

2009 DRAFTING REQUEST

Bill

Received: **09/15/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Administration**

By/Representing: **Tyler Byrnes**

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

Drafter: **agary**

May Contact:

Addl. Drafters: **jkreye
mshovers**

Subject: **Transportation - mass trnst/rail**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Tyler.Byrnes@wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

The southeastern regional transit authority and allowing creation of interim regional transit authorities

Instructions:

See attached

Drafting History:

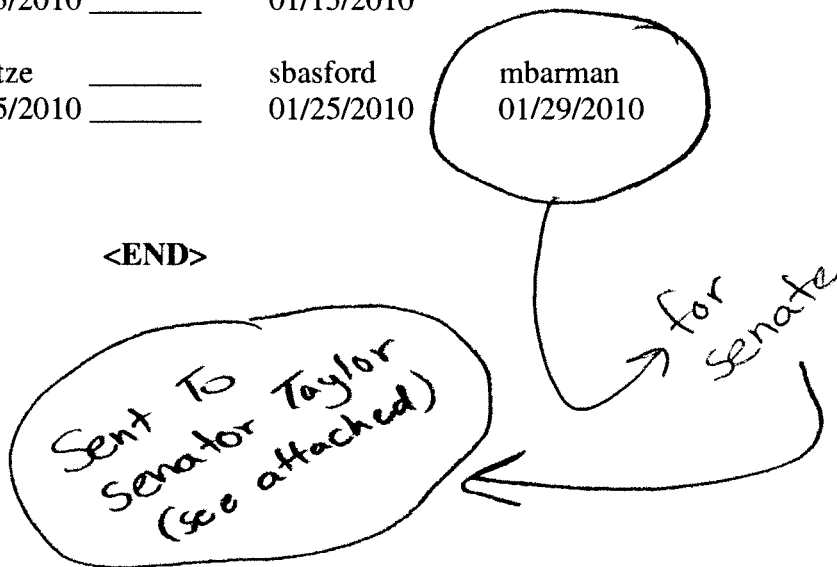
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mshovers

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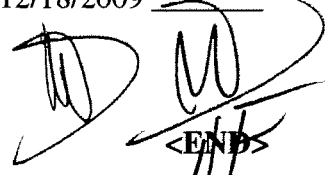
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Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

The southeastern regional transit authority and allowing creation of interim regional transit authorities

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>
/?				_____			S&L
/P1	agary 10/05/2009 jkreye 10/07/2009 mshovers 10/08/2009 agary	kfollett 10/14/2009 kfollett 10/19/2009 12/15/09 10/28/09	rschluet 10/14/2009		mbarman 10/14/2009		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/16/2009			_____			
/P2	agary 10/20/2009 mshovers 10/20/2009	kfollett 10/22/2009	rschluet 10/20/2009	_____ _____ _____	sbasford 10/20/2009		S&L
/1			rschluet 10/22/2009	_____ _____	mbarman 10/22/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **09/15/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Administration**

By/Representing: **Tyler Byrnes**

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

Drafter: **agary**

May Contact:

Addl. Drafters: **jkreye
mshovers**

Subject: **Transportation - mass trnst/rail**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Tyler.Byrnes@wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

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/P1	agary 10/05/2009 jkreye 10/07/2009 mshovers 10/08/2009 agary	kfollett 10/14/2009 kfollett 10/19/2009 11/5/09 10/22	rschlue 10/14/2009 <i>J</i> 10/22 11/5/09	_____	mbarman 10/14/2009		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/16/2009			_____			
/P2			rschluet	_____	sbasford		
			10/20/2009	_____	10/20/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **09/15/2009**

Received By: **agary**

Wanted: **As time permits**

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For: **Administration**

By/Representing: **Tyler Byrnes**

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

Drafter: **agary**

May Contact:

Addl. Drafters: **jkreye
mshovers**

Subject: **Transportation - mass trnst/rail**

Extra Copies: **EVM**

Submit via email: **YES**

Requester's email: **Tyler.Byrnes@wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

The southeastern regional transit authority and allowing creation of interim regional transit authorities

Instructions:

See attached

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/?							S&L
/P1	agary 10/05/2009 jkreye 10/07/2009 mshovers 10/08/2009	kfollett 10/14/2009 <i>1P25F</i> <i>10/19</i>	rschluet 10/14/2009 <i>S</i> <i>10/19</i>		mbarman 10/14/2009		

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: 09/15/2009

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Administration

By/Representing: Tyler Byrnes

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters: jkreye
mshovers

Subject: Transportation - mass trnst/rail

Extra Copies: EVM

Submit via email: YES

Requester's email: Tyler.Byrnes@wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given


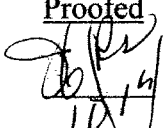
Topic:

The southeastern regional transit authority and allowing creation of interim regional transit authorities

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>
1?	agary 10/15/09	1 P/K/F 10/14					S&L
FE Sent For:							

<END>

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, September 15, 2009 2:46 PM
To: Gary, Aaron
Cc: Grinde, Kirsten - DOA; Kraus, Jennifer - DOA; Schmiedicke, David P - DOA
Subject: RTA Drafting Request
Attachments: Fall 2009 SE RTA Drafting Request.doc; Sept 3 meeting.doc

Aaron,

Attached is a drafting request outlining some of the basics for a new SE Regional Transit Authority. The details on the plan are still being worked out, but the Governor's office would like to get started with drafting a bill to move forward with. I've also attached a document that shows the general structure of the idea we're working with. Give me a call when you have a chance so I can explain it.

