

2003 DRAFTING REQUEST

Bill

Received: **12/18/2002**

Received By: **agary**

Wanted: **Soon**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Vail**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - mass transit
Transportation - railroads**

Extra Copies: **TNF, PJH**

Submit via email: **NO**

Pre Topic:

DOA:.....Vail - BB0272,

Topic:

Commuter rail capital funding

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 12/23/2002	jdyer 12/30/2002		_____			S&L
/1			pgreensl 12/30/2002	_____	sbasford 12/30/2002		S&L
/2	agary 02/01/2003	wjackson 02/02/2003	rschluet 02/02/2003	_____	sbasford 02/03/2003		S&L
/3	agary 02/03/2003	wjackson 02/03/2003	rschluet 02/03/2003	_____	sbasford 02/03/2003		

FE Sent For:

<END>

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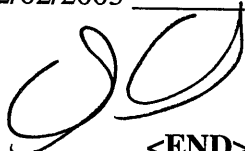
See Attached

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<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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/1			pgreensl 12/30/2002	_____	sbasford 12/30/2002		S&L
/2	agary 02/01/2003	wjackson 02/02/2003	rschluet 02/02/2003	_____	sbasford 02/03/2003		

FE Sent For:

13 WJ 2/3


2-3-3 <END>

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/?	agary 12/23/2002	jdyer 12/30/2002					S&L
/1		1/2 WLj 2/2	pgreensl 12/30/2002		sbasford 12/30/2002		

FE Sent For:

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CH
<END>

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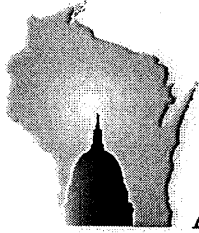
See Attached

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1/?	agary	1/12 31 jld	12/30 PF	12/30 self			

FE Sent For:

<END>



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT McCALLUM
GOVERNOR

GEORGE LIGHTBOURN
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: December 10, 2002

To: Stephen R. Miller, Chief
Legislative Reference Bureau

From: Benjamin J. Vail
Policy and Budget Analyst
ECR Team

Subject: **Biennial Budget Drafting Request**
Agency 395 – Department of Transportation (DOT)

Budget Office Request Title:
Commuter Rail Capital Funding

Request Description:

- Define appropriations related to commuter rail transit system development.
- Define commuter rail as:
"Passenger rail service operating primarily on existing freight and/or intercity passenger railroad tracks on a separate right-of-way between and within metropolitan and suburban areas, connecting these areas with large business and/or urban centers, whether within or across the geographical boundaries of a state. Commuter rail usually operates during peak travel times with limited stops and in conjunction with other transit modes as part of a regional transit system. Equipment type and trip distance will vary based on technology available and desired trip market."
- Authorize the department to issue grants for commuter rail development to qualified political subdivisions.
- Specify guidelines for grants for commuter rail transit system development.

Further detailed information is provided in the attached issue paper prepared by the department.

BB 272

**Department of Transportation
2003-2005 Biennial Budget Request
STATUTORY MODIFICATIONS**

DIN NUMBER: 5104

TOPIC: Commuter Rail Capital Funding

DESCRIPTION OF CHANGE:

The Department requests the following statutory changes:

1. Create the following sections under §. 20.395(1) Wis. Stats., to define appropriations related to commuter rail transit system development (request sub. (bm), (bn), and (bp), respectively):
 - (a) "Commuter rail transit system development grants, state funds", defined as the amounts in the schedule for grants for commuter rail transit system development under s. 85.064 Wis. Stats.
 - (b) "Commuter rail transit system development grants, local funds", defined as all monies received from the federal government for the purposes of commuter rail system development under s. 85.064 Wis. Stats.
 - (c) "Commuter rail transit system development grants, federal funds", defined as all monies received from any local unit of government or other source for the purposes of commuter rail system development under s. 85.064 Wis. Stats.
2. Amend s. 85.062(1) Wis. Stats., to include the construction or expansion of a commuter rail transit system;
3. Create s. 85.064 Wis. Stats., as follows:
 - (a) Title, "Commuter rail transit system development."
 - (b) Define commuter rail as:

