

2015 DRAFTING REQUEST

Bill

Received: **12/2/2014** Received By: **emueller**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget 266-1039** By/Representing: **Mette**
May Contact: Drafter: **zwyatt**
Subject: **Transportation - mass trnst/rail** Addl. Drafters:
Extra Copies: **ARG, EVM**

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov**
aaron.gary@legis.wisconsin.gov
zachary.wyatt@legis.wisconsin.gov
sbostatlanguage@webapps.wi.gov

Pre Topic:

DOA:.....Mette, BB0251 -

Topic:

Transit safety oversight

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>
/?	zwyatt 12/18/2014			_____			
/P1		wjackson 12/23/2014	rschluet 12/23/2014	_____	srose 12/23/2014		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P2		wjackson 1/13/2015	jfrantze 1/14/2015	_____	mbarman 1/14/2015		State S&L
/P3	zwyatt 1/27/2015	jdyer 1/27/2015	rschlue 1/27/2015	_____	lparisi 1/19/2015		State S&L
/P4				_____	lparisi 1/27/2015		State S&L

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lp3wj 1/17

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No. 17m

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/?	zwyatt						

Handwritten signature and date 12/3/14

FE Sent For:

<END>

Mueller, Eric

From: CathleneH <cathleneh@gmail.com>
Sent: Monday, December 01, 2014 5:38 PM
To: Wyatt, Zachary; Mueller, Eric
Subject: Fwd: Statutory Language Drafting Request - BB0251

Sent from my iPhone

Begin forwarded message:

From: <Bryan.Mette@Wisconsin.gov>
Date: December 1, 2014 at 5:30:32 PM CST
To: <cathlene.hanaman@legis.wisconsin.gov>
Cc: <Paul2.Ziegler@wisconsin.gov>, <Bryan.Mette@wisconsin.gov>, <Christopher.Connor@wisconsin.gov>
Subject: Statutory Language Drafting Request - BB0251

Biennial Budget: 2015-17

DOA Tracking Code: BB0251

Topic: Transit Safety Oversight

SBO Team: TLGED

SBO Analyst: Mette, Bryan - DOA
Phone: 608-266-1039
E-mail: Bryan.Mette@Wisconsin.gov

Agency Acronym: WisDOT

Agency Number: 395

Priority: Low

Intent:

Create statutory authority for Transit Safety Oversight Program as well as accompanying continuing SEG and SEG-F appropriations

For more information, see p. 421 of DOT's budget submission

Attachments: False

Please send completed drafts to SBOStatlanguage@webapps.wi.gov

**Department of Transportation
2015-2017 Biennial Budget Request
STATUTORY MODIFICATIONS**

DIN: 5401

TOPIC: Transit Safety Oversight Funding

DESCRIPTION OF CHANGE:

The Department requests the following statutory modifications:

- Create a Transit Safety Oversight Program in Ch. 85, Wisconsin Statutes, providing the Department with the oversight, enforcement, investigation, and audit authority over all safety aspects of fixed guideway transit systems in the state as required by Section 20021(a) of the Moving Ahead for Progress in the 21st Century Act (PL 112-141) and 49 USC 5329;
- Create a continuing SEG appropriation in section 20.395(4), Wis. Stats., designating the amounts in the schedule for carrying out the Transit Safety Oversight Program; and
- Create a continuing FED appropriation in s. 20.395(4), Wis. Stats., for all funding received from the federal government for purposes of state safety oversight of transit systems.

JUSTIFICATION:

The current federal surface transportation authorization, the Moving Ahead for Progress in the 21st Century Act (MAP-21), requires the establishment of a State Safety Oversight Office (SSOA) in every state that has a fixed guideway public transportation system(s) in operation and/or in the engineering or construction stage, which is not subject to regulation by the Federal Railroad Administration. The activities required by the state include the establishment of an SSOA with the authority for enforcement, investigation, and audit of system safety plans. MAP-21 further requires that the SSOA must be adequately resourced and that staff have sufficient training and certification through the Federal Transit Administration.

