

2013 DRAFTING REQUEST

Bill

Received: 10/2/2013 Received By: agary
Wanted: As time permits Same as LRB:
For: Mark Miller (608) 266-9170 By/Representing: John Anderson
May Contact: Drafter: agary
Subject: Transportation - mass trnst/rail Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Sen.Miller@legis.wisconsin.gov
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Creating a transit capital assistance program to supplement funding for capital expenditures for transit systems receiving aid under 85.20

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 11/7/2013			_____			
/P1	agary 2/28/2014	kfollett 11/22/2013	jfrantze 11/25/2013	_____	mbarman 11/25/2013		State S&L
/1		kfollett	jfrantze	_____	sbasford	srose	State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		2/28/2014	2/28/2014	_____	2/28/2014	2/28/2014	S&L

FE Sent For: /1
act
intro

<END>

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FE Sent For: 11/5/13 JG
2/28 2/28

<END>

2013 DRAFTING REQUEST

Bill

Received: **10/2/2013** Received By: **agary**
 Wanted: **As time permits** Same as LRB:
 For: **Nikiya Harris (608) 266-2500** By/Representing: **Cindy McGinnis**
 May Contact: Drafter: **agary**
 Subject: **Transportation - mass trnst/rail** Addl. Drafters:
 Extra Copies: **EVM**

Submit via email: **YES**
 Requester's email: **Sen.Harris@legis.wisconsin.gov**
 Carbon copy (CC) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Creating a transit capital assistance program to supplement funding for capital expenditures for transit systems receiving aid under 85.20

Instructions:

See attached

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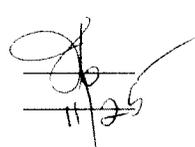
Topic:

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Instructions:

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/?	agary	1/PIKF 11/22	1/PIKF 11/22	 11/25			

FE Sent For:

<END>

Gary, Aaron

From: Gary Goyke <gary.goyke@gmail.com>
Sent: Monday, September 30, 2013 9:06 AM
To: Gary, Aaron
Cc: McGinnis, Cindy
Subject: Bill drafting session. Tuesday October 1st.

Good morning:

The legislation we are hoping that will be drafted has many different pieces. All relating to transportation but some of our suggestions may affect other programs offered by the state. We will follow your advice on the best least complicated way to proceed.

We are set for 11 a.m. on Tuesday October 1st and will come to the LRB offices.

There are a number of folks who would like to participate and I would like them to do the talking. We would request one of the small conference rooms if at all possible. If not they would come to your office in three sections: Transit, rail and NEMT. Subject matters include public transportation funding, 85.21 transportation for the elderly and disabled, passenger rail enhancements, RTA's, and shared ride taxi programs.

I know this may be somewhat unusual but there will be 5-6 other folks involved and they will each go over their proposal. I do not think it will take terribly long but everyone is interested in the process and how it works. We will meet together if ok with you and have no problems with the confidentiality that goes along with the drafting process.

You may determine that several separate drafts may be the best route rather than an "omnibus" bill....and we value your final judgments on that matter.

Please let me know if there are any difficulties with this suggested plan. Our group will meet at the Inn on the Park prior and then walk over to the LRB at 11:00 a.m. tomorrow.

All considerations are appreciated.
Sincerely Gary Goyke

Wisconsin Urban and Rural Transit Association
All Aboard Wisconsin
Wisconsin Association of Taxicab Owners
Specialized Medical Vehicle Association of Wisconsin
Wisconsin Association of Mobility Managers

--
Gary R. Goyke

Gary, Aaron

From: Gary Goyke <gary.goyke@gmail.com>
Sent: Thursday, September 12, 2013 8:07 PM
To: Gary, Aaron
Subject: Re: Your call - drafting request

Thank you!

I do understand your note with the request I have Sen. Harris's drafting approval and will also have Sen. Petrowski's office included. I will ask Cindy McGinnis CoS for Sen. Nikiya Harris to call you specifically in the days ahead.

We are looking for an "Omnibus Bill" covering several policy and funding areas in public transportation programs ...and even a few clarifications in the passenger rail program including a completion of the state rail plan.

Appreciate the note back to me.
You are always so good about communications.

What time might you suggest on October 1st that would work best for you?
Mr. Greg Seubert the General Manager of the Wausau public transit system from would join me.

Again thank you. See you at some point on October 1st.
Let me know if you have other questions.

Gary Goyke
Legislative Director WURTA

On Thu, Sep 12, 2013 at 2:42 PM, Gary, Aaron <Aaron.Gary@legis.wisconsin.gov> wrote:

Gary,

In response to your voice mail, I am available on Tuesday October 1 for a meeting at the LRB. I could also arrange for others to join by phone.

