



Under the bill, the state may contract up to \$100,000,000 in public debt, in the form of general obligation bonds, to provide grants for transit capital improvements under the program. However, the state may not incur debt under this authorization after December 31, 2020.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

✓  
1           **SECTION 1.** 13.101 (6) (a) of the statutes is amended to read:

2           13.101 (6) (a) As an emergency measure necessitated by decreased state  
3 revenues and to prevent the necessity for a state tax on general property, the  
4 committee may reduce any appropriation made to any board, commission,  
5 department, or the University of Wisconsin System, or to any other state agency or  
6 activity, by such amount as it deems feasible, not exceeding 25% of the  
7 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and  
8 (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),  
9 (aq), (ar), and (au), and (av), 20.435 (6) (a) and (7) (da), and 20.437 (2) (a) and (dz) or  
10 for forestry purposes under s. 20.370 (1), or any other moneys distributed to any  
11 county, city, village, town, or school district. Appropriations of receipts and of a sum  
12 sufficient shall for the purposes of this section be regarded as equivalent to the  
13 amounts expended under such appropriations in the prior fiscal year which ended  
14 June 30. All functions of said state agencies shall be continued in an efficient  
15 manner, but because of the uncertainties of the existing situation no public funds  
16 should be expended or obligations incurred unless there shall be adequate revenues  
17 to meet the expenditures therefor. For such reason the committee may make  
18 reductions of such appropriations as in its judgment will secure sound financial

1 operations of the administration for said state agencies and at the same time  
2 interfere least with their services and activities.

3 **SECTION 2.** 20.395 (6) (av) of the statutes is created to read:

4 20.395 (6) (av) *Principal repayment and interest, southeast Wisconsin transit*  
5 *improvements, state funds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the  
6 payment of principal and interest costs incurred in financing transit capital  
7 improvements under s. 85.11, as provided under s. 20.866 (2) (uq), and to make  
8 payments under an agreement or ancillary arrangement entered into under s. 18.06  
9 (8) (a).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 3.** 20.866 (1) (u) of the statutes is amended to read:

11 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
12 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b), (f), and (s), 20.190  
13 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),  
14 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd), (km), and (ko) and (5) (i),  
15 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar), (at), (au), (bq), (br),  
16 (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), ~~and (au),~~  
17 and (av), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1)  
18 (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and  
19 (5) (c), (g), (kc), and (kd), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b), (bm),  
20 (bn), (bp), (bq), (br), (bu), (bv), (g), (h), (i), and (q) for the payment of principal,  
21 interest, premium due, if any, and payment due, if any, under an agreement or  
22 ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt  
23 contracted under subchs. I and IV of ch. 18.

1 SECTION 4. 20.866 (2) (uq) of the statutes is created to read:

2 20.866 (2) (uq) *Transportation; southeast Wisconsin transit improvements.*

3 From the capital improvement fund, a sum sufficient for the department of  
4 transportation to provide grants for transit capital improvements under s. 85.11.

5 The state may contract public debt in an amount not to exceed \$100,000,000 for this  
6 purpose. Debt incurred under this paragraph shall be incurred prior to January 1,  
7 2021.

8 SECTION 5. 85.11 of the statutes is created to read:

9 **85.11 Southeast Wisconsin transit capital assistance program. (1)**

10 DEFINITIONS. In this section:

11 (a) "Local public body" means, except as limited by rule of the department, a  
12 local public body, as defined in s. 85.20 (1) (d), located in southeast Wisconsin.

13 (b) "Major transit capital improvement project" has the meaning given in s.  
14 85.062 (1).

15 (c) "Municipality" means a city, village, or town.

16 (d) "Southeast Wisconsin" means the geographical area comprising the  
17 counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and  
18 Waukesha.

19 (2) ~~ADMINISTRATION~~ <sup>PROGRAM AND FUNDING - CS</sup> The department shall develop and administer a southeast  
20 Wisconsin transit capital assistance program. From the appropriation under s.  
21 20.866 (2) (uq), the department may award grants for transit capital improvements  
22 as provided under subs. (4) ~~and (5)~~ <sup>to</sup> and rules promulgated under sub. (6).

23 (3) APPLICATIONS. (a) Each grant applicant shall specify any project for which  
24 grant funds are requested. An applicant may not include a project in a grant  
25 application if any of the following apply:

1           1. The project is a major transit capital improvement project and the project  
2 has not been enumerated under s. 85.062 (3).

3           2. The project requires authorization and ratification under s. 85.205 and the  
4 project has not received this authorization and ratification.

5           (b) The department may not accept grant applications under this section after  
6 December 31, 2015.

7           **(4) ELIGIBILITY.** A local public body is eligible for a grant under this section if  
8 the local public body is a transit or transportation commission or authority, including  
9 a commission recognized under s. 66.0301 (4), or is a public corporation established  
10 by law or by interstate compact to provide mass transportation services or facilities,  
11 and all of the following apply with respect to this commission, authority, or public  
12 corporation:

13           (a) The commission, authority, or public corporation was formed by any of the  
14 following:

15           1. Two or more counties, one of which includes a city of the 1st class.

16           2. Two or more municipalities that have a population greater than 50,000 and  
17 that are located in at least 2 counties.

18           3. Any combination of municipalities and counties if the criteria under subd.  
19 1. or 2. is satisfied.

20           (b) The commission, authority, or public corporation is responsible for  
21 providing transit services within the geographic area over which the commission,  
22 authority, or public corporation has jurisdiction.

23           (c) The commission, authority, or public corporation is eligible under federal  
24 law to be a public sponsor for a project that receives federal funding.

1 (d) The commission, authority, or public corporation receives funds from a  
2 dedicated local revenue source for capital and operating costs associated with  
3 providing transit services.

