



WISCONSIN LEGISLATIVE COUNCIL
REPORT TO THE LEGISLATURE

SPECIAL COMMITTEE ON
REGIONAL
TRANSPORTATION
AUTHORITY

[2009 SENATE BILL 205 AND 2009 ASSEMBLY BILL 282]

May 27, 2009

RL 2009-08

Special Committee on Regional Transportation Authority

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May 27, 2009

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PART I

KEY PROVISIONS OF COMMITTEE RECOMMENDATION

The Joint Legislative Council recommends the following for introduction in the 2009-10 Session of the Legislature.

[Note: This bill has been introduced in both houses as companion legislation. For clarity, this report refers to them in singular form as “the bill.”]

2009 Senate Bill 205 and 2009 Assembly Bill 282, Relating to the Creation of Regional Transit Authorities, and Making an Appropriation

The bill permits certain political subdivisions to create regional transit authorities (RTAs), which are bodies corporate and politic intended to serve as an alternative means to provide transit services to communities within the state. The bill describes the procedures that must be satisfied in order to create, modify, or dissolve an RTA, as well as the powers, duties, and limitations of an RTA, including the power to impose a sales tax within the jurisdictional area of the RTA.

PART II

COMMITTEE ACTIVITY

Assignment

The Joint Legislative Council established the Special Committee on Regional Transportation Authority and appointed the chairperson by an April 9, 2008 mail ballot. (A subsequent mail ballot dated January 8, 2009, appointed Senator Robson as chairperson.) The committee was directed to review and provide recommendations on how to create a statutory framework enabling counties, cities, villages, and towns to create regional transportation authorities (RTA) to promote regional cooperation on transportation issues, including: the funding mechanisms to be used to support an RTA; the method of creation of an RTA, the representation and participation of member units of government on an RTA; the types of transportation services that an RTA could be authorized to administer; and the scope and limits of other RTA authority.

Membership of the Special Committee, appointed by a June 9, 2008 mail ballot, consisted of two Senators, four Representatives, and 15 public members. The final list of committee members is included as **Appendix 3** to this report.

Summary of Meetings

The Special Committee held five meetings in Madison on the following dates:

August 7, 2008
September 17, 2008
October 9, 2008
February 11, 2009
March 4, 2009

At the August 7, 2008 meeting, the Special Committee heard testimony from Art Guzzetti, Vice President-Policy, American Public Transportation Association, on the current state of public transit services and transit funding sources used around the country. Stewart McKenzie, Community Planner, and Angelica Salgado, Transportation Specialist, Federal Transit Administration (FTA), provided the committee with testimony on the FTA's structure and functions, as well as the planning and application process for FTA grant funding programs.

At the September 17, 2008 meeting, the Special Committee heard testimony from Rod Clark, Director, Bureau of Transit, Local Roads, Railroads and Harbors, Department of Transportation (DOT), on the nature of public transit systems within the state, as well as the system for transit funding within Wisconsin. Paul Larrousse, Director, National Transit Institute, spoke to the committee regarding the organizational, management, and funding characteristics of transit systems throughout the United States.

At the October 9, 2008 meeting, the Special Committee heard testimony from John Koskinen, Division Administrator/Chief Economist, Division of Research and Policy, and Paul Ziegler, Team Leader, Sales and Property Tax Policy Team, Department of Revenue (DOR), on local tax options including property tax and tax incremental finance, sales tax, local income tax, and stadium taxes. Scott Bernstein, President, Center for Neighborhood Technology, testified about the economic benefits of transit.

Following the testimony by invited speakers, the committee reviewed Memo No. 1 and WLC: 0063/P1. The committee identified issues including the role of counties, the geographical scope of

RTAs, population thresholds, feasibility studies, tax rate uniformity, and referendum requirements as discussion topics for future meetings.

At the February 11, 2009 meeting, the Special Committee reviewed Memo No. 3 and discussed WLC: 0063/P2. The committee recommended changes to WLC: 0063/P2 including items relating to representation on RTA boards, provision of services outside an RTA's jurisdictional area, expanded use of bond proceeds for the acquisition of a transit system, negotiation for terms of service upon withdrawal from an RTA by a political subdivision, the definition of "transit system," allowing RTA tax rates to vary between different counties, and expanded ability of counties to participate in RTAs.

