, *NTSB: Wheels on derailed Metro train out of alignment 32X allowable amount*, WJLA (Dec. 2, 2021), <https://wjla.com/news/local/wheels-on-derailed-metro-train-out-of-alignment-32x-allowable-amount-ntsb-reports-7000-series-wm-sc-ftawmata>.

reducing service just as the Authority was attempting to recover from the pandemic.¹⁰⁵ The final conclusions and findings from the NTSB have yet to be released, though some investigative documents were made available to the public.¹⁰⁶ The Committee inquired about the status of this analysis at WMATA's performance hearing and learned that this process is still underway. The Committee urges WMATA to work with the NTSB to conclude this investigation as expeditiously as possible and will closely examine those findings when released. Additionally, the Committee will monitor how WMATA and WMSC will work together to ensure that any corrective actions recommended by the NTSB are promptly and efficiently implemented to ensure a safe system for all riders while exploring how to limit the impact on service for the many District and regional residents who rely on public transit.

The Committee is especially interested in monitoring how WMSC and WMATA will revive their working relationship regarding corrective action orders that potentially disrupt or impede regular service and operations. In light of the December 2021 order and subsequent situations where WMSC has issued orders that have caused reductions in service, the relationship between the two agencies has been quite frosty. There have been moments when the relationship has been publicly contentious, which does not engender public faith in the safety of rail travel. Frequently, the two agencies needed to communicate better at critical intervals of policy directives and orders requiring corrective action by WMATA but were unable to do so. For example, WMSC ordered more frequent inspections of 7000-series trains, and the Commission removed some operators from service on January 15, 2023—the third train removal order total since the Blue Line derailment.¹⁰⁷ As passenger frustrations mounted due to decreased service because of railcars out of service, tensions between the two agencies became untenable. Public news reports made it even more apparent that the two agencies' top leaders needed to be communicating and that not doing so effectively was leading to further erosion of trust, particularly between the agencies, among policymakers, and the public.¹⁰⁸ Chairperson Allen, who was just weeks into his tenure as Chair of the Committee, had several conversations with leaders at WMATA and the WMSC after the January 2023 order, which

¹⁰⁵ Jordan Pascale and Jacob Fenston, *Metro 7000-Series Safety Problems Could Have Led To 'Catastrophic Event,' Service Limited This Week*, DCIST (Oct. 18, 2021),

<https://dcist.com/story/21/10/18/wmata-metro-7000-series-safety-derailment-catastrophic-delays/>.

¹⁰⁶ Nat'l Trans. Saf. Board, *NTSB Opens Public Docket for WMATA Train Derailment in Virginia*, (Feb. 28, 2023), <https://www.nts.gov/news/press-releases/Pages/NR20230228.aspx#:~:text=The%20accident%20occurred%20on%20Oct,no%20other%20injuries%20were%20reported.>

¹⁰⁷ Justin George, *Regulator pauses Metro's plans to reduce inspections on 7000 trains*, WASH. POST (Jan. 15, 2023), <https://www.washingtonpost.com/local/2023/01/15/metro-trains-rail-cars-7000-inspections/>.

¹⁰⁸ E.g., Jordan Pascale, *D.C. Council Wants To Know Why WMATA And The Metrorail Safety Commission Aren't Getting Along* (Feb. 20, 2023), <https://dcist.com/story/23/02/20/d-c-council-wants-to-know-why-wmata-and-the-metrorail-safety-commission-arent-getting-along/>; Stephen Repetski, *WMSC: You're certifying operators without all their training. WMATA: No we're not*, GREATER GREATER WASH. (Jan. 23, 2023), <https://ggwash.org/view/87991/wmsc-youre-certifying-operators-without-all-their-training-wmata-no-were-not>; ALX.com, *Notes: Metro and oversight commission engage in chaotic battle over safety measures*, Jan. 18, 2023 8:35am, <https://www.alxnow.com/2023/01/18/notes-metro-and-oversight-commission-engage-in-chaotic-battle-over-safety-measures/>.

helped to reduce tensions, and the Committee hopes this posture continues as we approach the final NTSB report on the 7000-series trains.

By all accounts, WMATA is proactively engaging with the WMSC and being responsive to policymakers on these concerns. According to public testimony by WMATA General Manager and CEO Randy Clarke, offered during the 'Committee's performance oversight hearing, WMATA will continue to remedy safety and training issues related to the derailment and other issues raised by WMSC. WMATA has committed to working with the regulatory body to ensure a safe and orderly transition back to full operational strength, which includes training its railcar operators through prescribed guidelines approved by WMSC and providing regular inspection intervals for all 7000-series trains. The Committee will remain engaged in regular updates regarding rail management and safety training at WMATA and encourages the WMSC and WMATA to notify the Committee of obstacles that might be best overcome through more concreted dialogue led by Chairperson Allen.

Additionally, WMATA has proposed adding 250-800 new railcars to its fleet as early as 2025 to replace the 2000 and 3000 series, which have reached their expiry.¹⁰⁹ These trains are expected to be outfitted with the latest and best features.¹¹⁰ Though these will be from a different manufacturer,¹¹¹ given the issues with the 7000 series, the Committee recommends that WMATA carefully and thoughtfully incorporate all safety findings from the WMSC and NTSB from the last several years into its design specifications with the new manufacturer.

Public Safety

The Committee is concerned about public safety throughout our transit systems. The traumatic violence experienced by District residents and riders from neighboring jurisdictions on Metro is simply unacceptable. Chairperson Allen, who previously chaired the Council's Committee on the Judiciary and Public Safety, has prioritized public safety in our transportation systems. This previous experience with the public safety sector allowed Chairperson Allen to promptly respond to events of February 1, 2023, when a gunman indiscriminately fired upon passengers at the Potomac Avenue Metrorail station. The gunman taunted several passengers on a Metrobus that dropped other riders off nearby, then opened fire, wounding one individual who ran upon deboarding the bus. In an act of heroism and bravery, a WMATA employee, Mr. Robert Cunningham, was killed as he

¹⁰⁹ See Wash. Metro. Area Trans. Auth., (Mar. 17, 2021), <https://www.wmata.com/about/news/Metro-announces-contract-award-to-Hitachi-Rail-for-8000-series-railcars.cfm>.

¹¹⁰ Cuneyt Dil, *New 8000 series Metro trains will have heated floors and charging outlets*, AXIOS (Oct. 20, 2022), <https://www.axios.com/local/washington-dc/2022/10/20/new-8000-series-metro-train-features>; Jordan Pascale, *Metro's 8000 Series Trains Could Have More Room For Bikes And Strollers – And More D.C. Flair*, DCIST (Apr. 20, 2023), <https://dcist.com/story/23/04/20/metros-8000-series-trains-will-have-new-seating-configurations-and-d-c-icons-new-renderings-show/>.

¹¹¹ Stephen Repetski, *Hitachi enters the region while Metro plans for all 8-car trains*, Jun. 7, 2022, GREATER GREATER WASHINGTON, <https://ggwash.org/view/85259/hitachi-enters-the-dc-region-while-metro-plans-for-all-8-car-trains>; see also, Colleen Grablick, *Metro's 8000-Series Trains Will Be Built In Maryland*, DCIST (Mar. 21, 2022), <https://dcist.com/story/22/03/21/maryland-factory-8000-series-trains/>.

attempted to protect a passenger who encountered the gunman at the fare terminals of the station after the gunman had already wounded another.¹¹²

Other shootings at Metrorail stations, including downtown at the Metro Center station, Northeast at the Benning Road station, and a Metro station in Southeast, preceded these events. The Metro Center shooting occurred on December 7, 2022, and involved an altercation between two riders, including an off-duty FBI special agent.¹¹³ The FBI agent and the other rider, a Southeast DC resident, fought over unknown circumstances before the agent fired upon the man, killing him and causing a panic that sent riders racing for cover and a train speeding away from the platform. The second incident at the Benning Road station on December 8, 2022, involved three people who were shot following a fight between several individuals, including the juvenile gunman.¹¹⁴ Two shooting victims were not the intended target, simply sitting nearby on a bench. The suspect was apprehended and charged with the shooting.¹¹⁵ The Southeast incident involved a 17-year-old being killed and a 14-year-old wounded during a shooting at a Metrobus bus bay at the Congress Heights Metro Station on Alabama Avenue.¹¹⁶

Following the February shooting, the District and WMATA announced a partnership to share security responsibilities at Metrorail stations within District boundaries, placing MPD officers alongside MTPD officers.¹¹⁷ This joint operation involves two officers per station who conduct patrols to increase police visibility and response time, especially during rush hours.¹¹⁸ However, this effort is currently slated to end in June 2023, and the Committee is concerned with what security at Metrorail stations and aboard Metrobus will look like going forward to protect passengers and Metro employees. The Committee encourages WMATA to identify – before the expiration of the

¹¹² Alejandro Alvarez and Jose Umana, *Metro worker dead, 3 injured after shootings at Potomac Avenue station*, WTOP (Feb. 2, 2023), <https://wtop.com/dc/2023/02/1-dead-2-others-shot-at-potomac-ave-metro-station-suspect-in-custody/>.

¹¹³ See Margaret Barthel and Jordan Pascale, *An Off-Duty FBI Agent Fatally Shot A Passenger At Metro Center*, DCIST (Dec. 8, 2022), <https://dcist.com/story/22/12/08/fbi-agent-shot-person-metro-center/>; Alanea Cremen, *VIDEO: People run from Metro platform during deadly shooting at Metro Center*, WUSA9, Dec. 9, 2022 3:14 PM EST, <https://www.wusa9.com/article/news/local/dc/video-people-run-metro-platform-deadly-shooting-metro-center/65-9fdc2aee-ac02-4d1b-9eca-671b3ea201d8>; see also Fox 5 Digital Team, FOX 5 <https://www.fox5dc.com/news/video-of-metro-center-shooting-released-by-wmata>.

¹¹⁴ Fox 5 Digital Team, FOX 5 (Dec. 8, 2022), <https://www.fox5dc.com/news/3-shot-at-benning-road-metro-station>.

¹¹⁵ Samantha Gilstrap, *16-year-old arrested in Benning Road Metro station shooting*, WUSA9 (Dec. 9, 2022), <https://www.wusa9.com/article/news/local/dc/police-16-year-old-boy-arrested-in-benning-road-metro-station-shooting/65-52cad318-659c-44ce-a90f-413751b2163d>.

¹¹⁶ Maureen Umeh, *Teen killed, another injured during shooting at DC Metro station in violent start to 2023*, FOX 5, (Jan. 3, 2023), <https://www.fox5dc.com/news/teen-killed-another-injured-during-shooting-at-dc-metro-station-in-violent-start-to-2023>

¹¹⁷ Tom Roussey, *Metro to pay for DC officers to join MTPD to increase patrols at 5 stations*, WJLA (Feb. 8, 2023), <https://wjla.com/news/local/shootings-violent-crime-on-metro-dc-police-metro-transit-police-to-partner-randy-clarke-michael-anzallo-muriel-bowser-robert-contee-robert-cunningham-employee-killed-amalgamated-transit-union-potomac-avenue-station>.

¹¹⁸ Alanea Cremen and Rafael Sanchez-Cruz, *Metro and DC Police partner up to improve safety after mechanic killed in station shooting*, WUSA9 (Feb. 10, 2023), <https://www.wusa9.com/article/traffic/mission-metro/metro-partners-dc-police-increase-safety/65-9b5316f4-825c-4a32-8961-759cb724a790>

agreement with the District – a plan and direct adequate resources to ensure select rail stations and bus routes have a reasonably heightened security presence that guarantees passengers and employees are safe and security risks are promptly mitigated or eliminated and to reexamine before June 2023 whether the relationship with MPD has been successful and whether it should continue.

In addition to a law enforcement response, the Committee was heartened to hear that WMATA has begun piloting a program that would deploy social workers within the system to directly engage during situations of violence and to provide guidance for law enforcement officers as they respond.¹¹⁹ The program, which will pair crisis intervention specialists with uniformed MTPD officers, arises from what MTPD has said is a 40% increase in people needing mental health assistance since the pandemic.¹²⁰ Other transit agencies have piloted similar programs, taking the advice of experts who caution against a law enforcement response for individuals in a mental health emergency.¹²¹ This is consistent with Chairperson 'Allen's thinking and policy approach to addressing public safety and mental health awareness during his time as chair of the 'Council's Committee on the Judiciary and Public Safety. A job description posted on 'WMATA's website for the role notes that these specialists will ""perform outreach to individuals experiencing mental health and/or housing insecurity issues and provide linkages to services provided by local organizations.” The Committee applauds WMATA for launching this initiative, recognizing the unique response warranted by a mental health emergency, and acknowledging that it is not purely a law enforcement one. The Committee encourages WMATA to consider identifying partnerships with District colleges and universities with social worker degree programs and providing pathway opportunities for those entering the profession.

Metro Transit Police Department Oversight

MTPD ensures the safety and public order on trains, buses, platforms, and all facilities owned, controlled, or operated by WMATA throughout the Washington region. MTPD is the only tri-jurisdictional police department in the United States. It is staffed with approximately 468 sworn officers and 140 special security police who may be stationed in the District, Maryland, and Virginia. While the increased presence at our Metrorail stations is laudable and needed to ensure all passengers feel safe and secure, the Committee is concerned about incidents when MTPD has used excessive force when encounters could have been de-escalated or handled differently.¹²² Additionally, civil liberties organizations,

¹¹⁹ Christopher Harris, *Metro hiring crisis intervention specialists*, FOX5 DC. (Sept. 22, 2022), <https://www.fox5dc.com/news/metro-hiring-crisis-intervention-specialists>.

¹²⁰ *Id.*

¹²¹ Amanda Michelle Gomez, *Metro To Pair Mental Health Experts With Transit Police And Staff In New Public Safety Initiative*, DCist (Sept. 22, 2022), <https://dcist.com/story/22/09/22/dc-metro-hires-mental-health-experts/>.

¹²² See e.g., Press Release, U.S. Department of Justice, *Former Washington, D.C. Metro Transit Police Officer Found Guilty of Civil Rights Violation for Using Excessive Force* (Nov. 16, 2022), <https://www.justice.gov/opa/pr/former-washington-dc-metro-transit-police-officer-found-guilty-civil->

such as the ACLU of DC, have roundly criticized WMATA for its management of MTPD and the recent policies it has put in place for the police department.¹²³

MTPD is not currently overseen by a civilian review body—unlike many other police departments across the country, including in the District, where an Office of Police Complaints staffs the Police Complaints Board. That is, no entity can independently review citizen complaints of MTPD officers. In 2020, the Council passed the Washington Metropolitan Area Transit Authority Police Accountability Amendment Act of 2020 to amend the WMATA Compact and create such an entity. Though the multi-state governance structure of WMATA makes it challenging to institute reforms for MTPD swiftly, the Committee is disappointed that neighboring jurisdictions have not adopted similar amendments to the Compact and that WMATA has not taken it upon itself to create a system of independent oversight for MTPD. Working through regional bodies, like the Metropolitan Council of Governments, the Committee hopes to encourage Maryland and Virginia, and then Congress, to adopt this change to the WMATA Compact.

The Committee further urges WMATA to thoroughly review all its MTPD policies to ensure officers responsibly engage with Metro passengers in the event of an incident, exercising restraint where possible and utilizing de-escalating training that helps avoid the use of excessive or deadly force unless justifiably necessary. As previously mentioned, Chairperson Allen is committed to improving public safety across the District and region's transportation systems. As the immediate past chair of the Council's Committee on the Judiciary and Public Safety, Chairperson Allen is committed to the principles of constitutional policing that is supported by accountability, which must come from rigorous oversight and transparency. Chairperson Allen intends to seek regular updates on MTPD's performance and will remain engaged with the public to understand better their concerns about officer-involved interactions and potential policy outcomes to help solve issues as they arise.

Body-Worn Cameras

[rights-violation-using](#); Ida Domingo and Khalida VolouFri, *DC leaders demand answers, says video shows MPD using 'excessive force' during arrest*, WJLA (Oct. 21, 2022), <https://wjla.com/news/local/metropolitan-police-officers-accused-using-excessive-force-during-arrest-tj-tc-stanton-road-southeast-washington-mpd-trayon-white-demands-answers-review-body-cam-footage-robert-contee-investigation>; Natalie Delgadillo, *A Man Is Suing Metro Police For Repeatedly Tasing Him In A Station*, DCIST (Sep. 24, 2019), <https://dcist.com/story/19/09/24/a-man-is-suing-metro-police-for-repeatedly-tasing-him-in-a-station/>; Justin George, *Metro transit police held a competition to encourage arrests and other enforcement*, WASH. POST (Feb. 12, 2020), https://www.washingtonpost.com/local/trafficandcommuting/metro-transit-police-held-a-competition-to-encourage-arrests-and-other-enforcement/2020/02/12/02146d84-4dd7-11ea-9b5c-eac5b16dafaa_story.html.