4 (5) GRANT AWARDS. (a) Subject to par. (b), the department may award grants  
5 to applicants eligible under sub. (4). Any grant awarded under this section may not  
6 exceed \$50,000,000, 25 percent of the total project cost, or 50 percent of the portion  
7 of the total project cost not funded with federal aid, whichever is least.

8 (b) The department may award a grant under par. (a) only if all of the following  
9 apply:

10 1. Any project for which the grant is to be awarded has received any approval  
11 to proceed required by the appropriate federal agency. Approval to proceed under  
12 this subdivision is required by December 31, 2012, for any project utilizing federal  
13 interstate cost estimate substitute project funding and for any project resulting from  
14 the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District.

15 2. The number of revenue hours of transit service provided in the area serviced  
16 by the grant applicant at the time of the grant application is not less than that  
17 provided in 2001, if transit services were provided in 2001 by the grant applicant or  
18 by any other local public body.

19 (6) ~~RULE MAKING~~ <sup>ADMINISTRATION</sup> The department shall promulgate rules to implement and  
20 <sup>In</sup> administer <sup>ing</sup> this section, <sup>the department shall do</sup> including all of the following:

21 (a) Prescribing <sup>ing</sup> the form of grant applications and the nature and extent of  
22 information to be provided with these applications, and establishing <sup>ing</sup> an annual  
23 application cycle for receiving and evaluating applications under the program.

24 (b) Establishing <sup>ing</sup> criteria and standards for grant eligibility for transit capital  
25 improvement projects under the program.

① (c) Establishing ~~ing~~ criteria and standards for evaluating and ranking applications  
2 and for awarding grants under the program.

③ (d) If the department limits the definition under sub. (1) (a), establishing ~~ing~~ any  
4 such limitation.

Insert  
7-5 →

(END)

2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-0627/P3ins  
ARG:.....

1

2

**INSERT 7-5:**

3

**SECTION 1.** 227.01 (13) (yL) of the statutes is created to read:

4

227.01 (13) (yL) Relates to administration of the southeast Wisconsin transit

5

capital assistance program under s. 85.11. ✓

6

09-0627

ARG

## 2009-11 Budget Bill Statutory Language Drafting Request

- Topic: Southeast Wisconsin Transit Initiative
- Tracking Code: BB0209
- SBO team: Tax, Transportation and Budget Development Team
- SBO analyst: Tyler Byrnes
  - Phone: 266-1039
  - Email: tyler.byrnes@wisconsin.gov
- Agency acronym: DOT
- Agency number: 395
- Priority (Low, Medium, High): High

Intent: Please prepare a draft that creates the Wisconsin Southeast Transit Initiative with the following provisions:

1. Create authorization for \$100 million in G.O. Bonds for Southeast Wisconsin Transit Capital Assistance Program. The debt service on the bonds will be paid from the transportation fund.
2. Amount of grant limited to 50% of non-federal share of project cost, 25% of total project costs or \$50 million, whichever is less.
3. Authorize the Department of Transportation to administer the program and make grants based on criteria including local funding source and governance mechanism.
4. Application deadline of December 31 2015.
5. Sunset any uncommitted bonding authority on December 31, 2020.

**Department of Transportation  
2009-2011 Biennial Budget Request  
STATUTORY MODIFICATIONS**

**DIN NUMBER:** 5605

**TOPIC:** Southeast Wisconsin Transit Initiative

**DESCRIPTION OF CHANGE:**

1. Create in s. 20.866(2), Wis. Stats., authorization for \$100 million in General Obligation (GO) bonds for the Southeast Wisconsin Transit Capital Assistance Program.
2. Specify that any uncommitted bonding authorized for the Southeast Wisconsin Transit Capital Assistance Program sunsets on December 31, 2020.
3. Create a sum sufficient appropriation in s. 20.395(6), Wis. Stats., for the purposes of the debt service related to the bonding for the Southeast Wisconsin Transit Capital Assistance Program.
4. Create a Southeast Wisconsin Transit Capital Assistance Program in Chapter 85 of the statutes as follows:
  - a. Authorizes the Department to administer the program and make conditional grants to eligible recipients for eligible projects;
  - b. Specify that the amount of a grant is limited to 50% of the non-federal share of project costs, 25% of total project costs, or \$50 million, whichever is less;
  - c. Specify the following eligibility requirements for a grant:
    - i. An eligible applicant must be a regional entity comprising more than one county, at least one city of the first class, and one other city with a population greater than 50,000, must be responsible for transit services within the entity's jurisdiction, and must also be eligible to be the public sponsor for a project that receives federal funding;
    - ii. The applicant must have enacted a dedicated local revenue source for support of transit capital and operating costs prior to applying for a grant;
    - iii. Prior to application for a grant, the project must be enumerated under s. 85.062, Wis. Stats., if the project meets the definition of a major transit capital improvement project under s. 85.062(1), Wis. Stats.;
    - iv. Prior to application for a grant, a project must have received the required authorizations and ratification under s. 85.205, Wis. Stats., if applicable;
    - v. Prior to grant approval, the project for which a grant is being applied for must have received approval to proceed by the appropriate federal agency, if such approval is required. In the case of a project(s) resulting from the Wisconsin Center District's Milwaukee Downtown Transit Connector Study and/or which will utilize federal Interstate Cost Estimate Substitute Project funding, the necessary federal agency approval to proceed must be received by December 31, 2012;
    - vi. Prior to grant approval for any entity in whose jurisdictional area transit services were provided in 2001, the number of revenue hours of transit service provided by each transit provider must be equal to or greater than the number of revenue hours of transit service provided in 2001.
  - d. No new applications may be accepted after December 31, 2015.

