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2 Chairman Phil Mendelson

  
Councilmember Charles Allen

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7 A BILL  
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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16 To amend, on an emergency basis, due to congressional review, the Department of Transportation  
17 Establishment Act of 2002 to require the Director to enter into an agreement with the  
18 Washington Metropolitan Area Transit Authority for fare-free Metrobus travel and  
19 expanded after-hours Metrobus service in the District, to establish the Fare-Free Bus  
20 Service Fund, to establish the Bus Service Enhancement Fund, and to direct excess revenue  
21 to the Fare-Free Bus Service Fund and the Bus Service Enhancement Fund.  
22

23 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
24 act may be cited as the “Fare-Free Bus Funding Congressional Review Emergency Amendment  
25 Act of 2023”.

26 Sec. 2. The Department of Transportation Establishment Act of 2002, effective May 21,  
27 2002 (D.C. Law 14-137; D.C. Official Code § 50-921.01 *et seq.*), is amended as follows:

28 (a) Section 3 (D.C. Official Code § 50-921.02) is amended by adding a new subsection (h)  
29 to read as follows:

30 “(h)(1) Within 60 days of the effective date of the Metro for D.C. Amendment Act of 2022,  
31 enacted on January 26, 2023 (D.C. Act 24-793; \_\_ DCR \_\_), the Director shall enter into a fare  
32 buydown agreement with the Washington Metropolitan Area Transit Authority to facilitate:

33 “(A) The provision of fare-free Metrobus transportation within the District;  
34 and

35                                   “(B)(i) Daily 24-hour Metrobus service on at least 12 Metrobus lines in the  
36 District, with a maximum of 20 minutes between any scheduled bus arrival at any stop.

37                                   “(ii) The Metrobus lines described in subparagraph (B)(i) of this  
38 paragraph shall be determined based on high ridership, with an emphasis on serving major  
39 transportation corridors and activity centers.

40                                   “(2) The Director may amend the fare buydown agreement required by paragraph  
41 (1) of this subsection or enter in additional fare buydown agreements in order to expand the  
42 availability of Metrobus service within the District.”.

43                                   (b) New sections 11z, 11aa, and 11bb are added to read as follows:

44                                   “Sec. 11z. Fare-Free Bus Service Fund established.

45                                   “(a) There is established as a special fund the Fare-Free Bus Service Fund (“Fund”), which  
46 shall be administered by the Mayor in accordance with subsection (c) of this section.

47                                   “(b) Provided that the Chief Financial Officer certifies that sufficient revenue exists  
48 pursuant to section 11bb, there shall be deposited into the Fund general retail sales tax revenue  
49 collected pursuant to Chapter 20 of Title 47 of the D.C. Official Code as follows:

50                                   “(1) In Fiscal Year 2023 -- \$11 million;

51                                   “(2) In Fiscal Year 2024 -- \$43.03 million;

52                                   “(3) In Fiscal Year 2025 -- \$45.18 million;

53                                   “(4) In Fiscal Year 2026 -- \$47.44 million; and

54                                   “(5) For each succeeding fiscal year after Fiscal Year 2026, an amount equal to  
55 105% of the prior year’s amount.

56           “(c) Money in the Fund shall be used to support the fare buydown agreement entered into  
57 pursuant to section 3(h) to provide fare-free Metrobus transportation within the District and 24-  
58 hour daily Metrobus service on Metrobus lines as specified by the fare buydown agreement.

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

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

64           “Sec. 11aa. Bus Service Enhancement Fund established.

65           “(a) There is established as a special fund the Bus Service Enhancement Fund (“Fund”),  
66 which shall be administered by DDOT in accordance with subsection (c) of this section.

67           “(b) Provided that the Chief Financial Officer certifies that sufficient revenue exists  
68 pursuant to section 11bb, there shall be deposited into the Fund general retail sales tax revenue  
69 collected pursuant to Chapter 20 of Title 47 of the D.C. Official Code as follows:

70                   “(1) In Fiscal Year 2023, \$2.5 million; and

71                   “(2) For each succeeding fiscal year after Fiscal Year 2023, \$10 million.