At the March 4, 2009 meeting, the Special Committee reviewed Memo No. 4 and discussed WLC: 0063/1 and Substitute Amendment 1 to WLC: 0063/1. WLC: 0063/1 contained the changes recommended at the February 11, 2009 meeting, except changes relating to the expanded ability of counties to participate in RTAs. The substitute amendment contained the changes recommended at the February 11, 2009 meeting, including changes related to county participation in RTAs. The committee focused on the substitute amendment and recommended adoption of amendments to the substitute amendment. Following the discussion on those amendments, the committee recommended adoption of the substitute amendment, as amended, and voted to recommend introduction of WLC: 0063/1, as amended.

PART III

RECOMMENDATION INTRODUCED BY THE JOINT LEGISLATIVE COUNCIL

This part of the report provides background information on, and a description of, the bill as recommended by the Special Committee on Regional Transportation Authority and introduced by the Joint Legislative Council.

2009 Senate Bill 205 and 2009 Assembly Bill 282, Relating to the Creation of Regional Transit Authorities, and Making an Appropriation

Background

The Special Committee was directed to review and provide recommendations on how to create a statutory framework enabling counties, cities, villages, and towns to create regional transportation authorities to promote regional cooperation on transportation issues, including: the funding mechanisms to be used to support an RTA, the method of creation of an RTA, the transportation services that an RTA could be authorized to administer, and the scope and limits of other RTA authority.

Description

In general, the bill does the following:

- Allows cities, towns, villages, and counties to create RTAs, which are public bodies corporate and politic intended to serve as an alternative means to provide transit services to communities within the state.
- Specifies the powers, duties, and limitations of an RTA.
- Authorizes the creation of an RTA by local government resolution, and specifies the resolution components and interaction between political subdivisions necessary for RTA creation.
- Specifies the manner in which political subdivisions may join or withdraw from existing RTAs.
- Allows, under certain circumstances, for a county to unilaterally create an RTA.
- Allows a county to prevent the creation or joining of an RTA by a municipality if the county intends to create an RTA that will include the municipality in its jurisdictional area and if the county completes certain objectives within 24 months following denial of approval of a municipality's RTA.
- Allows a county to define its jurisdictional area for an RTA as one of the following: the combined territorial boundaries of other political subdivisions within the county that are participants in the RTA; the territorial boundaries of the county; or the territorial boundaries of the political subdivisions in the county with 75% of their populations within a metropolitan planning area.
- Allows an RTA to impose up to a 0.5% sales tax within its jurisdictional area.

- Allows the RTA to vary its sales tax rate across county lines.
- Subjects members of an RTA board to the code of ethics for local public officials.
- Allows an RTA to elect to join the Wisconsin Retirement System.
- Permits RTA dissolution by vote of the RTA board.

Appendix 1

Committee and Joint Legislative Council Votes

WLC: 0063/1, as amended, was recommended by the Special Committee on Regional Transportation Authority to the Joint Legislative Council for introduction in the 2009-10 Session of the Legislature. WLC: 0063/1, as amended, was engrossed as WLC: 0063/2.

Special Committee Votes

The Special Committee voted by unanimous consent to adopt amendments 1, 2, 5, 6, 8, and 9 to Substitute Amendment 1 to WLC: 0063/1, to recommend adoption of Substitute Amendment 1 to WLC: 0063/1, as amended, and to recommend passage of WLC: 0063/1, as amended. The votes were as follows:

- Adoption of Substitute Amendment 1 to WLC: 0063/1, as amended: Ayes, 16 (Sen. Robson; Reps. A. Ott and Toles; and Public Members Arft, Brandrup, Geboy, Granchalek, Gulotta-Connelly, Hanna, Johnson, Kamp, Newton, Ohm, Ruf, Wagner, and Walker); Noes, 2 (Sen. Lehman; and Public Member Derr); and Absent, 3 (Reps. Stone and Vos; and Public Member McDonell). Representative Vos indicated that had he been present he would have voted "No."
- Passage of WLC: 0063/1, as amended: Ayes, 16 (Sen. Robson; Reps. A. Ott and Toles; and Public Members Arft, Brandrup, Geboy, Granchalek, Gulotta-Connelly, Hanna, Johnson, Kamp, Newton, Ohm, Ruf, Wagner, and Walker); Noes, 2 (Sen. Lehman; and Public Member Derr); and Absent, 3 (Reps. Stone and Vos; and Public Member McDonell). Representative Vos indicated that had he been present he would have voted "No."