**JUSTIFICATION:**

Transit services are essential to Southeast Wisconsin, yet services have been reduced and fares increased over the past few years in the State's largest metropolitan area – where they are needed most. Lack of local funding to keep pace with costs, lack of multi-jurisdictional governance, lack of dedicated local revenue sources, and lack of local consensus on the preferred mode(s) of transit have caused a severe deterioration of transit services in Southeast Wisconsin, leaving many without a much needed mobility option. The program proposed by the Department would provide a share of funding for transit capital and also provide an incentive to local governments in Southeast Wisconsin to come to consensus on regional governance and local revenue options for support of transit operations.



in 12/3

LRB-0627/03

ARG:hjk:jf

stay  
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes - converting agency budget draft to BOA draft

SA ✓

do not gen.

1 AN ACT ...; relating to: the budget. ✓

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**TRANSPORTATION AIDS**

This bill creates a southeast Wisconsin Transit Capital Assistance Program (program) under which DOT may award grants to certain public bodies for transit capital improvements. The bill allows DOT to make grants to transit commissions or authorities, and public corporations established to provide mass transportation services and facilities, that are located in southeast Wisconsin and that meet specified criteria. As a precondition for eligibility for a grant under the program, a grant recipient must receive funds from a dedicated local revenue source for capital and operating costs associated with providing transit services.

Under the program, DOT may award grants, subject to certain restrictions, not exceeding \$50,000,000, 25 percent of the total project cost, or 50 percent of the portion of the total project cost not funded with federal aid, whichever is least. Among the restrictions, DOT may not award a grant for a project that has not received any required federal approval to proceed and may not award a grant if the level of transit service in the applicable service area is less than the level in 2001.

In administering the program, DOT must establish criteria and standards for grant eligibility for transit capital improvement projects and for evaluating and ranking applications and awarding grants. DOT may administer the program without promulgating rules. DOT may not accept grant applications under the program after December 31, 2015.

Under the bill, the state may contract up to \$100,000,000 in public debt, in the form of general obligation bonds, to provide grants for transit capital improvements under the program. However, the state may not incur debt under this authorization after December 31, 2020.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           SECTION 1. 13.101 (6) (a) of the statutes is amended to read:

2           13.101 (6) (a) As an emergency measure necessitated by decreased state  
3 revenues and to prevent the necessity for a state tax on general property, the  
4 committee may reduce any appropriation made to any board, commission,  
5 department, or the University of Wisconsin System, or to any other state agency or  
6 activity, by such amount as it deems feasible, not exceeding 25% of the  
7 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and  
8 (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),  
9 (aq), (ar), ~~and (au)~~, and (av), 20.435 (6) (a) and (7) (da), and 20.437 (2) (a) and (dz) or  
10 for forestry purposes under s. 20.370 (1), or any other moneys distributed to any  
11 county, city, village, town, or school district. Appropriations of receipts and of a sum  
12 sufficient shall for the purposes of this section be regarded as equivalent to the  
13 amounts expended under such appropriations in the prior fiscal year which ended  
14 June 30. All functions of said state agencies shall be continued in an efficient  
15 manner, but because of the uncertainties of the existing situation no public funds  
16 should be expended or obligations incurred unless there shall be adequate revenues  
17 to meet the expenditures therefor. For such reason the committee may make  
18 reductions of such appropriations as in its judgment will secure sound financial

1 operations of the administration for said state agencies and at the same time  
2 interfere least with their services and activities.

3 **SECTION 2.** 20.395 (6) (av) of the statutes is created to read:

4 20.395 (6) (av) *Principal repayment and interest, southeast Wisconsin transit*  
5 *improvements, state funds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the  
6 payment of principal and interest costs incurred in financing transit capital  
7 improvements under s. 85.11, as provided under s. 20.866 (2) (uq), and to make  
8 payments under an agreement or ancillary arrangement entered into under s. 18.06  
9 (8) (a).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 3.** 20.866 (1) (u) of the statutes is amended to read:

11 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
12 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b), (f), and (s), 20.190  
13 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),  
14 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd), (km), and (ko) and (5) (i),  
15 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar), (at), (au), (bq), (br),  
16 (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), ~~and~~ (au),  
17 and (av), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1)  
18 (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and  
19 (5) (c), (g), (kc), and (kd), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b), (bm),  
20 (bn), (bp), (bq), (br), (bu), (bv), (g), (h), (i), and (q) for the payment of principal,  
21 interest, premium due, if any, and payment due, if any, under an agreement or  
22 ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt  
23 contracted under subchs. I and IV of ch. 18.

1           **SECTION 4.** 20.866 (2) (uq) of the statutes is created to read:

2           20.866 (2) (uq) *Transportation; southeast Wisconsin transit improvements.*

3           From the capital improvement fund, a sum sufficient for the department of  
4           transportation to provide grants for transit capital improvements under s. 85.11.  
5           The state may contract public debt in an amount not to exceed \$100,000,000 for this  
6           purpose. Debt incurred under this paragraph shall be incurred prior to January 1,  
7           2021.

8           **SECTION 5.** 85.11 of the statutes is created to read:

9           **85.11 Southeast Wisconsin transit capital assistance program. (1)**

10          DEFINITIONS. In this section:

11           (a) "Local public body" means, except as limited by the department, a local  
12          public body, as defined in s. 85.20 (1) (d), located in southeast Wisconsin.

13           (b) "Major transit capital improvement project" has the meaning given in s.  
14          85.062 (1).

15           (c) "Municipality" means a city, village, or town.

16           (d) "Southeast Wisconsin" means the geographical area comprising the  
17          counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and  
18          Waukesha.