Thanks,

Tyler
266-1039

Mc w/ Tyler 9/16

- Umbrella - composition is the sub-RTAs
 - members: local govt. that form the sub-RTA
 - sub-RTAs: two local units of govt. →
a county & a municipality that
already provides transit

but 2 municipalities can
form a sub-RTA

(Racine)

- eliminate SENTA (as it ~~passes~~ passes
to the new umbrella RTA)



- board of umbrella RTA is
same as board of SECTA

- with same appointments

- will do all SECTA

responsibilities.

2009 Non-Budget Statutory Language Drafting Request

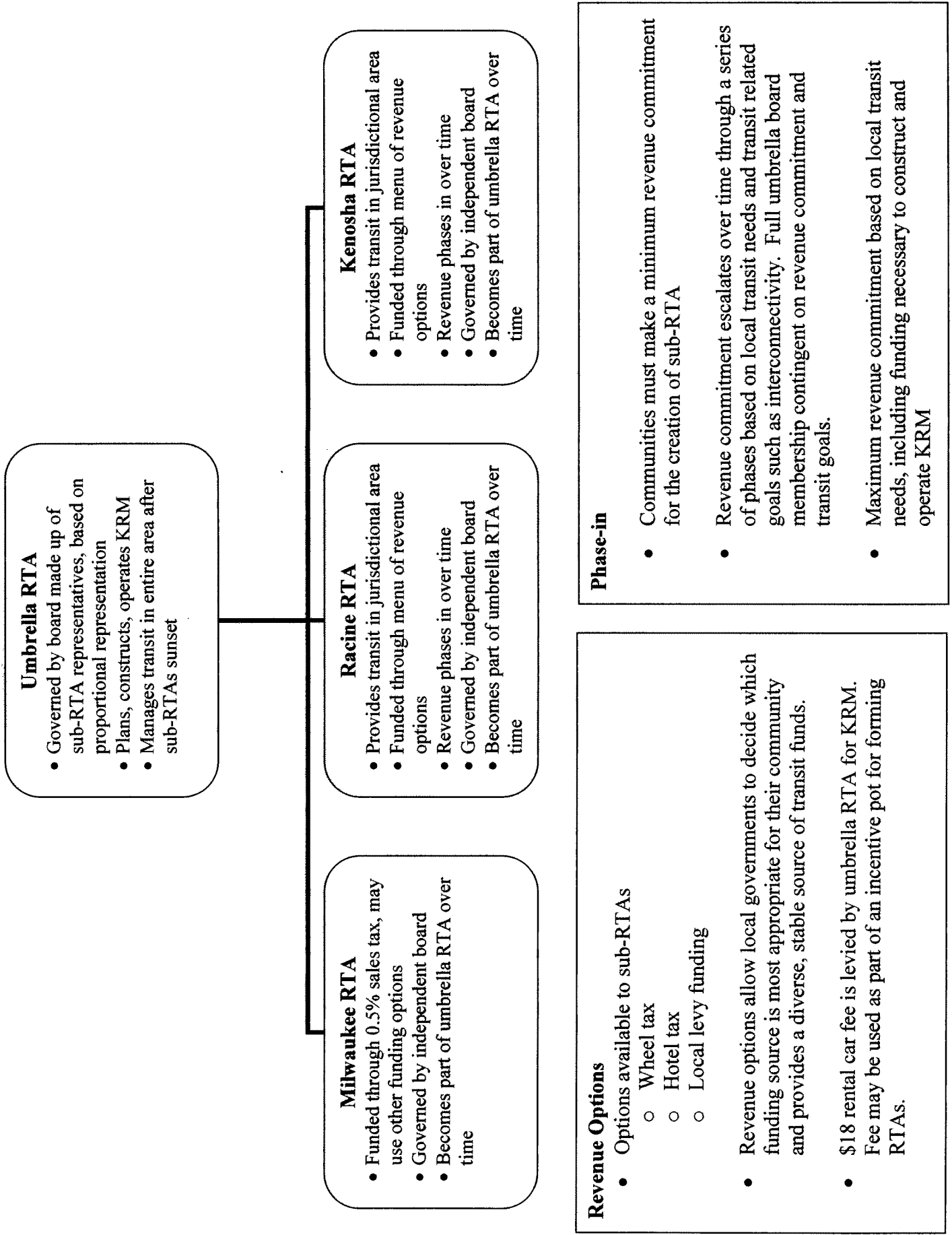
- Topic: Creation of a Southeast Wisconsin Regional Transit Authority
- Tracking Code: _____
- SBO team: Tax, Transportation and Budget Development
- SBO analyst: Tyler Byrnes
 - Phone: 266-1039
 - Email: tyler.byrnes@uni.edu
- Agency acronym:
- Agency number:
- Priority (Low, Medium, High): High

Intent: Please prepare a draft that creates a new regional transit authority in Southeast Wisconsin and allows local governments in Kenosha, Racine, Milwaukee, Waukesha, Washington and Ozaukee Counties to form sub-RTA's that will dissolve into the overarching RTA after a period of 6 years. The following seven points will give the two-level transit authority its basic structure.