Before I begin working on this project, I will need to have the office of the senator who will be the "requester" on the draft contact me to make the request and to advise that I should draft the bill based on instructions from you.

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
[608.261.6926](tel:608.261.6926) (voice)

10/1/13

Gary Gayke

Mike McCoy - All aboard WIS
transit, rail, connect bus

Craig Peachy - SMART

Greg Seubert - city of Wausau transit,
WENTA

NEHT - want to see it moved to DOT
non-emergency medical services/transportation

- 60% fed funding
- broker
- vendor: Brett Davis
- Logistical

shared ride taxi - Trevor C



CRAIG PEACHY
(583)

State Director
SMART - Transportation Division
WI Legislative Board, LO 056
utulo56@gmail.com
<http://wisconsin.utu.org>



7 N. Pinckney Street, Suite LL-25
Madison, WI 53703-4208
Office: (608) 251-4120
Cell: (608) 695-6116

GOOD FOR ONE FREE BUS RIDE!



Greg Seubert
Transit Director

715-842-9287
715-842-1541 fax

420 Plumer Street
Wausau, WI 54403-6276
Greg.Seubert@ci.wausau.wi.us

<http://metroride.ci.wausau.wi.us>

Creation of \$15,000,000 capital fund
- annual → all state funds

- from governor's commission on
funding & policy Jan. 2013

DOT does it

- fed funding: capital dollars

- capital fund for transit

- state capital replacement

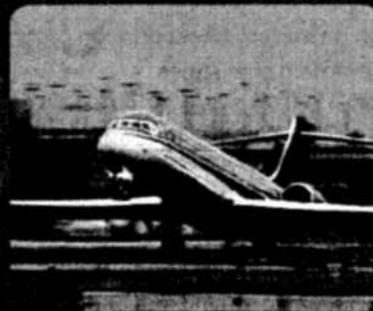
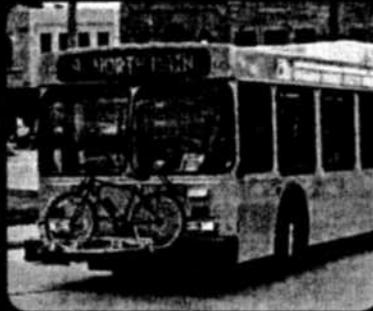
DOT allocate based on need → keep
that

- supplement fed \$ for capital expenses

- trans fund

KEEP WISCONSIN *moving*

*SMART INVESTMENTS
MEASURABLE RESULTS*



*Report of the Wisconsin Transportation
Finance and Policy Commission*

January 2013

Transit programs

Public officials, transit agencies and associations, and transit riders reported that the cuts made to public transit funding in the 2011–13 biennium led to reduced transit service in their communities. In combination with reduced shared revenue payments, tax levy limits, repeal of the statutory authority to create Regional Transit Authorities (RTAs), and the lack of a dedicated source of local funding for public transit, some transit systems cut services and increased fares, eliminating services to some populations entirely.

In public listening sessions held in Madison, Milwaukee, Appleton and Eau Claire and in a focus group held in Stevens Point, participants shared their stories related to the need for expanded transit and paratransit services. For example, effective January 1, 2012, in the Wausau area, transit service to three neighboring municipalities was eliminated.¹⁵ By November 2012, negotiations were underway to develop a compromise for restoring service to some of these routes.

"...That bus stops right in front of my door and picks me up... that's what I love about it. In the winter time, I'm very leery because I have problems with my legs..."

Focus group participant

"I usually take the [paratransit] bus to work, to college, I take it to doctors and dentist appointments, wherever I have to go."

Focus Group participant

➡ **COMMISSIONERS CREATED** a policy purpose for transit to assist them in their evaluation:

- Mobility takes many forms. For increasing numbers of Wisconsinites who cannot, should not, or choose not to drive, transit is their link to jobs, family and friends, shopping and culture.
- Transit is important to our state's employers and workers to get members of the community to and from their jobs.
- People choose transit for different reasons. Some are choice riders; they prefer transit to using a personal automobile. Other riders are transit-dependent. These riders range from those who cannot afford a car to the truly transit-dependent—the elderly and disabled.
- Transit is important to our aging population. Nationally, 77 million baby boomers are approaching their retirement years. We need to keep this generation active, engaged and healthy. Our elderly population needs mobility through transportation choice so that they can age in place.
- Regional mobility authorities work through municipal boundaries to connect people and jobs and to keep the cost of transit affordable.

¹⁵ <http://www.dot.wisconsin.gov/about/tfp/docs/mtg3-seubert.pdf>

The Commission asked:

- At what level should the state support capital costs?