19           **(2) PROGRAM AND FUNDING.** The department shall develop and administer a  
20          southeast Wisconsin transit capital assistance program. From the appropriation  
21          under s. 20.866 (2) (uq), the department may award grants for transit capital  
22          improvements as provided under subs. (4) to (6).

23           **(3) APPLICATIONS.** (a) Each grant applicant shall specify any project for which  
24          grant funds are requested. An applicant may not include a project in a grant  
25          application if any of the following apply:

1           1. The project is a major transit capital improvement project and the project  
2 has not been enumerated under s. 85.062 (3).

3           2. The project requires authorization and ratification under s. 85.205 and the  
4 project has not received this authorization and ratification.

5           (b) The department may not accept grant applications under this section after  
6 December 31, 2015.

7           **(4) ELIGIBILITY.** A local public body is eligible for a grant under this section if  
8 the local public body is a transit or transportation commission or authority, including  
9 a commission recognized under s. 66.0301 (4), or is a public corporation established  
10 by law or by interstate compact to provide mass transportation services or facilities,  
11 and all of the following apply with respect to this commission, authority, or public  
12 corporation:

13           (a) The commission, authority, or public corporation was formed by any of the  
14 following:

15           1. Two or more counties, one of which includes a city of the 1st class.

16           2. Two or more municipalities that have a population greater than 50,000 and  
17 that are located in at least 2 counties.

18           3. Any combination of municipalities and counties if the criteria under subd.  
19 1. or 2. is satisfied.

20           (b) The commission, authority, or public corporation is responsible for  
21 providing transit services within the geographic area over which the commission,  
22 authority, or public corporation has jurisdiction.

23           (c) The commission, authority, or public corporation is eligible under federal  
24 law to be a public sponsor for a project that receives federal funding.

1 (d) The commission, authority, or public corporation receives funds from a  
2 dedicated local revenue source for capital and operating costs associated with  
3 providing transit services.

4 (5) GRANT AWARDS. (a) Subject to par. (b), the department may award grants  
5 to applicants eligible under sub. (4). Any grant awarded under this section may not  
6 exceed \$50,000,000, 25 percent of the total project cost, or 50 percent of the portion  
7 of the total project cost not funded with federal aid, whichever is least.

8 (b) The department may award a grant under par. (a) only if all of the following  
9 apply:

10 1. Any project for which the grant is to be awarded has received any approval  
11 to proceed required by the appropriate federal agency. Approval to proceed under  
12 this subdivision is required by December 31, 2012, for any project utilizing federal  
13 interstate cost estimate substitute project funding and for any project resulting from  
14 the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District.

15 2. The number of revenue hours of transit service provided in the area serviced  
16 by the grant applicant at the time of the grant application is not less than that  
17 provided in 2001, if transit services were provided in 2001 by the grant applicant or  
18 by any other local public body.

19 (6) ADMINISTRATION. In administering this section, the department shall do all  
20 of the following:

21 (a) Prescribe the form of grant applications and the nature and extent of  
22 information to be provided with these applications, and establish an annual  
23 application cycle for receiving and evaluating applications under the program.

24 (b) Establish criteria and standards for grant eligibility for transit capital  
25 improvement projects under the program.



**Gary, Aaron**

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**From:** Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]  
**Sent:** Thursday, January 22, 2009 3:26 PM  
**To:** Gary, Aaron  
**Subject:** RE: Draft 09-0627/1 - Southeast Wisconsin Transit Initiative

Aaron,

The plan is for LRB-1139 to be in. If that draft is not in, it is very unlikely 09-067/1 would be in. However, we're expecting changes on LRB-1139 based on a briefing this coming weekend.

Tyler

---

**From:** Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]  
**Sent:** Thursday, January 22, 2009 2:47 PM  
**To:** Byrnes, Tyler - DOA  
**Cc:** Grinde, Kirsten - DOA  
**Subject:** RE: Draft 09-0627/1 - Southeast Wisconsin Transit Initiative

Tyler,

Do you mean the RTAs that would be authorized under s. 66.1039 (as created in LRB-1139; BB0264)?

If so, I can't tie this draft to those RTAs unless I know that both drafts are either going to be "in" or "out" - that is, this couldn't become an "in" draft if LRB-1139 becomes an "out" draft.

Thanks. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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**From:** Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]  
**Sent:** Wednesday, January 21, 2009 11:34 AM  
**To:** Gary, Aaron  
**Subject:** Draft 09-0627/1 - Southeast Wisconsin Transit Initiative

Aaron,

Can you change this draft so that only Regional Transit Authorities in southeast Wisconsin are eligible for grants?

Thanks,

Tyler

01/22/2009



in 1/22 stays RMR

DOA:.....Byrnes, BB0209 - Southeast Wisconsin transit capital assistance program

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D-Note

SAV

Insert

to qualifying transit authorities located in southeast Wisconsin

do not gen.

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**TRANSPORTATION AIDS**

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Under the program, DOT may award grants, subject to certain restrictions, not exceeding \$50,000,000, 25 percent of the total project cost, or 50 percent of the portion of the total project cost not funded with federal aid, whichever is least. Among the restrictions, DOT may not award a grant for a project that has not received any required federal approval to proceed and may not award a grant if the level of transit service in the applicable service area is less than the level in 2001.

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ranking applications and awarding grants. DOT may administer the program without promulgating rules. DOT may not accept grant applications under the program after December 31, 2015.