In Wisconsin, there are two systems, one active and one in the engineering stage, which will require the establishment of the SSOA. The Kenosha Area Transit Streetcar System is a 1.9 mile single loop, electric streetcar system which began serving downtown Kenosha on June 17, 2000. The Milwaukee Streetcar Project, a 2 mile streetcar project with two potential extensions that would add an additional 1.5 miles, serving downtown Milwaukee is currently in the engineering stage and, therefore, subject to state safety oversight.

Failure by the state to establish an SSOA with all of the mandated authorities will result in no federal transit funding provided to the state or any public transit agency in the state. Currently, approximately \$78 million in federal transit funding is allocated to Wisconsin. Of that amount, approximately \$59.6 million is provided for operating aids to Wisconsin public transit systems, representing about 19 percent of statewide transit system operating costs. Federal transit funding is also provided to Wisconsin for transit capital and facilities, intercity bus service, and elderly and disabled transportation capital and operating costs. The requested statutory modifications would allow the state to meet the federal mandate and continue to receive federal transit funding.



DOA:.....Mette, BB0251 – Transit safety oversight *e*

FOR 2015-2017 BUDGET — NOT READY FOR INTRODUCTION

Do Not Gen

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

TRANSPORTATION

OTHER TRANSPORTATION

Under current law, rail transport generally is regulated by the Federal Railroad Administration (FRA). The FRA does not regulate certain public transportation systems that operate along a fixed guideway. This bill creates a transit safety oversight program within DOT and creates state and federal appropriations. Under the bill, DOT may oversee, enforce, investigate, and audit all safety aspects of fixed guideway transportation systems.

For further information see the *state* 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:

2 SECTION 1. 20.395 (4) (bq) of the statutes is created to read:

3 20.395 (4) (bq) *Transit safety oversight, state funds.* As a continuing
4 appropriation, the amounts in the schedule for the transit safety oversight program
5 under s. 85.066.

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

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6 **85.066 Transit safety oversight program. (1) DEFINITION.** In this section,
7 “transit system” means a public transportation system being engineered,
8 constructed, or operated that is designed to operate upon a fixed guideway, including
9 a railway, and that is not subject to regulation by the ~~Federal Railroad~~
10 ~~Administration.~~

11 **(2) PROGRAM AND FUNDING.** The department shall develop and administer a
12 transit safety oversight program. Under the program, the department may oversee,
13 enforce, investigate, and audit all safety aspects of transit systems.

14 **(END)**



INSERT

stays

DOA:.....Mette, BB0251 – Transit safety oversight

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Analysis by the Legislative Reference Bureau

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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.

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7 constructed, or operated that is designed to operate upon a fixed guideway, including
8 a railway, and that is not subject to regulation by the federal railroad administration.

9 (2) PROGRAM AND FUNDING. The department shall develop and administer a
10 transit safety oversight program. Under the program, the department may oversee,
11 enforce, investigate, and audit all safety aspects of transit systems. ^{fixed guideway}

NS 2-1
12 ^

(END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0745/Plins
ZDW:wlj:rs

1 **INS A**

2 **Not** guideway transit systems. This bill also reduces state aid under the urban
3 mass transit operating ^Sassitance program to any local public body that operates a
4 fixed guideway transit system.

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

5 **INS 2-12**

6 **SECTION 1.** 85.20 (1) (jm) of the statutes is created to read:

7 **ST** 85.20 (1) (jm) "The schedule" means the schedule under s. 20.005 (3) as
8 published in the biennial budget act for the first fiscal year of a fiscal biennium and
9 as approved by the joint committee on finance under s. 20.004 (2) for the 2nd fiscal
10 year of a fiscal biennium.

11 **SECTION 2.** 85.20 (4m) (g) of the statutes is created to read:

12 85.20 (4m) (g) If an eligible applicant operates a fixed guideway transit system,
13 as defined in s. 85.066 (1), the department shall reduce annual payments of state aid
14 under this subsection by the amounts in the schedule for the appropriation under s.
15 20.395 (4) (bq) for the fiscal year in which aid under this subsection is calculated.

