

## DEPARTMENT OF TRANSPORTATION TESTIMONY ON 1993 AB 964

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Presented to the Assembly Transportation Committee  
Wednesday, February 2, 1994

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Thank you Representative Turner.

Ladies and gentlemen of the Assembly Committee on Transportation, my name is John Hartz and I have been asked to present the Department of Transportation's testimony on 1993 AB 964. By way of background, I am Supervisor of Multimodal Planning in the Department's Division of Planning and Budget. Chief among my major assignments is being the Department's lead on matters relating to rail passenger planning. For example, I am the Project Manager for the ongoing detailed feasibility study of high speed rail service between Chicago and Milwaukee. I also managed the production of the Department's Report to the Governor recommending implementation of the extensions of Amtrak services to Madison and to Green Bay respectively.

The Wisconsin Department of Transportation commends the Legislative Council, its Special Committee on Rail Services Facilities and Services and its staff for the work it has done in researching the issues involving the provision of rail passenger services for the citizens of Wisconsin now and in the future. **The Department does not, however, believe that the specific mechanisms proposed in AB 964 are the appropriate mechanisms to be enacted into state law at this time. For this reason, the Department has registered in opposition to 1993 AB 964.**

There are three major components of AB 964. We will address each in turn.

### Section 1: Passenger Rail Projects Commission

The proposed Passenger Rail Projects Commission is patterned after the existing Transportation Projects Commission. The bottom-line function of the Transportation Projects Commission is to prioritize, on a biennial basis, a list of precisely defined and rigorously analyzed "major highway projects" which have been identified and advanced through very structured planning and programming processes. These processes are different for those highway projects within and outside of metropolitan areas.

There are some very fundamental differences between the State of Wisconsin's role vis-a-vis the construction and maintenance of a state highway system and its role vis-a-vis the provision of rail passenger services. **We believe that the "Projects Commission" called for under AB 964 is, therefore, the wrong organizational model to use.**

A key difference is that major highway projects are all part of well established, statewide state trunk highway system. A comparable, statewide, state rail passenger system does not now exist and will take many years to develop.

In addition, we believe a "Projects Commission" only makes sense for the management and oversight of publicly-owned facilities such as has been created for the state highway system and for state buildings. In stark contrast, Wisconsin's rail system is almost entirely owned by private corporations.

You also should be aware that the implementation of high speed rail passenger service between Milwaukee and Chicago could very well require the creation of a bi-state authority, not a Wisconsin-only entity as called for under AB 964. Before implementation steps are taken, however, key decisions about investing hundreds of millions of dollars will have to be made by the private and public sectors. The implementation of improved rail service in this particular corridor cannot be accomplished by the State of Wisconsin acting in an unilateral fashion -- half of the corridor is in the State of Illinois.

## **Section 2: State Rail Passenger Plan**

While the Department supports and is, in fact, actively engaged in statewide rail system planning, we believe that **the specific planning processes set forth in AB 964 do not conform with the realities of a new and emerging federal transportation planning and programming requirements. In fact, enactment of the planning requirements as proposed in AB 964 would make it more difficult for us to comply with national planning requirements and hence could unintentionally and adversely impact our common goal of maximizing the return of federal transportation dollars to Wisconsin.**

The Department has already embarked on a statewide transportation planning effort which embodies many of the concepts and goals proposed under AB 964. This planning effort, known as *TRANSLINKS 21*, is, however, much more encompassing than the effort called for in AB 964. By design, *TRANSLINKS 21* is multimodal in scope and will place Wisconsin in full compliance with the new statewide transportation planning requirements mandated by the federal government under the Intermodal Surface Transportation Act (ISTEA).

*TRANSLINKS 21* will also establish a platform for the Department to prepare federally required transportation management systems. One of those systems is an Intermodal Management System which will be fully developed and in place by October, 1995. Another major feature of *TRANSLINKS 21* is the extensive public involvement effort already underway.

The "FINDINGS" of Section 2 of AB 964 puts the Legislature on record as supporting increased public investments in rail passenger services before a comprehensive analysis of the presumed public benefits of the rail passenger mode are thoroughly documented and objectively compared to the levels of public expenditures required.

"Apples" and "oranges" are inappropriately intertwined throughout AB 964. In this case, the "apples" are those rail passenger enumerated improvements which are truly "intercity" in nature. The "oranges" are those which are appropriately defined as "commuter." **Under the current and evolving federal view of the transportation scene, the planning and programming of rail passenger improvements between cities (intercity) is clearly a state-level responsibility, while the planning and programming of rail passenger improvements within metropolitan areas is clearly a metropolitan area responsibility.** This is a critical distinction for the

Legislature to understand and to incorporate correctly in any transportation legislation it is creating if Wisconsin is to capture the federal transportation dollars its citizens are entitled to get back from Washington.

### **Section 3: Rail Projects**

This section is patterned after what has been established procedure for identifying and advancing "major projects" under the state highway program. **The Department believes that this is an inappropriate model to use at this time for identifying and advancing "rail projects" for the following reasons.**

First, AB 964 would require all "rail projects" regardless of their nature or scope to be identified and advanced through a rigorous process to the Rail Projects Commission. In stark contrast, only a small fraction of the state and federal dollars that the Department annually expends on Wisconsin's highway system are defined as "major projects" to be advanced through the Transportation Projects Commission. Most highway programming decisions are made by the Department within the overall framework and funding levels established by the Legislature. We believe the same should be the case for most rail programming decisions.

Second, the planning and programming process for identifying and advancing major highway projects is "mature" and is governed by very explicit federal regulations. Unfortunately, the same cannot be said for the intercity passenger mode. Right now, there are no explicit federal requirements for planning and programming investments in intercity rail projects. We understand that they are under development by the Federal Railroad Administration. It would be prudent to see what those regulations are before enacting state legislation which may or may not prove to be compatible.

Third, the lumping together of "intercity" and "commuter" rail passenger services, as discussed previously, simply does not recognize the reality of how the federal government funds transportation improvements. Federal planning and programming requirements explicitly distinguish between those activities which are state-level in nature and those which are metropolitan in nature. There are very detailed regulations governing the identification and advancement of potential commuter rail projects for federal funding made available under ISTEA through the Federal Transit Administration. Nothing comparable exists for intercity rail passenger services. If President Clinton's proposed High Speed Rail Development Act is enacted into law by Congress this session, the Federal Railroad Administration will be forced to issue regulations regarding the scope and nature of "master plans" for high speed rail corridors.

Ladies and gentlemen, that concludes my testimony. Thank you for your time and attention.