"Passenger rail service operating primarily on existing freight and/or intercity passenger railroad tracks on a separate right-of-way between and within metropolitan and suburban areas, connecting these areas with large business and/or urban centers, whether within or across the geographical boundaries of a state. Commuter rail usually operates during peak travel times with limited stops and in conjunction with other transit modes as part of a regional transit system. Equipment type and trip distance will vary based on the technology available and desired trip market."
 - (c) The Department has authority to issue grants for commuter rail transit development.
 - (d) Upon completion of a planning study to the satisfaction of the Department, any political subdivision of this state may submit an application to the Department for a grant for preliminary engineering, property acquisition, equipment acquisition, or infrastructure construction related to the development or extension of a commuter rail transit system in this state.
 - (e) Specify that grants are limited to one-half of the non-federal portion of project costs, up to 25% of total project costs. Further specify that the local share of costs must be at least 20% of total project costs for all property acquisition, equipment acquisition, and infrastructure construction projects.
 - (f) Specify that projects become eligible for state funding when eligibility criteria established by the Department have been met.

JUSTIFICATION:

The Department recognizes the increasing mobility needs in the state and the importance of alternative modes of transportation, including commuter rail, in meeting those needs. Therefore, the Department believes it is appropriate to support commuter rail projects that have strong local support, are in the state interest, and meet some basic evaluative criteria. There must also be a local commitment to operate the commuter rail transit system once it is functional. Similar to other transit systems in Wisconsin, the state will not operate a commuter rail transit system.

The state of Wisconsin, at both the state and local levels, has not yet developed comprehensive policies regarding the development or funding of commuter rail in Wisconsin. The involvement of the Department and local governments in commuter rail development has not gone beyond the study level. Therefore, commuter rail policies have not gone beyond those outlined for the study phase. The statutory modifications requested by the Department represent the statutory structure needed to establish the second level of commuter rail policy – capital development costs.

Two commuter rail projects, Dane County and Kenosha-Racine-Milwaukee (KRM), have or will soon complete the study process and be ready to begin preliminary engineering and application for federal New Starts transit funding. The Dane County study (Transport 2020) identified a locally preferred alternative (LPA) in September of 2002. The KRM LPA is expected to be approved in early 2003. The KRM project plans to begin preliminary engineering, immediately after selection of the LPA. (Note: Preliminary engineering for the Dane County project was included as part of the agreement reached on the reconstruction of US Highway 12.)

Commuter Rail Capital Costs Policy

The Commuter Rail Capital Costs Policy will address the selection of projects eligible for state funding and the amount of state funding that will be available for eligible projects.

The Department will use the eligibility criteria used by the Federal Transit Administration (FTA) when determining whether to grant New Starts transit funding. The Federal Transit Administration's New Starts Program is the federal government's primary financial resource for supporting fixed guideway capital investments, such as commuter rail. FTA uses the following criteria when making their decision:

- Mobility Improvements;
- Environmental Benefits;
- Operating Efficiencies;
- Cost Effectiveness;
- Transit Supportive Land Use; and
- Local Financial Commitment.

Projects eligible for New Starts funding include any fixed guideway system that utilizes and occupies a separate right-of-way or rail line, or uses a fixed catenary system (suspended electric cables) for the exclusive use of mass transportation. New Starts funding is available for the design, construction, and testing of new fixed guideway systems and extensions to existing systems.

New Starts applicants must complete the full study process and select a LPA that meets the above criteria. The study process is exhaustive and typically produces the most appropriate alternative for the region. LPA selection and application for grant funds also requires a local commitment to participate in the implementation and operation of the project. In addition, the LPA must include a financing plan (for both capital and operating costs) and a management structure for operation of the system.

In addition to the federal New Starts criteria, a minimum estimated farebox recovery ratio of 20% would be required for state participation. This sets a state baseline for commuter rail system performance and is derived from comparable national data for new commuter rail systems. However, 20% is typically on the low end of performance levels for new systems.

Currently, the state provides no share of capital costs for transit capital or commuter rail projects (the standard is an 80% federal, 20% local cost share). With this new policy, the state will be providing capital assistance to transit projects for the first time. The purpose of this is to enable capital-intensive transit projects (that without assistance would likely not move forward) to advance. Because the federal government typically covers less of the capital costs for commuter rail, this creates a situation in which local governments must come up with a larger capital share for commuter rail projects than for urban bus transit projects.

The Department's policy would be to provide one-half of the non-federal share of capital costs, up to 25% of total capital costs, for commuter rail systems. A minimum local match of 20% of the total construction costs will be

required with no local minimum for preliminary engineering. The 20% local match requirement would prevent a commuter rail project from receiving favorable treatment as compared to an urban bus project and would create a level playing field for urban bus and commuter rail capital programs.