****NOTE: The amounts in the schedule are for a fiscal year but the state aid is for
a calendar year. Should the treatment account for this?

Wyatt, Zachary

From: Wyatt, Zachary
Sent: Wednesday, January 07, 2015 8:08 AM
To: 'Mette, Bryan - DOA'
Subject: RE: Transit safety oversight

Hey Bryan,

I could draft this exactly as you've requested, but do you want to account for a possible future in which there are fixed guideway transit systems in areas other than Kenosha? If additional municipalities constructed fixed guideway transit systems, would \$71,600 be deducted from each municipality that has such a system or would a \$71,600 deduction be split amongst affected municipalities? Is that distinction necessary at this point?

Zack

From: Mette, Bryan - DOA [mailto:Bryan.Mette@wisconsin.gov]
Sent: Monday, December 29, 2014 10:58 AM
To: Wyatt, Zachary
Subject: FW: Transit safety oversight

For this item, can you please incorporate the following change:

- Set this appropriation up so that the SEG costs of \$71,600 are deducted from the state transit aids of municipalities with fixed guideway transit systems in operation i.e. deduct from Kenosha's transit aids

From: Christopher.Connor@wisconsin.gov [mailto:Christopher.Connor@wisconsin.gov]
Sent: Monday, December 29, 2014 8:15 AM
To: Mette, Bryan - DOA
Cc: Ziegler, Paul - DOA; Connor, Christopher B - DOA; Connor, Christopher B - DOA
Subject: Transit safety oversight

We have received an LRB draft for DOA Tracking Code: BB0251

LRB Draft Number: 15-0745_P1

Drafting Attorney: Zachary Wyatt
Phone: (608) 267-3362
E-mail: Zachary.Wyatt@legis.wisconsin.gov

The document can be found in the Stat Language site on SharePoint.

Please Note: All new drafts are marked "OUT" and Final = "No" by default. Please update these fields in this record and related drafts as soon as you know if they are "IN" or Final.

Thanks,

Chris

January 7, 2015, 3:15pm

phone call from DDA Bryan Mette re: my email stamped 1/2/2015, 8:05 AM

Decisions:

- Deduct the amount in the schedule from transit aid of entities with a fixed guideway transit system already in operation
- if more systems are constructed, issue will be revisited
- ultimate goal is to spread deduction amongst affected entities

-ZDW

Wyatt, Zachary

From: Mette, Bryan - DOA <Bryan.Mette@wisconsin.gov>
Sent: Friday, January 16, 2015 2:58 PM
To: Wyatt, Zachary
Subject: FW: Transit safety oversight

Also on this draft please change the alpha for the state appropriation to 4as and the federal appropriation to 4ay

From: Mette, Bryan - DOA
Sent: Thursday, January 15, 2015 9:27 AM
To: Wyatt, Zachary - LEGIS (Zachary.Wyatt@legis.wisconsin.gov)
Subject: FW: Transit safety oversight

Please remove the language in section 5. The federal rules say we cannot charge the locals for the costs of this office. Also, in section 3 please insert the following bolded word

In this section, "fixed guideway transit system" means a public transportation system being **designed**, engineered, constructed, or operated....

From: Christopher.Connor@wisconsin.gov [mailto:Christopher.Connor@wisconsin.gov]
Sent: Wednesday, January 14, 2015 6:25 PM
To: Mette, Bryan - DOA
Cc: Ziegler, Paul - DOA; Grinde, Kirsten - DOA; Connor, Christopher B - DOA
Subject: Transit safety oversight

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E-mail: Zachary.Wyatt@legis.wisconsin.gov

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Thanks,

Chris



LRB-0745/P2 P3
ZDW:wlj:jjf
RMWR
stays

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 12 railroad administration.

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TUES A.M.

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18 (END)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-0745/P4
ZDW:wlj:rs

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