



WISCONSIN LEGISLATIVE COUNCIL
INFORMATION MEMORANDUM

Regional Transit in the 2009-2011 Biennial Budget Act

2009 Wisconsin Act 28, the 2009-2011 Biennial Budget Act, authorized the creation of regional transit authorities (RTAs) in certain areas of the state. Part one of the RTA Information Memorandum series discusses the authorization of RTAs in Dane County, the Chippewa Valley area, and the Chequamegon Bay area. For information on Budget Act changes to regional transit in Southeastern Wisconsin, please see Part II of the RTA Information Memorandum Series.

Generally, 2009 Wisconsin Act 28 authorized the creation of RTAs in Dane County, the Chippewa Valley area, and the Chequamegon Bay area.¹ This memorandum first discusses the creation, board membership, and jurisdictional area of each RTA, followed by the characteristics shared by these RTAs.

DANE COUNTY RTA***CREATION AND AUTHORITY MEMBERSHIP***

Under 2009 Act 28, the Dane County regional transit authority, a public body corporate and politic and a separate governmental entity, may be created if the governing body of Dane County adopts a resolution authorizing the county to become a member of the authority.²

Following adoption of the resolution, any municipality located in whole or in part within the Madison Metropolitan Planning Area (MPA) on January 1, 2003 shall be a member of the authority. Those municipalities are the Cities of Fitchburg, Madison, Middleton, Monona, Stoughton, Sun Prairie, and Verona; the Villages of Cottage Grove, Maple Bluff, McFarland, Shorewood Hills, and Waunakee; and the Towns of Blooming Grove, Bristol, Burke, Cottage Grove, Dunn, Dunkirk, Madison, Middleton, Pleasant Springs, Rutland, Springfield, Sun Prairie, Verona, Westport, and Windsor.

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¹ See s. 66.1039, Stats.

Legislative Reference Bureau

² The Dane County Board adopted a resolution creating the Dane County RTA on November 5, 2009, followed by approval by the county executive on November 16, 2009.

Additionally, any municipality located in whole or in part in Dane County that is not located in whole or in part in the MPA may join the authority if its governing body adopts a resolution to join and the board of directors of the authority approves the joinder.

BOARD OF DIRECTORS

The board of directors of the Dane County RTA consists of the following:

- Two members from the Madison MPA, appointed by the county executive and approved by the county board.
- Two members appointed by the mayor of the City of Madison and approved by the common council.
- One member appointed by the governor.
- One member from each city, other than Madison, with a population of more than 15,000 located in Dane County, appointed by the mayor of each such city and approved by the common council.³
- One member from a village, or city other than Madison or those cities with a population of more than 15,000, appointed by the Dane County Cities and Villages Association (DCCVA). Members appointed by the DCCVA shall follow a rotating order of succession to ensure representation by each qualifying village or city.

JURISDICTIONAL AREA

The jurisdictional area of the authority consists of the geographic area formed by the Madison MPA boundary, except annexed territory that was subject to unresolved challenge on January 1, 2003, combined with the geographic area of any municipality wholly outside the MPA that joins the RTA as described above.

CHIPPEWA VALLEY RTA

CREATION AND AUTHORITY MEMBERSHIP

Under 2009 Act 28, the Chippewa Valley regional transit authority, a public body corporate and politic and a separate governmental entity, may be created if the governing body of Eau Claire County adopts a resolution authorizing the county to become a member of the authority.

Following adoption of the resolution, any municipality located in whole or in part within Eau Claire County shall be a member of the authority.

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³ At the time of enactment of 2009 Act 28, the Cities of Middleton, Fitchburg, and Sun Prairie had a population of more than 15,000.

Once the Chippewa Valley RTA is formed, Chippewa County may adopt a resolution to join the authority. If such a resolution is adopted, any municipality located in whole or in part in Chippewa County shall be a member of the authority.

BOARD OF DIRECTORS

The board of directors of the Chippewa Valley RTA shall be determined by resolution of the governing body of Eau Claire County, or if Chippewa County joins the RTA, by the governing bodies of Eau Claire County and Chippewa County, except that all of the following shall apply:

- No more than 17 members.
- At least three members from Eau Claire County, appointed by the county executive and approved by the county board.
- If Chippewa County joins the RTA, at least three members from the county, appointed by the county executive and approved by the county board.
- At least one member from the most populous city of each county that is a member of the authority, appointed by the mayor and approved by the common council.
- At least one member from the authority's jurisdictional area, appointed by the governor.

If Chippewa County joins the RTA and the governing bodies of Eau Claire County and Chippewa County are unable to agree upon the composition of the board of directors, the board shall be limited to:

- Three members from Eau Claire County, appointed by the county executive and approved by the county board.
- Three members from Chippewa County, appointed by the county executive and approved by the county board.
- One member from the most populous city of each county that is a member of the authority, appointed by the mayor and approved by the common council.
- One member from the authority's jurisdictional area, appointed by the governor.

JURISDICTIONAL AREA

The jurisdictional area of the Chippewa Valley RTA consists of the territorial boundaries of Eau Claire County, or if Chippewa County joins the RTA as described above, the combined territorial boundaries of Eau Claire County and Chippewa County.

CHEQUAMEGON BAY RTA

CREATION AND BOARD MEMBERSHIP

Under 2009 Act 28, the Chequamegon Bay regional transit authority, a public body corporate and politic and a separate governmental entity, may be created if the governing bodies of Ashland County and Bayfield County adopt a resolution authorizing that county to become a member of the authority.

Once created, any municipality located in whole or in part in Ashland County or Bayfield County shall be a member of the authority.