It is important for the Department to have a policy in place so local officials understand the role the state will take in the development of these projects. In addition, a defined state policy on funding commuter rail development will facilitate application for federal New Starts transit funding and better position the state for that funding.

The third level of commuter rail policy, operating costs, will be developed over the biennium and statutory modifications will be requested in the 2005-07 biennial budget. In developing the commuter rail operating costs policy over the biennium, the Department will evaluate and consider all aspects related to the funding of operating assistance, including funding formulas and structure, projected farebox returns and operating losses, and examples from other states. Input from local governments and other transportation stakeholders will be crucial during this process.

DOA

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not run

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Don't gen

- 1 AN ACT ...; relating to: commuter rail transit system development grants and
- 2 making appropriations.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

RAIL AND AIR TRANSPORTATION

Under current law, DOT administers an urban rail transit system program to plan, design, and engineer urban rail transit systems for urban areas in the state; a rail passenger service assistance and promotion program; a rail passenger route development program; a passenger railroad station improvement grant program; and a program to study interurban and intraurban multimodal transportation.

This bill creates a commuter rail transit system development grant program administered by DOT. Under this program, DOT may award grants to cities, villages, towns, or counties for preliminary engineering, property acquisition, equipment acquisition, and infrastructure construction related to the development or extension of commuter rail transit systems.

The bill also provides that construction or expansion of a commuter rail transit system costing more than \$5,000,000 may not be undertaken using state funds unless the project is specifically enumerated by statute.

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.** 20.395 (1) (dq) of the statutes is created to read:

2 20.395 (1) (dq) *Commuter rail transit system development grants, state funds.*

3 The amounts in the schedule for commuter rail transit system development grants
4 under s. 85.064.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 20.395 (1) (dv) of the statutes is created to read:

6 20.395 (1) (dv) *Commuter rail transit system development grants, local funds.*

7 All moneys received from any local unit of government or other source for commuter
8 rail transit system development under s. 85.064, for such purposes.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 3.** 20.395 (1) (dx) of the statutes is created to read:

10 20.395 (1) (dx) *Commuter rail transit system development grants, federal*
11 *funds.* All moneys received from the federal government for commuter rail transit
12 system development under s. 85.064, for such purposes.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 4.** 85.062 (1) (c) of the statutes is created to read:

14 85.062 (1) (c) 1. In this paragraph, “commuter rail” has the meaning given in
15 s. 85.064 (1) (a).

16 2. Initial construction or expansion of a commuter rail transit system.

17 **SECTION 5.** 85.064 of the statutes is created to read:

18 **85.064 Commuter rail transit system development.** (1) In this section:

1 (a) “Commuter rail” means rail passenger service, operating primarily on a
2 dedicated right-of-way on existing railroad tracks formerly used for rail freight
3 service or intercity rail passenger service between and within metropolitan and
4 suburban areas, connecting these areas with large business or urban centers in this
5 state or another. Commuter rail usually operates during peak travel times with
6 limited stops and in conjunction with other transit modes as part of a regional transit
7 system.

8 (b) “Political subdivision” means any city, village, town, or county within this
9 state.

10 (2) (a) The department shall administer a commuter rail transit system
11 development grant program. From the appropriations under s. 20.395 (1) (dq), (dv),
12 and (dx), the department may award grants to political subdivisions for preliminary
13 engineering, property acquisition, equipment acquisition, and infrastructure
14 construction projects related to the development or extension of commuter rail
15 transit systems in this state.

16 (b) Upon completion of a planning study to the satisfaction of the department,
17 any political subdivision may apply to the department for a grant for any purpose
18 specified in par. (a). No grant may be awarded under this section for a project unless
19 the project meets the eligibility criteria established by the department under sub. (3).

20 (c) The amount of a grant awarded under this section shall be limited to an
21 amount equal to 50% of the portion of the project cost that is not eligible for federal
22 aid or 25% of the total project cost, whichever is less. No grant may be awarded under
23 this section for a project involving the acquisition of property or equipment or
24 infrastructure construction unless the political subdivision contributes funds for the
25 project that at least equal 20% of the total project cost.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1189/1dn

ARG:.....
^

jld

date

ATTN: Benjamin Vail

The attached draft includes some modification of the suggested appropriation numbering and statutory language in the drafting request in order to conform with existing statutory provisions and LRB drafting guidelines. The draft also requires DOT to establish eligibility criteria for the award of grants.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1189/1dn
ARG:jld:pg

December 30, 2002

ATTN: Benjamin Vail

The attached draft includes some modification of the suggested appropriation numbering and statutory language in the drafting request in order to conform with existing statutory provisions and LRB drafting guidelines. The draft also requires DOT to establish eligibility criteria for the award of grants.