- 1. Two-level approach to regional transit** – RTA structure will consist of an umbrella RTA responsible for KRM commuter rail planning and construction. The umbrella RTA will continue KRM planning efforts already underway. Independent local sub-RTAs will be responsible for local transit. Over time, the sub-RTAs will merge with the umbrella RTA.
 - a. Local revenues remain local** – Sub-RTA revenues will fund transit within their jurisdiction.
- 2. Umbrella RTA representation** – Representation on the umbrella RTA board will be proportional to population. Full representation on the board will be contingent on revenue commitment and transit outcomes.
- 3. Transit dedicated 0.5% sales tax for Milwaukee** – Funding for the Milwaukee sub-RTAs may come from a 0.5% sales tax, which has already been approved by referendum in that county. The Milwaukee RTA may also use any option on the menu of revenue options provided to Racine and Kenosha counties.
- 4. Menu of revenue options for Racine and Kenosha County** – Sub-RTAs created in Racine and Kenosha counties may be funded through a combination of currently authorized local revenue. New transit revenue sources not authorized under current law are subject to referenda requirements.

5. **Maximum revenue commitment** – The maximum amount of revenue commitment of the RTA will be based on local transit needs, including funding necessary to construct and operate the KRM commuter rail link.
6. **Incentive funding** – A pool of funding will be created to provide an incentive for local governments to create sub-RTAs. Incentive pool may consist of rental car fee revenue, funding from the transportation fund or some other source of funds.
7. **Federal Transit Administration approval** – The transit authority will be crafted with the intention of strengthening the KRM commuter rail project New Starts grant application with Federal Transit Administration.

Two Level RTA Structure



Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Thursday, September 24, 2009 11:16 AM
To: Gary, Aaron
Cc: Grinde, Kirsten - DOA; Kreye, Joseph
Subject: RE: RTA Drafting Request
Attachments: Updated Drafting Instructions - Sept. 24th.doc

Aaron,

Attached is a document that attempts to answer the questions you have laid out here. Please call or shoot me an email if things are unclear or incomplete, in terms of membership, creation and joining provisions. The next set of details will focus on revenue commitments and sub-RTA powers.

Thanks again,

Tyler

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Thursday, September 17, 2009 3:36 PM
To: Byrnes, Tyler - DOA
Cc: Grinde, Kirsten - DOA; Kreye, Joseph - LEGIS
Subject: RE: RTA Drafting Request

Hi Tyler,

I wanted to follow up on our conversation yesterday to make sure that I am properly understanding the intent here.

1. The southeastern regional transit authority (SERTA) created in Act 28 in s. 59.58 (7) will be eliminated and replaced by the umbrella RTA. SERTA's current functions of planning (and eventually constructing and managing) the KRM commuter rail line, as well as all other SERTA functions, will be picked up by the umbrella RTA. The composition of the umbrella RTA will be derivative of the sub-RTAs. That is, for those sub-RTAs that have formed, the umbrella RTA will be composed of the local governments that formed the sub-RTAs. (The board of directors of the umbrella RTA, and director appointment process, will be the same as SERTA.)

As we discussed, the instructions include prerequisites to the formation of sub-RTAs. It is possible that no sub-RTA will ever be formed (or that there could be a long delay in the formation of a sub-RTA). At the same time, I understand that the intent is that the umbrella RTA be formed regardless of whether any sub-RTA is formed. This of course presents a drafting dilemma that must be remedied. Do you want to provide for one mandatory/definite member of the umbrella RTA, regardless of whether any sub-RTA is formed, so that you can ensure the umbrella RTA's formation? Or is there another way you want to resolve this dilemma?

2. As I understand it, the sub-RTAs can be formed by a county and by a municipality in that county that already provides transit service (except that, in Racine County, two municipalities can join to form a sub-RTA without participation of Racine County). Can other municipalities within the county join in the sub-RTA? Can other counties or municipalities outside the original county also join in a sub-RTA after its initial formation? Is the sub-RTA formed by entering into an intergovernmental agreement, or is it formed by adopting identical resolutions, or by some other means?

Before I can start drafting, I need a clear picture of how the umbrella RTA and the sub-RTAs are going to be formed, and the composition of each (who/what is "in" the RTA). I understand that more details will be forthcoming. Please let me know if my understanding of any of the instructions, as I've described above, is not accurate.