¹²³ Rebecca Burnett, *ACLU of DC: review panel's investigation into Metro Transit Police is "disappointing"*, DC NEWS NOW (Apr. 27, 2021), <https://www.dcnewsnow.com/news/local-news/washington-dc/aclu-of-dc-review-panels-investigation-into-metro-transit-police-is-disappointing/>; see also ACLU of DC, *ACLU-DC Comment on Proposed Increase in MTPD Officers on Patrol* (May 5, 2022), <https://www.acludc.org/en/press-releases/aclu-dc-comment-proposed-increase-mtpd-officers-patrol>.

WMATA recently announced the deployment of body-worn cameras ("BWC") for most of its MTPD officers after approval by the United States Department of Justice.¹²⁴ As of the Committee's performance oversight hearing, WMATA had yet to release this information and did not comment on how they would make it publicly available. However, the Committee is pleased that the Agency posted this information online. According to WMATA, MTPD's Special Response Team and Tactical Operations Unit will begin wearing these cameras in April, then more officers, sergeants, and lieutenants in the next several months, concluding with more than 300 MTPD officers wearing BWCs by the end of summer this year. This program is the product of a grant MTPD received from the Justice Department's Office of Justice Program.¹²⁵ The Committee's grave concern about the lack of transparency surrounding the development of WMATA's BWC policy and the lead-up to its release is worth noting. Several advocacy organizations, including the Open Government Coalition, have expressed frustration with the policy, arguing that it doesn't cover half what it should.¹²⁶ Similarly, Chairperson Allen pressed WMATA on these issues when he led the Judiciary and Public Safety Committee, writing a letter to MTPD Chief Michael Anzallo in July 2022.¹²⁷ The Committee intends to follow up on the use of these BWCs following the entire deployment and recommends that WMATA, to the extent possible, following all officer-involved incidents where an officer is wearing a BWC, expeditiously release unedited footage for the public and policymakers to draw informed conclusions about the actions of officers in the lead up to, during, and following an officer-involved incident.

Metrobus Bus Network Redesign

A long-delayed project of WMATA which eluded the Agency for years was announced in April 2023.¹²⁸ The project, known as Better Bus, is the first comprehensive regionwide redesign of the entire Metrobus network since its creation in 1973.¹²⁹ WMATA

¹²⁴Valerie Bonk, *Metro Transit Police's body camera program to start in April*, WTOP (Mar. 24, 2023), <https://wtop.com/tracking-metro-24-7/2023/03/metro-transit-polices-body-worn-camera-program-to-start-in-april/>.

¹²⁵ U.S Department of Justice, "WMATA/MTPD Body-Worn Camera Program," (Dec. 20., 2021), <https://www.bja.ojp.gov/funding/awards/15pbja-21-gg-04422-bwxc>; Wash. Metro. Area Trans., "MTPD awarded DOJ grant to support implementation of body worn camera program", (Jun. 28, 2022), <https://www.wmata.com/about/news/MTPD-body-worn-camera-program.cfm>.

¹²⁶ Fritz Mulhauser, *Metro Transit Police Announce Policies for New Body-Worn Cameras*, DC Open Gov't Coalition, (Apr. 10, 2023), <https://dcogc.org/blog/metro-transit-police-announce-policies-for-new-body-worn-cameras/>.

¹²⁷ *Id.*

¹²⁸ Jordan Pascale, *Metro Releases Proposed "Visionary" Bus Network Maps For The Region, Including 24-Hour Service*, DCIST (Apr. 17, 2023), <https://dcist.com/story/23/04/17/metro-redesign-whole-region-bus-routes/>; See also Martine Powers, *Metro is mulling a major redesign of the bus system. But first, officials need to figure out why people aren't riding*, WASH. POST (Dec. 30, 2017), https://www.washingtonpost.com/local/trafficandcommuting/metro-is-mulling-a-major-redesign-of-the-bus-system-but-first-officials-need-to-figure-out-why-people-arent-riding/2017/12/30/8c37ec08-d52c-11e7-95bf-df7c19270879_story.html.

¹²⁹ See Wash. Metro. Area Trans. Auth., "About the Project," <https://www.wmata.com/initiatives/plans/Better-Bus/about-the-project.cfm>; (last visited April 22, 2023); Wash. Metro. Area Trans. Auth., (Apr. 14, 2023), <https://www.wmata.com/about/board/meetings/board-pdfs/upload/3A-Better-Bus-Network-Redesign.pdf>

will identify new bus routes, altering long-standing routes to make the system more user-friendly and equitable.¹³⁰ The plan includes 100 bus routes that are more straightforward, providing faster and more frequent service, with 20-minute or fewer wait times.¹³¹ The launch of Better Bus is a crucial recommendation of WMATA's 2020 Bus Transformation Project, which WMATA has used to shape its vision to make the bus the best way to travel on the region's roads.

As District residents begin to examine these changes, regional advocacy organizations like Greater Greater Washington ("GGW") have offered first impressions of the redesign and likely impacts on District Metrobus routes.¹³² At first glance, the network redesign, according to GGW, would positively impact District residents, particularly low-income residents and residents of color. The organization cites findings by WMATA, which say that bus service increase will be up by 56% in communities of color and 55% in low-income communities.¹³³ GGW, using an example in Northwest, notes a proposed change would "increases access to grocery stores, eliminates the need to cross dangerous roads by walking or rolling, and saves time for riders."¹³⁴

The implementation timeline includes WMATA making recommendations for short-term network changes to its board of directors in December 2023, which will allow the implication of those changes to be considered in the Agency's Fiscal Year 2025 budget. WMATA could fully implement the new network changes as early as 2024. The Committee looks forward to reviewing these proposed changes, which are searchable by the public.¹³⁵ The Committee also intends to provide input through oversight to ensure that these service changes do not dramatically impact District residents and that equity is fully considered.

Fare Changes Approved in WMATA FY24 Budget

Starting July 1, Metrorail riders will be charged 40 cents per mile after the first three miles of each trip. Fares will be capped at \$6.00 per ride, while weekend and late-night trips (after 9:30 p.m.) will cost a flat \$2 rate.¹³⁶ Metrorail's new pricing system also eliminates peak and off-peak fares. The changes are part of WMATA's \$4.8 billion budget for Fiscal Year 2024, approved by WMATA's board of directors in April 2023. WMATA

¹³⁰ *Id.*

¹³¹ Alanea Cremen, *WMATA proposes 'comprehensive redesign' of the entire Metrobus network*, WUSA9 (Apr. 17, 2023), <https://www.wusa9.com/article/traffic/mission-metro/wmata-proposes-comprehensive-redesign-entire-metrobus-network/65-844e4d0a-32f1-4629-a018-c75dd4601be7>.

¹³² Kai Hall, *Your guide to Metro's Better Bus Network redesign*, Greater Greater Wash., Apr. 20, 2023, <https://ggwash.org/view/89346/your-guide-to-metros-better-bus-network-redesign>.

¹³³ Wash. Metro. Area Trans. Auth., "Discover the Visionary Network," <https://betterbus.wmata.com/discover>

¹³⁴ Hall, *supra* note 133.

¹³⁵ Tom Roussey, *Metro's proposed redesign of entire Metrobus network now searchable online*, WJLA (Apr. 20 2023), <https://wjla.com/news/local/metrobus-metro-wmata-better-bus-network-redesign-dc-washington-anacostia-mt-rainier-west-hyattsville-eastover-shopping-center-oxon-hill-transit-maryland-virginia-alexandria-shirlington-dmv>.

¹³⁶ Wash. Metro. Area Trans. Auth., "Fiscal Year 2024 Budget: Proposed Fare and Service Changes), <https://www.wmata.com/initiatives/budget/> (last visited April 24, 2023).

also announced a new, regionwide low-fare program that offers riders enrolled in the Supplemental Nutrition Assistance Program a 50% discount on trips, and MetroAccess fare is capped at \$4. As the Committee works with colleagues at the full Council to identify funding for fare-free busses, the Committee looks forward to understanding how this recently approved budget would impact the cost of operating buses in the District.

Efforts to Curb Fare Evasion

WMATA has recently installed new barriers at entry fare gates in select stations in an initial rollout of fare evasion prevention efforts.¹³⁷ While the Committee welcomes this action, it expresses deep frustration with how long it has taken WMATA to adopt this policy. Metrorail underwent a system-wide upgrade of fare gates at all 97 stations only a few years ago,¹³⁸ so it seems wasteful not to have gotten this right during that time.¹³⁹ Retrofitting these new fare gates with new barriers will cost almost \$40 million. According to WMATA, in 2019 alone, the Agency lost approximately \$10 million due to fare evasion. As recent as March 8, 2023, for the first quarter of this year alone, WMATA announced that on average, out of nearly 400,000-weekday trips, almost 13% did not pay a fare.¹⁴⁰ The Committee is mindful that WMATA is taking steps to curb this behavior by riders, like launching its fare evasion warning campaign last year,¹⁴¹ but urges WMATA to take more proactive steps to roll out these new fare gates at all stations before the end of this year and to ensure the adjudication process for contesting citations is properly staffed. The Committee notes that WMATA took several years to formalize an agreement with the District's Office of Administrative Hearings, which severely delayed enforcement efforts across the District.

b. Fiscal Year 2024 - 2029 Capital Budget Recommendations

As with the operating budget, the Committee does not have a role in formally approving WMATA's capital budget. The Committee offers no recommendations for changes to WMATA's capital budget for FY24. The Committee does echo concerns about the potential fiscal cliff and how that will impact WMATA's capital budget and its ability to maintain the system in a good state of repair, which will bring back riders.

3. COMMITTEE POLICY RECOMMENDATIONS

¹³⁷ Jordan Pascale, *Metro Will Retrofit Faregates To Cut Down On Fare Evasion*, DCIST, (Mar. 21, 2023), <https://dcist.com/story/23/03/21/metro-will-retrofit-faregates-to-cut-down-on-fare-evasion/>.

¹³⁸ Wash. Metro. Area Trans. Auth., "Metrorail Faregate Replacement Project", <https://www.wmata.com/initiatives/plans/fare-modernization/faregate-replacement.cfm>.

¹³⁹ Justin George, *Metro just installed new fare gates. Now its spending \$35 million to make them taller*, WASH. POST, (Mar. 23, 2023), <https://www.washingtonpost.com/transportation/2023/03/23/dc-metro-fare-evasion-gates/>.

¹⁴⁰ Chioma-Emilia Ahaghotu, *Metro sees 13% of riders not paying for weekday trips, implementing new gates to cut down on fare evasion*, WUSA9 (Mar. 21, 2023), <https://www.wusa9.com/article/traffic/mission-metro/metro-releases-update-on-ridership-and-fare-evasion/65-182f7d8c-bf2f-4ada-97d7-c79cb971b98e>.

¹⁴¹ Wash. Metro. Area Trans. Auth., "Metro to launch warning campaign aimed at deterring fare evasion", (Oct. 4, 2022), <https://www.wmata.com/about/news/Fare-evasion-campaign.cfm>.

The Committees makes the following policy recommendations:

1. *Fiscal Cliff*

The Committee calls on state and local leaders in the region and the region's congressional delegations to take this issue seriously. Congress is responsible for addressing the national need to save public transit systems, but there is a separate local obligation. The Metropolitan Washington Council of Governments ("MWCOG") is an ideal space for regional leaders to come together on this issue, and through MWCOG, the Committee urges WMATA to provide regional leaders with real transparency into its budget—including by developing non-disclosure agreements if necessary—so that regional leaders can be confident that they understand WMATA's true fiscal needs as they work with colleagues in local legislatures to develop solutions. Nothing less than the survival of the system is at stake.

2. *Independent Police Complaint Review Board:*

The Committee recommends that other state and local governments and Congress follow the District's lead in amending the WMATA Compact to create an independent police complaint review board. The Committee urges WMATA to work with stakeholders and cooperate with regional leaders as changes are contemplated to the Compact, in addition to considering what options WMATA has, short of a Compact amendment, to track and publicly release MTPD use of force, stops, and arrest data as was discussed at WMATA's performance oversight hearing.

3. *7000-Series Railcar Return to Service*

WMATA should provide an update to the Committee on efforts to fully return the 7000-series railcar fleet to service, addressing all remaining challenges and corrective action plans that need to be completed to ensure the continued operations of the 7000-series railcars. The Committee urges the Agency to act expeditiously, taking into account all safety and training requirements, to get rail service across the District and region back to full capacity.

4. *Formalizing a long-term security plan*

The Committee is concerned with what security at Metrorail stations and along Metrobus routes will look like going forward to protect passengers and Metro employees. As the partnership between MTPD and MPD potentially reaches its conclusion in summer 2023, the Committee encourages WMATA to identify – before the expiration of the agreement with the District – an action plan and direct the appropriate resources to ensure rail stations and bus routes

have a reasonably heightened security presence that guarantees passengers and employees are safe. The Committee recommends that any plans develop outline scenarios for how security risks are promptly mitigated or eliminated under a range of varied circumstances and asks that WMATA reexamine, again before June 2023, whether the relationship with MPD has been successful and whether it should continue. The Committee formally requests that WMATA provide it with an update on this progress no later than the end of June.

5. *Meet targets for full Metrobus fleet electrification*

The Council passage of the Clean Energy DC Omnibus Amendment Act in 2018 identified aggressive clean energy actions that agencies, like WMATA, have yet even partially met. Jurisdictions across the region, like Montgomery County, Alexandria, VA, and Fairfax County, VA, are all on target to meet their all-electric goal by 2035, and DC's own Circulator is expected to be all-electric by 2029. The Committee urges WMATA to accelerate its transition to electric-only and utilize all available federal grant opportunities through the Infrastructure Investment and Jobs Act, Inflation Reduction Act, and other future transportation-related grant opportunities. The Committee notes that it requested the Agency's responses to two specific grant announcements: the Low or No Emission Grant Program and the Grants for Buses and Bus Facilities Program. The Committee looks forward to receiving an update on these applications or notice of award when issued. The Committee welcomes the recent news that the Northern Bus Garage will house an all-electric fleet when completed in 2027 as a part of the \$500 million renovation effort. Now, WMATA should begin identifying the actual fleet of buses that will fill it. WMATA should abandon plans to buy more compressed natural gas buses and instead use those funds to procure and deploy electrified buses.

6. *Efforts to curb fare evasion*

WMATA's recent action to install new barriers at entry fare gates in select stations is a step in the right direction towards curbing fare evasion. However, the Committee urges the Agency to take all available feedback into consideration from its testing at select Metrorail locations throughout the District and accordingly install fare gates at all 97 stations as soon as possible. The Committee urges WMATA to take this action to avoid further financial implications of lost revenues from fare evasion. The Committee further urges the Agency to task more MTPD officers to issue warnings, and if necessary, civil citations, to passengers to enforce applicable law. However, the Committee urges WMATA to stress to MTPD officers that no force of any kind should be directed at an individual involved in a fare evasion incident.

1. AGENCY MISSION AND OVERVIEW

The Washington Metrorail Safety Commission (“WMSC”) oversees and enforces safety practices on the DC region’s Metrorail system. The WMSC is an independent agency created in 2017 by Congress, Virginia, Maryland, and the District of Columbia through an interstate compact. The WMSC is the independent entity with oversight and enforcement authority to ensure continual safety improvements in WMATA’s Metrorail system. The Commission also oversees safety event investigations in the rail system. Six commissioners and three alternates serve on the commission’s board, with the District, Maryland, and Virginia each appointing two commissioners and one alternate. Each member must have expertise in transportation safety or related fields. Among other responsibilities, the board reviews Metrorail’s safety plans, adopts investigation reports, considers Metrorail’s progress on Corrective Action Plans, and sets the Program Standard outlining how commission staff conducts their crucial oversight work. As the only standalone State Safety Oversight Agency in the nation, the commission also handles all aspects of its operations with the financial support of federal grants and equal funding from Virginia, Maryland, and the District.

One substantial difference between the Commission and Metrorail’s oversight under its predecessor Tri-State Oversight Committee is WMSC’s significant enforcement authority. Among other powers, the commission can, if necessary, require Metrorail to restrict, partially suspend, or even completely shut down rail service.

2. COMMITTEE BUDGET RECOMMENDATIONS

WMSC independently operates, sets, and approves its budget; therefore, the Committee does not have a role in approving the Commission’s budget. Accordingly, the Committee does not recommend changes to WMSC’s operating budget. However, through its oversight, the Committee has explored several aspects of the Agency’s operations related to its budget and offers comments below.

a. Fiscal Year 2024 Operating Budget Recommendations

Oversight of 7000-series Railcar Issues and Derailments

The recent working relationship between the WMSC and WMATA has been fraught with deep mistrust and a serious lack of communication. And while this Committee remains concerned, we are optimistic about the direction of conversations to resolve long-standing issues is headed. WMSC’s management of issues stemming from the safety and training failures identified by the Commission at WMATA over the past year featured prominently at a recent performance oversight hearing. The Committee raised questions about the Commission’s approach to addressing rail safety, training, and other concerns with WMATA and the souring of the Commission’s relationship with WMATA leadership.