Under the bill, the state may contract up to \$100,000,000 in public debt, in the form of general obligation bonds, to provide grants for transit capital improvements under the program. However, the state may not incur debt under this authorization after December 31, 2020.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

✓  
1           **SECTION 1.** 13.101 (6) (a) of the statutes is amended to read:

2           13.101 (6) (a) As an emergency measure necessitated by decreased state  
3 revenues and to prevent the necessity for a state tax on general property, the  
4 committee may reduce any appropriation made to any board, commission,  
5 department, or the University of Wisconsin System, or to any other state agency or  
6 activity, by such amount as it deems feasible, not exceeding 25% of the  
7 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and  
8 (cr), 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),  
9 (aq), (ar), and (au), and (av), 20.435 (6) (a) and (7) (da), and 20.437 (2) (a) and (dz) or  
10 for forestry purposes under s. 20.370 (1), or any other moneys distributed to any  
11 county, city, village, town, or school district. Appropriations of receipts and of a sum  
12 sufficient shall for the purposes of this section be regarded as equivalent to the  
13 amounts expended under such appropriations in the prior fiscal year which ended  
14 June 30. All functions of said state agencies shall be continued in an efficient  
15 manner, but because of the uncertainties of the existing situation no public funds  
16 should be expended or obligations incurred unless there shall be adequate revenues  
17 to meet the expenditures therefor. For such reason the committee may make

1 reductions of such appropriations as in its judgment will secure sound financial  
2 operations of the administration for said state agencies and at the same time  
3 interfere least with their services and activities.

4 **SECTION 2.** 20.395 (6) (av) of the statutes is created to read:

5 20.395 (6) (av) *Principal repayment and interest, southeast Wisconsin transit*  
6 *improvements, state funds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the  
7 payment of principal and interest costs incurred in financing transit capital  
8 improvements under s. 85.11, as provided under s. 20.866 (2) (uq), and to make  
9 payments under an agreement or ancillary arrangement entered into under s. 18.06  
10 (8) (a).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be  
reflected in the revised schedule in s. 20.005, stats.

11 **SECTION 3.** 20.866 (1) (u) of the statutes is amended to read:

12 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
13 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b), (f), and (s), 20.190  
14 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),  
15 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd), (km), and (ko) and (5) (i),  
16 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar), (at), (au), (bq), (br),  
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18 and (av), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1)  
19 (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and  
20 (5) (c), (g), (kc), and (kd), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b), (bm),  
21 (bn), (bp), (bq), (br), (bu), (bv), (g), (h), (i), and (q) for the payment of principal,  
22 interest, premium due, if any, and payment due, if any, under an agreement or

1 ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt  
2 contracted under subchs. I and IV of ch. 18.

3 SECTION 4. 20.866 (2) (uq) of the statutes is created to read:

4 20.866 (2) (uq) *Transportation; southeast Wisconsin transit improvements.*

5 From the capital improvement fund, a sum sufficient for the department of  
6 transportation to provide grants for transit capital improvements under s. 85.11.

7 The state may contract public debt in an amount not to exceed \$100,000,000 for this  
8 purpose. Debt incurred under this paragraph shall be incurred prior to January 1,  
9 2021.

10 SECTION 5. 85.11 of the statutes is created to read:

11 **85.11 Southeast Wisconsin transit capital assistance program. (1)**

12 DEFINITIONS. In this section:

13 (a) "Local public body" means, except as limited by the department, a local  
14 public body, as defined in s. 85.20 (1) (d), located in southeast Wisconsin.

15 (b) "Major transit capital improvement project" has the meaning given in s.  
16 85.062 (1).

17 (c) "Municipality" means a city, village, or town.

18 (d) "Southeast Wisconsin" means the geographical area comprising the  
19 counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and  
20 Waukesha.

Insert 4-20 →

21 (2) PROGRAM AND FUNDING. The department shall develop and administer a  
22 southeast Wisconsin transit capital assistance program. From the appropriation  
23 under s. 20.866 (2) (uq), the department may award grants for transit capital  
24 improvements as provided under subs. (4) to (6).

to transit authorities

1 (3) APPLICATIONS. (a) Each grant applicant shall specify any project for which  
2 grant funds are requested. An applicant may not include a project in a grant  
3 application if any of the following apply:

4 1. The project is a major transit capital improvement project and the project  
5 has not been enumerated under s. 85.062 (3).

6 2. The project requires authorization and ratification under s. 85.205 and the  
7 project has not received this authorization and ratification.

8 (b) The department may not accept grant applications under this section after  
9 December 31, 2015.

transit authority

10  
11  
12  
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15

(4) ELIGIBILITY. A local public body is eligible for a grant under this section if  
the local public body is a transit or transportation commission or authority, including  
a commission recognized under s. 66.0301 (4), or is a public corporation established  
by law or by interstate compact to provide mass transportation services or facilities,  
and all of the following apply with respect to this commission, authority, or public  
corporation:

(a) The commission, authority, or public corporation was formed by any of the  
following:

- 1. Two or more counties, one of which includes a city of the 1st class.
- 2. Two or more municipalities that have a population greater than 50,000 and  
that are located in at least 2 counties.
- 3. Any combination of municipalities and counties if the criteria under subd.  
1. or 2. is satisfied.

(b) The commission, authority, or public corporation is responsible for  
providing transit services within the geographic area over which the commission,  
authority, or public corporation has jurisdiction.

*transit authority* x2

1 (a) (c) The ~~commission, authority, or public corporation~~ is eligible under federal  
2 law to be a public sponsor for a project that receives federal funding.

3 (b) (d) The ~~commission, authority, or public corporation~~ receives funds from a  
4 dedicated local revenue source for capital and operating costs associated with  
5 providing transit services.

6 (5) GRANT AWARDS. (a) Subject to par. (b), the department may award grants  
7 to applicants eligible under sub. (4). Any grant awarded under this section may not  
8 exceed \$50,000,000, 25 percent of the total project cost, or 50 percent of the portion  
9 of the total project cost not funded with federal aid, whichever is least.