Also, you mentioned that eventually attorneys from the Legislative Council will become involved with this draft. Al Runde at the Fiscal Bureau spent a lot of time on the RTA issues during the budget process and I recommend

09/24/2009

that he be brought into the loop when Leg Council is.

Thanks. Aaron

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, September 15, 2009 2:46 PM
To: Gary, Aaron
Cc: Grinde, Kirsten - DOA; Kraus, Jennifer - DOA; Schmiedicke, David P - DOA
Subject: RTA Drafting Request

Aaron,

Attached is a drafting request outlining some of the basics for a new SE Regional Transit Authority. The details on the plan are still being worked out, but the Governor's office would like to get started with drafting a bill to move forward with. I've also attached a document that shows the general structure of the idea we're working with. Give me a call when you have a chance so I can explain it.

Thanks,

Tyler
266-1039

Updated Drafting Instructions – "Umbrella RTA Membership, Creation and Jurisdiction

Problem: In our discussions, the umbrella RTA is created in statutes and sub-RTAs are created by an action on the part of local governments. However, the members of the umbrella RTA are defined as the members of the sub-RTA. Therefore, though created in statutes, the umbrella RTA would not have any member governments until the sub-RTAs are formed.

Solution:

Modify existing SERTA so that it functions as the Umbrella RTA board

- SERTA created in the budget continues to exist, collect the \$18 rental car fee and plan KRM. Members of the RTA would be the current member governments of the SERTA.
 - Member governments:
 - City and County of Milwaukee
 - City and County of Racine
 - City and County of Kenosha
- After sub-RTAs are formed, members of the SERTA remain the same.
 - SERTA jurisdiction for purposes of the \$18 rental car fee, KRM planning and operation would not change. Racine County would likely not be part of any sub-RTA but would remain part of SERTA.
 - SERTA jurisdiction for purposes of powers related other transit issues, i.e. review of sub-RTA transit plans, pass through of federal funds, will be the jurisdictions of member governments of sub-RTAs
- As transit benchmarks are met by the sub-RTAs, they eventually dissolve into SERTA. SERTA would then function as a true regional transit authority.
 - Board members appointed by governments that were not members of sub-RTAs may only vote on issues directly related to KRM.
 - The board may vote to remove member governments appointed by governments that were not members of sub-RTAs after sub-RTAs dissolve.
 - Jurisdiction and membership of the fully functioning SERTA would be the governments that have joined sub-RTAs. SERTA would be able to plan and provide transit, as well as continue to levy sub-RTA taxes and fees in these areas.
 - Rental car fee could be levied in the entire SERTA region including the part of Racine County that is not a member of sub-RTAs, unless the board votes to remove Racine County.
 - Racine County may opt to become a full member of SERTA through adoption of a joining resolution and SERTA board approval. Contents of joining resolution determined by the bylaws of SERTA.
 - All financial liabilities incurred by the sub-RTAs pass to SERTA.

Umbrella Transit Authority Board Membership

- Umbrella transit authority board is fully formed with all 9 members from the beginning. Board has jurisdiction over KRM planning and construction.

Membership:

- 2 by Chair of Milwaukee County Board
 - 2 appointed by Mayor of Milwaukee
 - 1 by Chair of Racine County Board
 - 1 by Mayor of Racine
 - 1 by Chair of Kenosha County Board
 - 1 by Mayor of Kenosha
 - 1 by Governor
 - 1 by Mayor of any municipality that forms a sub-RTA with a population over 60,000 – other than communities already represented (Waukesha)
 - 1 by Chair of County Board of any county that forms a sub-RTA – other than counties already represented (Waukesha, Ozaukee Counties)
- When all sub-RTAs reach phase 4 transit outcomes, umbrella transit authority assumes responsibility for transit provision from sub-RTAs. Board will have jurisdiction over KRM as well as other transit systems.
 - Board members appointed by governments that are not members of sub-RTAs may only vote on issues directly related to KRM.
 - Board may vote to remove board members appointed by governments that were not members of sub-RTAs after sub-RTAs dissolve.

Sub-RTA Creation and Membership

- **Which communities are able to form sub-RTAs?**
 - One or a combination of two or more governments in Kenosha, Milwaukee, Ozaukee, Washington, Racine and Waukesha Counties may form a sub-RTA if the following conditions are met:
 - At least one of the local governments is operating a transit system in their jurisdiction as of the date the bill is published.
 - The transit authority as a whole is able to meet the required minimum revenue commitments through one of the designated revenue sources.
 - Sub-RTA's revenue commitments and transit outcomes are based on the sub-RTA as whole, not individual communities.
 - Sub-RTAs are created by the adoption of identical joining resolutions by the governing bodies of the governments joining the RTA. Resolutions specify minimum revenue requirements and the mechanism for raising revenue.
 - Governance of the Sub-RTAs will be determined by the joining resolution adopted by the local governments creating the RTA.