As described in [the WMATA chapter], starting at least in December 2021, when WMSC issued an order to pull 7000-series Metrorail trains from service, there have been frequent instances where WMATA and WMSC have been at odds, including quite

publicly.¹⁴² In the Committee's view, both agencies have had a hand in the deterioration of the relationship. For example, at the beginning of this year, WMSC ordered more frequent inspections of 7000-series trains. Some operators were removed from service on January 15, 2023—the third train removal order total since the 2021 Blue Line derailment.¹⁴³ The Committee takes no position on the validity of the WMSC's order, but the Committee is concerned that disagreements between the agencies became public almost immediately. Chairperson Allen met privately with WMATA and the WMSC to reduce tension and encourage more open—and, importantly, private—a dialogue between the agencies. On December 29, 2021, the WMSC issued an order sidelining all 7000-series Metrorail trains from passenger service¹⁴⁴ after an earlier order that reduced Metrorail's fleet by 60% in October after preliminary findings by the National Transportation Safety Board ("NTSB") during its investigation of the October 12, 2021, Blue Line derailment.¹⁴⁵ In their findings, the NTSB concluded that the 7000-series railcars had defects in the wheelsets.¹⁴⁶ The NTSB further determined that the safety issues involving the 7000-series wheelsets were significant, given they failed two inspections in 2017 and 2018, four in 2019, five in 2020, and 18 in 2021,¹⁴⁷ obviously, all before the October 12 derailment. The 7000-series was first deployed in 2015, so this was a glaring issue only a few years following, and still, WMATA took no decisive action to correct it.

After the December 2021 order from the WMSC, WMATA was forced to make significant changes in Metrorail service across the District and metropolitan region,

¹⁴² E.g., Jordan Pascale, *D.C. Council Wants To Know Why WMATA And The Metrorail Safety Commission Aren't Getting Along* (Feb. 20, 2023), <https://dcist.com/story/23/02/20/d-c-council-wants-to-know-why-wmata-and-the-metrorail-safety-commission-arent-getting-along/>; Stephen Repetski, *WMSC: You're certifying operators without all their training. WMATA: No we're not*, GREATER GREATER WASH. (Jan. 23, 2023), <https://ggwash.org/view/87991/wmsc-youre-certifying-operators-without-all-their-training-wmata-no-were-not>; ALX.com, *Notes: Metro and oversight commission engage in chaotic battle over safety measures*, (Jan. 18, 2023), <https://www.alxnow.com/2023/01/18/notes-metro-and-oversight-commission-engage-in-chaotic-battle-over-safety-measures/>.

¹⁴³ Justin George, *Regulator pauses Metro's plans to reduce inspections on 7000 trains*, WASH. POST (Jan. 15, 2023), <https://www.washingtonpost.com/local/2023/01/15/metro-trains-rail-cars-7000-inspections/>.

¹⁴⁴ Wash. Metro Saf. Comm'n, (Dec. 12, 2021), https://wmsc.gov/wp-content/uploads/2021/12/2021_12_29_Order-Keeping-7000-Series-Trains-Out-of-Service_FINAL_signed.pdf; See Jordan Pascale, *Metro Ordered To Pull 7000-Series Trains ... Again*, DCIST (Dec. 29, 2021), <https://dcist.com/story/21/12/29/metro-ordered-to-pull-7000-series-trains-again/>.

¹⁴⁵ National Transportation Safety Board, (Feb. 28, 2023), <https://www.nts.gov/news/press-releases/Pages/NR20230228.aspx#:~:text=The%20accident%20occurred%20on%20Oct,no%20other%20injuries%20were%20reported>; Wash. Metro Saf. Comm'n, (Dec. 12, 2021), https://wmsc.gov/wp-content/uploads/2021/12/2021_12_29_Order-Keeping-7000-Series-Trains-Out-of-Service_FINAL_signed.pdf; See Jordan Pascale, *Safety Commission Orders WMATA To Pull 60% Of Its Train Fleet, Severely Reducing Service*, DCIST (Oct. 17, 2021), <https://dcist.com/story/21/10/17/metrorail-safety-commission-orders-wmata-to-pull-7000-series-trains-severely-reducing-service/>

¹⁴⁶ Tom Dempsey, *NTSB report on WMATA derailment: Wheelset problem has 'potential to create a catastrophic event'*, WUSA9 (Dec. 1, 2021), <https://www.wusa9.com/article/news/local/dc/ntsb-wmata-report-investigation-train-derailment-dc-arlington/65-f4990f90-2bd2-40cc-87e5-1018d28d8f5c>.

¹⁴⁷ Tom Roussey, *NTSB: Wheels on derailed Metro train out of alignment 32X allowable amount*, WJLA (Dec. 2, 2021), <https://wjla.com/news/local/wheels-on-derailed-metro-train-out-of-alignment-32x-allowable-amount-ntsb-reports-7000-series-wmsc-ftawmata>.

reducing service just as the Authority was attempting to recover from the pandemic.¹⁴⁸ The final conclusions and findings from the NTSB have yet to be released, though some investigative documents were made available to the public.¹⁴⁹ The Committee will closely monitor those findings and how the WMSC works with WMATA to ensure that any corrective actions recommended by the NTSB are promptly and efficiently implemented to ensure a safe system for all riders while exploring how to limit the impact on service for the many District and regional residents who rely on public transit.

The Committee is especially interested in monitoring how WMSC and WMATA work together, especially because of October 19, 2022, findings from the WMATA Acting Inspector General (“OIG”).¹⁵⁰ The report issued by the WMATA IG came at the request of Representative Gerald Connolly of Virginia, then-chairman of the House Subcommittee on Government Operations. Congressman Connolly requested that WMATA OIG examine all matters related to WMATA potentially withholding information from the WMSC regarding the 7000-Series railcar wheelset movements.¹⁵¹ Chairman Connolly raised further concerns about the effectiveness of the communications and working relationships between WMATA and WMSC. He expressed concern about whether there was a consistent pattern of resistance within WMATA to provide WMSC with the information and access it needs to conduct safety oversight of the rail system. OIG found no evidence that WMATA withheld any information from WMSC regarding the wheel conditions affecting 7000-Series railcars but did conclude that the increased frequency of wheelset failures year after year should have been reported as safety concerns, which WMATA did not. The Committee is concerned with the latter because the former would not have been in question if the WMSC had received the proper notice of these safety issues and was able to ascertain the appropriate corrective action months or even years earlier.

As previously mentioned in the WMATA chapter, the breakdown in communication and relations between WMSC and WMATA has not engendered public faith in the safety of rail travel, leading some to wonder if WMSC wasn’t holding WMATA hostage to safety goals it hadn’t communicated to the public.¹⁵² The two agencies frequently needed to communicate better at critical intervals of policy directives and orders requiring corrective action by WMATA but were unable to do so. For example, WMSC ordered more frequent inspections of 7000-series trains, and some operators were removed from service on January 15, 2023—the third train removal order total since the Blue Line

¹⁴⁸ E.g., Jordan PascaleJ and Jacob Fenston, *Metro 7000-Series Safety Problems Could Have Led To ‘Catastrophic Event,’ Service Limited This Week*, DCIST (Oct. 18, 2021), <https://dcist.com/story/21/10/18/wmata-metro-7000-series-safety-derailment-catastrophic-delays/>.

¹⁴⁹ Nat’l Trans. Saf. Board, (Feb. 28, 2023), <https://www.nts.gov/news/press-releases/Pages/NR20230228.aspx#:~:text=The%20accident%20occurred%20on%20Oct,no%20other%20injuries%20were%20reported.>

¹⁵⁰ Wash. Metro. Trans. Auth. Off. Insp. Gen., <https://wmataoig.gov/wp-content/uploads/2022/10/OIG-Response-to-Congressional-Inquiry-Communication-WMATA-WMSC-OIG-23-002IG-Final.pdf>.

¹⁵¹ Caitlin Rogger, *Is Metrorail’s safety commission ready to stop holding trains hostage?*, GREATER WASH. (Oct. 21, 2022), <https://ggwash.org/view/87104/metrorails-safety-council-must-stop-holding-trains-hostage>; Letter from Representative Gerald E. Connolly to Inspector General Geoffrey A. Cherrington, (Nov. 5, 2021), https://connolly.house.gov/uploadedfiles/2021.11.05_gec_letter_to_wmata_oig.pdf.

¹⁵² Rogger, *supra*, note 10.

derailment.¹⁵³ Passenger frustrations mounted due to decreased service because of railcars out of service, and tensions between the two agencies became untenable. While safety should be the highest priority of the WMSC, it seems it didn't take into consideration how its actions were hurting WMATA, which has already been reeling from the pandemic and tepid recovery. Additionally, WMSC has issued scathing public rebukes of the agency in the past, like the September 2020 audit that labeled WMATA a “toxic workplace filled with racial and sexual comments, harassment, and other unprofessional behavior.”¹⁵⁴ Public news reports made it even more apparent that WMSC and WMATA leadership needed to be communicating and that not doing so effectively led to further erosion of trust, particularly between the agencies, policymakers, and the public.¹⁵⁵ Chairperson Allen, who was just weeks into his tenure as Chair of the Committee, had several conversations with leaders at WMATA and the WMSC after the January 2023 order, which helped to reduce tensions, and the Committee hopes this posture continues as we approach the final NTSB report on the 7000-series trains.

The WMSC has committed to working with WMATA to ensure a safe and orderly transition back to full service, which includes monitoring training and certification protocols for WMATA railcar operators through prescribed guidelines approved by WMSC and providing regular inspection intervals for all 7000-series trains. The Committee will remain engaged in regular updates regarding rail management and safety training at WMSC and WMATA and encourages the WMSC to notify the Committee of obstacles that might be best overcome through more concreted dialogue led by Chairperson Allen.

b. Fiscal Year 2024 - 2029 Capital Budget Recommendations

The Agency does not have a capital budget, so the Committee offers no recommendations.

4. COMMITTEE POLICY RECOMMENDATIONS

The Committee makes no policy recommendations.

III. BUDGET SUPPORT ACT RECOMMENDATIONS

On Wednesday, March 22, 2023, Chairman Mendelson introduced, on behalf of the Mayor, the “Fiscal Year 2024 Budget Support Act of 2023” (Bill 25-202). The bill contains 7 subtitles for which the Committee has provided comments. The Committee also recommends the addition of 4 new subtitles.

A. RECOMMENDATIONS ON MAYOR'S PROPOSED SUBTITLES

¹⁵³ George, *supra* note 2.

¹⁵⁴ Jacob Fenston and Jordan Pascale, *Metro Safety Audit Finds 'Toxic Workplace Culture' Poses Risk To Riders*, DCIST (Sep 8, 2020), <https://dcist.com/story/20/09/08/wmata-metro-safety-audit-toxic-workplace-culture-riders-risk/>.

¹⁵⁵ Pascale, *supra* note 1.

The Committee provides comments on the following subtitles of the “Fiscal Year 2024 Budget Support Act of 2023”:

1. Title VI, Subtitle B. DC Water Facility Work Fund
2. Title VI, Subtitle C. CRIAC Assistance Fund
3. Title VI, Subtitle D. Motor Vehicle Registration Fee Abatement for Certain Disability Tags
4. Title VI, Subtitle E. Pandemic Impacts on Building Energy Performance Investments
5. Title VI, Subtitle F. Parking Benefit Equivalent
6. Title VII, Subtitle C. Dedicated Revenue Adjustments, Section 7023
7. Title VII, Subtitle C. Dedicated Revenue Adjustments, Section 7027

The legislative language is included in Appendix A.

1. TITLE VI, SUBTITLE B. DC WATER FACILITY WORK FUND.

a. Purpose, Effect, and Impact on Existing Law

This subtitle, proposed by the Mayor, establishes the DC Water Facility Work Fund (“Fund”) as a Special Revenue Fund managed by the District Department of Transportation (“DDOT”). DDOT will deposit any revenue received from DC Water to perform work on DC Water facilities as part of a DDOT construction project pursuant to a Memorandum of Agreement between the two agencies. The Committee recommends including this subtitle as introduced.

b. Committee Reasoning

In instances where DC Water has facilities within the scope of a DDOT project, DDOT may enter into an agreement with DC Water to perform work on those facilities during the course of the project. DC Water then reimburses DDOT for this work done on its behalf. In the past, DDOT has spent Highway Trust Fund money to cover costs on the front-end, before DC Water reimburses. Creating this Fund will allow DDOT to reach agreements with DC Water prior to performing work and to access the necessary funding from DC Water during the project, rather than being reimbursed later by DC Water. This allows DDOT to preserve Highway Trust Fund resources for other projects.

Generally, the Committee supports the better coordination between DDOT and DC Water on road work projects that this subtitle furthers. Particularly as the District works to remove all lead service lines, the Committee would like to see DDOT and DC Water have open lines of communication on road work projects. The two entities should ensure efficiencies, so that when DDOT does road construction, DC Water does lead service line replacement at the same time, and District residents can avoid unnecessary construction at the same location twice.

c. Section by Section Analysis

Sec. 6011. States the short title.

Sec. 6012. Amends The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14–137; D.C. Official Code § 50-921.01 et seq.) to establish the DC Water Facility Work Fund as a special fund; direct that all revenue received by the District government from DC Water be deposited in this fund; direct that money in the fund be used to reimburse costs incurred by the District government for DC Water facility work; and designate this fund as non-lapsing.

d. Fiscal Impact

This subtitle has no fiscal impact. The FY24 through FY27 budget does not include any resources for this Fund. The Fund will receive money when DDOT and DC Water enter into agreements, and the Mayor will need to request budget authority to expend resources from the Fund at that time.

3. TITLE VI, SUBTITLE C. CRIAC ASSISTANCE FUND.

a. Purpose, Effect, and Impact on Existing Law

The CRIAC Assistance Fund was established in FY20 to support financial assistance for residents and non-profit organizations in paying CRIAC fees. CRIAC, or the Clean Rivers Impervious Area Charge, is a special fee included on water bills directly related to the amount of impervious area on the resident’s property and their water usage. CRIAC fee funds are used to support the District’s compliance with a \$2.7 billion consent decree with the federal Environmental Protection Agency that requires the District to install tunnels and other infrastructure to prevent stormwater overflows into the Anacostia River. Because CRIAC fees are based on the amount of impervious surface area associated with a property (e.g., rooftops and paved driveways), they can be quite high for certain properties. The CRIAC Assistance Fund provides essential relief for many residents, non-profits, and other institutions struggling to afford the fee.

This subtitle, proposed by the Mayor, makes the CRIAC Assistance Fund lapsing, so that any unused funds revert to the unrestricted fund balance of the District’s General Fund. The Committee recommends striking this subtitle.

b. Committee Reasoning

The Committee does not support changing the CRIAC Assistance Fund from a non-lapsing to a lapsing fund. The Fund was created as non-lapsing with good reason. The benefit of non-lapsing funds is the ability to account for variability in “burn rate” over the course of several years. In other words, if there is less demand for relief funds one year and more the next year, there is money left in the Fund to assist everyone in need in the year

with more demand. The demand for the Fund has fluctuated over the last several years, and a non-lapsing balance in the Fund has provided a cushion for this fluctuation. For example, DOEE spent over \$4 million from the Fund in FY21 and only \$321,288 in FY22. The balances at the end of those two years were \$613,895 and \$1.4 million, respectively. The current balance of the Fund \$2,305,224 (taking into account the Mayor’s proposed sweep of \$1.4 million from the Fund in the Supplemental Budget), and DOEE believes it will spend that amount by the end of the fiscal year.

At the budget oversight hearing, DOEE further explained that the agency’s and DC Water’s books are not “closed out” at the same time, so there is often a discrepancy between what appears to remain in the Fund and what actually remains unobligated. The extra money in the Fund allows for DOEE to “smooth over” this period while the agency is waiting for the accounts to settle. Upon questioning from Committee Chairperson Allen, DOEE was unable to answer how the agency would handle this were the Fund to be made lapsing.

According to DC Water, at least 10% of customers are in arrears on their water bills. The Committee knows that sometimes even a small amount of financial support can go a long way, and this Fund is a vital resource for these residents. For this reason, the Committee strikes the subtitle ensuring that money in Fund can be carried over from year to year.

c. Section by Section Analysis

Sec. 6021. States the short title.

