

## 1999 SENATE BILL 473

March 14, 2000 – Introduced by Senator BURKE, cosponsored by Representative BOCK. Referred to Committee on Insurance, Tourism, Transportation and Corrections.

1     **AN ACT** *to create* 13.505, 85.052 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.

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### *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.

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***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           2000, 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. 85.052.

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. 85.052 (2). The commission may approve, disapprove or approve with  
24          modifications 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.** 85.052 of the statutes is created to read:

12           **85.052 State passenger rail plan. (1) DEFINITION.** In this section, “Amtrak”  
13 has the meaning given in s. 85.06 (1) (a).

14           **(2) STATE PASSENGER RAIL PLAN.** On or before September 15, 2000, the  
15 department shall establish and thereafter maintain a state passenger rail plan that  
16 is designed to maximize the use of passenger rail transportation to serve the variety  
17 of public purposes that such transportation benefits and to link areas of this state  
18 to the national and international commercial travel network. The state passenger  
19 rail plan shall be updated not later than September 15 of each even-numbered year  
20 for inclusion in the department’s report to the passenger rail projects commission  
21 under s. 13.505 (2). The plan shall be coordinated with and complementary to other  
22 planning efforts of the department, including any freight rail plans and any plans  
23 required under any applicable federal acts or programs.

24           **(3) PLAN ELEMENTS.** The passenger rail plan shall consist of all of the following:

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1           (a) Identification of existing intercity and commuter passenger rail routes and  
2 services, proposed intercity and commuter passenger rail routes and services and  
3 intercity and commuter passenger rail routes and services that are the subject of  
4 feasibility studies.

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

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

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

15           1. Service enhancements on existing and additional routes.

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

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

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

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

24           a. Convenient schedules.

25           b. Adherence to arrival and departure schedules.

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1 c. Checked baggage service.

2 d. Food service.

3 e. Attractive station facilities.

4 f. Mobile office facilities.

5 g. Sleeping car service for overnight trains.

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

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

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

11 **(4) IMPLEMENTATION OF CERTAIN SERVICE EXPANSION.** The initial plan established  
12 under this section shall include recommendations necessary to implement the  
13 extension of Amtrak service between the cities of Milwaukee and Green Bay and  
14 between the cities of Milwaukee and Madison.

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

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

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

21 (c) Extension of current Chicago–Kenosha commuter rail service between the  
22 cities of Kenosha and Chicago.

23 (d) Reinstatement of commuter rail service between the cities of Milwaukee  
24 and Watertown.

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

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

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

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

9           (a) Restoration of passenger rail service between the cities of Chicago and  
10          Minneapolis–St. Paul along a northern route through this state.

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

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

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

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

18          (f) Coordinating service extensions and funding with neighboring states and  
19          provinces.

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

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

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

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1           **(7) REQUIRED CONSIDERATIONS.** In establishing and maintaining the plan under  
2 this section, the department shall consider all of the following:

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

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

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

10           **(8) PUBLIC INVOLVEMENT.** In developing, maintaining and updating the state  
11 passenger rail plan, the department shall provide for a participatory planning  
12 process to ensure that interested parties throughout this state have an opportunity  
13 to comment and that the department receives a range of comment representing the  
14 diverse interests in this state.

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

16           **85.055 Passenger rail projects. (1) DEFINITION.** In this section, “passenger  
17 rail project” means a project that involves intercity or commuter passenger rail  
18 service.

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

23           **(3) BIENNIAL PROPOSALS.** With its 2001–2003 biennial budget request to the  
24 department of administration under s. 16.42, the department shall propose a list of  
25 passenger rail projects. Biennially thereafter, the department shall request



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1 adjustments to the list of passenger rail projects as listed projects are completed and  
2 new projects are ready for assistance or construction. The department shall submit  
3 its biennial proposals for passenger rail projects to the passenger rail projects  
4 commission for review and recommendation as provided under s. 13.505.

5 **SECTION 4. Initial applicability.**

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

9 (END)