- **Can other municipalities within the county join the sub-RTA, either when the sub-RTA is created, or afterwards?**
 - Yes – Other municipalities within the same county may join with at initial formation of the sub-RTA. Additional municipalities join by adopting joining resolutions identical to partner municipalities.
 - Additional municipalities within a county where a sub-RTA has been created may join at any time after creation. Additionally, the county itself may join at a later date.
 - Joining is subject to a vote by the governing body of the joining municipality or county and the sub-RTA board.
 - Municipalities that join sub-RTAs would allow for possible representation on the sub-RTA board as well as expanded transit service in the joining jurisdiction, governed by the sub-RTA bylaws.
 - If a municipality joins a sub-RTA that does not include a county member, phase-in commitments are re-calculated based on the new member's potential contribution.
 - If an entire county joins, the phases would be recalculated.

- **Can other counties or municipalities outside the original county also join in a sub-RTA after its initial formation?**
 - No. They would be required to form their own sub-RTA.
 - Any sub-RTA formed outside the initial Kenosha-Racine-Milwaukee area will have the same requirements as the other sub-RTAs and will dissolve into the umbrella RTA over time.

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Friday, September 25, 2009 3:58 PM
To: Gary, Aaron
Cc: Grinde, Kirsten - DOA
Subject: Continued RTA Drafting Instructions
Attachments: Sept. 25 Drafting Instructions - RTA Powers.doc

Aaron,

Attached are more drafting instructions on the RTA bill. They attempt to cover sub-RTA governance and powers, as well as SERTA powers. In regards to the sub-RTA board members, we're still looking for proposals from the legislative group, but I thought you might be able to leave that section empty for now. As always, please call me for clarification on anything.

Thanks,

Tyler

Continued Drafting Instructions – RTA Powers, Governance and Revenue Phases

Sub-RTA Governance

- Sub-RTAs governed by independent boards, with authority over transit provision and planning in the sub-RTA jurisdiction.
- Board has a minimum set of board members set in statutes. Remaining board membership is set by local governments that create sub-RTAs, following these parameters. This approach is based on the Chippewa Valley and Chequamegon Bay approach to board membership. Minimum board members for each sub-RTA are yet to be determined.
 - Board membership can be no more than 9 and no less than 5 members, with one Governor's appointment. Membership is flexible based on the needs of local stakeholders.
 - Board composition must be included in the joining resolution voted on by the governing bodies of the local governments forming the sub-RTAs.
 - If local governments cannot agree on board composition, boards will be limited to membership set in statutes – similar to the Chequamegon Bay RTA board.
 - Provisions for changing board membership are governed by the bylaws of the sub-RTA.

Sub-RTA Powers

- After creation, sub-RTAs are responsible for providing transit and transit planning in their jurisdictional area. Plans must be filed with SERTA.
 - Sub-RTAs may contract for service with existing transit providers. Sub-RTAs may also acquire comprehensive transit systems from existing ownership via an agreement between the sub-RTA and the existing owner.
 - If sub-RTAs acquire transit systems, those assets and liabilities pass to SERTA.
- Sub-RTAs must generate revenue equal to the amount required by the revenue phases.
 - Sub-RTAs have the power to levy a vehicle registration fee, a hotel tax or (after a referendum) a sales tax up to 0.5%. Milwaukee County's referendum from fall of 2009 meets this requirement.
 - Sub-RTAs may also charge a membership fee to the member governments. This allows member governments to dedicate property tax levy to transit through the membership fee. If this option is used, member governments must dedicate property tax revenues to sub-RTA funding through local ordinance.
 - Minimum revenue requirements may be funded through one of the revenue options, or a combination of all available options.
 - Revenue sources must be identified in the resolution creating the sub-RTA. Sub-RTA boards may vote to change revenue sources, as long as those sources maintain the required level of funding commitment.
- Sub-RTAs apply for and utilize state and federal funds.

- Sub-RTAs complete applications for federal and state funds and pass those applications through SERTA to federal and state agencies. Federal and state funds pass directly through SERTA to the sub-RTAs.
- Incentive funds for RTAs pass directly to the sub-RTAs from the state, starting fall of 2011. SERTA will provide incentive funding through the rental car fee in 2010 and 2011.
- Sub-RTAs are eligible to apply for Southeast Wisconsin Capital Assistance Program funding for major capital improvements.

Sunset Process

- Any sub-RTA created will sunset once all sub-RTAs reach phase 4 of the transit commitments. SERTA assumes the responsibility to provide transit in the sub-RTA jurisdictional areas after all sub-RTAs dissolve. Control of transit remains in the hands of sub-RTAs until Kenosha, Racine and Milwaukee sub-RTAs all dissolve.
- The authority to levy sub-RTA taxes passes upwards to SERTA. Existing taxes being levied continue automatically. The SERTA board does not have to vote to continue taxation. Any changes to taxes must be voted on by the SERTA board.
- Any liabilities and assets under control of the sub-RTAs become the assets and liabilities of SERTA. Contracts for transit service provision with existing transit providers pass to SERTA. The SERTA board may choose to continue to contract for service, or acquire the transit system via an agreement with the transit system.