Sec. 6022. Amends Section 113a(d) of the District Department of the Environment Establishment 1303 Act of 2005, effective September 11, 2019 (D.C. Law 23-16, D.C. Official Code § 8151.13a) to state that money remaining in the Fund at the end of the fiscal year shall revert to the General Fund of the District.

d. Fiscal Impact

This subtitle has no fiscal impact; as such, there is no cost associated with striking this subtitle.

4. TITLE VI, SUBTITLE D. MOTOR VEHICLE REGISTRATION FEE UPDATE.

a. Purpose, Effect, and Impact on Existing Law

Currently, D.C. Official Code § 50-1501.03(b)(1) provides for a vehicle registration schedule that attempts to account for the varied weights of light-weight and heavy-weight vehicles with a tiered fee structure. As the vehicle market evolves and unique mobility needs arise, the schedule must be updated to reflect those changes. As introduced by the

Mayor, this subtitle would update that fee schedule to create a new fee class for registrants with disabilities, who often utilize heavier equipment like wheelchair lifts, ramps, and other machinery in their vehicles. This would reduce the registration fee burden on vehicle owners with physical disabilities due to the prior modification of weight ranges for certain classes.

The Committee recommends adopting the changes made to registration fees as introduced by the Mayor, and the Committee also recommends making additional changes to registration fee—namely for electric vehicles (“EVs”). Currently *all* EV owners pay a reduced registration fee, to incentivize shifting away from gasoline-powered vehicles. The Committee’s additions to the introduced version of the subtitle would require owners of very heavy EVs—over 5,000 pounds—to pay the same registration fee as owners of gasoline-powered vehicles of the same weight. As discussed below, the Committee believes this more accurately reflects the dangers posed to pedestrians and bicyclists in particular by very heavy vehicles, no matter the energy source.

b. Committee Reasoning

District residents with physical disabilities sometimes must modify their vehicles to enable them to get in and out or to operate the vehicle. These modifications can increase the weight of a vehicle to a level that would trigger the increased fees that the previous Committee enacted last year. Those fees were intended to address the additional danger to other road users attributable to the weight of a vehicle—not to penalize residents who must use modifications in order to operate their vehicle. The Committee supports the Mayor’s proposed language, exempting heavy vehicles with disability tags from the increase in registration fees, which will only impact a small number of vehicles and, as introduced, did not have a fiscal impact.

Last year, the previous Committee examined how vehicle weight has been increasing year over year. The Council acted in FY23 to ensure that the vehicle registration fee structure was modernized, considering vehicles weighing over 4,000 pounds that have been around 60% of the market since 2020 (See Figure 1). The previous leadership of this Committee pointed rightfully to a broad body of research showing clearly that heavier vehicles are far more likely to cause serious injury or death when hitting a pedestrian or bicyclist¹⁵⁶ and that heavy vehicles create additional wear on our roads, creating additional costs for the District government.¹⁵⁷ However, the previous Committee’s proposal continued to exempt heavy electric vehicles (“EVs”) from these additional fees. While this Committee wholeheartedly endorses a shift from internal combustion engines toward EVs

¹⁵⁶ Insurance Inst. for High. Saf., *New study suggests today’s SUVs are more lethal to pedestrians than cars* (Jun. 16, 2020), <https://www.iihs.org/news/detail/new-study-suggests-todays-suvs-are-more-lethal-to-pedestrians-than-cars>; <https://smartgrowthamerica.org/bigger-vehicles-are-directly-resulting-in-more-deaths-of-people-walking/>; <https://www.urban.org/urban-wire/us-could-taxing-heavy-cars-be-first-step-toward-reducing-pedestrian-fatalities#:~:text=Studies%20have%20shown%20that%20collisions,their%20bodies%2C%20around%20th>
[e%20torso](https://www.urban.org/urban-wire/us-could-taxing-heavy-cars-be-first-step-toward-reducing-pedestrian-fatalities#:~:text=Studies%20have%20shown%20that%20collisions,their%20bodies%2C%20around%20th). (Recommending increased fees on heavier vehicles as a policy to reduce pedestrian fatalities).

¹⁵⁷ U.S. Dep’t of Transp. Fed. High. Admin., *Public Roads - May/June 2009* (May/June 2009), <https://highways.dot.gov/public-roads/mayjun-2009/exploring-vehicle-size-and-weight-solutions>.

for as many vehicle trips as are necessary, there has been a recent trend toward EVs with massive batteries designed to maintain high performance—that is, high speeds and quick acceleration, both of which are also well-understood to increase the risk of injury or death for pedestrians and bicyclists and other drivers.¹⁵⁸

Figure 1. Changes to Weight Class Registration Fee in FY23 Budget Subtitle Act
(Source: DC DMV)

<i>Class/Weight Range</i>	<i>Annual Registration Fee, prior to October 1, 2022</i>	<i>Current Annual Registration Fee—including changes made in FY23 BSA</i>
Class I (3,499 pounds or less)	\$72.00	\$72.00
Class II (3,500-4,499 pounds)	\$115.00	\$175.00
Class III (5,000-5,999 pounds)	\$155.00	\$250.00
Class IV (6,000 pounds or greater)	-	\$500.00
Class V (A new electric vehicle, other than a motorcycle and motorized bicycle, less than 5,000 pounds.) (This provision shall only apply to the first 2 years of the vehicle’s registration, after which the vehicle shall be treated as Class I or Class II, whichever is applicable.)	\$36.00* *Applies to the first two years of the vehicle registration, with the exception of motorcycles and motorized bicycles	\$36.00* *Applies to the first two years of the vehicle registration, with the exception of motorcycles and motorized bicycles

The most extreme example of this trend of super-heavy EVs is the recently released GMC Hummer EV, a supersized truck that weighs more than 9,000 pounds. This is even heavier than the Ford F-150 Lightning, which weighs “only” 6,500 pounds—as much as 2,000 pounds heavier than the non-EV F-150, which has a curb weight between 4,000 pounds and 5,000 pounds.¹⁵⁹ The batteries on these vehicles alone weigh 2,923 lbs and 1,800 lbs, respectively. For comparison, the Hummer EV’s battery is about the same weight as a Honda Civic. And in addition to the risks to others on the road that these heavy EVs create because of their weight, they also show diminishing returns regarding energy efficiency. While a Hummer EV has a much smaller carbon footprint than its gasoline-powered counterpart, it creates more emissions per mile than many smaller gasoline-powered cars.¹⁶⁰

¹⁵⁸ Keith Barry, *Higher Speed Limits Led to 36,760 More Deaths, Study Shows*, CONSUMER REP. (Apr. 04, 2019), <https://www.consumerreports.org/car-safety/higher-speed-limits-led-to-36760-more-deaths-study-shows/> (Showing that every increase in speed of 5 miles per hour increased road deaths by 8.5%); Nat’l Ass’n Trans. Officials, “Speed Kills”, <https://nacto.org/publication/city-limits/the-need/speed-kills/>. (“A person hit by a car traveling at 35 miles per hour is five times more likely to die than a person hit by a car traveling at 20 miles per hour.”).

¹⁵⁹ Henry Grabar, *The Weight, Ford’s new F-150 could be a milestone for electric vehicles. There’s just one problem*, SLATE (May 21, 2021), <https://slate.com/business/2021/05/ford-f150-lightning-electric-weight.html>.

¹⁶⁰ Peter Huether, *9,000-Pound Electric Hummer Shows We Can’t Ignore Efficiency of EVs*, (Jun. 21, 2022), <https://www.aceee.org/blog-post/2022/06/9000-pound-electric-hummer-shows-we-cant-ignore-efficiency-evs>.

Increasing the fees on very heavy EVs accounts for the danger to other road users caused by the increased weight of their vehicle's battery. It recognizes that they do not provide the same carbon reductions that shifting to a smaller vehicle—even a smaller gasoline-powered vehicle—would. As the ambitious push for EVs continues at the federal level¹⁶¹ and market demand grows,¹⁶² electrified vehicles will likely overtake market projections, requiring jurisdictions like the District to balance the move towards vehicle electrification with the desire for heavier-sized cars, SUVs, and trucks that pose an increased danger to other road users without truly maximizing the climate change impact of smaller EVs. EVs are key to meeting our climate change goals and reducing carbon emissions, but the Committee’s proposed changes to the Mayor’s subtitle simply recognizes that not all EVs are created equal when it comes to our climate goals.

c. Section-by-Section Analysis

Sec. 6031. “Motor Vehicle Registration Fee Update Amendment Act of 2023”

Sec. 6032. Amends the District of Columbia Revenue Act of 1937 to modify the motor vehicle registration fee schedule, adding a new registration fee for disability tag holders, and specify the amount of a manufacturer’s shipping weight applied to the 1,000-pound credit for an electric vehicle.

d. Fiscal Impact

<i>Fiscal Year</i> 2024	<i>Fiscal Year</i> 2025	<i>Fiscal Year</i> 2026	<i>Fiscal Year</i> 2027	<i>Total</i>
\$1,000	\$4,000	\$4,000	\$4,000	\$13,000

5. TITLE VI, SUBTITLE E. PANDEMIC IMPACTS ON BUILDING ENERGY PERFORMANCE INVESTMENTS.

a. Purpose, Effect, and Impact on Existing Law

The Committee strikes the Mayor’s proposed subtitle, which would delay the District’s Building Energy Performance Standards (“BEPS”) program. The BEPS program requires building owners to reduce their energy use over a 6-year cycle. Under current law, the compliance cycles for BEPS are:

- January 1, 2021 - January 1, 2027: All privately-owned buildings ≥ 50,000 sq. ft. and all District-owned buildings ≥ 10,000 sq. ft.

¹⁶¹ Michael Wayland, *Biden pushes for electric vehicles to make up half of U.S. auto sales by 2030*, CNBC (AUG. 5, 2021), <https://www.cnbc.com/2021/08/05/biden-pushes-for-evs-to-make-up-40percent-or-more-of-us-auto-sales-by-2030.html>.

¹⁶² Bureau of Labor Statistics, *Charging into the future: the transition to electric vehicles*, (Feb. 2023), <https://www.bls.gov/opub/btn/volume-12/charging-into-the-future-the-transition-to-electric-vehicles.htm#:~:text=The%20market%20for%20electric%20vehicles,to%204.6%20percent%20in%202021>

- January 1, 2027 - January 1, 2033: All privately-owned buildings \geq 25,000 sq. ft.
- January 1, 2033 - January 1, 2040: All privately-owned buildings \geq 10,000 sq. ft.

The subtitle would push all compliance cycles back three years. The Committee, for the reasons stated below, recommends striking this subtitle. Instead, the Committee maintains the status quo of BEPS and leaves in place the current timeline for the program.

b. Committee Reasoning

Buildings in the District make up for approximately 75% of the city’s greenhouse gas emissions. As such, making buildings more efficient is one of the most impactful steps the District can take to meet its climate commitments. In addition, residents spend a vast majority of their lives in buildings, and after its residents, buildings are the District’s second most valuable assets. For these reasons, high-performing buildings are critical to addressing climate change, increasing the health and wellbeing of residents, and bolstering the economy.

On December 18, 2018, the Council passed the CleanEnergy DC Omnibus Amendment Act, which took historic steps to reduce the District’s carbon emissions, including by establishing BEPS, a first-of-its-kind regulatory tool. BEPS set a minimum threshold for energy performance in existing buildings based on the building’s demonstrated energy performance over a 2-year period. BEPS generally requires a building to reduce energy usage over a 6-year cycle by about 20% below a baseline determined by the energy use data reported to DOEE; however, as discussed below, ***DOEE has created numerous alternative compliance pathways***. The District aggregates building performance information per property type to establish a standard for that type of building to meet. Buildings that fall short of that standard are required to improve their performance over the course of a “compliance cycle” and demonstrate to DOEE that improvement.

Since FY20, when the Clean Energy DC bill was fully funded, DOEE has worked diligently to stand up the BEPS program by creating standards, publishing regulations, identifying benchmarks, building out its team, and working with building owners who have been identified as out of compliance. Just recently, the first deadline passed for building owners to select compliance pathways—plans that building owners and DOEE have agreed to, in order to bring the buildings into compliance for the first cycle. ***To date, over 80% of building owners have selected one of these compliance pathways with DOEE***. In other words, a vast majority of building owners in the first cycle have already identified a plan for coming into compliance with BEPS. At this point, the District is more than two years into the first BEPS cycle, which began January 1, 2021. Despite the first BEPS cycle being fully underway, the Mayor’s proposed subtitle pushes the program back three years, including the current cycle. The Committee believes this decision is misguided for a number of reasons.

The Committee believes the Mayor proposed this subtitle out of concern for struggling building owners—and the Committee, along with the entire Council, shares this concern. However, the Committee sees this proposal as an overly broad attempt at assisting

owners that ignores the realities and nuances of the program. In fact, after conversations with experts and stakeholders, *the Committee believes a delay of BEPS could actually harm building owners, rather than help them*. First, a delay would be confusing for building owners, who are two years into this BEPS cycle already. In addition, as mentioned above, over 80% of building owners subject to the first cycle have already selected a compliance pathway—that is, they have already created a plan to complete upgrades that will reach the target DOEE has identified. Many owners have already had evaluations completed of their buildings, entered into contracts for work, and even actually completed upgrades in reliance on the first cycle of BEPS being in place. If the deadline were to be pushed back, owners may have to break contracts or continue with the work without certainty about the future of BEPS.

Furthermore, the delay could perversely make it harder for owners who have acted in reliance on DOEE’s guidelines and made improvements already to come into compliance. BEPS uses the previous two years of a building’s energy use as a benchmark, and if BEPS were delayed, the two years previous would be moved as well. For example, in the current cycle, the standards were set using 2019 benchmarking data—that is, pre-pandemic, when commercial buildings had higher energy use intensity than they have since. If BEPS were delayed, the standards would be set using 2022 or later data—that is, energy use post-pandemic, when, as has been well-documented, office vacancy rates remain high and less than half of downtown workers are coming to the office in person. This would make it harder for owners who have made energy efficiency improvements relying on the first cycle of BEPS because owners would have to reduce their energy usage from an already reduced post-pandemic baseline. This in effect *punishes owners who have made good faith efforts to comply with the first cycle of BEPS* relying on current guidelines. In the alternative, the delay could discourage owners from making any improvements to reduce energy use in their buildings in the meantime, so that they are not penalized with more stringent standards. Such purposeful inaction plainly conflicts with the District’s climate change goals.

The Committee certainly recognizes the impact of the pandemic on building owners, particularly commercial building owners downtown. The Committee knows that building owners are struggling with high vacancy rates and hard decisions about the future of their buildings. To address this concern, *the District has put into place a number of investments to support building owners* in improving their buildings, benefiting their occupants, and complying with BEPS. Several agencies coordinate to offer workforce development, rebates and other financial support, low-cost financing for retrofits and renovations, and learning opportunities for building owners. For example, the Green Bank, DOEE, and the SEU coordinate to run the *Affordable Housing Retrofit Accelerator*, which offers financial and technical support to owners of affordable housing buildings to meet BEPS. The Committee has heard from building owners about the critical importance of this program in providing access to energy efficiency retrofits for owners who otherwise could not afford such work.

DOEE has also included support for struggling owners in the current BEPS program. The agency has created numerous *flexible compliance pathways* and exemptions,

including a “build your own” pathway for building owners’ individualized needs. Under this pathway, building owners and DOEE would work together to identify a specified list of actions the building owner will take to reduce energy use, and if the building owner follows through and still does not reach the target, DOEE has the flexibility to deem the building in compliance based on a good-faith effort. This gives certainty to building owners about the investments that they are making. There are also mechanisms for owners to request adjustments to their BEPS requirements from DOEE based on vacancies in their buildings and other extenuating circumstances. It is also important to note that there is an existing exemption in BEPS for buildings that require gut renovations. As such, developers converting commercial buildings to residential buildings, who almost certainly must gut-renoate, are not subject to BEPS in this cycle under current law at all.

In addition to potentially harming building owners and creating confusion, a delay in BEPS could cost the District money. As noted above, DOEE is two years into this BEPS cycle, and the agency has spent countless hours of staff time standing up the program, establishing baselines and working closely with building owners to establish compliance pathways. If delayed, much of this legwork would have to be repeated, which would divert DOEE staff from other projects, even if it does not affirmatively increase the agency’s costs. DOEE would have to draft and publish new regulations, calculate new baselines and targets, and conduct new outreach to the building owners. In fact, additional outreach on top of repeated outreach would likely be needed to clarify confusion about the delayed timelines. The Committee would also like to note that DOEE may have to recalculate fines for non-compliance considering inflation, which could increase the penalties under a delayed timeline.

Just as importantly, *a delay in BEPS would have devastating impacts on the District’s efforts to meet its climate goals.* As noted above, buildings make up a significant portion of the District’s emissions. All of the experts agree that there is no time to waste in addressing the climate crisis. Green buildings are a critical factor to ensuring a sustainable and resilient future for District residents and businesses. Many other jurisdictions have looked to the District’s BEPS program as a best-practice, and the District should not give up that leadership role now.

