



1997 SENATE BILL 530

March 24, 1998 - Introduced by Senator BURKE, cosponsored by Representative BOCK. Referred to Committee on Labor, Transportation and Financial Institutions.

1 **AN ACT to create** 13.505, 85.05 and 85.055 of the statutes; **relating to:** a state
2 passenger rail plan, the creation of a passenger rail projects commission and
3 passenger rail project selection.

Analysis by the Legislative Reference Bureau

Under current law, the department of transportation (DOT) administers a rail passenger service assistance and promotion program. Under the program, DOT may contract for marketing studies or promotional activities to increase rail passenger service ridership, and may contract with Amtrak to provide rail passenger service.

DOT also administers a rail passenger route development program to fund capital costs relating to the extension of Amtrak service routes to both Green Bay and Madison from Milwaukee. Current law provides \$50,000,000 in general obligation bonding authority for such capital costs, but bond proceeds may not be used unless DOT submits evidence to the joint committee on finance (JCF) that Amtrak has agreed to provide rail passenger service on the extension route, and JCF approves the use of the bond proceeds.

This bill directs DOT to establish and maintain a state passenger rail plan that is designed to maximize the use of passenger rail transportation within this state and to link areas of this state to the national and international commercial travel network. The initial state plan is required to include the identification of passenger rail routes and services, an evaluation of existing passenger rail services, and recommendations on service extensions, including implementation of the extension of Amtrak service routes to both Green Bay and Madison from Milwaukee. The bill

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also requires DOT to make biennial budget proposals regarding passenger rail projects in the state.

The bill creates a passenger rail projects commission having the authority to recommend to the governor or governor-elect, the legislature and JFC approval, approval with recommendations or disapproval of any passenger rail project included in the biennial budget proposals of DOT. The bill requires DOT to submit its state passenger rail plan to the passenger rail projects commission for its approval, disapproval or approval with modifications. Finally, the passenger rail projects commission is required to make biennial recommendations to the governor or governor-elect, the legislature and JCF regarding all of the following:

1. The creation of a quasi-public authority or public corporation to operate, or to contract for the operation of, passenger rail service.

2. The appropriate type and level of intercity or commuter passenger rail service that should be made available to the citizens of this state.

3. Infrastructure projects and funding requirements necessary to support passenger rail service in this state.

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.** 13.505 of the statutes is created to read:

2 **13.505 Passenger rail projects commission.** (1) CREATION. There is
3 created a passenger rail projects commission consisting of the governor, 5 members
4 who are not public officers or employes, appointed by the governor to serve at his or
5 her pleasure, and 2 senators and 2 representatives to the assembly appointed as are
6 the members of standing committees in their respective houses. Of the members
7 from each house, one shall be chosen from the majority party and one shall be chosen
8 from the minority party. The secretary of transportation and the commissioner of
9 railroads shall serve as nonvoting members. The governor shall serve as
10 chairperson. Members of the commission who are not public officers or employes
11 shall be reimbursed for their actual and necessary expenses incurred as members of
12 the commission from the appropriation under s. 20.395 (4) (aq).

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1 **(2) DEPARTMENT TO REPORT PROPOSED PROJECTS.** On or before September 15,
2 1999, the department of transportation shall report to the commission concerning its
3 proposal for the passenger rail projects program under s. 85.055. Not later than
4 September 15 of each even-numbered year thereafter, the department of
5 transportation shall report to the commission concerning its recommendations for
6 adjustments in the passenger rail projects program under s. 85.055. The report shall
7 include the state passenger rail plan under s. 85.05.

8 **(3) ASSISTANCE TO COMMISSION.** (a) The department of transportation shall
9 assist the commission in the performance of its duties. The department of
10 transportation shall, when requested by the commission, make or cause to be made
11 such studies and cost estimates with respect to any proposed passenger rail project
12 as are necessary to permit the commission to consider the project. The costs of the
13 studies shall be charged to the appropriate program appropriation under s. 20.395.

14 (b) The commissioner of railroads shall assist the passenger rail projects
15 commission in the performance of its duties.

16 **(4) REVIEW OF PROJECTS AND PLANS.** (a) The commission shall review all reports
17 submitted under sub. (2). The commission shall report its recommendations
18 concerning passenger rail projects, as defined in s. 85.055 (1), to the governor or
19 governor-elect, the legislature and the joint committee on finance no later than
20 December 15 of each even-numbered year. The commission may recommend
21 approval, approval with modifications or disapproval of any project.