SERTA Powers

- SERTA has the authority to plan, construct and operate the Kenosha-Racine-Milwaukee commuter rail line. It may choose to operate the line itself, or contract to a rail service provider.
- SERTA will be statutorily required to submit an application to the Federal Transit Administration for New Starts funding by July 1st, 2010. This date matches provisions included in Act 28.
- SERTA would be the only entity in the southeast region allowed to submit applications for federal New Starts funding. SERTA is also responsible for passing sub-RTA applications for federal funds through to federal agencies.
- SERTA will maintain the ability to levy a rental car fee up to \$18 per transaction. This funding will be used for KRM planning purposes as well as to create the incentive funds for the sub-RTAs. After 2011, the rental car fee will be dedicated to KRM operations.
- After sub-RTAs sunset, the taxation powers given to the sub-RTAs pass to SERTA. Taxes continue to be collected unless the SERTA board votes to change revenue amounts.
- SERTA will be the entity responsible for providing transit in its jurisdiction after sub-RTAs sunset. It will have all the powers necessary to do so, including contracting with existing service providers or acquiring transit systems through agreement with system owners.

- SERTA will be able to issue bonds, supported by any of the revenue sources under its control. These bonds could be used for either construction of new capital improvements to the transit system, or acquisition of existing systems. Initially, bonds will be backed by the rental car fee. Once SERTA receives the power to levy other taxes, bonds may be supported by those revenues.
- SERTA will remain eligible to apply for Southeast Wisconsin Capital Assistance Program grant funding for major capital improvements.

Commitment Phases Based on Transit Needs

- Any sub-RTA created would be required to generate revenue equivalent to benchmarks set in statutes, with a minimum level of commitment to form the sub-RTA.
- The Wisconsin Department of Transportation would adjust benchmark dollar amounts every two years and certify that transit goals have been met by the sub-RTAs.
- Every two years, the transit commitment would increase to the next phase. Sub-RTAs may move to the next phase a pace faster than is required in statutes. After all RTAs reach phase 4, the sub-RTAs would cease to exist.

Initial Commitment:

Equivalent to current property tax levy contribution to transit in the jurisdiction as of one year prior to the bills enactment.

Phase 2: Revenue to cover a 20% reduction in farebox revenue, 5% increase in service or a combination of both.

- Every 4% reduction in farebox revenue would be the equivalent of a 1% service expansion.
- Increase in service defined in terms of service miles or service hours.

Phase 3: Same as phase two – additional 20% reduction farebox support or service increases of 5%.

Phase 4: In addition to the maintaining the first three stages sub-RTAs must, improve interconnectivity of transit system by linking with other modes of transportation and improving cross-county links. No specific additional revenue amount required at this level. DOT sets specific criteria through administrative rule.

Penalties for Failing to Achieve Transit Outcomes

- If a sub-RTA does not move from one stage to the next within the time limit, they lose all incentive funding provided by the state or umbrella RTA
- After 4 years of failing to move to the next stage, the sub-RTA dissolves, transit responsibilities revert to the local members.

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, September 29, 2009 9:09 AM
To: Gary, Aaron
Cc: Grinde, Kirsten - DOA; Kreye, Joseph
Subject: RE: Continued RTA Drafting Instructions

Aaron,

My answers are included under the questions.

Thanks,

Tyler

From: Gary, Aaron [mailto:Aaron.Gary@legis.wisconsin.gov]
Sent: Tuesday, September 29, 2009 8:56 AM
To: Byrnes, Tyler - DOA
Cc: Grinde, Kirsten - DOA; Kreye, Joseph - LEGIS
Subject: RE: Continued RTA Drafting Instructions

Hi Tyler,

I have started trying to piece this all together. It will be a challenge (and time-consuming) to draft. The group has devised a very fluid plan for RTAs, but the statutes are designed to be static, not fluid, and having entities dissolve or morph into others creates some interesting drafting challenges.

As we go along, I'm sure that I will have dozens of questions, and here are a few:

1. Is the SERTA (currently in s. 59.58 (7)) synonymous with the "umbrella RTA" (after incorporating necessary changes)? Or does the entity that is now the SERTA actually morph into a different entity that is the umbrella RTA?

Answer: SERTA and the "umbrella RTA" are synonymous. We are not creating an entirely new entity. However, we would like to give the appointing authorities the power to reappoint or appoint new board members if they chose. This recognizes that while it is the same entity, there are some differences and those with the ability to appoint may make different choices.

2. I can't really use the terms "sub-RTA" and "umbrella RTA" in the statutes. Can I use the term "interim regional transit authority" for the sub-RTAs? And for the umbrella RTA, if it is not synonymous with the SERTA, can I use the term "southeast Wisconsin regional transit authority"?

Answer: Interim regional transit authority seems like a good term. It conveys the concept that they are temporary. Since we're just carrying SERTA forward, I think calling the "umbrella RTA" SERTA is fine.

