

2001 ASSEMBLY BILL 853

February 26, 2002 – Introduced by Representatives GROTHMAN, SUDER, NASS, DUFF, OWENS, LEIBHAM, HINES, ALBERS, KEDZIE and GUNDRUM, cosponsored by Senators LAZICH, DARLING and ROSENZWEIG. Referred to Committee on Transportation.

1 **AN ACT** *to amend* 85.205 (1); and *to create* 85.20 (4m) (g) of the statutes;
2 **relating to:** light rail mass transit systems and the urban mass transit
3 operating assistance program.

Analysis by the Legislative Reference Bureau

Current law prohibits any mass transit authority, governing body of any county, city, village, or town or any agency, corporation, instrumentality, or subunit of a county, city, village, or town from entering into a contract for any purpose related to a light rail mass transit system, if the cost of any of the contracted items would be paid for or reimbursed by federal interstate cost estimate (ICE) funds or funds received from the state. Current law also prohibits the department of transportation (DOT) from expending or encumbering any federal ICE funds or state funds for any purpose related to a light rail mass transit system. These restrictions on contracting and expending or encumbering funds do not apply to the Kenosha light rail mass transit system currently under construction or to funds expended or activity related to a mass transit system that is done under the memorandum of agreement concerning USH 12. The restrictions expire on June 30, 2002.

This bill eliminates the June 30, 2002, sunset of those restrictions. Under the bill, the restrictions are made permanent.

Also, under current law, DOT makes state aid payments to local public bodies in urban areas to assist the local public bodies with the expenses of operating an urban mass transit system. An urban mass transit system is transportation by bus, shared-ride taxicab, rail, or other conveyance, either publicly or privately owned,

ASSEMBLY BILL 853

that provides the public with general or special service on a regular and continuing basis.

This bill prohibits such state aid payments for any transportation service by rail, unless such rail service is established by the mass transit system before the date on which this bill becomes law or unless the service is provided by Amtrak.

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.** 85.20 (4m) (g) of the statutes is created to read:

2 85.20 **(4m)** (g) Notwithstanding sub. (3), the department may not pay state aids
3 under this section for any transportation services by rail unless the mass transit
4 system provides transportation services by rail on or before the effective date of this
5 paragraph [revisor inserts date]. Any increase in the level of transportation
6 service by rail of a mass transit system that provides such service on or before the
7 effective date of this paragraph [revisor inserts date], is eligible for an increase
8 in the amount of state aid payable under this section. An eligible applicant may not
9 use aids paid under this section to support transportation services by rail unless the
10 services are eligible for aid under this section. This paragraph does not apply to
11 Amtrak, as defined in s. 85.06 (1) (a).

12 **SECTION 2.** 85.205 (1) of the statutes, as affected by 2001 Wisconsin Act 16, is
13 amended to read:

14 85.205 **(1)** Notwithstanding ss. 85.022, 85.062, and 85.063, the department
15 may not encumber or expend any federal funds received under P.L. 102–240, section
16 1045, or P.L. 105–277, section 373, or state funds for any purpose related to a light
17 rail mass transit system on or after September 1, 2001, except as provided in s. 85.20
18 (4m) (g). Notwithstanding any other provision of ch. 59, 60, 61, 62, or 66, no

ASSEMBLY BILL 853

1 governing body of any county, city, village, or town and no agency, corporation,
2 instrumentality, or subunit of a county, city, village, or town may enter into a contract
3 for any purpose related to a light rail mass transit system on or after the effective
4 date of this subsection [revisor inserts date], if the cost of any of the contracted
5 items would be paid for by, or reimbursed with, federal funds received under P.L.
6 102-240, section 1045, or P.L. 105-277, section 373, or any funds received from the
7 state. This subsection does not apply to any light rail mass transit system that is
8 being constructed on October 29, 1999. This subsection does not apply to any funds
9 expended or activity related to a mass transit system that is done under the
10 memorandum of agreement concerning USH 12 between Middleton and Lake
11 Delton, Wisconsin, that was executed by the governor, the secretary of
12 transportation, the secretary of natural resources, the county executive of Dane
13 County, the administrative coordinator of Sauk County, and others, and that became
14 effective on April 22, 1999. This subsection does not apply after June 30, 2002.

SECTION 3. Effective date.

15
16 (1) This act takes effect on July 1, 2002, or on the day after publication,
17 whichever is later.

18 (END)