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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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Memo No. 4

TO: MEMBERS OF THE SPECIAL COMMITTEE ON REGIONAL TRANSPORTATION  
AUTHORITY

FROM: Scott Grosz and Larry Konopacki, Staff Attorneys

RE: Comparison of WLC: 0063/1 and Substitute Amendment 1 to WLC: 0063/1

DATE: March 2, 2009

At its February 11, 2009 meeting, the Special Committee on Regional Transportation Authority instructed Legislative Council staff to make a number of changes to its draft regional transit authority (RTA) legislation (WLC: 0063/P2), including changes that would:

- Allow an RTA to provide transit service outside of its jurisdictional area without receiving compensation from the area being served.
- Allow bond proceeds to be used for expenditures having a useful life of less than five years if those expenditures occur for the acquisition of all or a part of a transit system.
- Allow a political subdivision that chooses to withdraw from an RTA to negotiate with the RTA board for a termination date for the provision of transit services in the political subdivision that is earlier than the date upon which the transit tax will terminate in the political subdivision.
- Allow an RTA that includes territory in more than one county to establish different tax rates within the different counties.
- Modify RTA authorizing resolutions to delineate the representation of the RTA board, refine the definition of “transit system” to exclude non-transit purposes, and require Department of Transportation (DOT) involvement in rail planning.
- In addition to county authority under previous bill drafts, allow counties to designate the entire county or a portion of the county related to a metropolitan planning area (MPA) boundary as the “county jurisdictional area” for purposes of forming or joining an RTA.

Legislative Council staff have prepared two pieces of legislation for consideration by the committee at its March 4, 2009 meeting. WLC: 0063/1 includes all of the changes listed above *except* the last listed change relating to expanded county authority to designate the jurisdictional area of an RTA. Substitute Amendment 1 to WLC: 0063/1 (the Substitute Amendment) includes all of the changes listed above, *including* the change relating to expanded county authority to designate the jurisdictional area of an RTA.

This Memo highlights the provisions in the Substitute Amendment that are not in WLC: 0063/1. Generally, these provisions relate to the county authority to designate the jurisdictional area of an RTA.

### **COUNTY JURISDICTIONAL AREA**

Under the Substitute Amendment, a county that is a participating political subdivision of an RTA must designate its “county jurisdictional area” as one of the following:

- The portion of the county that is within the combined territorial boundaries of each of the cities, villages, and towns in the county that are also participating political subdivisions of the authority. This choice mirrors county RTA participation in previous drafts.
- The territorial boundaries of the county. This new option allows a county to form a county-wide jurisdictional area.
- The combined territorial boundaries of each of the cities, villages, and towns in the county with at least 75% of their populations residing within an MPA. This new option allows a county to form an MPA-based county jurisdictional area.

In order to designate a county-wide or an MPA-based county jurisdictional area, a county is required to gain prior approval from each political subdivision within the county jurisdictional area that is any of the following:

- The owner, operator, or controlling authority of a transit system that serves at least 10% of the transit passengers in the county, expressed in unlinked trips and averaged over the previous three years.
- A participating political subdivision in an RTA previously created under the authority granted by the Substitute Amendment.

A city, village, or town that is within a county-wide or MPA-based county jurisdictional area would not be allowed to separately join an RTA.

### **UNILATERAL COUNTY RTA FORMATION**

Under the Substitute Amendment, a county that designates a county-wide or MPA-based county jurisdictional area may create an RTA with or without the participation of another county, city, village, or town outside of the county jurisdictional area.

### **COUNTY APPROVAL OF MUNICIPAL RTAS**

Under the Substitute Amendment, a county may prevent a city, village, or town within the county from creating or joining an RTA if the county intends to create an RTA which would include that city, village, or town in the county jurisdictional area. The county may only prevent the municipality from creating or joining an RTA for 24 months following county denial of approval of the municipality's participation in the RTA. If the municipality is not included in the jurisdictional area of another RTA within this 24-month period, it may create or join the RTA without county approval.

### **COUNTY PARTICIPATION IN MULTIPLE RTAS**

Under both WLC: 0063/1 and the Substitute Amendment, a county may participate in multiple RTAs. Under the Substitute Amendment, this includes the ability of a county to designate multiple MPA-based county jurisdictional areas if the county contains multiple MPAs.

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