3. In the drafting instructions, when all sub-RTAs reach phase 4 transit outcomes, the umbrella RTA reaches its apex, assuming responsibility from the sub-RTAs for transit and the sub-RTAs dissolve. At the same time, the instructions recognize that each sub-RTA must meet benchmarks and advance through the phases or the sub-RTA is kicked out and dissolved. This presents a problem: it is possible that some sub-RTAs will not reach phase 4, yet the umbrella RTA only reaches full power when all sub-RTAs reach phase 4. So there is a reasonable possibility that the umbrella RTA will never be fully realized. Is this consistent with the group's intent?

Answer: It is the groups intent that if one of the sub-RTAs does not meet its obligations, the SERTA will not achieve it's full power.

I'm sure there will be many more questions to follow, but this is a start.

Aaron

10/05/2009

Aaron R. Gary
Attorney, Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Byrnes, Tyler - DOA [mailto:Tyler.Byrnes@wisconsin.gov]
Sent: Friday, September 25, 2009 3:58 PM
To: Gary, Aaron
Cc: Grinde, Kirsten - DOA
Subject: Continued RTA Drafting Instructions

Aaron,

Attached are more drafting instructions on the RTA bill. They attempt to cover sub-RTA governance and powers, as well as SERTA powers. In regards to the sub-RTA board members, we're still looking for proposals from the legislative group, but I thought you might be able to leave that section empty for now. As always, please call me for clarification on anything.

Thanks,

Tyler

10/05/2009

Gary, Aaron

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Thursday, October 01, 2009 10:53 AM
To: Gary, Aaron
Cc: Grinde, Kirsten - DOA; Kreye, Joseph - LEGIS
Subject: Additional Drafting Instructions
Attachments: Oct. 1 Drafting Instructions.doc

Aaron,

Attached is the last bit of drafting instructions. They revisit sub-RTA board membership and establish a process for incentivizing sub-RTA creation.

There are two changes to the instructions/draft that should be made:

1. Under the sub-RTA powers, for any interim RTA formed in Milwaukee County only, we would like to require that any sub-RTA formed must contract with Milwaukee County Transit for transit services.
2. Under the "revenue phases" phases two and three should be:

Phase 2: Revenue to cover a 30% reduction in farebox revenue, 2% increase in service or a combination of both.

- Every 15% reduction in farebox revenue would be the equivalent of a 1% service expansion.
- Increase in service defined in terms of service miles or service hours.

Phase 3: Same as phase two – additional 30% reduction farebox support or service increases of 2%.

I the instructions I've given you so far cover everything we've discussed in terms of creating the new transit authority mechanism. Please let me know if there are any major holes preventing you from completing the draft, or if you need clarification on this or anything else I've given you.

Thanks,

Tyler

Sub-RTA Governance

- Sub-RTAs governed by independent boards, with authority over transit provision and planning in the sub-RTA jurisdiction.
- Board has a minimum set of board members set in statutes. Remaining board membership is set by local governments that create sub-RTAs, following these parameters. This approach is based on the Chippewa Valley and Chequamegon Bay approach to board membership. Minimum board members for each sub-RTA are yet to be determined.
 - Board membership can be no more than 9 and no less than 5 members, with one Governor's appointment. Membership is flexible based on the needs of local stakeholders.
 - Board composition must be included in the joining resolution voted on by the governing bodies of the local governments forming the sub-RTAs.
 - In Milwaukee County only, local governments cannot agree on board composition, boards will be limited to membership set in statutes – similar to the Chequamegon Bay RTA board.
 - Milwaukee County Fall-Back Board
 - Two members, appointed by the county board chair, from anywhere in the RTA jurisdiction
 - One member, appointed by the county board chair, from in the RTA jurisdiction, but outside of the city of Milwaukee
 - One member, appointed by the Mayor of Milwaukee
 - One member, appointed by the Governor, from the RTA jurisdiction.
 - Provisions for changing board membership are governed by the bylaws of the sub-RTA.

Incentive Funding

- Allow the SERTA board to determine the amount of matching funds provided to each sub-RTA created. SERTA would fund the matching amount through the rental car fee.
 - Allow SERTA to match up to 100% of local contribution from each sub-RTA
 - Maximum incentive award of \$5 million per sub-RTA.
 - SERTA must use the same criteria in evaluating and awarding incentive funding on each sub-RTA.
- Sub-RTAs would form and submit applications to the SERTA board to receive incentive funding. Board would determine the amount of match based on sub-RTA applications.
- The board would be required to take into consideration certain factors in determining awards to sub RTAs. These factors include:
 - Number of regional partners involved
 - Funding source used to provide sub-RTA funds
 - Long term transit goals for the sub-RTA

- Early attainment of advanced revenue stages
- Local governments seeking to create sub-RTAs could consult with SERTA board to determine the likely amount of incentive funds the sub-RTA would receive.
- State would create an incentive pool of \$5 million from the transportation fund to match SERTA contributions to sub-RTAs.
 - Funds will be distributed through tier A-3 transit aids appropriation to SERTA beginning in Fiscal Year 2012.
 - SERTA must provide these funds to the sub-RTAs to match their own incentive funds. Matching level set by SERTA bylaws. Total amount provided in matching funds cannot exceed the amount appropriated.
 - SERTA must use a uniform percentage in determining the amount of state funding used to match rental car fee funding.
 - For example: If SERTA provides \$1 million to a sub-RTA in rental car fee funding, and \$200,000 in state funding, they must provide 20% match to any other sub-RTA.
 - s. 85.20(4m)(a)6.e. should be modified to allow distribution to begin before the enumerated transit system is operational in Milwaukee County and for funding recipients to use the funding for paying incentives to sub-RTAs.