Overall, the Committee views BEPS—and mitigating climate change generally—as working in tandem with economic recovery, not against it. The climate crisis is the greatest existential threat to humanity, and the District must continue to take bold action to address this threat. In this reality, green buildings are the future of buildings—and making updates and retrofits to this effect add significant value to buildings in the long run. *Investment in energy efficiency cuts residents’ and businesses’ energy bills, increases the value of buildings, improves the health and wellbeing of residents and visitors, and creates jobs for a range of workers,* from electricians and roofers to architects and engineers. BEPS is an innovative tool that the District has created to be a leader in the green economy – and the District should tout this program for all of its benefits, not shy away from it.

The Committee does not dismiss concerns it has heard about BEPS from stakeholders in favor of the proposed delay. The Committee shares some of these concerns, for example, regarding the unpredictable timing of when IRA funding will be available to assist with retrofitting and the instability of funding for the Affordable Housing Retrofit Accelerator in the Mayor’s proposed budget. The Committee has also heard that there may need to be some additional clarification and flexibility on DOEE’s part regarding the consideration of mixed-use buildings. Many of these buildings have one floor of commercial use, which may include a high-energy use restaurant, but they are considered residential for BEPS purposes. In addition, some building owners are having trouble obtaining aggregate data on energy use from Pepco—a hurdle that is outside of their control and inhibits their ability to provide data to DOEE. Regardless of hiccups in the implementation of BEPS, the Committee does not believe a blanket delay of the entire program is the most effective remedy. In this vein, the Committee plans to further examine more targeted reforms to BEPS outside of the budget process to address these concerns and others. Through this process, the Committee expects to engage with building owners, advocates, DOEE, and other stakeholders to think through any adjustments needed, whether legislative or otherwise.

For the reasons outlined above, the Committee recommends striking the Mayor’s proposed subtitle to delay BEPS.

c. Section by Section Analysis

Sec. 6041. States the short title.

Sec. 6042. Amends Section 301 of the CleanEnergy DC Omnibus Amendment Act of 2018, effective March 22, 2019 (D.C. Law 22-257; D.C. Official Code § 8-1772.21) by:

- (a) Changing the date on which all privately-owned buildings with at least 50,000 square feet of gross floor area and all District-owned buildings with at least 10,000 square feet of gross floor area are subject to BEPS from January 1, 2021, to January 1, 2024; changing the date on which all private-owned buildings with at least 25,000 square feet of gross floor area are subject to BEPS from January 1, 2027, to January 1, 2030; and changing the date on which all private-owned buildings with at least 10,000 square feet of gross floor area are subject to BEPS from January 1, 2033, to January 1, 2036.
- (b) Changing the date on which DOEE must, by rulemaking or publication on the DOEE website, establish property types and building energy performance standards for each property type, or an equivalent metric for buildings that do not receive an ENERGY STAR score from January 1, 2021 to January 1, 2024.

d. Fiscal Impact

This subtitle has no fiscal impact; as such, there is no cost associated with striking this subtitle.

6. TITLE VI, SUBTITLE F. PARKING BENEFIT EQUIVALENT.

a. Purpose, Effect, and Impact on Existing Law

In 2020, the Council recognized that “[m]any District businesses incentivize their employers to drive to work, by providing free or reduced parking, without providing equivalent incentives for employees to take public transit, bike, or walk to work.”¹⁶³ The resulting congestion harms the local economy, frustrates commuters, and contributes to increased greenhouse gas emissions.¹⁶⁴

The Transportation Benefits Equity Amendment Act of 2020, effective June 24, 2020 (D.C. Law 23-113; 67 DCR 5069) placed new requirements on “covered employers”—defined as employers with 20 or more employees—who offer parking benefits to employees. Specifically, the law required that covered employers who offer a parking benefit must take one of 3 paths: (1) offer employees who turn down a parking benefit a Clean-air Transportation Fringe Benefit in an amount equal to or greater than the value of the parking benefit offered; (2) pay a \$100 Clean Air Compliance fee for each employee to whom the parking benefit is offered; or (3) implement a transportation demand management plan (“TDM”) that reduces commutes by personal vehicle by 10% until 25% or less of employees’ commuter trips are made by car. A covered employee may avoid its obligation to fulfill one of these three requirements if, instead, the employer stops offering free or subsidized parking to employees altogether.¹⁶⁵ The law also exempted certain employers, including those who own their own parking garage, and the law delayed applicability to employers who lease parking until the employer renewed its lease. The law also required that, every two years, covered employees submit reports to the Mayor that describes their compliance with the law.

DDOT established the first deadline for those reports as January 15, 2023. Before the deadline, DDOT worked with the Department of Licensing and Consumer Protection, formerly known as the Department of Consumer and Regulatory Affairs, to identify covered employers.¹⁶⁶ This effort resulted in a list of approximately 5,000 covered employers in the District. DDOT also created a compliance reporting online tool,

¹⁶³ Council of the District of Columbia, Committee on Transportation and the Environment, *Committee Report on Bill 23-0148, the “Transportation Benefits Equity Amendment Act of 2020”* at 2, https://lims.dccouncil.gov/downloads/LIMS/41896/Committee_Report/B23-0148-CommitteeReport1.pdf.

¹⁶⁴ *Id.*

¹⁶⁵ District Department of Transportation, *DC Parking Cashout Law: A Guide for Employers* (December 2022), <https://godcgo.com/wp-content/uploads/2022/01/DC-Parking-Cashout-Law-Toolkit.pdf> (“By discontinuing free or subsidized parking, you remove the criteria that requires you to implement a compliance option, hence qualifying you for an exemption. Out of all the options, removing parking benefits is the quickest and most cost-effective way of complying with the law.”).

¹⁶⁶ District Department of Transportation, *FY22 Performance Oversight Questions* (February 21, 2023), <https://dccouncil.gov/wp-content/uploads/2023/02/DDOTPOH.pdf>.

announced on December 15, 2022, where covered employers can submit their reports.¹⁶⁷ Nevertheless, as of January 31, 2023, only 564 employers have submitted the required compliance reports. Of those 564 employers, 65% have claimed an exemption, 14% offered a Clean-Air Fringe Transportation Benefit, 10% have submitted a TDM, and 3% have paid a Clean Air Compliance fee. Approximately 4,500 employers have not yet reported to DDOT.

Table 1: Compliance Options Reported by Employer

Compliance Option Reported	Percentage of Employers (n=564)
Exemption	65%
Clean-Air Transportation Fringe Benefit	14%
Transportation Demand Management Plan	10%
Report-in-Progress or Not Covered Employer	9%
\$100 Clean Air Compliance Fee	3%

Of employers who claimed an exemption, nearly half have claimed an exemption because they do not offer a parking benefit; 27% claim an exemption because they leased and the time to renew the lease has not yet come, and 20% claim an exemption because they owned parking prior to FY21.

Table 2: Exemptions Claimed by Employer

Exemption Reported	Percentage of Employers (n=564)
Lease Parking Prior to October 1, 2020	27%
Own Parking Prior to October 1, 2020	20%
Do Not Offer Parking	53%

The Mayor’s proposed subtitle would pause the requirement that covered employers offering a parking benefit offer one of the three alternatives benefits until January 1, 2026. To align with the new effective date, the Mayor’s proposed subtitle would pause the requirement that covered employees submit biannual compliance reports to the Mayor until October 1, 2026 – the start of FY27. Similarly, the Mayor’s proposed subtitle would also pause the requirement that the Mayor consolidate the compliance reports into a report submitted to the Council by October 1, 2027 – the start of FY28.

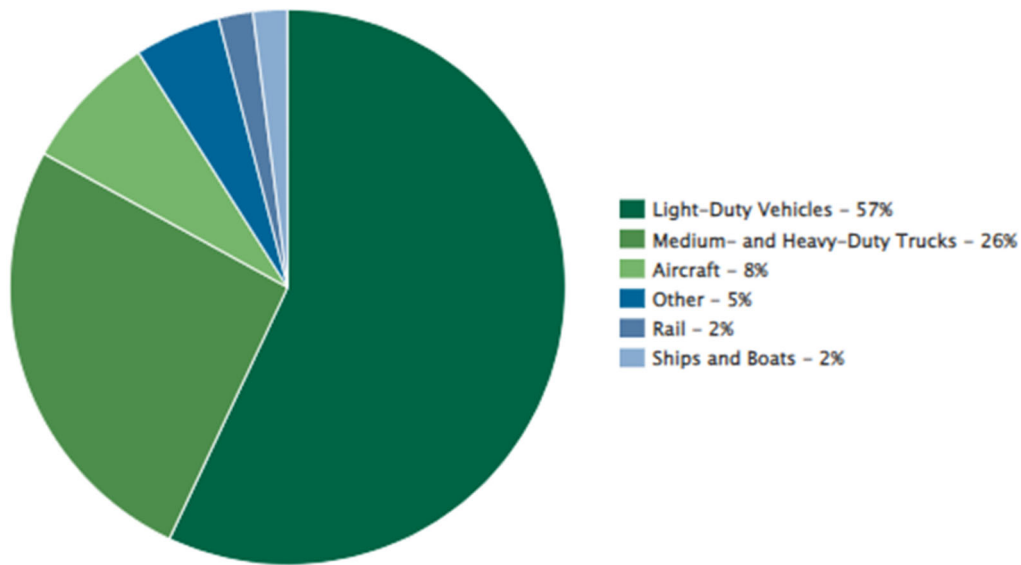
b. Committee Reasoning

The Committee recommends striking this subtitle.

¹⁶⁷ *Id.* See also *DDOT Applies Tailormade Technology to Ensure Compliance of DC’s Parking Cashout Law* (December 15, 2022), <https://ddot.dc.gov/release/ddot-applies-tailormade-technology-ensure-compliance-dc%E2%80%99s-parking-cashout-law>.

The Committee begins by noting that the Mayor has offered no justification for pausing implementation of the Transportation Benefits Equity Amendment Act of 2020. However, just last month, the U.N Intergovernmental Panel on Climate Change (“IPCC”) found that the “world is likely to pass a dangerous temperature threshold within the next 10 years, pushing the planet past the point of catastrophic warming — unless nations drastically transform their economies and immediately transition away from fossil fuels.”¹⁶⁸ Such a transition requires a re-examination of how existing practices encourage personal vehicle use, since “[b]urning fossil fuels like gasoline and diesel releases carbon dioxide, a greenhouse gas, into the atmosphere.”¹⁶⁹ Encouraging modal shifts to other forms of travel is especially critical in the United States, where “greenhouse gas emissions from transportation account for about 27 percent of total U.S. greenhouse gas emissions, making it the largest contributor of U.S. GHG emissions.”¹⁷⁰ Even within the transportation sector, personal vehicle use is the largest contributor to emissions, with light-duty vehicle use comprising nearly half of all greenhouse gas emissions by source.¹⁷¹ The use of medium- and heavy-duty trucks was the second leading source of emissions in the transportation sector at 26%. In comparison, the emissions by aircraft, rail, and ship or boat together account for only 12% of transportation-related emissions.

2020 U.S. Transportation Sector GHG Emissions by Source



¹⁶⁸ Sarah Kaplan, *World is on brink of catastrophic warming, U.N. climate change report says*, WASHINGTON POST (March 20, 2023), <https://www.washingtonpost.com/climate-environment/2023/03/20/climate-change-ipcc-report-15/>.

¹⁶⁹ See Environmental Protection Agency, *Carbon Pollution from Transportation* (last updated May 19, 2022), <https://www.epa.gov/transportation-air-pollution-and-climate-change/carbon-pollution-transportation>.

¹⁷⁰ See *id.*

¹⁷¹ See Environmental Protection Agency, *Fast Facts on Transportation Greenhouse Gas Emissions* (last updated July 14, 2022), <https://www.epa.gov/greenvehicles/fast-facts-transportation-greenhouse-gas-emissions>.

Source: U.S. Environmental Protection Agency

Furthermore, whereas a delay in the law’s application may have made some sense at an earlier time, the Committee is now especially reluctant to delay implementation. First, the Council has invested approximately \$423,000 in implementation of the bill since FY20. These costs were almost entirely for an additional employee at DDOT to help “determine how many employers offer parking benefits and ensure they comply with the bill’s requirements” and “review transportation demand management plans, collect clean air compliance fees, and collect and report data.”¹⁷² The second issue is one of fairness. As mentioned before, in January 2023, covered employers began submitting reports documenting their compliance with the law. DDOT has received 564 compliance reports from an estimated 5,000 covered employers in the District – an admittedly low level of compliance. But these employers have incurred costs to implement the law’s requirements – by offering a Clean-air Transportation Fringe Benefit, paying the Clean-Air Compliance fee, or implementing a TDM Plan – but in doing so helped the District meet its traffic congestion and climate goals. In fact, twenty employers have paid a total of \$546,000 in Clean Air Compliance Fees covering the year 2023. In conversations with DDOT staff, the Committee has been impressed with the degree of support and flexibility that DDOT has provided to employers seeking to come into compliance with the law. This is no surprise, because the version of the law that approved by the previous leadership of this Committee, and approved unanimously by the full Council, included a great deal of flexibility for employers based on input provided by the business community over the course of years of meetings with the prior staff of this Committee.

The Mayor’s proposed subtitle would, however, reward non-compliant employers by pausing the law’s application for another three years while casting doubt on the District’s commitment to, and achievement of, other climate and traffic goals. The District should, therefore, be doing everything in its power to discourage commutes by vehicle. Requiring employers to offer other fringe benefits in lieu of parking subsidies is another way to the District can help meet its mode-shifting goals. For these reasons, the Committee strikes the Mayor’s proposed subtitle

c. Fiscal Impact

This subtitle does not have a fiscal impact.

7. TITLE VII, SUBTITLE C. DEDICATED REVENUE ADJUSTMENTS, SECTION 2023.

a. Purpose, Effect, and Impact on Existing Law

¹⁷² Office of the Chief Financial Officer, Fiscal Impact Statement - Transportation Benefits Equity Amendment Act of 2020 (January 27, 2020), https://lms.dccouncil.gov/downloads/LIMS/41896/Committee_Report/B23-0148-CommitteeReport1.pdf.

The Council has specifically authorized the Mayor to operate an “automated traffic enforcement system to detect moving infractions.”¹⁷³ The Fiscal Year 2022 Budget Support Act of 2022, effective November 13, 2021 (D.C. Law 24-45; 68 DCR 10163) (“FY22 BSA”), amended the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*) to establish a Vision Zero Enhancement Omnibus Amendment Act Implementation Fund (“VZ Fund”) to be administered by the Director of the Department of Transportation.¹⁷⁴ The Fund would receive deposits equal to the “amount by which the projected local funds revenue from fines generated from the automated traffic enforcement system, authorized by § 50-2209.01, for that fiscal year exceeds \$98,757,000.”¹⁷⁵ The \$98.8 million threshold was based on what was the latest projection for automated traffic enforcement (“ATE”) camera revenue. For example, in FY22, the District collected \$103,378,000 in ATE revenue—\$4,621,000 above the \$98.8 million threshold. Under the law, the \$4.6 million excess should have been deposited into the Fund.¹⁷⁶

The FY22 BSA specified that money deposited in the VZ Fund was required to be spent primarily on implementing the Vision Zero Enhancement Omnibus Amendment Act of 2020, effective December 23, 2020 (D.C. Law 23-158; 67 DCR 13057) (“Vision Zero Omnibus”), though it could also be used to “enhance the safety and quality of pedestrian and bicycle transportation, including education, engineering, and enforcement efforts designed to calm traffic and provide safe routes.”¹⁷⁷ Most importantly, to ensure that the excess ATE revenue deposited into the VZ was actually spent on traffic safety improvements, the law explicitly prohibited transferring money from the VZ Fund “to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.”¹⁷⁸

The Mayor’s proposed subtitle would strike the requirement that excess ATE revenue be deposited into the VZ Fund. Instead, the VZ Fund would be funded through appropriations proposed by the Mayor or Council. In effect, this means that ATE revenue exceeding the \$98.8 million threshold will revert to General Fund for any use. In fact, the Mayor FY24 Budget Overview touts the fact that she “[w]orked with CFO to certify \$578M in anticipated Automated Traffic Enforcement revenue from new cameras approved in FY 2022 and FY 2023.”¹⁷⁹ Combined with previous forecasts, the CFO has

¹⁷³ D.C. Official Code § 50-2209.01(a).

¹⁷⁴ See Fiscal Year 2022 Budget Support Act of 2021 (D.C. Law 24-45; 68 DCR 10163), effective November 13, 2021, and D.C. Official Code § 50-921.25(a).