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E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Grinde, Kirsten
Sent: Friday, January 31, 2003 5:48 PM
To: Gary, Aaron
Subject: FW: LRB 1189/1

Aaron -- Please see DOT's comments on LRB 1189/1 below. Please make the changes. Let me know if you have any questions. Thanks, Kirsten

-----Original Message-----

From: Donlin, James
Sent: Friday, January 31, 2003 3:50 PM
To: Grinde, Kirsten; Vail, Benjamin
Cc: Morehouse, Alice; Riopelle, Patrick
Subject: Budget Statutory Language Drafts

I have reviewed drafts for commuter rail (LRB-1189/1), GTA (LRB-1196/1), and transit aids (LRB-1198/1). The GTA draft (LRB-1196/1) if correct. The draft for commuter rail requires the following corrections:

Commuter Rail (LRB-1189/1)

- Section 5, page 3, line 2 - the word "formerly" should be removed
- Section 5, page 3, lines 8 and 9 - the word "or" should be deleted and insert ", transit commissions organized under s. 59.58(2), 66.0301, or 66.1021, or a regional transportation authority organized under s. 59.58(6)" between the words "county" and "within"
- Section 5, page 3, lines 21 and 22 - the words "not eligible for federal aid" should be "in excess of federal aid".



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1189# 2

ARG:jld:pg

EWJ
RMR

D-Note

DOA:.....Vail - BB0272, Commuter rail capital funding

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

transit commissions, or regional transportation authorities

DO NOT GEN

- 1 AN ACT ...; relating to: commuter rail transit system development grants and
- 2 making appropriations.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

RAIL AND AIR TRANSPORTATION

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This bill creates a commuter rail transit system development grant program administered by DOT. Under this program, DOT may award grants to cities, villages, towns, ~~or~~ counties for preliminary engineering, property acquisition, equipment acquisition, and infrastructure construction related to the development or extension of commuter rail transit systems.

The bill also provides that construction or expansion of a commuter rail transit system costing more than \$5,000,000 may not be undertaken using state funds unless the project is specifically enumerated by statute.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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2 20.395 (1) (dq) *Commuter rail transit system development grants, state funds.*

3 The amounts in the schedule for commuter rail transit system development grants
4 under s. 85.064.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 SECTION 2. 20.395 (1) (dv) of the statutes is created to read:

6 20.395 (1) (dv) *Commuter rail transit system development grants, local funds.*

7 All moneys received from any local unit of government or other source for commuter
8 rail transit system development under s. 85.064, for such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 SECTION 3. 20.395 (1) (dx) of the statutes is created to read:

10 20.395 (1) (dx) *Commuter rail transit system development grants, federal*

11 *funds.* All moneys received from the federal government for commuter rail transit
12 system development under s. 85.064, for such purposes.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 SECTION 4. 85.062 (1) (c) of the statutes is created to read:

14 85.062 (1) (c) In this paragraph, "commuter rail" has the meaning given in
15 s. 85.064 (1) (a).

16 Initial construction or expansion of a commuter rail transit system.

17 SECTION 5. 85.064 of the statutes is created to read:

18 **85.064 Commuter rail transit system development.** (1) In this section:

1 (a) "Commuter rail" means rail passenger service, operating primarily on a
 2 dedicated right-of-way on existing railroad tracks ~~that are~~ used for rail freight
 3 service or intercity rail passenger service between and within metropolitan and
 4 suburban areas, connecting these areas with large business or urban centers in this
 5 state or another. Commuter rail usually operates during peak travel times with
 6 limited stops and in conjunction with other transit modes as part of a regional transit
 7 system.

8 (b) "Political subdivision" means any city, village, town, ~~or~~ county within this
 9 state.

10 (2) (a) The department shall administer a commuter rail transit system
 11 development grant program. From the appropriations under s. 20.395 (1) (dq), (dv),
 12 and (dx), the department may award grants to political subdivisions for preliminary
 13 engineering, property acquisition, equipment acquisition, and infrastructure
 14 construction projects related to the development or extension of commuter rail
 15 transit systems in this state.