10 (b) The department may award a grant under par. (a) only if all of the following  
11 apply:

12 1. Any project for which the grant is to be awarded has received any approval  
13 to proceed required by the appropriate federal agency. Approval to proceed under  
14 this subdivision is required by December 31, 2012, for any project utilizing federal  
15 interstate cost estimate substitute project funding and for any project resulting from  
16 the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District.

17 2. The number of revenue hours of transit service provided in the area serviced  
18 by the grant applicant at the time of the grant application is not less than that  
19 provided in 2001, if transit services were provided in 2001 by the grant applicant or  
20 by any other local ~~public body~~ *unit of government*.

21 (6) ADMINISTRATION. In administering this section, the department shall do all  
22 of the following:

23 (a) Prescribe the form of grant applications and the nature and extent of  
24 information to be provided with these applications, and establish an annual  
25 application cycle for receiving and evaluating applications under the program.

1 (b) Establish criteria and standards for grant eligibility for transit capital  
2 improvement projects under the program.

3 (c) Establish criteria and standards for evaluating and ranking applications  
4 and for awarding grants under the program.

5 (d) If the department limits the definition under sub. (1) (a), establish any such  
6 limitation.

7 SECTION 6. 227.01 (13) (yL) of the statutes is created to read:

8 227.01 (13) (yL) Relates to administration of the southeast Wisconsin transit  
9 capital assistance program under s. 85.11.

10 (END)

*D-note*

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0627/2ins  
ARG:.....

**INSERT 4-20:**

¶ (d) "Transit authority" means a transit authority created under s. 66.1039 that is located in southeast Wisconsin.

\*\*\*\*NOTE: Section 66.1039 is created in 2009 LRB-1139. As discussed, if LRB-1139 is not included in the compiled budget bill, this provision will need to be revised.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0627/2dn

ARG:.....

Lbjk

Date

ATTN: Tyler Byrnes

As discussed, the attached draft cannot be compiled as drafted unless LRB-1139 is also compiled.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0627/2dn  
ARG:bjk:md

January 22, 2009

ATTN: Tyler Byrnes

As discussed, the attached draft cannot be compiled as drafted unless LRB-1139 is also compiled.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-0627/3

ARG:bjk:md

reconciling

stays

KMR

DOA:.....Byrnes, BB0209 - Southeast Wisconsin transit capital assistance program

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

D-note

SA-

do not gen.

1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**TRANSPORTATION AIDS**

This bill creates a southeast Wisconsin Transit Capital Assistance Program (program) under which DOT may award grants for transit capital improvements to qualifying transit authorities located in southeast Wisconsin. As a precondition for eligibility for a grant under the program, a grant recipient must receive funds from a dedicated local revenue source for capital and operating costs associated with providing transit services.

Under the program, DOT may award grants, subject to certain restrictions, not exceeding \$50,000,000, 25 percent of the total project cost, or 50 percent of the portion of the total project cost not funded with federal aid, whichever is least. Among the restrictions, DOT may not award a grant for a project that has not received any required federal approval to proceed and may not award a grant if the level of transit service in the applicable service area is less than the level in 2001.

In administering the program, DOT must establish criteria and standards for grant eligibility for transit capital improvement projects and for evaluating and ranking applications and awarding grants. DOT may administer the program without promulgating rules. DOT may not accept grant applications under the program after December 31, 2015.

Under the bill, the state may contract up to \$100,000,000 in public debt, in the form of general obligation bonds, to provide grants for transit capital improvements under the program. However, the state may not incur debt under this authorization after December 31, 2020.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 13.101 (6) (a) of the statutes is amended to read:

2           13.101 **(6)** (a) As an emergency measure necessitated by decreased state  
3 revenues and to prevent the necessity for a state tax on general property, the  
4 committee may reduce any appropriation made to any board, commission,  
5 department, or the University of Wisconsin System, or to any other state agency or  
6 activity, by such amount as it deems feasible, not exceeding 25% of the  
7 appropriations, except appropriations made by ss. 20.255 (2) (ac), (bc), (bh), (cg), and  
8 ~~(er)~~ <sup>(vf)</sup> 20.395 (1), (2) (cq), (eq) to (ex) and (gq) to (gx), (3), (4) (aq) to (ax), and (6) (af),  
9 (aq), (ar), and (au), ~~and (av)~~, 20.435 ~~(6)~~ <sup>(7)</sup> (a) and ~~(7)~~ (da), and 20.437 (2) (a) and (dz) or  
10 for forestry purposes under s. 20.370 (1), or any other moneys distributed to any  
11 county, city, village, town, or school district. Appropriations of receipts and of a sum  
12 sufficient shall for the purposes of this section be regarded as equivalent to the  
13 amounts expended under such appropriations in the prior fiscal year which ended  
14 June 30. All functions of said state agencies shall be continued in an efficient  
15 manner, but because of the uncertainties of the existing situation no public funds  
16 should be expended or obligations incurred unless there shall be adequate revenues  
17 to meet the expenditures therefor. For such reason the committee may make  
18 reductions of such appropriations as in its judgment will secure sound financial

1 operations of the administration for said state agencies and at the same time  
2 interfere least with their services and activities.

3 **SECTION 2.** 20.395 (6) (av) of the statutes is created to read:

4 20.395 (6) (av) *Principal repayment and interest, southeast Wisconsin transit*  
5 *improvements, state funds.* A sum sufficient to reimburse s. 20.866 (1) (u) for the  
6 payment of principal and interest costs incurred in financing transit capital  
7 improvements under s. 85.11, as provided under s. 20.866 (2) (uq), and to make  
8 payments under an agreement or ancillary arrangement entered into under s. 18.06  
9 (8) (a).