Wisconsin has no capital assistance program for public transit systems. Since funding for capital items is comprised of federal funding and local match, the department has no opportunity to address the composition of the statewide bus fleet. Decisions regarding capital spending are made on an individual system level and depend on the amount of local and federal funding available. The current reported capital need is approximately \$35 million annually.

The Commission believes an adequate and consistent funding source is needed to allow transit systems to regularly replace buses and bus facilities and allow for some expansion. Federal funding is extremely limited. MAP-21 provides capital funding by formula and eliminates competitive grant programs. Dedicated federal funding for urban buses and bus facilities for the 2013 federal fiscal year is estimated at \$6 million—far less than the \$11.8 million Wisconsin received in 2012 from the last round of competitive grants.

MAP-21 requires individual transit systems to report on the condition of their capital assets and set investment priorities. The federal government will define the term “state of good repair” through rulemaking. Over the next few years, Wisconsin policy makers will have an opportunity to set priorities for the average age of the state’s transit vehicle fleet and the overall condition of transit facilities.



➡ **THE COMMISSION RECOMMENDS** a state transit capital program of \$15 million annually or \$150 million over 10 years.

Without funding for transit capital needs, Wisconsin’s transit systems will be faced with increased annual maintenance and operating costs, and they may be unable to replace their aging buses and facilities.



Janesville, Rock County



*Mon
(comb)*

11/7

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Gen

1 **AN ACT ...; relating to:** creating a transit capital assistance program, providing
2 an exemption from emergency rule procedures, granting rule-making
3 authority, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) provides state aid payments to local public bodies (eligible applicants) in urban areas served by mass transit systems (urban mass transit systems) incurring a deficit to assist with their operating expenses.

This bill requires DOT to establish and administer a transit capital assistance program to assist transit systems eligible for operating aids with their capital needs. Under the program, DOT must make grants to eligible applicants for the purpose of supplementing the cost of capital expenditures for urban mass transit systems. DOT must establish, by rule, criteria for evaluating applications and awarding grants, but, under these rules, DOT must consider the capital needs of the applicant's urban mass transit system as an important criteria. The bill provides funding for the program, from the transportation fund, of \$15,000,000 annually.

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 **(3) APPLICATION PROCEDURE AND GRANT CRITERIA.** (a) Any eligible applicant may
2 apply to the department for a grant under this section. The department shall, by
3 rule, prescribe the form of the application.

4 (b) The department shall, by rule, establish the process for submitting
5 applications under this section and the procedures and criteria for evaluating
6 applications and awarding grants. These rules shall require the department, in
7 evaluating and ranking applications, to consider the capital needs of the applicant's
8 urban mass transit system as an important criteria in awarding grants under this
9 section.

10 **SECTION 4. Nonstatutory provisions.**

11 (1) **PROPOSED PERMANENT RULES.** The department of transportation shall submit
12 in proposed form the rules required under section 85.202 (3) of the statutes, as
13 created by this act, to the legislative council staff under section 227.15 (1) of the
14 statutes no later than the first day of the 4th month beginning after the effective date
15 of this subsection.

16 (2) **RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.**

17 (a) Notwithstanding section 227.135 (2) of the statutes, the department of
18 transportation is not required to present the statement of the scope of the rules
19 required under section 85.202 (3) of the statutes, as created by this act, to the
20 governor for approval.

21 (b) Notwithstanding section 227.185 of the statutes, the department of
22 transportation is not required to present the rules required under section 85.202 (3)
23 of the statutes, as created by this act, in final draft form to the governor for approval.

1 (c) Notwithstanding section 227.137 (2) of the statutes, the department of
2 transportation is not required to prepare an economic impact report for the rules
3 required under section 85.202 (3) of the statutes, as created by this act.

4 (d) Notwithstanding sections 227.14 (2g) and 227.19 (3) (e) of the statutes, the
5 department of transportation is not required to submit the proposed rules required
6 under section 85.202 (3) of the statutes, as created by this act, to the small business
7 regulatory review board and is not required to prepare a final regulatory flexibility
8 analysis for those rules.

9 (3) EMERGENCY RULES. Using the procedure under section 227.24 of the statutes,
10 the department of transportation shall promulgate the rules required under section
11 85.202 (3) of the statutes, as created by this act, for the period before the effective date
12 of the permanent rules promulgated under section 85.202 (3) of the statutes, as
13 created by this act, but not to exceed the period authorized under section 227.24 (1)
14 (c) of the statutes, subject to extension under section 227.24 (2) of the statutes.
15 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the department
16 is not required to provide evidence that promulgating a rule under this subsection
17 as an emergency rule is necessary for the preservation of public peace, health, safety,
18 or welfare and is not required to provide a finding of an emergency for a rule
19 promulgated under this subsection. Notwithstanding section 227.24 (1) (e) 1d. and
20 1g. of the statutes, the department is not required to prepare a statement of the scope
21 of the rules promulgated under this subsection or present the rules to the governor
22 for approval.