16 (b) Upon completion of a planning study to the satisfaction of the department,
 17 any political subdivision may apply to the department for a grant for any purpose
 18 specified in par. (a). No grant may be awarded under this section for a project unless
 19 the project meets the eligibility criteria established by the department under sub. (3).

20 (c) The amount of a grant awarded under this section shall be limited to an
 21 amount equal to 50% of the portion of the project cost that is ^{in excess of the} ~~not eligible for~~ federal
 22 aid or 25% of the total project cost, whichever is less. No grant may be awarded under
 23 this section for a project involving the acquisition of property or equipment or
 24 infrastructure construction unless the political subdivision contributes funds for the
 25 project that at least equal 20% of the total project cost.

funding for the project

transit commission organized under s. 59.58(2) or 66.1021 or recognized under
 s. 66.0301 or regional transportation authority organized under s. 59.58(6)

1 (3) The department shall prescribe the form, nature, and extent of information
2 that shall be contained in applications for grants under this section and shall
3 establish criteria for evaluating applications and determining eligibility for the
4 award of grants under this section.

5

(END)

D - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1189/2dn
ARG: /:.....
WLj

Kirsten:

I modified the language relating to transit commissions to be consistent with my interpretation of ss. 59.58 (2), 66.0301, and 66.1021.

I made an additional change in bill section 4 to correct a clerical error and ^{to} provide a better fit with the existing statutory provisions.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1189/2dn
ARG:wlj:rs

February 2, 2003

Kirsten:

I modified the language relating to transit commissions to be consistent with my interpretation of ss. 59.58 (2), 66.0301, and 66.1021.

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Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1189/3
ARG:jld&wlj:rs

RMR
D-Note

DOA:.....Vail - BB0272, Commuter rail capital funding

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

DO NOT GEN

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This bill creates a commuter rail transit system development grant program administered by DOT. Under this program, DOT may award grants to cities, villages, towns, counties, transit commissions, or regional transportation authorities for preliminary engineering, property acquisition, equipment acquisition, and infrastructure construction related to the development or extension of commuter rail transit systems.

The bill also provides that construction or expansion of a commuter rail transit system costing more than \$5,000,000 may not be undertaken using state funds unless the project is specifically enumerated by statute.

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4 under s. 85.064.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 20.395 (1) (dv) of the statutes is created to read:

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9 **SECTION 3.** 20.395 (1) (dx) of the statutes is created to read:

10 20.395 (1) (dx) *Commuter rail transit system development grants, federal*
11 *funds.* All moneys received from the federal government for commuter rail transit
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 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 4.** 85.062 (1) (c) of the statutes is created to read:

14 85.062 (1) (c) Initial construction or expansion of a commuter rail transit
15 system. In this paragraph, “commuter rail” has the meaning given in s. 85.064 (1)
16 (a).

17 **SECTION 5.** 85.064 of the statutes is created to read:

18 **85.064 Commuter rail transit system development.** (1) In this section:

1 (a) “Commuter rail” means rail passenger service, operating primarily on a
2 dedicated right-of-way on existing railroad tracks used for rail freight service or
3 intercity rail passenger service between and within metropolitan and suburban
4 areas, connecting these areas with large business or urban centers in this state or
5 another. Commuter rail usually operates during peak travel times with limited stops
6 and in conjunction with other transit modes as part of a regional transit system.

7 (b) “Political subdivision” means any city, village, town, county, transit
8 commission organized under s. 59.58 (2) or 66.1021 or recognized under s. 66.0301,
9 or regional transportation authority organized under s. 59.58 (6) within this state.

10 (2) (a) The department shall administer a commuter rail transit system
11 development grant program. From the appropriations under s. 20.395 (1) (dq), (dv),
12 and (dx), the department may award grants to political subdivisions for preliminary
13 engineering, property acquisition, equipment acquisition, and infrastructure
14 construction projects related to the development or extension of commuter rail
15 transit systems in this state.

16 (b) Upon completion of a planning study to the satisfaction of the department,
17 any political subdivision may apply to the department for a grant for any purpose
18 specified in par. (a). No grant may be awarded under this section for a project unless
19 the project meets the eligibility criteria established by the department under sub. (3).

20 (c) The amount of a grant awarded under this section shall be limited to an
21 amount equal to 50% of the portion of the project cost in excess of the federal aid
22 funding for the project or 25% of the total project cost, whichever is less. No grant
23 may be awarded under this section for a project involving the acquisition of property
24 or equipment or infrastructure construction unless the political subdivision
25 contributes funds for the project that at least equal 20% of the total project cost.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1189/3dn

ARG: /.....