¹⁷⁵ D.C. Official Code § 50-921.25(b).

¹⁷⁶

OCFO has informed the Committee that the transfer from the ATE Enforcement Fund to the VZ Fund was not completed before the FY22 year-end closing process was finalized – for reasons still not clear to the Committee. Therefore, the excess revenue became part of the undesignated and unreserved fund balance, with 50% going to Housing Production Trust Fund and 50% to cover PAYGO.

¹⁷⁷ D.C. Official Code § 50-921.25(c)(1).

¹⁷⁸ D.C. Official Code § 50-921.25(d)(1).

¹⁷⁹

Executive Office of the Mayor, *FY2024 Fair Shot Budget Overview* at 4 (last visited April 18, 2023), <https://mayor.dc.gov/page/fy-2024-fair-shot-budget>.

projected that the District will collect \$972,798,000 in total ATE revenue between FY24 and FY27.

Table 1: OCFO’s Projections for ATE Revenue from FY23-FY27

<i>Type</i>	<i>FY23</i>	<i>FY24</i>	<i>FY25</i>	<i>FY26</i>	<i>FY27</i>
<i>Red Light</i>	\$5,997,000	\$5,997,000	\$5,997,000	\$5,997,000	\$5,997,000
<i>No Thru Truck</i>	\$44,000	\$44,000	\$44,000	\$44,000	\$44,000
<i>Crosswalk</i>	\$5,140,000	\$5,140,000	\$5,140,000	\$5,140,000	\$5,140,000
<i>Photo Rader O/T Reimbursements</i>	\$87,576,000	\$87,576,000	\$87,576,000	\$87,576,000	\$87,576,000
<i>Enhanced ATE Enforcement Program</i>	—	\$13,326,000	\$197,877,000	\$187,983,000	\$178,584,000
<i>TOTAL</i>	\$98,757,000	\$112,083,000	\$296,634,000	\$286,740,000	\$277,341,000

b. Committee Reasoning

The Committee is incredibly frustrated by the Mayor’s proposal to strike the dedication of excess ATE revenue to the VZ Fund. The original impetus for creating the fund was that the Mayor’s proposed FY22 budget left the Vision Zero Enhancement Omnibus Amendment Act unfunded, and the Committee did not have the resources within its budget to fund the legislation:

“The Vision Zero legislation is an essential part of the District’s work toward achieving Vision Zero and will provide DDOT and partner agencies with a number of tools to increase cyclist and pedestrian safety However, given the legislation’s large, \$41,000,000 a year cost, the Committee could not feasibly fund this legislation through budget cuts alone. The Committee notes, however, that DDOT’s budget proposal includes an investment in 118 new ATE cameras of varying types [T]he revenue of these 118 new cameras was not incorporated into the Mayor’s FY 2022 budget proposal; however, these cameras will raise revenue in FY 2022, once installed The Committee believes that this revenue, which is raised from ATE cameras, should be put to use funding Vision Zero initiatives—and the Vision Zero legislation, in particular. Although the Committee, like DDOT, cannot allocate a specific amount of revenue to the bill at this time, it can require that DDOT set aside new ATE camera revenue as it is comes, and restrict the agency from using those funds for any purpose other than funding the bill. **Therefore, the Committee recommends the inclusion of a subtitle in the Budget Support Act that would deposit all revenue from ATE cameras above amounts projected for FY 2022 (that is, the amounts raised by the existing ATE cameras) in a new Special Purpose Revenue Fund (“SPR”); the subtitle also requires that DDOT and its partner agencies use funds in that SPR to**

fund the Vision Zero Enhancement Omnibus Amendment Act of 2020.¹⁸⁰

Dedicating excess ATE revenue towards the VZ Fund was one of the only realistic paths within the Committee’s purview for funding the Vision Zero Enhancement Omnibus Amendment Act. Moreover, the Committee’s approach struck the correct balance in terms of how the District should approach ATE revenue. Taking a step back, using ATE revenue as a revenue generation tool can breed distrust because it suggests that the goal of automated traffic enforcement is revenue generation as opposed to traffic enforcement. The dedication of ATE revenue towards Vision Zero implementation helps avoid this criticism because it creates a clear link between revenue raised from dangerous driving and investments to curb dangerous driving.

However, the Mayor’s proposed budget would untether ATE revenue from actual investments in traffic safety infrastructure. This has already frustrated residents who also believed the money was best used for traffic safety improvements:

“‘I was incredibly frustrated and angry, because this was that original intent that was written, was approved by law by the council and signed by the mayor. And it was a way to fund the Vision Zero omnibus bill, which is a very key traffic safety legislation that was passed a few years ago,’ Kwan said. ‘There is the public criticism that traffic cameras are viewed as predatory and as just a revenue stream.’”¹⁸¹

Moreover, as discussed above, the redirection of ATE revenue away from the VZ Fund leaves key traffic safety legislation unfunded and unimplemented, including: (1) B23-0288, the Vision Zero Enhancement Omnibus Amendment Act of 2019; (2) B24-0673, the Safer Streets Amendment Act of 2022; (3) B24-0066, the Safe Streets for Students Amendment Act of 2022; and (4) B24-0429, the Metro for DC Amendment Act of 2022. Finally, as discussed above, the District is failing to achieve its Vision Zero objectives – with traffic fatalities steadily increasing since adopting the goal. For all these reasons, the Committee is still eager to redirect ATE camera revenue towards traffic safety improvements and interventions that can save lives and improve the quality of life for people traveling in the District.

Therefore, the Committee recommends adopting the Mayor’s proposed subtitle with several key changes. First, the Committee’s subtitle restores the requirement that excess ATE revenue be dedicated towards the traffic safety improvements identified in D.C. Code § 50–921.25(b). However, the subtitle raises the threshold for determining excess revenue for to account for the CFO’s latest projections, summarized in Table 1

¹⁸⁰ D.C. Council’s Committee on Transportation & the Environment, *Report and Recommendations of the Committee on Transportation & the Environment on the Fiscal Year 2022 Budget for Agencies Under its Purview* (July 9, 2021), https://lms.dccouncil.gov/downloads/LIMS/47279/Committee_Report/B24-0275-Committee_Report2.pdf.

¹⁸¹ Jess Arnold, *DC ANC’s urge council, mayor to keep traffic cam revenue for traffic safety*, WUSA9 (April 10, 2023), <https://www.wusa9.com/article/traffic/dc-ancs-council-mayor-traffic-cam-revenue-traffic-safety/65-52a93a64-2359-42f8-922f-838f030b3438>.

(above). The subtitle further raises the thresholds to account for costs resulting from the Mayor’s proposed reversal of the revenue dedication.

Table 2: Fiscal Impact of the Mayor’s Proposed Subtitle

<i>FY23</i>	<i>FY24</i>	<i>FY25</i>	<i>FY26</i>	<i>FY27</i>
\$7,022,000	\$4,906,000	\$2,883,000	\$801,000	\$0

Furthermore, to ensure the Committee can better anticipate excess revenue, the subtitle requires that the CFO submit monthly reports to the Mayor and Council that state the CFO’s current projects for ATE revenue and describe the methodology used. In cases where revenue is projected to exceed the established thresholds, the CFO is required to state the date by which the excess revenue will be deposited into the VZ Fund.

c. Section-by-Section Analysis

Sec. XXX1. States the short title.

Sec. XXX2. Amends Section 9q(b) of the Department of Transportation Establishment Act of 2002, effective November 13, 2021 (D.C. Law 24-45; D.C. Official Code § 50-921.25(b)) to require that the CFO cause to be deposited the actual or projected funds revenue, whichever is greater, from automated traffic enforcement that exceeds certain thresholds, to require that the CFO submit monthly reports to the Mayor and Council that state the CFO’s current projections for automated traffic enforcement system revenue, describe the methodology employed for determining those projections, and, in cases where the actual or projected revenue is projected to exceed the thresholds, state the date by which the excess revenue shall be deposited into the Vision Zero Enhancement Omnibus Amendment Act Implementation Fund.

d. Fiscal Impact

As amended, there is no fiscal impact for the bill.

8. TITLE VII, SUBTITLE C. DEDICATED REVENUE ADJUSTMENTS, SECTION 7027.

a. Purpose, Effect, and Impact on Existing Law

Currently, D.C. Official Code § 47-2002.07 directs all taxes on private parking lot fees to the annual operating subsidy the District provides to the Washington Metropolitan Area Transit Authority (“WMATA”). The Council created this dedicated funding source for the WMATA operating subsidy starting in Fiscal Year 2011. Maryland, Virginia, and

the federal government make similar annual payments to WMATA, because WMATA, like most public transit agencies in the United States, cannot fund its operations on fare revenue alone. This subtitle would impose a 2% cap on the growth of the District’s annual operating subsidy payment, by limiting the District’s operating subsidy, starting in Fiscal Year 2024, to the smaller of the total dedicated taxes or 102% of the prior year’s operating subsidy payment. This has the effect of reducing the District’s operating subsidy payment by \$9.7 million over the four-year financial plan, starting with a \$1.4 million reduction in Fiscal Year 2024.

b. Committee Reasoning.

The Committee is concerned about the message that this subtitle sends about the District’s support for WMATA. However, the Committee has not identified sufficient resources to restore the cuts to the WMATA operating subsidy associated with this subtitle and reluctantly recommends retaining this subtitle. The Committee does encourage the full Council to consider restoring the operating subsidy reductions and striking this subtitle at first reading of the Budget Support Act.

As noted in [WMATA chapter], WMATA is currently looking at the potential for a massive fiscal cliff starting in its next fiscal year. Transit agencies, transit advocates, and state and local government leaders are worried that continued fiscal instability for transit agencies will lead some to a death spiral—where reductions in revenue require reductions in service, which lead to fewer riders and a widening gap between fare collection and transit agencies’ basic budgetary needs. If this fate befalls WMATA, it will strand District—and regional—residents who cannot afford a car and who rely on public transit to get to work and essential services, and it will also lead to increased congestion—and the associated increase in carbon emissions—for those who do not have transit options and are forced to drive. This is not a recipe for the recovery of downtown DC and our other District and regional job centers.

The Committee recognizes that, on its own, a \$2.2 million reduction in the District’s operating subsidy in Fiscal Year 2025 will not avert WMATA’s potential \$500 million fiscal cliff. This is a regional crisis, and the Committee looks forward to collaborating with regional leaders to examine solutions to ensure WMATA’s long-term fiscal health. However, as WMATA enters this critical year of massive uncertainty, placing a cap on the amount that the District’s contribution to WMATA sends the wrong message about the District’s commitment to WMATA, and if the funds can be identified at the Committee of the Whole, the Committee recommends striking this subtitle.

c. Section-by-Section Analysis

Sec. 7027: Amends D.C. Official Code § 47-2002.07 to limit the amount of the District’s annual operating subsidy payment to WMATA to 102% of the previous year’s operating subsidy payment, or the total of dedicated tax and makes conforming amendments.

d. Fiscal Impact

The Mayor’s proposed subtitle has the effect of reducing the District’s operating subsidy for WMATA by the following amounts:

Fiscal Year 2024	Fiscal Year 2025	Fiscal Year 2026	Fiscal Year 2027	Total
\$1,429,000	\$2,200,000	\$3,009,000	\$3,069,000	\$9,707,000

B. RECOMMENDATIONS FOR NEW SUBTITLES

The Committee recommends the following new subtitles to be added to the “Fiscal Year 2024 Budget Support Act of 2023”:

1. Title [X], Subtitle [X]. Sustainable Energy Trust Fund Rightsizing
2. Title [X], Subtitle [X]. Congestion Pricing Study Update
3. Title [X], Subtitle [X]. 311 Service Expansions
4. Title [X], Subtitle [X]. Subject-to-Appropriations Amendments.

The legislative language is included in Appendix A.

1. TITLE [X], SUBTITLE [X]. SUSTAINABLE ENERGY TRUST FUND RIGHTSIZING.

a. Purpose, Effect, and Impact on Existing Law

This subtitle amends the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.01 *et seq.*), to right-size assessments on electric and gas usage to increase revenue in DOEE’s Sustainable Energy Trust Fund (“SETF”). The subtitle also authorizes DOEE to use SETF funding for a pilot program to replace appliances and heating and cooling systems for homeowners in the River Terrace and Deanwood neighborhoods, to supplement federal funding for residential electrification programs, and to support energy efficiency upgrades for downtown buildings participating in the Mayor’s tax abatement program and converting from commercial to residential uses. The SETF is one of DOEE’s major sources of funding used to carry out its mission. It is used for a variety of programs critical to the District’s sustainability efforts and carbon emission reduction goals, as enumerated in D.C. Code § 8–1774.10. Some of the current purposes include: to contract with the DC Sustainable Energy Utility, to support initiatives advanced by the CleanEnergy DC Omnibus Amendment Act, to fund the DC Green Bank, to provide energy retrofits for affordable housing, to fund the Solar for All program, and to establish green workforce development initiatives.

The SETF is funded through assessments on residential and commercial buildings for electric and gas usage. These assessments are very small, starting at less than one-third

of one cent per kilowatt hour of electricity use, for example. Through this subtitle, the Committee proposes an extremely small increase in fees on electric and gas usage to increase revenue in the SETF. Currently, the statute mandates an assessment calculated on natural gas sales on a per-therm basis in the amount of \$0.04515 in FY 2020 through FY 2026, \$0.03762 in FY 2027 through FY 2031, and \$0.0263 in FY 2032 and each year thereafter. The subtitle would increase this assessment to \$0.07515 per therm in FY 2024 and each fiscal year thereafter. ***This amounts to an increase of \$.03 per therm for FY 2024—or \$1.77 per month for the average household.*** There is also a similarly small assessment of just a fraction of one cent imposed upon the electric company calculated on sales on a per-kilowatt hour basis of \$0.0027001 in FY 2022 and each year thereafter. The subtitle would increase this assessment to \$0.0044001 in FY 2024, \$0.0049001 in FY 2025, \$0.0054001 in FY 2026, and \$0.0059001 in FY 2027 and each fiscal year thereafter. ***This amounts to an increase of \$.0017 per kilowatt in FY 2024—or \$0.85 per month for the average household.***

b. Committee Reasoning

The Committee does not take changes to fees for ratepayers lightly, and as a result, this subtitle’s increases are minimal. However, the Committee shares its predecessor’s concerns about the lack of available funding in the SETF for DOEE to fully meet its commitments – all of which are critically important to meeting the District’s climate goals, addressing environmental injustice and inequity, and making the District more sustainable and attractive for residents and businesses. In addition to chronic underfunding, the Mayor swept an additional \$3 million from the SETF in the proposed FY 2024 budget. The Committee does not support the Mayor’s cut and uses this subtitle to restore that funding – and add more – so that DOEE can fully pursue its mission in FY 2024. The SETF is a critical tool through which DOEE can address a multitude of interconnected issues, including climate change, environmental justice, racial equity, workforce development, and entrepreneurship in the green economy. Without sufficient funding in the SETF, DOEE cannot conduct this important work, and all District residents lose out as a result. In particular, the ***Committee believes that the proposed subtitle will create immense benefits for long-time homeowners, small businesses, owners of affordable housing buildings, and workers in the green economy in the District.***

Inadequate funding of the SETF has real and far-reaching consequences. For example, under D.C. Code § 8–1774.10, DOEE is required to transfer at least \$10 million from the SETF in FY 2024 to the Green Bank, if available in the financial plan. At the Committee’s budget oversight hearing, DOEE stated that the agency will not be able to meet its commitment to the Green Bank in FY 2024, falling \$1 million short. This cut is multiplied because, per the Green Bank, every dollar the District invests is turned into five dollars by the Green Bank. The Green Bank uses these dollars to finance small, green-missioned businesses, many of which are woman and minority-owned, which would not be able to receive traditional financing. The Committee heard from several small businesses during the performance and budget oversight process that received funding from the Green Bank, including Flywheel Development, a woman-owned solar company, Rainplan, a stormwater management startup, and Enterprise Community Loan Fund, a

nonprofit community development financial institution. Each of these organizations testified how the Green Bank had provided capital to support loans that make their work possible. As evidenced by these real-life cases, the bank serves as a vital partner in the District’s efforts to stimulate the green economy and create access to financing to residents and businesses who otherwise would not have access. The Committee views continued full investment in the Green Bank as critical to bolstering economic recovery in the District, as well as meeting our climate goals. ***With the increase in SETF funds through this subtitle, the Committee hopes that DOEE is able to fully fund its commitment to the Green Bank in FY 2024 to allow it to continue to maximize its impact.***