23 **SECTION 5. Effective dates.** This act takes effect on the first day of the 4th
24 month beginning after publication, except as follows:

- 5 -

1

2

✓ ✓ ✓ ↓
(1) SECTION 4 (1), (2) and (3) of this act takes effect on the day after publication.

(END)

Gary, Aaron

From: Anderson, John
Sent: Friday, February 28, 2014 8:36 AM
To: Gary, Aaron
Subject: RE: bill drafts

Yes. Thank you, Aaron. John

From: Gary, Aaron
Sent: Friday, February 28, 2014 8:35 AM
To: Anderson, John
Cc: McGinnis, Cindy
Subject: RE: bill drafts

Hi John,

Do you want me to convert these drafts to introducible “/1”s and change the requester on the drafts to Sen. Miller? Thanks. Aaron

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

From: McGinnis, Cindy
Sent: Thursday, February 27, 2014 2:12 PM
To: Gary, Aaron
Subject: bill drafts

Aaron-

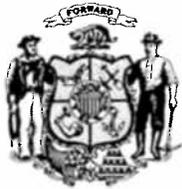
You had drafted a number of transportation related bills for Sen. Harris recently. We would like to give those drafts to Sen. Miller to introduce in his name.

Please transfer the following drafts to Sen. Miller’s name: LRB 3314/P1, LRB 3315/P1, LRB 3316/P1, and LRB 3351/P1.

If you have any questions, please do not hesitate to call. I have forwarded these drafts to John Anderson in Sen. Miller’s office.

Thanks

Cindy McGinnis
Chief of Staff
Senator Nikiya Harris
6th Senate District
P.O. Box 7982
Madison, WI 53707
(608) 266-2500
Toll Free: 1-877-474-2000
Fax: (608) 266-7381



in
2/18
TODAY



LRB-3315/01
ARG:kjf:jf

KM

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

No changes

Reg'n

1 AN ACT *to create* 20.395 (2) (br) and 85.202 of the statutes; **relating to:** creating
2 a transit capital assistance program, providing an exemption from emergency
3 rule procedures, granting rule-making authority, and making an
4 appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) provides state aid payments to local public bodies (eligible applicants) in urban areas served by mass transit systems (urban mass transit systems) incurring a deficit to assist with their operating expenses.

This bill requires DOT to establish and administer a transit capital assistance program to assist transit systems eligible for operating aids with their capital needs. Under the program, DOT must make grants to eligible applicants for the purpose of supplementing the cost of capital expenditures for urban mass transit systems. DOT must establish, by rule, criteria for evaluating applications and awarding grants, but, under these rules, DOT must consider the capital needs of the applicant's urban mass transit system as an important criteria. The bill provides funding for the program, from the transportation fund, of \$15,000,000 annually.

1 (b) From the appropriation under s. 20.395 (2) (br), the department shall make
2 grants to eligible applicants for the purpose of supplementing the cost to eligible
3 applicants of capital expenditures for urban mass transit systems.

4 (3) APPLICATION PROCEDURE AND GRANT CRITERIA. (a) Any eligible applicant may
5 apply to the department for a grant under this section. The department shall, by
6 rule, prescribe the form of the application.

7 (b) The department shall, by rule, establish the process for submitting
8 applications under this section and the procedures and criteria for evaluating
9 applications and awarding grants. These rules shall require the department, in
10 evaluating and ranking applications, to consider the capital needs of the applicant's
11 urban mass transit system as an important criteria in awarding grants under this
12 section.

13 **SECTION 4. Nonstatutory provisions.**

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16 created by this act, to the legislative council staff under section 227.15 (1) of the
17 statutes no later than the first day of the 4th month beginning after the effective date
18 of this subsection.

19 (2) RULE-MAKING EXCEPTIONS FOR PERMANENT RULES.

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15 of the permanent rules promulgated under section 85.202 (3) of the statutes, as
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21 or welfare and is not required to provide a finding of an emergency for a rule
22 promulgated under this subsection. Notwithstanding section 227.24 (1) (e) 1d. and
23 1g. of the statutes, the department is not required to prepare a statement of the scope
24 of the rules promulgated under this subsection or present the rules to the governor
25 for approval.

Rose, Stefanie

From: Anderson, John
Sent: Friday, February 28, 2014 10:19 AM
To: LRB.Legal
Subject: Draft Review: LRB -3315/1 Topic: Creating a transit capital assistance program to supplement funding for capital expenditures for transit systems receiving aid under 85.20

Please Jacket LRB -3315/1 for the SENATE.