Joint Legislative Council Vote

At its March 26, 2009 meeting, the Joint Legislative Council voted to introduce 2009 Senate Bill 205 and 2009 Assembly Bill 282. The vote by the Joint Legislative Council was as follows:

Rep. Black moved, seconded by Sen. Risser, that WLC: 0063/2, relating to the creation of regional transit authorities, and making appropriations, be introduced by the Joint Legislative Council. The motion passed on a roll call vote as follows: Ayes, 14 (Sens. Risser, Coggs, Darling, Harsdorf, Miller, and Robson; and Reps. Schneider, Black, Berceau, Kaufert, Nelson, Pocan, Sheridan, and Staskunas); Noes, 8 (Sens. Decker, Fitzgerald, Kreitlow, Schultz, and Wirch; and Reps. Ballweg, Fitzgerald, and Vos); and Absent, 0.

Appendix 2

Joint Legislative Council

[Joint Legislative Council Members Who Selected and Appointed Committee and Its Membership]

Co-Chair

FRED RISSE

Senate President
5008 Risser Road
Madison, WI 53705

Co-Chair

STEVE WIECKERT

Representative
1 Weatherstone Drive
Appleton, WI 54914

SENATORS

ROGER BRESKE

8800 Hwy. 29
Eland, WI 54427

RUSSELL DECKER

Majority Leader
6803 Lora Lee Lane
Weston, WI 54476

ALAN LASEE

2259 Lasee Road
De Pere, WI 54115

TIM CARPENTER

President Pro Tempore
2957 South 38th Street
Milwaukee, WI 53215

SCOTT FITZGERALD

Minority Leader
N4692 Maple Road
Juneau, WI 53039

MARK MILLER

4903 Roigan Terrace
Monona, WI 53716

SPENCER COGGS

3732 North 40th Street
Milwaukee, WI 53216

SHEILA HARSDORF

N6627 County Road E
River Falls, WI 54022

JUDY ROBSON

2411 E. Ridge Road
Beloit, WI 53511

ALBERTA DARLING

1325 West Dean Road
River Hills, WI 53217

REPRESENTATIVES

JOAN BALLWEG

170 W. Summit Street
Markesan, WI 53946

DEAN KAUFERT

1360 Alpine Lane
Neenah, WI 54956

MARK POCAN

309 N. Baldwin Street
Madison, WI 53703

JEFF FITZGERALD

Majority Leader
910 Sunset
Horicon, WI 53032

JIM KREUSER

Minority Leader
3505 14th Place
Kenosha, WI 53144

KITTY RHOADES

708 4th Street
Hudson, WI 54016

MARK GOTTLIEB

Speaker Pro Tempore
1205 Noridge Trail
Port Washington, WI 53074

THOMAS NELSON

1510 Orchard Dr.
Kaukauna, WI 54130

MARLIN SCHNEIDER

3820 Southbrook Lane
Wisconsin Rapids, WI 54494

MICHAEL HUEBSCH

Speaker
419 West Franklin
West Salem, WI 54669

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Joint Legislative Council

[Current Joint Legislative Council Members Who Received Committee Report]

Co-Chair

FRED A. RISSE

Senate President

100 Wisconsin Avenue, Unit 501
Madison, WI 53703

Co-Chair

MARLIN D. SCHNEIDER

Representative

3820 Southbrook Lane
Wisconsin Rapids, WI 54494

SENATORS

SPENCER COGGS

7819 W. Potomac Avenue
Milwaukee, WI 53222

ALBERTA DARLING

1325 West Dean Road
River Hills, WI 53217

RUSSELL DECKER

Majority Leader
6803 Lora Lee Lane
Schofield, WI 54476

SCOTT FITZGERALD

Minority Leader
N4692 Maple Road
Juneau, WI 53039

SHEILA HARSDORF

N6627 County Road E
River Falls, WI 54022

PAT KREITLOW

President Pro Tempore
15854 93rd Avenue
Chippewa Falls, WI 54729

MARK MILLER

4903 Roigan Terrace
Monona, WI 53716

JUDY ROBSON

2411 E. Ridge Road
Beloit, WI 53511

DALE SCHULTZ

515 North Central Avenue
Richland Center, WI 53581

ROBERT WIRCH

3007 Springbrook Road
Pleasant Prairie, WI 53158

REPRESENTATIVES

JOAN BALLWEG

170 W. Summit Street
Markesan, WI 53946

TERESE BERCEAU

4326 Somerset Lane
Madison, WI 53711

SPENCER BLACK

5742 Elder Place
Madison, WI 53705

JEFF FITZGERALD

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910 Sunset
Horicon, WI 53032

DEAN KAUFERT

1360 Alpine Lane
Neenah, WI 54956

THOMAS NELSON

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Speaker
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TONY STASKUNAS

Speaker Pro Tempore
2010 South 103rd Court
West Allis, WI 53227

ROBIN VOS

4710 Eastwood Ridge
Racine, WI 53406

This 22-member committee consists of the majority and minority party leadership of both houses of the Legislature, the co-chairs and ranking minority members of the Joint Committee on Finance, and 5 Senators and 5 Representatives appointed as are members of standing committees.