One of the other most significant obligations of the SETF is DOEE’s contract with the DC Sustainable Energy Utility (“SEU”). DOEE funds this contract through the SETF in the amount of at least \$20 million annually, per D.C. Code § 8–1774.10. The SEU performs a number of critical functions that support residents and businesses in the District through funding in the SETF. Though the \$20 million for the SEU base contract is untouched in the proposed FY 2024 budget, cuts to the SETF can and do affect the funding of SEU-operated programs that require additional funding (in addition to the base contract). For example, with additional funding from the SETF, the SEU offers a training and certification program – the Train Green Sustainable Energy Infrastructure Capacity Building and Pipeline Program (“Train Green”) – designed to help make Certified Business Enterprises (“CBEs”), CBE-eligible firms, and their employees more competitive in the green economy. The program assists CBEs and CBE-eligible firms in acquiring new or enhanced skills and knowledge around energy efficiency and renewable energy design, construction, inspection, and maintenance. Because of lack of SETF funds in FY 2024, per DOEE, there will be a \$400,000 cut to this program. Along the same lines, DOEE also will not be able to transfer \$300,000 to DSLBD for CBE recruitment and training, as planned. These cuts to workforce development efforts happen at a time when the District should be using every effort to ramp up and accelerate the training of its residents. ***The Committee hopes that the funds created through this subtitle can support the Train Green program and other workforce development initiatives, so that District residents and CBEs are prepared to participate in and benefit from the green economy.***

The SETF is also used to provide building owners with financial and technical assistance in making energy efficiency upgrades. The SETF requires at least \$3 million for this type of assistance to owners of affordable housing or rent-controlled buildings to achieve BEPS requirements. To meet this goal, DOEE, SEU, and the Green Bank coordinate to provide the Affordable Housing Retrofit Accelerator program, for which DOEE’s Energy Administration received ARPA funds as well as local dollars. It is unclear how DOEE will fill the gap when ARPA money is no longer available. ***The Committee is committed to continued funding of this important support for affordable building owners through increased revenue in the SETF and otherwise.***

In addition, funds from the SETF directly benefit low-income residents through energy efficiency assistance, weatherization support, and programs making improvements to commercial and institutional buildings that primarily serve low-income residents. Examples of these programs include the SEU’s Low Income Decarbonization Pilot and

HVAC Replacement programs, which assist low-income residents with electrification upgrades. Another example is the SEU's Income-Qualified Efficiency Fund, which supports energy efficiency upgrades for multifamily buildings. *Access to clean and efficient energy is an issue of equity, and these programs, funded by the SETF, go directly to support vulnerable and underserved communities.*

In that vein, it is important to note that residential ratepayers below certain incomes do not have to pay the SETF fee, and thus are not impacted by the increase proposed in this subtitle. Residents who are enrolled in the PSC's assistance programs – the Residential Essential Service (“RES”) or Residential Aid Discount (“RAD”) programs – are exempt from the fee, per the SETF's statute. Ratepayers with incomes below 80% AMI—such as a family of four making \$113,000—are eligible to enroll in these programs, providing protection from even this very small rate increase for many of the District's most vulnerable residents and working families. Currently, approximately 28,433 households are enrolled in Pepco's RAD program and 2,340 ratepayers have enrolled in Washington Gas' RES program in the first quarter of FY 2023. Residents not enrolled in these programs would incur a minimal increase, but that money will get invested directly back into making their communities more resilient, sustainable, and livable.

Through this subtitle, the Committee also adds residential electrification to the enumerated purposes of the SETF in the statute. In February 2023, Committee Chairperson Allen, along with Councilmembers Frumin, Gray, Lewis George, Nadeau, Parker, Pinto, and Robert White, introduced B25-0119, the “Healthy Homes and Residential Electrification Amendment Act of 2023”. The bill would create the Healthy Homes Program to install electric appliances for low- and moderate-income households. The Committee has scheduled a hearing on the bill for next months and intends to hold a markup in the fall. Though the Inflation Reduction Act (“IRA”) is slated to provide significant funding for residential electrification, that legislation includes a limit of \$14,500 per household for this purpose.¹⁸² By the Committee's estimates, having spoken with experts, a true retrofit of a home costs closer to \$30,000. As such, the Committee intends to fill the gap with local funding in the SETF so that low- and moderate-income households can participate in the Healthy Homes Program without a financial barrier. A true retrofit of this type can reduce energy costs, increase property values, and help homeowners remain in their homes. When marking up B25-0119, the Committee will also collaborate with the Committee on Housing to examine if and how the funding in the SETF can be combined with other programs designed specifically to keep Black homeowners in their homes.

The subtitle also authorizes DOEE to use up to \$2 million from the SETF in FY 2024 to replace appliances that combust fossil fuels on site with appliances that are powered by electricity specifically in homes in the River Terrace and Deanwood neighborhoods of Ward 7. The Committee intends this to be a pilot program for residents of these communities to have the opportunity to electrify their homes at no cost.

¹⁸² On April 26, 2023, Republicans revealed a proposal that would unravel key parts of the IRA, including repealing energy tax credits incentivizing electrification of vehicles and homes. If this bill is passed, the need for funding through the SETF for residential electrification and other clean energy efforts will be even more critical.

Community leaders in these neighborhoods have been organizing and educating neighbors about the health, financial, and climate-related benefits of moving away from gas. The Committee intends this \$2 million to be available through DOEE to assist these residents with electrification, potentially before IRA funding becomes available.

Lastly, the subtitle allows DOEE to use for the SETF to offer *assistance with energy efficiency upgrades for building owners who are converting commercial buildings into residential buildings* and are participating in the Mayor’s proposed program to provide tax abatements to downtown property owners making these types of conversions. This use is meant to assist this category of building owners in meeting BEPS requirements, while saving money in energy costs and transforming their buildings into attractive residential properties. As the Mayor provides support for revitalizing downtown by encouraging more residential units, the Committee will help to ensure that those new residential buildings are as energy efficient as possible.

Table 1: Current and Revised Fees Under the Proposed Subtitle

	<i>FY 2024</i>	<i>FY 2025</i>	<i>FY 2026</i>	<i>FY 2027</i>
<i>Current electric fee</i>	\$0.0027001 per kwh	\$0.0027001 per kwh	\$0.0027001 per kwh	\$0.0027001 per kwh
<i>Increase (new total)</i>	\$0.0017 per kwh (\$0.0044001 per kwh)	\$0.0022 per kwh (\$0.0049001 per kwh)	\$0.0027 per kwh (\$0.0054001 per kwh)	\$0.0032 per kwh (\$0.0059001 per kwh)
<i>Household impact of increase (based on 500 kwh per month)</i>	\$0.85 per month	\$1.10 per month	\$1.35 per month	\$1.60 per month
<i>Current gas fee</i>	\$0.04515 per therm	\$0.04515 per therm	\$0.04515 per therm	\$0.03762 per therm
<i>Increase (new total)</i>	\$0.03/BTU (\$0.07515 per therm)	\$0.03 per therm (\$0.07515 per therm)	\$0.03 per therm (\$0.07515 per therm)	\$0.03753 per therm (\$0.07515 per therm)
<i>Household impact of increase (based on 58.75 therms/month)</i>	\$1.77 per month	\$1.77 per month	\$1.77 per month	\$2.20 per month

c. Section by Section Analysis

Sec. XXXX. States the short title.

Sec. XXX2. Amends Section 210 of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10), by:

(a) Making technical and conforming changes; increasing the assessment imposed on the natural gas company on sales per-therm to \$.07515 in FY 2024 and each fiscal year thereafter; and increasing the assessment imposed on the electric company on sales per-kilowatt hour to \$.0044001 in FY 2024, \$.0049001 in FY 2025; \$.0054001 in FY 2026, and \$.0059001 in FY 2027 and each fiscal year thereafter.

(b) Making technical and conforming changes; and adding new allowable expenditures for the SETF to include replacement of fossil fueled appliances with electric appliances in residential units, replacement of such appliances specifically in Deanwood and River Terrace, and financial and technical assistance for energy efficiency upgrades for properties converting from commercial to residential use.

d. Fiscal Impact

	<i>FY 2024</i>	<i>FY 2025</i>	<i>FY 2026</i>	<i>FY 2027</i>	<i>Total</i>
<i>SETF Revenue</i>	\$25,153,000	\$30,170,000	\$35,186,000	\$42,235,000	\$132,744,000
<i>DGS Costs</i>	(\$696,000)	(\$848,000)	(\$1,000,000)	(\$1,198,000)	(\$3,742,000)

2. TITLE [X], SUBTITLE [X]. CONGESTION PRICING STUDY UPDATE.

a. Purpose, Effect, and Impact on Existing Law

The Fiscal Year 2020 Budget Support Act of 2019 (D.C. Law 23-16; 66 DCR 8621) required that DDOT to publish “a study that evaluates and makes recommendations regarding the potential benefits of congestion pricing on the District” by July 1, 2020. The study was required to include an analysis of the effect of intra-District tolls, bridge tolls, pricing strategies, and the potential to raise revenue, as well as the anticipated effect on residents and non-residents. Despite receiving \$475,000 to contract for the study, awarding

such the contract, and receiving a draft report, DDOT never released the study or its findings to the Council or to the public.

This subtitle would require that DDOT make publicly available a new study that updates the findings of the prior study. The subtitle specifically requires that the new study be conducted in consultation with an organization with expertise in transportation, including the organization that contracted for the original study. The bill also requires that the new study use the same methodology as the prior study, except for any updates necessary to account for changes in commuting patterns since completion of the prior study. Finally, to ensure that the study is released, the subtitle specifies that beginning on January 1, 2024, DDOT cannot reprogram capital dollars until the new study has been transmitted to the Council Committee with oversight of the District Department of Transportation.

b. Committee Reasoning

Traffic congestion is a daily nuisance in the District. Prior to the pandemic, a study by the Texas A&M Transportation Institute and Inrix ranked the Washington Metropolitan Region third for the worst traffic congestion nationally—just below Los-Angeles-Long Beach-Anaheim and San Francisco-Oakland regions of California.¹⁸³ Commuters in the DMV region individually lost approximately 102 hours to congestion, “up from 67 hours in 2013” and nearly double the national average of 54 hours.¹⁸⁴ Cumulatively, travelers in the region “experienced about 248 million hours of delays.”¹⁸⁵ Beyond the understandable frustration traffic congestion causes motorists, it also has dire economic consequences, resulting in “\$4.6 billion — or about \$1,800 a year per commuter — in lost time and fuel because of traffic.”¹⁸⁶ The already-profound contributions of personal vehicle travel toward greenhouse gas emissions is only exacerbated by congestion, which causes the area to collectively consume “90 million gallons of extra fuel.”¹⁸⁷

Traffic congestion levels have steadily worsened since 1982. The pandemic briefly disrupted this decades-long trend, with social distancing measures and remote work policies driving commuter traffic down. But commutes by personal vehicle are now rebounding. The share of people driving to work increased from 64.6% in 2019 to 78.4% last year, according to a 2022 Metropolitan Washington Council of Governments

¹⁸³ Dana Hedgpeth, *‘It’s a waste of time’: Washington is No. 3 in traffic congestion, study says*, WASHINGTON POST (August 22, 2021), https://www.washingtonpost.com/local/trafficandcommuting/its-a-waste-of-time-washington-is-no-3-in-traffic-congestion-study-says/2019/08/22/e6602e0e-c4d6-11e9-b72f-b31d0faa77212_story.html (referencing TEXAS A&M TRANSPORTATION CENTER & INRIX TRAFFIC, 2019 URBAN MOBILITY REPORT (August 2019), <https://static.tti.tamu.edu/tti.tamu.edu/documents/umr/archive/mobility-report-2019.pdf>).

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ *Id.*

(“MWCOG”) survey.¹⁸⁸ Nationally, “commuters [were] on pace to lose 36 hours to congestion in 2021, 10 hours more than in 2020 but 63 hours less than in 2019.”¹⁸⁹ Without new incentives to encourage mode-shifting, traffic congestion will eventually surpass pre-pandemic levels.

Congestion pricing is just one tool for managing roadway demand. It “works by shifting some less critical or more discretionary rush-hour highway travel to other transportation modes or to off-peak periods, taking advantage of the fact that the majority of rush-hour drivers on a typical urban highway are not commuters.”¹⁹⁰ The costs imposed on drivers would be tied to demand: “When demand is low, charges [imposed on drivers] are low or nonexistent.”¹⁹¹ Conversely, “[a]s with any scarce resource, though, when demand is high, charges go up.”¹⁹² By imposing a cost for driving during peak hours, congestion pricing can encourage commuters to adopt other transportation modes.

“The concept of tolling and congestion pricing is based on charging for access and use of our roadway network. It places responsibility for travel choices squarely in the hands of the individual traveler, where it can best be decided and managed. The car is often the most convenient means of transportation; however, with a little encouragement, people may find it attractive to change their travel habits, whether through consolidation of trips, car-sharing, by using public transportation, or by simply traveling at less congested times. The use of proven and practical demand management pricing, which we freely use and apply to every other utility, is needed for transportation. Through usage and access fees, on local, regional, and national levels, we can build a fund that supports a sustainable transportation system, while decreasing congestion and improving the environment.”¹⁹³

Moreover, congestion pricing is a strategy that the District has considered for nearly a decade. As early as 2014, MoveDC, the District’s multimodal long-range transportation plan, included a “downtown congestion pricing cordon around the Central Employment Area” and noted that revenue for the project likely exceeds costs.¹⁹⁴ Revenue generated from the project could then be re-invested in improving the quality and reliability of travel in the managed area:

¹⁸⁸ COUNCIL OF GOVERNMENTS, NATIONAL CAPITAL REGION TRANSPORTATION PLANNING BOARD, 2022 STATE OF THE COMMUTE SURVEY TECHNICAL SURVEY REPORT at _ (September 20, 2022), <https://www.mwcog.org/file.aspx?D=qghB7EAb9ACu0dAhiMjETIzwl%2bj4aUir8M%2blvYcJrwo%3d&A=cBtFQCixckhshiVQUklOIDK4WW05Su79oStk3AKwNK0%3d>.

¹⁸⁹ *Id.* at 3.

¹⁹⁰ U.S. DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, CONGESTION PRICING (October 2008), <https://ops.fhwa.dot.gov/publications/fhwahop08039/fhwahop08039.pdf>.

¹⁹¹ Ethan Goffman, *What is congestion pricing?*, GREATER GREATER WASHINGTON, (December 21, 2021) <https://ggwash.org/view/83393/congestion-pricing-explained>

¹⁹² *Id.*

¹⁹³ U.S. Department of Transportation, Federal Highway Administration, CONGESTION PRICING at 2 (October 2008).

¹⁹⁴ DISTRICT DEPARTMENT OF TRANSPORTATION, MOVEDC: MODAL AND SUPPORT ELEMENTS, (October 2014), <https://movedc.dc.gov/documents/c87ed363e0724c35969aeef009ef4b7a/explorez>.

“In addition to corridor-specific pricing and vehicle occupancy strategies, area management strategies should be considered. The best known examples of area pricing are based on a cordon area and typically involve center cities and the places and times of day with the highest concentrations of travel demand. A cordon area in the District could be implemented for weekday trips into the Central Employment Area at a rate approximately equivalent to a round-trip peak period Metrorail fare. Revenues from the zone should be dedicated to operations and maintenance of the managed facility (or area) and toward projects that expand the person-moving capacity of the transportation system, including those providing greater access to the priced areas or corridors. Demand management also would help to manage the reliability and accessibility of goods movement and delivery in the District. In addition, they would help to improve the District’s air quality by reducing the amount of delay per vehicle throughout the transportation network.”¹⁹⁵

Seven years later, the 2021 update to MoveDC included “implement[ing] congestion management tools to support accessible, reliable, sustainable, efficient, and affordable movement throughout the District” as one of its 18 policies “will guide decision-making and day-to-day business.”¹⁹⁶

Despite these ostensible commitments to adopting congestion pricing as a demand management strategy, DDOT never released the results of the prior study as required by law, nor has DDOT acted with adequate urgency to study, develop, and implement its own congestion pricing scheme. The Committee, however, continues to believe that congestion pricing will reduce traffic congestion and the ensuing annoyance, economic loss, and environmental degradation that follows. This subtitle requires that DDOT resume the work of studying and developing a congestion pricing scheme for the District, while accounting for changes in post-pandemic travel patterns.

c. Section by Section Analysis

Sec. XXX1. States the short title.

Sec. XXX2. Amends section 9m of the Department of Transportation Establishment Act of 2002, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 50-921.21) to require that DDOT make publicly available a study that updates the findings of the previous study on the potential benefits of congestion pricing on the District, to require that the new study be developed in consultation with entities with expertise in transportation, including the organization that contracted for the prior study, and utilize the

¹⁹⁵ DISTRICT DEPARTMENT OF TRANSPORTATION, MOVEDC: MODAL AND SUPPORT ELEMENTS at v-58, (October 2014), <https://movedc.dc.gov/documents/c87ed363e0724c35969aacef009ef4b7a/explorez>.