22 (b) The commission shall review all state passenger rail plans submitted under
23 s. 85.05 (3). The commission may approve, disapprove or approve with modifications
24 any state passenger rail plan.

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1 **(5) ADDITIONAL RECOMMENDATIONS.** No later than December 15 of each
2 even-numbered year, the commission shall make recommendations to the governor
3 or governor-elect, the legislature and the joint committee on finance regarding all
4 of the following subjects:

5 (a) The need to create a quasi-public authority or public corporation to operate,
6 or to contract for the operation of, intercity or commuter passenger rail service.

7 (b) The appropriate type and level of intercity or commuter passenger rail
8 service that should be made available to the citizens of this state.

9 (c) Infrastructure projects and funding requirements necessary to support
10 intercity or commuter passenger rail service.

11 **SECTION 2.** 85.05 of the statutes is created to read:

12 **85.05 State passenger rail plan. (1) FINDINGS.** The legislature finds that
13 passenger rail transportation serves a variety of public purposes, including the
14 efficient movement of people and goods, the enhancement of tourism, the reduction
15 of highway congestion and maintenance costs, the reduction of emission pollutants
16 and the provision of energy efficient, safe and reliable transportation alternatives to
17 the citizens of this state. The legislature further finds that passenger rail
18 transportation serves the intercity travel needs of persons who are unable to use this
19 state's highways or who prefer rail transportation to other means of transportation
20 and represents the best all-weather means of transportation appropriate to the
21 maintenance of transportation during inclement weather in this state's climate.

22 **(2) DEFINITION.** In this section, "Amtrak" has the meaning given in s. 85.06 (1)
23 (a).

24 **(3) STATE PASSENGER RAIL PLAN.** On or before September 15, 1999, the
25 department shall establish and thereafter maintain a state passenger rail plan that

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1 is designed to maximize the use of passenger rail transportation to serve the variety
2 of public purposes that such transportation benefits and to link areas of this state
3 to the national and international commercial travel network. The state passenger
4 rail plan shall be updated not later than September 15 of each even-numbered year
5 for inclusion in the department's report to the passenger rail projects commission
6 under s. 13.505 (2). The plan shall be coordinated with and complementary to other
7 planning efforts of the department, including any freight rail plans and any plans
8 required under any applicable federal acts or programs.

9 (4) PLAN ELEMENTS. The passenger rail plan shall consist of all of the following:

10 (a) Identification of existing intercity and commuter passenger rail routes and
11 services, proposed intercity and commuter passenger rail routes and services and
12 intercity and commuter passenger rail routes and services that are the subject of
13 feasibility studies.

14 (b) Evaluation of passenger rail services currently in operation in this state,
15 including performance trends, potential for efficiency and effectiveness, possible
16 improvements and strategies to achieve enhanced performance.

17 (c) A plan for development of rail corridors, including recommendations on
18 grade crossing elimination and upgrading, curve reductions at specific locations,
19 right-of-way widening for speeds up to 186 miles per hour and overhead clearances
20 adequate for 50,000 volt alternating current electrification. The plan shall establish
21 priorities for such improvements at various traffic levels.

22 (d) A plan for a level of and program for passenger rail services, including all
23 of the following:

24 1. Service enhancements on existing and additional routes.

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1 2. A station development plan including provisions for adequately paved
2 automobile parking, secure bicycle storage, taxi stands, direct access for local and
3 regional bus lines and, in larger stations, provision for shops directly serving the
4 needs of rail travelers.

5 3. Development of a network using conventional railway technology.

6 4. Preservation of rights-of-way for future use for passenger railways.

7 5. Standards for ensuring high-quality passenger rail service, including all of
8 the following:

9 a. Convenient schedules.

10 b. Adherence to arrival and departure schedules.

11 c. Checked baggage service.

12 d. Food service.

13 e. Attractive station facilities.

14 f. Mobile office facilities.

15 g. Sleeping car service for overnight trains.

16 6. Identification of ongoing costs and funding and priority recommendations.

17 7. Development of passenger rail service connections between and among
18 airports located within this state and within neighboring states and provinces.

19 (e) Recommendations for legislation necessary to enhance passenger rail
20 service in this state.

21 **(5) IMPLEMENTATION OF CERTAIN SERVICE EXPANSION.** The initial plan established
22 under this section shall include recommendations necessary to implement the
23 extension of Amtrak service between the cities of Milwaukee and Green Bay and
24 between the cities of Milwaukee and Madison.