\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

10 **SECTION 3.** 20.866 (1) (u) of the statutes is amended to read:

11 20.866 (1) (u) *Principal repayment and interest.* A sum sufficient from moneys  
12 appropriated under sub. (2) (zp) and ss. 20.115 (2) (d) and (7) (b), (f), and (s), 20.190  
13 (1) (c), (d), (i), and (j), 20.225 (1) (c) and (i), 20.245 (1) (e) and (j), 20.250 (1) (c) and (e),  
14 20.255 (1) (d), 20.285 (1) (d), (db), (im), (in), (je), (jq), (kd), (km), and (ko) and (5) (i),  
15 20.320 (1) (c) and (t) and (2) (c), 20.370 (7) (aa), (ac), (ag), (aq), (ar), (at), (au), (bq), (br),  
16 (ca), (cb), (cc), (cd), (ce), (cf), (cg), (ea), (eq), and (er), 20.395 (6) (af), (aq), (ar), and (au),  
17 and (av), 20.410 (1) (e), (ec), and (ko) and (3) (e), 20.435 (2) (ee) and (6) (e), 20.465 (1)  
18 (d), 20.485 (1) (f) and (go), (3) (t) and (4) (qm), 20.505 (4) (es), (et), (ha), and (hb) and  
19 (5) (c), (g), (kc), and (kd), 20.855 (8) (a), and 20.867 (1) (a) and (b) and (3) (a), (b), (bm),  
20 (bn), (bp), (bq), (br), (bu), (bv), (g), (h), (i), and (q) for the payment of principal,  
21 interest, premium due, if any, and payment due, if any, under an agreement or  
22 ancillary arrangement entered into under s. 18.06 (8) (a) relating to any public debt  
23 contracted under subchs. I and IV of ch. 18.

1           **SECTION 4.** 20.866 (2) (uq) of the statutes is created to read:

2           20.866 (2) (uq) *Transportation; southeast Wisconsin transit improvements.*

3           From the capital improvement fund, a sum sufficient for the department of  
4           transportation to provide grants for transit capital improvements under s. 85.11.

5           The state may contract public debt in an amount not to exceed \$100,000,000 for this  
6           purpose. Debt incurred under this paragraph shall be incurred prior to January 1,  
7           2021.

8           **SECTION 5.** 85.11 of the statutes is created to read:

9           **85.11 Southeast Wisconsin transit capital assistance program. (1)**

10          DEFINITIONS. In this section:

11          (a) "Major transit capital improvement project" has the meaning given in s.  
12          85.062 (1).

13          (b) "Municipality" means a city, village, or town.

14          (c) "Southeast Wisconsin" means the geographical area comprising the  
15          counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and  
16          Waukesha.

17          (d) "Transit authority" means a transit authority created under s. 66.1039 that  
18          is located in southeast Wisconsin.

          \*\*\*NOTE: Section 66.1039 is created in 2009 LRB-1139. As discussed, if LRB-1139  
          is not included in the compiled budget bill, this provision will need to be revised.

19          **(2) PROGRAM AND FUNDING.** The department shall develop and administer a  
20          southeast Wisconsin transit capital assistance program. From the appropriation  
21          under s. 20.866 (2) (uq), the department may award grants to transit authorities for  
22          transit capital improvements as provided under subs. (4) to (6).

1           **(3) APPLICATIONS.** (a) Each grant applicant shall specify any project for which  
2 grant funds are requested. An applicant may not include a project in a grant  
3 application if any of the following apply:

4           1. The project is a major transit capital improvement project and the project  
5 has not been enumerated under s. 85.062 (3).

6           2. The project requires authorization and ratification under s. 85.205 and the  
7 project has not received this authorization and ratification.

8           (b) The department may not accept grant applications under this section after  
9 December 31, 2015.

10           **(4) ELIGIBILITY.** A transit authority is eligible for a grant under this section if  
11 all of the following apply:

12           (a) The transit authority is eligible under federal law to be a public sponsor for  
13 a project that receives federal funding.

14           (b) The transit authority receives funds from a dedicated local revenue source  
15 for capital and operating costs associated with providing transit services.

16           **(5) GRANT AWARDS.** (a) Subject to par. (b), the department may award grants  
17 to applicants eligible under sub. (4). Any grant awarded under this section may not  
18 exceed \$50,000,000, 25 percent of the total project cost, or 50 percent of the portion  
19 of the total project cost not funded with federal aid, whichever is least.

20           (b) The department may award a grant under par. (a) only if all of the following  
21 apply:

22           1. Any project for which the grant is to be awarded has received any approval  
23 to proceed required by the appropriate federal agency. Approval to proceed under  
24 this subdivision is required by December 31, 2012, for any project utilizing federal

1 interstate cost estimate substitute project funding and for any project resulting from  
2 the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District.

3 2. The number of revenue hours of transit service provided in the area serviced  
4 by the grant applicant at the time of the grant application is not less than that  
5 provided in 2001, if transit services were provided in 2001 by the grant applicant or  
6 by any other local unit of government.

7 **(6) ADMINISTRATION.** In administering this section, the department shall do all  
8 of the following:

9 (a) Prescribe the form of grant applications and the nature and extent of  
10 information to be provided with these applications, and establish an annual  
11 application cycle for receiving and evaluating applications under the program.

12 (b) Establish criteria and standards for grant eligibility for transit capital  
13 improvement projects under the program.

14 (c) Establish criteria and standards for evaluating and ranking applications  
15 and for awarding grants under the program.

16 **SECTION 6.** 227.01 (13) (yL) of the statutes is created to read:

17 227.01 (13) (yL) Relates to administration of the southeast Wisconsin transit  
18 capital assistance program under s. 85.11.