WLj

ATTN: Benjamin Vail and Kirsten Grinde

The attached draft is identical to the "/2" draft except that it adds a comma after "counties" in the analysis and "county" at page 3, line 7³ of the draft to clarify the distinction between a county and a transit commission.

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Legislative Attorney
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1189/3dn
ARG:wlj:rs

February 3, 2003

ATTN: Benjamin Vail and Kirsten Grinde

The attached draft is identical to the "/2" draft except that it adds a comma after "counties" in the analysis and "county" at page 3, line 7, of the draft to clarify the distinction between a county and a transit commission.

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State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1189/3
ARG:jld&wlj:rs

DOA:.....Vail – BB0272, Commuter rail capital funding

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION

- 1 AN ACT ...; relating to: commuter rail transit system development grants and
2 making appropriations.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

RAIL AND AIR TRANSPORTATION

Under current law, DOT administers an urban rail transit system program to plan, design, and engineer urban rail transit systems for urban areas in the state; a rail passenger service assistance and promotion program; a rail passenger route development program; a passenger railroad station improvement grant program; and a program to study interurban and intraurban multimodal transportation.

This bill creates a commuter rail transit system development grant program administered by DOT. Under this program, DOT may award grants to cities, villages, towns, counties, transit commissions, or regional transportation authorities for preliminary engineering, property acquisition, equipment acquisition, and infrastructure construction related to the development or extension of commuter rail transit systems.

The bill also provides that construction or expansion of a commuter rail transit system costing more than \$5,000,000 may not be undertaken using state funds unless the project is specifically enumerated by statute.

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.** 20.395 (1) (dq) of the statutes is created to read:

2 20.395 (1) (dq) *Commuter rail transit system development grants, state funds.*

3 The amounts in the schedule for commuter rail transit system development grants
4 under s. 85.064.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 20.395 (1) (dv) of the statutes is created to read:

6 20.395 (1) (dv) *Commuter rail transit system development grants, local funds.*

7 All moneys received from any local unit of government or other source for commuter
8 rail transit system development under s. 85.064, for such purposes.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

9 **SECTION 3.** 20.395 (1) (dx) of the statutes is created to read:

10 20.395 (1) (dx) *Commuter rail transit system development grants, federal*
11 *funds.* All moneys received from the federal government for commuter rail transit
12 system development under s. 85.064, for such purposes.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

13 **SECTION 4.** 85.062 (1) (c) of the statutes is created to read:

14 85.062 (1) (c) Initial construction or expansion of a commuter rail transit
15 system. In this paragraph, “commuter rail” has the meaning given in s. 85.064 (1)
16 (a).

17 **SECTION 5.** 85.064 of the statutes is created to read:

18 **85.064 Commuter rail transit system development.** (1) In this section:

1 (a) “Commuter rail” means rail passenger service, operating primarily on a
2 dedicated right-of-way on existing railroad tracks used for rail freight service or
3 intercity rail passenger service between and within metropolitan and suburban
4 areas, connecting these areas with large business or urban centers in this state or
5 another. Commuter rail usually operates during peak travel times with limited stops
6 and in conjunction with other transit modes as part of a regional transit system.

7 (b) “Political subdivision” means any city, village, town, county, transit
8 commission organized under s. 59.58 (2) or 66.1021 or recognized under s. 66.0301,
9 or regional transportation authority organized under s. 59.58 (6) within this state.

10 (2) (a) The department shall administer a commuter rail transit system
11 development grant program. From the appropriations under s. 20.395 (1) (dq), (dv),
12 and (dx), the department may award grants to political subdivisions for preliminary
13 engineering, property acquisition, equipment acquisition, and infrastructure
14 construction projects related to the development or extension of commuter rail
15 transit systems in this state.

16 (b) Upon completion of a planning study to the satisfaction of the department,
17 any political subdivision may apply to the department for a grant for any purpose
18 specified in par. (a). No grant may be awarded under this section for a project unless
19 the project meets the eligibility criteria established by the department under sub. (3).

20 (c) The amount of a grant awarded under this section shall be limited to an
21 amount equal to 50% of the portion of the project cost in excess of the federal aid
22 funding for the project or 25% of the total project cost, whichever is less. No grant
23 may be awarded under this section for a project involving the acquisition of property
24 or equipment or infrastructure construction unless the political subdivision
25 contributes funds for the project that at least equal 20% of the total project cost.