72           “(c) Money in the Fund shall be used to improve transit access or service in areas identified  
73 in DDOT’s Multimodal Long-Range Transportation Plan as areas of high transportation need or  
74 historically underserved communities, or to serve residents of those areas as follows:

75                   “(1) Making payments to WMATA to:

76                           “(A) Create new bus routes not in operation before July 1, 2023; or

77                           “(B) Extend service hours, shorten headways, or make other service  
78 improvements for an existing bus route;

79 “(2) Used by DDOT to:

80 “(A) Operate new DC Circulator or DC Streetcar routes not in operation  
81 before July 1, 2023;

82 “(B) Extend service hours, shorten headways, or make other service  
83 improvements for an existing DC Circulator or DC Streetcar line; or

84 “(C) Install, lease, maintain, or operate infrastructure that DDOT  
85 determines will increase ridership or improve transit service, including dedicated transit lanes,  
86 signal priority, bus shelters, payment kiosks, or other amenities; or

87 “(3) Funding studies to support increased ridership or improved transit service.

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

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

93 “11bb. Revised revenue allocation for bus service.

94 “(a)(1) The fiscal impact of the general sales tax dedication to the Fare-Free Bus Service  
95 Fund, established pursuant to section 11z, and the general sales tax dedication to the Bus Service  
96 Enhancement Fund, established pursuant to section 11aa, shall be offset, in that order, by local  
97 fiscal year recurring revenues included in the Chief Financial Officer’s December 2022 revenue  
98 estimate and, if necessary, the February 2023 revenue estimate, that exceed the local fund revenue  
99 incorporated in the Fiscal Year 2023 approved budget and financial plan.

100 “(2) If the excess revenue included in the December 2022 revenue estimate is not  
101 sufficient to fully offset the dedication to the Fare-Free Bus Service Fund and the Bus Service

102 Enhancement Fund, the excess revenue shall be set aside first to the Fare-Free Bus Service Fund  
103 until that is fully funded.

104 “(b) In the December 2022 revenue estimate, the Chief Financial Officer shall certify:

105 “(1) Whether and by what amount local fiscal year revenues included in the revenue  
106 estimate exceed the annual revenue estimate for Fiscal Year 2023 through Fiscal Year 2026, as  
107 incorporated in the approved budget and financial plan for Fiscal Year 2023;

108 “(2) Whether such excess revenues are in an amount sufficient to offset the general  
109 sales tax dedication identified in subsection (a) of this section; and if not, what amount has been  
110 set aside;

111 “(3) That all such excess revenues have been set aside to ensure the general sales  
112 tax dedication identified in subsection (a) of this section is fully offset.

113 “(c) In the February 2023 revenue estimate, the Chief Financial Officer shall certify:

114 “(1) Whether and by what amount local fiscal year revenues included in the revenue  
115 estimate exceed the annual revenue estimate for Fiscal Year 2023 through Fiscal Year 2026, as  
116 incorporated in the approved budget and financial plan for Fiscal Year 2023;

117 “(2) Whether such excess revenues, together with the excess revenues identified  
118 pursuant to this subsection in the December 2022 revenue estimate, are in an amount sufficient to  
119 offset the general sales tax dedication identified in subsection (a) of this section; and

120 “(3) That all such excess revenues, together with the excess revenues identified  
121 pursuant to this subsection in the December 2022 revenue estimate, have been set aside to ensure  
122 the general sales tax dedication identified in subsection (a) of this section is fully offset.”.

123 Sec. 3. Fiscal impact statement.

124           The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
125 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
126 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

127           Sec. 4. Effective date.

128           This act shall take effect following approval by the Mayor (or in the event of veto by the  
129 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
130 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
131 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
132 D.C. Official Code §1-204.12(a)).