19 (END)

*D-note*

**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0627/3ins  
ARG:.....

ljk

1

2

**INSERT 3-2:**

\*\*\*\*NOTE: This is reconciled s. 13.101 (6) (a). This SECTION has been affected by drafts with the following LRB numbers: LRB-0247, LRB-0627, and LRB-1400. This draft adds the treatments of s. 13.101 (6) (a) that formerly appeared in LRB-0247 and LRB-1400.

3

**INSERT 3-23:**

\*\*\*\*NOTE: This draft reconciles s. 20.866 (1) (u) by deleting the provision of the draft and adding it to LRB-1295.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0627/3dn

ARG:.....

Lbjk

Date

ATTN: Tyler Byrnes and Laurie Palchik

This draft reconciles LRB-0247, LRB-0627, LRB-1400, and LRB-1295. This draft adds the treatments of s. 13.101 (6) (a) that formerly appeared in LRB-0247 and LRB-1400. This draft deletes the treatment of s. 20.866 (1) (u), which has been added to LRB-1295. All of these drafts should continue to appear in the compiled bill.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0627/3dn  
ARG:bjk:ph

January 30, 2009

ATTN: Tyler Byrnes and Laurie Palchik

This draft reconciles LRB-0247/1, LRB-0627/2, LRB-1400/2, and LRB-1295/3. This draft adds the treatments of s. 13.101 (6) (a) that formerly appeared in LRB-0247/1 and LRB-1400/2. This draft deletes the treatment of s. 20.866 (1) (u), which has been added to LRB-1295. All of these drafts should continue to appear in the compiled bill.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: [aaron.gary@legis.wisconsin.gov](mailto:aaron.gary@legis.wisconsin.gov)



DOA:.....Byrnes, BB0209 - Southeast Wisconsin transit capital assistance program

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

---

*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

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8 payments under an agreement or ancillary arrangement entered into under s. 18.06  
9 (8) (a).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

\*\*\*\*NOTE: This draft reconciles s. 20.866 (1) (u) by deleting the provision of the draft and adding it to LRB-1295.

10 **SECTION 3.** 20.866 (2) (uq) of the statutes is created to read:

11 20.866 (2) (uq) *Transportation; southeast Wisconsin transit improvements.*  
12 From the capital improvement fund, a sum sufficient for the department of  
13 transportation to provide grants for transit capital improvements under s. 85.11.  
14 The state may contract public debt in an amount not to exceed \$100,000,000 for this  
15 purpose. Debt incurred under this paragraph shall be incurred prior to January 1,  
16 2021.

17 **SECTION 4.** 85.11 of the statutes is created to read:

18 **85.11 Southeast Wisconsin transit capital assistance program. (1)**

19 **DEFINITIONS.** In this section:

1 (a) "Major transit capital improvement project" has the meaning given in s.  
2 85.062 (1).

3 (b) "Municipality" means a city, village, or town.

4 (c) "Southeast Wisconsin" means the geographical area comprising the  
5 counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and  
6 Waukesha.

7 (d) "Transit authority" means a transit authority created under s. 66.1039 that  
8 is located in southeast Wisconsin.

\*\*\*\*NOTE: Section 66.1039 is created in 2009 LRB-1139. As discussed, if LRB-1139  
is not included in the compiled budget bill, this provision will need to be revised.

9 (2) PROGRAM AND FUNDING. The department shall develop and administer a  
10 southeast Wisconsin transit capital assistance program. From the appropriation  
11 under s. 20.866 (2) (uq), the department may award grants to transit authorities for  
12 transit capital improvements as provided under subs. (4) to (6).

13 (3) APPLICATIONS. (a) Each grant applicant shall specify any project for which  
14 grant funds are requested. An applicant may not include a project in a grant  
15 application if any of the following apply:

16 1. The project is a major transit capital improvement project and the project  
17 has not been enumerated under s. 85.062 (3).

18 2. The project requires authorization and ratification under s. 85.205 and the  
19 project has not received this authorization and ratification.

20 (b) The department may not accept grant applications under this section after  
21 December 31, 2015.

22 (4) ELIGIBILITY. A transit authority is eligible for a grant under this section if  
23 all of the following apply:

1 (a) The transit authority is eligible under federal law to be a public sponsor for  
2 a project that receives federal funding.

3 (b) The transit authority receives funds from a dedicated local revenue source  
4 for capital and operating costs associated with providing transit services.

5 **(5) GRANT AWARDS.** (a) Subject to par. (b), the department may award grants  
6 to applicants eligible under sub. (4). Any grant awarded under this section may not  
7 exceed \$50,000,000, 25 percent of the total project cost, or 50 percent of the portion  
8 of the total project cost not funded with federal aid, whichever is least.

9 (b) The department may award a grant under par. (a) only if all of the following  
10 apply:

11 1. Any project for which the grant is to be awarded has received any approval  
12 to proceed required by the appropriate federal agency. Approval to proceed under  
13 this subdivision is required by December 31, 2012, for any project utilizing federal  
14 interstate cost estimate substitute project funding and for any project resulting from  
15 the Milwaukee Downtown Transit Connector Study of the Wisconsin Center District.

16 2. The number of revenue hours of transit service provided in the area serviced  
17 by the grant applicant at the time of the grant application is not less than that  
18 provided in 2001, if transit services were provided in 2001 by the grant applicant or  
19 by any other local unit of government.

20 **(6) ADMINISTRATION.** In administering this section, the department shall do all  
21 of the following:

22 (a) Prescribe the form of grant applications and the nature and extent of  
23 information to be provided with these applications, and establish an annual  
24 application cycle for receiving and evaluating applications under the program.