Appendix 3

REGIONAL TRANSPORTATION AUTHORITY

Representative Al Ott, Chair (4/08 to 1/09)
W2168 Campground Road
Forest Junction, WI 54123

Senator John Lehman
708 Orchard Street
Racine, WI 53405

Representative Barbara Toles
3835 N. 56th St.
Milwaukee, WI 53216

Larry Arft
City of Beloit
City Hall, 100 State Street
Beloit, WI 53511

Gerald Derr
Town of Bristol
1595 CTH V
Columbus, WI 53952

Dick Granchalek
La Crosse Area Chamber of Commerce
712 Main Street
La Crosse, WI 54601

Tim Hanna
City of Appleton
100 North Appleton Street
Appleton, WI 54911

Chuck Kamp
Madison Metro Transit
1101 East Washington Avenue
Madison, WI 53703

Delora Newton
Greater Madison Chamber of Commerce
P.O. Box 71
Madison, WI 53701-0071

Fritz Ruf
W276N1905 Spring Creek Drive
Pewaukee, WI 53072-5365

Tom Walker
Wisconsin Transportation Builders Association
1 S. Pinckney St., Ste. 300
Madison, WI 53703

Senator Judy Robson, **Chair** (1/09 to completion)
2411 East Ridge Road
Beloit, WI 53511

Representative Jeff Stone
5535 Grandview Drive
Greendale, WI 53129

Representative Robin Vos
4710 Eastwood Ridge
Racine, WI 53406

Len Brandrup
City of Kenosha
4303 39th Avenue
Kenosha, WI 53144

Brett Geboy
Eau Claire Area Chamber of Comm.
101 N. Farwell St., Ste. 101
Eau Claire, WI 54702-1107

Anita Gulotta-Connelly
Milwaukee County Transit System
1942 North 17th Street
Milwaukee, WI 53205

Richard Johnson
430 S. Randall Ave.
Janesville, WI 53545

Scott McDonell
Dane County Board of Supervisors
14 W. Gilman St., #1
Madison, WI 53703

Professor Brian Ohm
University of Wisconsin-Madison
202 Music Hall, 925 Bascom Mall
Madison, WI 53706

Dick Wagner
739 Jenifer St.
Madison, WI 53703

STUDY ASSIGNMENT: The committee is directed to review and provide recommendations on how to create a statutory framework enabling counties, cities, villages, and towns to create regional transportation authorities (RTA) to promote regional cooperation on transportation issues, including: the funding mechanisms to be used to support an RTA; the method of creation of an RTA, the representation and participation of member units of government on an RTA; the types of transportation services that an RTA could be authorized to administer; and the scope and limits of other RTA authority.

21 MEMBERS: 2 Senators, 4 Representatives, and 15 Public Members.

LEGISLATIVE COUNCIL STAFF: Scott Grosz and Larry Konopacki, Staff Attorneys; and Kelly Mautz, Support Staff.

Appendix 4

Committee Materials List

(Copies of documents are available at www.legis.state.wi.us/lc)