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1 **(6) INITIAL SERVICE EXPANSION RECOMMENDATIONS.** The initial plan established
2 under this section shall include recommendations on all of the following:

3 (a) Additional service for the route between the cities of Chicago, Milwaukee,
4 La Crosse and St. Paul.

5 (b) Establishment of a south suburban passenger station in the vicinity of the
6 Milwaukee International Airport with shuttle transportation to the airport.

7 (c) Extension of current Chicago-Kenosha commuter rail service between the
8 cities of Kenosha and Chicago.

9 (d) Reinstatement of commuter rail service between the cities of Milwaukee
10 and Watertown.

11 (e) Establishment of a suburban passenger station at the city of Brookfield.

12 (f) Establishment of a passenger train operating between the cities of St. Louis
13 and Minneapolis-St. Paul along a route between the cities of La Crosse, Prairie du
14 Chien and other cities in the western portion of this state.

15 (g) The feasibility of arranging for dedicated bus service from points served by
16 bus to existing passenger trains.

17 **(7) LONG-RANGE STUDIES.** The department shall, within the first 5 years of the
18 initial plan established under this section, study the feasibility of and make
19 recommendations regarding all of the following:

20 (a) Restoration of passenger rail service between the cities of Chicago and
21 Minneapolis-St. Paul along a northern route through this state.

22 (b) Restoration of passenger rail service to the city of Wausau.

23 (c) Utilization of the remaining rail lines in the Milwaukee metropolitan area
24 for passenger rail service.

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1 (d) Establishment of weekend rail service between the city of Chicago and
2 major tourism and resort areas in this state.

3 (e) Extension of passenger rail service between the cities of Milwaukee and
4 Green Bay along a route that includes the cities of Sheboygan and Manitowoc.

5 (f) Coordinating service extensions and funding with neighboring states and
6 provinces.

7 (g) Rebuilding rail lines on abandoned rights-of-way or on improved
8 alignments capable of higher speed operation.

9 (h) Continuation of passenger rail service between the cities of Burlington, and
10 Antioch, Illinois.

11 (i) Extension of passenger rail service between the cities of Chicago and
12 Madison along a route that includes the cities of Beloit and Janesville.

13 **(8) REQUIRED CONSIDERATIONS.** In establishing and maintaining the plan under
14 this section, the department shall consider all of the following:

15 (a) The extent to which parties other than Amtrak may and should operate all
16 or portions of passenger rail transportation within this state.

17 (b) The extent to which this state may and should preserve rights-of-way
18 outside this state for the development of passenger rail service within this state.

19 (c) The extent to which the participation of neighboring states and provinces
20 is necessary or desirable in order to enhance passenger rail transportation between
21 this state and the principal cities of neighboring states and provinces.

22 **(9) PUBLIC INVOLVEMENT.** In developing, maintaining and updating the state
23 passenger rail plan, the department shall provide for a participatory planning
24 process to ensure that interested parties throughout this state have an opportunity

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1 to comment and that the department receives a range of comment representing the
2 diverse interests in this state.

3 **SECTION 3.** 85.055 of the statutes is created to read:

4 **85.055 Passenger rail projects. (1) DEFINITION.** In this section, “passenger
5 rail project” means a project that involves intercity or commuter passenger rail
6 service.

7 **(2) PLANNING.** In preparation for future passenger rail projects, the department
8 may perform preliminary engineering and design work and studies, but no
9 passenger rail project may be otherwise assisted or constructed unless the project is
10 contained in a list under this section.

11 **(3) BIENNIAL PROPOSALS.** With its 1999–2001 biennial budget request to the
12 department of administration under s. 16.42, the department shall propose a list of
13 passenger rail projects. Biennially thereafter, the department shall request
14 adjustments to the list of passenger rail projects as listed projects are completed and
15 new projects are ready for assistance or construction. The department shall submit
16 its biennial proposals for passenger rail projects to the passenger rail projects
17 commission for review and recommendation as provided under s. 13.505.

18 **SECTION 4. Initial applicability.**

19 **(1) PASSENGER RAIL PROJECTS.** The treatment of section 85.055 (2) of the statutes
20 first applies to work on passenger rail projects, other than preliminary engineering
21 and design work and studies, begun on the effective date of this subsection.

22 **(END)**