¹⁹⁶ DISTRICT DEPARTMENT OF TRANSPORTATION, MOVEDC, (December 2021), <https://movedc.dc.gov/documents/a783c2bbeb034ef681094584d086e428/explore>.

same methodology as the prior study, except for any updates necessary to account for changes in commuting patterns since completion of the prior study.

Sec. XXX3. Amends section 47-362 of the District of Columbia Official Code to prevent the District Department of Transportation (“DDOT”), beginning on January 1, 2024, from reprogramming capital dollars unless the Council approves the reprogramming by resolution if it has not transmitted the completed study to the Chair of the Council Committee with oversight over DDOT.

d. Fiscal Impact

DDOT plans to identify funds to update the study pursuant to this subtitle, and there is no fiscal impact associated with the proposed subtitle.

3. TITLE [X], SUBTITLE [X]. 311 SERVICE EXPANSIONS.

a. Purpose, Effect, and Impact on Existing Law

This subtitle would create a statutory obligation for the Office of Unified Communications (“OUC”), within 6 months of the effective date of the Budget Support Act, to accept requests for repairs of porous flexible pavement material through the 311 service. Currently the 311 system accepts request for repairs of a number of paving materials, but not porous flexible pavement.

b. Committee Reasoning

The Committee on the Judiciary and Public Safety, which has oversight of OUC, proposed this subtitle, and because DDOT would receive the requests for repairs pursuant to this subtitle, this Committee also recommends approval of the subtitle. This Committee was surprised to hear that the 311 service does not already accept requests for porous flexible pavement repairs: the material has been included in DDOT’s green infrastructure standards since at least 2014.¹⁹⁷ Green infrastructure materials, among other benefits, reduce stormwater run off, which is a major cause of pollution in the District’s waterways, and this Committee supports anything that could help to expand the use of green infrastructure materials.

At the Committee’s performance oversight hearing for DDOT, several witnesses expressed frustration over the state of the District’s sidewalks. Ward 5 Councilmember Zachary Parker, a Member of the Committee, proposed a sidewalk repair strikeforce to address the issue. While this subtitle does not provide DDOT with additional resources to, it does expand options to request sidewalk repairs. For these reasons, the Committee recommends adoption of this subtitle.

¹⁹⁷ <https://ddot.dc.gov/sites/default/files/dc/sites/ddot/publication/attachments/2014-0421-DDOT%20Green%20Infrastructure%20Standards.pdf>.

c. Section by Section Analysis

Sec. XXX1. States the short title.

Sec. XXX2. Amends the Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-327.51 *et seq.*) to require the District's 311 system to accept requests for repairs for porous flexible pavement.

d. Fiscal Impact

There is no cost associated with this subtitle.

4. TITLE [X], SUBTITLE [X]. SUBJECT-TO-APPROPRIATIONS AMENDMENTS.

a. Purpose, Effect, and Impact on Existing Law

This subtitle would repeal the subject-to-appropriations applicability provisions in several bills funded by the Committee.

b. Committee Reasoning

The bill has funded several bills, through its own reductions and transfers from other committees. The subject-to-appropriations clauses in these bills must now be amended to reflect the fact that these bills are fully or partially funded.

First, the Committee on Transportation and the Environment is accepting \$395,000 for FY24 and \$1.5 million over the course of the financial plan from the Committee on Facilities and Family Services to fund portions of the *Safe Streets for Students Amendment Act of 2022*. The funding transferred to the committee will support the establishment of the *Safe Routes to School Program*, development of the Safe Streets for Students Master Plan, and implementation of a reduced speed limit in school zones, and reporting requirements placed on the DME regarding the Safe Passage Program. The Committee is also reallocating capital to fund the capital costs of the bill. Since these portions of the bill are now funded, the subject-to-appropriations clause in the original bill must be amended to exclude the funded portions.

Similarly, the subtitle repeals the subject-to-appropriations clause for the Automated Traffic Enforcement System Revenue Designation Amendment Act of 2022, effective March 10, 2023 (D.C. Law 24-0321; 70 DCR 3552). That law expanded the permissible uses of the VZ Fund to include covering the implementation costs of the Safer Streets Amendment Act of 2022 and the Safe Streets for Students Amendment Act of 2022. It did not, however, have a cost that required a subject-to-appropriations clause.

Finally, the subtitle repeals the subject-to-appropriations clause for the Office of District Waterways Establishment Act of 2022 (D.C. Law 24-336; 70 DCR 4307), as that bill is fully funded under the Committee’s approved budget.

c. Section by Section Analysis

- Sec. XXX1. States the short title.
- Sec. XXX2. Amends section 4 of the Safe Streets for Students Amendment Act of 2022, effective Dec 21, 2022 (D.C. Law 24-285; 70 DCR 3516), to amend the subject-to-appropriations clause.
- Sec. XXX3. Repeals section 3 of the Automated Traffic Enforcement System Revenue Designation Amendment Act of 2022, effective March 10, 2023 (D.C. Law 24-321; 70 DCR 615).
- Sec. XXX4. Repeals section 6 of the Office of District Waterways Establishment Act of 2022, effective March 22, 2023 (D.C. Law 24-336; 70 DCR 4307).

d. Fiscal Impact

There is no cost associated with this subtitle.

IV. COMMITTEE ACTION AND VOTE

V. ATTACHMENTS

- A. Bill 25-202, Fiscal Year 2024 Budget Support Act of 2023 Recommended Subtitles**
- B. Summary of Committee’s Recommended Budget Changes**

ATTACHMENT A

TITLE X. SUBTITLE X. DC WATER FACILITY WORK FUND

Sec. XXX1. Short title.

This subtitle may be cited as the “DC Water Facility Work Fund Amendment Act of 2023”.

Sec. XXX2. The Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14–137; D.C. Official Code § 50-921.01 *et seq.*), is amended by adding a new section 9r to read as follows:

“Sec. 9r. DC Water Facility Work Fund.

“(a) There is established as a special fund the DC Water Facility Work Fund (“Fund”), which shall be administered by the Mayor in accordance with subsection (c) of this section.

“(b) All revenue received by the District government from the District of Columbia Water and Sewer Authority pursuant to the Memorandum of Agreement between the District Department of Transportation and the District of Columbia Water and Sewer Authority, dated October 4, 2002 (“Agreement”), shall be deposited in the Fund.

“(c) Money in the Fund shall be used to pay for or reimburse costs incurred by the District government for the design, construction, inspection, and administration of DC Water facility work covered by the Agreement.

“(d)(1) The money deposited into the Fund but not expended in a fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.”.

TITLE X. SUBTITLE X. MOTOR VEHICLE REGISTRATION FEE

Sec. XXX1. Short title.

This subtitle may be cited as the “Motor Vehicle Registration Fee ~~Abatement for Certain Disability Tags Update~~ Amendment Act of 2023”.

Sec. XXX2. Section 3(b)(1) of Title IV of the District of Columbia Revenue Act of 1937, approved August 17, 1937 (50 Stat. 681; D.C. Official Code § 50-1501.03(b)(1)), is amended as follows:

(a) The tabular array in subparagraph (A) is amended ~~by adding the following row at the end to read as follows:~~

<u>Weight Class Registration Fee</u>	
<u>Class I (3,499 pounds or less)</u>	<u>\$72</u>
<u>Class II (3,500-4,499 pounds)</u>	<u>\$175</u>
<u>Class III (5,000-5,999 pounds)</u>	<u>\$250</u>
<u>Class IV (6,000 pounds or greater)</u>	<u>\$500</u>
<u>Class V (A new electric vehicle, other than a motorcycle and motorized bicycle, less than 5,000 pounds.) (This provision shall only apply to the first 2 years of the vehicle’s registration, after which the vehicle shall be treated as Class I or Class II, whichever is applicable.)</u>	<u>\$36</u>
<u>Class VI (vehicles 3,500 pounds or greater that have been issued a disability license tag</u>	<u>\$72</u>

<p><u>by the Department of Motor Vehicles</u> <u>pursuant to 18 DCMR § 2704, if the vehicle</u> <u>weight above 3,499 pounds is due to the</u> <u>accommodation of a disability)</u></p>	
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~~“Class VI (vehicles 3,500 pounds or greater that have been issued a disability license tag by the Department of Motor Vehicles pursuant to 18 DCMR § 2704, if the vehicle weight above 3,499 pounds is due to the accommodation of a disability).....\$72”.~~

(b) Subparagraph (B) is amended by striking the phrase “an electric vehicle may subtract 1,000 pounds from its manufacturer’s shipping weight” and inserting the phrase “an electric vehicle with a manufacturer’s shipping weight less than 5,000 pounds may subtract 1,000 pounds from its manufacturer’s shipping weight” in its place.

(c) A new subparagraph (D) is added to read as follows:

“(D) Class VI shall only apply after September 30, 2023.”.

TITLE X. SUBTITLE X. DEDICATED REVENUE ADJUSTMENTS.

Sec. XXX1. Short title

This subtitle may be cited as the “Dedicated Revenue Adjustments Amendment Act of 2023”.

[. . .]

Sec. XXXX. Section 9q(b) of the Department of Transportation Establishment Act of 2002, effective November 13, 2021 (D.C. Law 24-45; D.C. Official Code § 50-921.25(b)), is amended to read as follows:

“(b)(1) The CFO shall cause to be deposited in the Fund the amount by which the actual or projected local funds revenue, whichever is greater, from fines generated from the automated traffic enforcement system, authorized by section 901 of the Fiscal Year 1997 Budget Support Act of 1996, effective April 9, 1997 (D.C. Law 11-198; D.C. Official Code § 50-2209.01), exceeds the following thresholds:

“(A) For Fiscal Year 2023, \$105,779,000;

“(B) For Fiscal Year 2024, \$116,989,000;

“(C) For Fiscal Year 2025, \$299,517,000;

“(D) For Fiscal Year 2026, \$287,541,000; and

“(E) For Fiscal Year 2027 and each fiscal year thereafter,

\$277,341,000.

“(2) The Chief Financial Officer (“CFO”) shall submit to the Mayor and Council monthly reports that:

“(A) State the CFO’s current projections regarding revenue from fines generated from the automated traffic enforcement system, including whether

revenue is projected to exceed the thresholds described in paragraph (1) of this subsection;

“(B) Describe the methodology employed by the CFO to project revenue from fines generated from the automated traffic enforcement system; and

“(C) If revenue is projected to exceed the thresholds described in paragraph (1) of this subsection, state the date by which the excess revenue shall be deposited into the Fund pursuant to paragraph (1) of this subsection.”.

[. . .]

Sec. XXXX. Section 47-2002.07 of the District of Columbia Official Code is amended as follows:

(a) The existing text is designated as subsection (a).

(b) The newly designated subsection (a) is amended by striking the phrase “All of the revenue” and inserting the phrase “In Fiscal Year 2023, all of the revenue” in its place.

(c) A new subsection (b) is added to read as follows:

“(b) In Fiscal Year 2024 and each subsequent fiscal year, from the revenue described in subsection (a) of this section there shall be dedicated annually to paying the District’s annual operating subsidies to WMATA the lesser of:

“(1) All of such revenue; or

“(2) An amount equal to 102% of the amount dedicated pursuant to this subsection from such revenue in the prior fiscal year to paying the District’s annual operating subsidies to WMATA.”.

**TITLE X. SUBTITLE X. SUSTAINABLE ENERGY TRUST FUND
RIGHTSIZING.**

Sec. XXX1. Short title.

This subtitle may be cited as the “Sustainable Energy Trust Fund Rightsizing Amendment Act of 2023”.

Sec. XXX2. Section 210 of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.10), is amended as follows:

(a) Subsection (b) is amended as follows:

(1) Paragraph (1) is amended as follows:

(A) Subparagraph (E) is amended by striking the phrase “fiscal year 2020 through fiscal year 2026;” and inserting the phrase “fiscal year 2020 through fiscal year 2023; and” in its place.

(B) Subparagraph (F) is amended by striking the phrase “amount of \$.03762 in fiscal year 2027 through fiscal year 2031; and” and inserting the phrase “amount of \$.07515 in fiscal year 2024 and each fiscal year thereafter.” in its place.

(C) Subparagraph (G) is repealed.

(2) Paragraph (2) is amended as follows:

(A) Subparagraph (F) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(B) Subparagraph (G) is amended by striking the phrase “fiscal year 2022 and each year thereafter.” and inserting the phrase “fiscal year 2022 and fiscal year 2023;” in its place.

(C) New subparagraphs (R), (S), (T), and (U) are added to read as follows:

“(R) The amount of \$.0044001 in fiscal year 2024;

“(S) The amount of \$.0049001 in fiscal year 2025;

“(T) The amount of \$.0054001 in fiscal year 2026; and

“(U) The amount of \$.0059001 in fiscal year 2027 and each fiscal year thereafter.”.

(b) Subsection (c) is amended as follows:

(1) Paragraph (21) is amended by striking the phrase “; and” and inserting a semicolon in its place.

(2) Paragraph (22)(E) is amended by striking the phrase “Utility.” and inserting the phrase “Utility;” in its place.

(3) New paragraphs (23) and (24) are added to read as follows:

“(23) Replacement in a residential unit of all appliances or other systems, such as an oven, water heater, or heating system, that combust fossil fuels on site with appliances or other systems that perform the same function and that are powered exclusively by electricity; provided, that, in Fiscal Year 2024, the first \$2 million available for use under this paragraph shall be used for homes in the River Terrace and Deanwood neighborhoods in Ward 7; and

“(24) Financial and technical assistance for energy efficiency upgrades for properties converting from commercial use to residential use for which the Mayor has approved a tax abatement under D.C. Official Code § 47-860.02(a).

TITLE [X]. SUBTITLE [X]. CONGESTION PRICING STUDY UPDATE.

Sec. XXX1. Short title

This subtitle may be cited as the “Congestion Pricing Study Update Amendment Act of 2023”.

Sec. XXX2. Section 9m of the Department of Transportation Establishment Act of 2002, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 50-921.21), is amended by adding a new subsection (c) to read as follows:

“(c)(1) By January 1, 2024, the District Department of Transportation shall make publicly available a study that updates the findings of the study conducted pursuant to subsection (b) of this section.

“(2) The study completed pursuant to paragraph (1) of this subsection shall:

“(A) Be developed in consultation with entities with expertise in transportation, including the organization that contracted for the study pursuant to subsection (b) of this section; and

“(B) Utilize the same methodology as the study completed pursuant to subsection (b) of this section, except for any updates necessary to account for changes in commuting patterns since completion of the study conducted pursuant to subsection (b) of this section.”.

Sec. XXX3. Section 47-362 of the District of Columbia Official Code is amended by adding a new subsection (i) to read as follows:

“(i) Notwithstanding § 47-363, beginning January 1, 2024, until the study conducted pursuant to paragraph (1) of this subsection is transmitted to the Chair of the

Council Committee with oversight of the District Department of Transportation, the District Department of Transportation shall not make a capital reprogramming unless the Council approves the reprogramming by resolution.”.

TITLE X. SUBTITLE X. 311 SERVICE EXPANSIONS.

Sec. XX01. Short title.

This subtitle may be cited as the “311 Service Expansion Amendment Act of 2023”.

Sec. XX02. The Office of Unified Communications Establishment Act of 2004, effective December 7, 2004 (D.C. Law 15-205; D.C. Official Code § 1-327.51 *et seq.*), is amended by adding a new section 3207c to read as follows:

“Sec. 3207c. 311 services.

“Within 180 days after the effective date of the 311 Service Expansion Amendment Act of 2023, as approved by the Committee of the Whole on May 16, 2023 (Committee print of Bill 25-202), the Office shall add an option for porous flexible pavement material within the Sidewalk Repair service group in the District’s 311 system.”.

TITLE X. SUBTITLE X. SUBJECT-TO-APPROPRIATIONS AMENDMENTS.

Sec. XXX1. Short title

This subtitle may be cited as the “Subject-to-Appropriations Amendment Act of 2023”.

Sec. XXX2. Section 4(a) of the Safe Streets for Students Amendment Act of 2022, effective Dec 21, 2022 (D.C. Law 24-285; 70 DCR 3516), is amended by striking the phrase “This act” and inserting the phrase “Sections 2a, 2b, 2c, 2d(4), 2d(5), 2g, 2h, 2i(b)(2), 2i(b)(3), and 2j(a)” in its place.

Sec. XXX3. Section 3 of the Automated Traffic Enforcement System Revenue Designation Amendment Act of 2022, effective March 10, 2023 (D.C. Law 24-321; 70 DCR 615), is repealed.

Sec. XXX4. Section 6 of the Office of District Waterways Establishment Act of 2022, effective March 22, 2023 (D.C. Law 24-336; 70 DCR 4307), is repealed.

ATTACHMENT B