Kreye, Joseph

From: Gary, Aaron
Sent: Tuesday, October 06, 2009 10:05 AM
To: Kreye, Joseph
Cc: Shovers, Marc
Subject: RE: Sales tax and RTAs

Assuming that there is any way to do what he says, created s. 59.58 (7) (n) 3. has a general SERTA jurisdictional area under subd. 3. a. with an exception under subd. 3. b. You may be able to build into this another exception (or more) via a new subd. 3. c. etc. Then perhaps your tax stats (77.708 or whatever it will be) could cross-reference to this "jurisdictional area".

From: Byrnes, Tyler - DOA [<mailto:Tyler.Byrnes@wisconsin.gov>]
Sent: Tuesday, October 06, 2009 9:58 AM
To: Kreye, Joseph
Cc: Gary, Aaron; Shovers, Marc
Subject: RE: Sales tax and RTAs

Joe,

I talked to the Gov's office and I think our solution is as follows:

SERTA would have the ability to set a uniform rate in any interim RTA jurisdiction, provided they had already imposed a sales tax in the sub RTA. For example, if the MKE sub-RTA was at .5%, Racine was at .15% and Kenosha was at .2%, SERTA would reset the rates to .4% region wide.

However, if any sub-RTA had not authorized a sales tax, a sales tax could not be created by SERTA in the old jurisdictional area. For example, the MKE sub-RTA was the only one to impose a sales tax, SERTA would levy the tax inside the boarders of the old MKE sub-RTA, but could not levy a sales tax inside the boarders of the old Kenosha and Racine sub-RTAs.

I'll talk to revenue about any problems related to Streamlined.

Let me know if you have questions.

Tyler

From: Kreye, Joseph [<mailto:Joseph.Kreye@legis.wisconsin.gov>]
Sent: Tuesday, October 06, 2009 9:31 AM
To: Byrnes, Tyler - DOA
Cc: Shovers, Marc - LEGIS; Gary, Aaron - LEGIS
Subject: Sales tax and RTAs

Tyler,

If I understand the instructions for our latest RTA draft, the interim RTAs would be able to adopt a sales tax at a rate of "up to" 5 percent. When the interim RTAs dissolve, the SERTA assumes the taxing authority and the jurisdictional area of the interim RTAs. If, however, the underlying interim RTAs have different tax rates, what is the tax rate that the SERTA imposes when it assumes the taxing authority? The SERTA cannot impose different tax rates in different parts of the SERTA's jurisdictional area because it would put the state out of compliance with the Streamlined Sales and Use Tax Agreement and be difficult to administer.

A similar problem arises if one or more of the interim RTAs does not impose the sales tax: the sales tax has to be effective for the SERTA's entire jurisdictional area once the SERTA assumes the taxing authority.

The issues identified in this e-mail may also be issues for the room taxes, but I'll let Mr. Shovers address that.

Please let me know how you want to handle the merger of interim RTAs with different tax rates.

Joe

Joseph T. Kreye
Senior Legislative Attorney
Legislative Reference Bureau
(608) 266-2263

Kreye, Joseph

From: Byrnes, Tyler - DOA [Tyler.Byrnes@wisconsin.gov]
Sent: Tuesday, October 06, 2009 10:18 AM
To: Kreye, Joseph
Subject: RE: Sales tax and RTAs

You are correct on both counts.

Tyler

From: Kreye, Joseph [mailto:Joseph.Kreye@legis.wisconsin.gov]
Sent: Tuesday, October 06, 2009 10:17 AM
To: Byrnes, Tyler - DOA
Cc: Gary, Aaron - LEGIS; Shovers, Marc - LEGIS
Subject: RE: Sales tax and RTAs

Just to clarify, the SERTA would "reset" the rates once it assumes the taxing authority of the interim RTAs (upon the interim entities' dissolution), correct?

If I'm not mistaken, SERTA will have to adopt a resolution to do this and give DOR appropriate notice (120 days, as per the Streamlined Sales and Use Tax Agreement). During that 120 day period, consistent with current law, I assume that the tax would continue to be imposed and collected for the interim RTA. In other words, the interim RTA dissolution effective date and the effective date of the SERTA's sales tax imposition would be the same. Is my understanding correct?

Joe

Joseph T. Kreye
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Let me know if you have questions.

Tyler

10/06/2009

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To: Byrnes, Tyler - DOA
Cc: Shovers, Marc - LEGIS; Gary, Aaron - LEGIS
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