Recommendations to the Joint Legislative Council (March 26, 2009)				
<ul style="list-style-type: none"> • Results of the March 26 meeting. • Proposed Report to the Legislature 2009-08, <i>Special Committee on Regional Transportation Authority</i>, • WLC: 0063/2, relating to the creation of regional transit authorities and making appropriations. 				
March 4, 2009 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • Memo No. 4, <i>Comparison of WLC: 0063/1 and Substitute Amendment 1 to WLC: 0063/1</i> (March 2, 2009). • WLC: 0063/1, relating to the creation of regional transit authorities and making appropriations. • Substitute Amendment 1 to WLC: 0063/1. • Amendment 1 to Substitute Amendment 1 to WLC: 0063/1. • Amendment 2 to Substitute Amendment 1 to WLC: 0063/1. • Amendment 5 to Substitute Amendment 1 to WLC: 0063/1. • Amendment 6 to Substitute Amendment 1 to WLC: 0063/1. • Amendment 8 to Substitute Amendment 1 to WLC: 0063/1. • Amendment 9 to Substitute Amendment 1 to WLC: 0063/1. 				
February 11, 2009 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • WLC: 0063/P2, relating to the creation of regional transit authorities and making appropriations. • Memo No. 3, <i>WLC: 0063/P2, Relating to the Creation of Regional Transit Authorities and Making Appropriations</i> (February 11, 2009). 				
November 13, 2008 Meeting (CANCELED)	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • Memo No. 2, <i>List of Potential Bill Draft Discussion Topics</i> (November 5, 2008). • Presentation, by Rob Henken, President, Public Policy Forum. • Chart, <i>Wisconsin Urbanized Area Transit Systems: Operating Costs & Shares by Funding Source By Calendar Year</i>, Wisconsin Department of Transportation. 				
October 9, 2008 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • WLC: 0063/P1, relating to the creation of regional transit authorities, requiring a referendum, and making appropriations. • Memo No. 1, <i>WLC: 0063/P1, relating to the creation of regional transit authorities, requiring a referendum, and making appropriations</i> (October 2, 2008). • Memorandum, <i>Madison/Dane County Transport 2020 Commuter Rail Project</i>, from David Trowbridge, Madison Transport 2020 Project Manager (September 30, 2008). • Handout regarding several examples of privatization in the transit industry and in Wisconsin, submitted by Paul J. Larrouse, Director, National Transit Institute, Rutgers. • Memorandum, <i>Status of Proposed Kenosha-Racine-Milwaukee (KRM) Commuter Rail Application for Federal Transit Administration (FTA) Section 5309 Discretionary "New Start Transit Fixed Guideway" Capital Grant</i>, from Southeastern Wisconsin Regional Planning Commission Staff (September 10, 2008). <ul style="list-style-type: none"> ◦ KRM, <i>The Kenosha-Racine-Milwaukee Commuter Link</i>, Edition 3 (January 2007). • Memorandum, <i>Executive Summary: Milwaukee Connector Study October 2008</i>, submitted by Mark Kaminski. • Presentation by Josh Koskinen, Division Administrator/Chief Economist, Division of Research and Policy, and Paul Ziegler, Team Leader, Sales and Property Tax policy Team, Department of Revenue. • Presentation by Scott Bernstein, President, Center for Neighborhood Technology. 				
September 17, 2008 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> • Presentation by Paul J. Larrouse, Director, National Transit Institute, Edward J. Bloustein School of Planning and Public Policy, Rutgers University (September 17, 2008). <ul style="list-style-type: none"> ◦ Testimony, by Paul J. Larrouse, Director, National Transit Institute, Edward J. Bloustein School of Planning and Public Policy, Rutgers University (September 17, 2008). • Presentation by Rod Clark, Director, Bureau of Transit, Local Roads, Railroads and Harbors, Department of Transportation (September 17, 2008). 				

<ul style="list-style-type: none"> ○ <i>The Socioeconomic Benefits of Transit in Wisconsin, Phase III: Benefit Cost Analysis</i>, May 2006 Summary. ○ <i>The Socioeconomic Benefits of Transit in Wisconsin, Phase II: Benefit Cost Analysis</i>, Full Report. ○ <i>The Socioeconomic Benefits of Transit in Wisconsin</i>, December 2003 Summary. ○ <i>The Socioeconomic Benefits of Transit in Wisconsin</i>, Full Report. ○ Wisconsin Department of Transportation Transit Programs. ○ Transit Cost-Efficiency Analysis, Wisconsin Department of Transportation. 				
August 7, 2008 Meeting	Notice	Agenda	Audio	Minutes
<ul style="list-style-type: none"> ● Presentation by Art Guzzetti, Vice President-Policy, American Public Transportation Association (August 7, 2008). ● Presentation by Stewart McKenzie, Community Planner, Federal Transit Administration, U.S. Department of Transportation (August 7, 2008). ● Presentation by Angelica Salgado, Transportation Specialist, Federal Transit Administration, U.S. Department of Transportation (August 7, 2008). ● Materials distributed at the request of Public Member Len Brandrup: <ul style="list-style-type: none"> ○ Regional Transportation Authority Funding Options (1/9/07). ○ Southeastern Wisconsin Regional Transit Authority (1/15/07). ○ Southeastern Wisconsin Regional Transit Authority Funding Source Analysis (1/30/07). ○ KRM Transit Development Benefit Fee Revenue Estimates (1/26/07). ○ County Sales Tax Distributions, 2006, Division of Enterprise Services, Wisconsin Department of Revenue. ● Surface <i>Transportation Funding: Options for States, National Conference of State Legislatures</i>. ● Survey <i>of State Funding for Public Transportation</i>, American Public Transportation Association. 				