After the Chequamegon Bay RTA is created, any county other than Ashland County or Bayfield County may join the RTA if the governing body of the county adopts a resolution to join and the board of directors of the RTA approves the county's joinder. If a county becomes a member of the RTA in this manner, any municipality located in whole or in part within that county shall also be a member of the RTA.

BOARD OF DIRECTORS

The board of directors of the Chequamegon Bay RTA shall be determined by resolution of the governing bodies of Ashland County and Bayfield County, and any county that later joins the authority, except that all of the following shall apply:

- No more than 17 members, unless the requirements of minimum representation exceed 17.
- At least three members from Ashland County, three members from Bayfield County, and three members from each county that later joins the authority, appointed by the county executive and approved by the county board.
- At least one member from the most populous city of each county that is a member, appointed by the mayor and approved by the common council.
- At least one member from the authority's jurisdictional area, appointed by the governor.

If the governing bodies of member-counties are unable to agree on board composition, the board shall consist of:

- Three members from Ashland County, three members from Bayfield County, and three members from any county that later joins the authority appointed by the county executive and approved by the county board.
- One member from the most populous city of each county that is a member, appointed by the mayor and approved by the common council.
- One member from the authority's jurisdictional area, appointed by the governor.

JURISDICTIONAL AREA

The jurisdictional area of the Chequamegon Bay RTA consists of the territorial boundaries of Ashland County and Bayfield County, combined with the territorial boundaries of any counties that later join the RTA.

SHARED RTA CHARACTERISTICS

BOARD MEMBERSHIP: TERMS OF OFFICE AND QUORUM

RTA board members shall be appointed for four-year terms, except that the Dane County member appointed by the DCCVA shall serve a two-year term. Under Act 28, a majority of the authorized board membership constitutes a quorum for the purposes of conducting an authority's business and exercising its powers. Action may be taken by a board of directors upon a vote of a majority of the directors present and voting, unless a larger number is required by the particular authority's bylaws.

BYLAWS

Generally, RTA bylaws shall govern its management, operations, and administration. RTA bylaws shall include the following provisions:

- The functions and services to be provided by the authority.
- The powers, duties, and limitations of the authority.
- The maximum rate of sales tax that may be imposed by the authority, not to exceed the statutory rate of 0.5%.
- For Chippewa Valley and Chequamegon Bay RTAs, the composition of the board of directors.

RTA POWERS

Once formed as described above, each RTA has the general duty to provide, or contract for the provision of, transit service within the RTA's jurisdictional area. In order to carry out this duty, s. 66.1039 (4), Stats., specifies the powers of an RTA. To the extent authorized by the RTA bylaws, RTA powers include the following:⁴

- Establish, maintain, and operate a comprehensive unified transit system.
- Acquire an existing comprehensive unified transit system. Upon acquisition, an RTA may:
 - Operate and maintain the system or lease or contract with an operator for use of the system.

⁴ Refer to s. 66.1039 (4), Stats., for a complete description of RTA powers.

- Contract for superintendence of the system.
- Delegate responsibility for the system to a participating political subdivision of the RTA.
- Maintain and improve rail rights-of-way.
- Contract with a public or private organization to provide transit services.
- Apply for federal aids.
- Coordinate specialized transit.
- Acquire property, including through the exercise of condemnation power.
- Employ agents, consultants, and employees, and engage professional services as reasonably necessary for the performance of RTA duties and powers.
- Incur debts, liabilities, or obligations related to the issuance of bonds, as described below.
- Impose a sales tax, if authorized by the RTA board bylaws and resolution, up to a maximum rate of 0.5%. In the Chippewa Valley and Chequamegon Bay RTAs, the tax must also be authorized by the county board resolutions creating the RTAs.
- Exercise any other powers necessary and convenient to effectuate the purposes of the authority, including the provision of passenger safety.

LIMITATIONS ON RTA POWERS

An authority may not provide service outside its jurisdictional area, unless one of the following applies:

- The authority receives financial support for the service.
- The service is necessary to connect residents within the authority's jurisdictional area to transit systems in adjacent counties.

Additionally, whenever proposed RTA operations would be competitive with a common carrier in existence prior to the time the RTA commences operations, the RTA shall coordinate operations with the common carrier to eliminate adverse financial impact for the carrier.

In exercising its powers, an RTA shall consider any plan of a metropolitan planning organization that covers any portion of the authority's jurisdictional area.

OBLIGATIONS TO EMPLOYEES OF MASS TRANSIT SYSTEMS

An authority that acquires a comprehensive unified transit system shall assume all of the employer's obligations under any contract between the employees and management of the system to the extent allowed by law.

An RTA shall negotiate an agreement that provides for the protection of employees' interests with the representative of a labor organization that covers employees affected by acquisition, construction, control, or operation of a comprehensive unified transit system by an RTA.

In all negotiations related to employees of mass transit systems, a senior executive officer of the RTA shall be a member of the RTA's negotiating body.

BOND ISSUANCE

An RTA may issue tax exempt bonds backed by RTA revenues by resolution of the RTA board of directors. Bonds issued by an RTA are not debt of the participating political subdivisions of the RTA or the state, and are payable only out of the funds or properties of the RTA. Neither the board members of the RTA nor any person executing the bonds are personally liable on the bonds.

Additionally, an RTA may issue refunding bonds, under the same procedures and with the same covenants as other bonds, for the purpose of paying any of its existing bonds.

WITHDRAWAL

A political subdivision that is not a member of an RTA by reason of the initial creation of the RTA may withdraw from an RTA if the political subdivision passes a resolution to that effect and the political subdivision provides for the payment of all obligations of the political subdivision to the authority. In the case of the Chippewa Valley RTA, a municipality that is a member of an authority by means of Chippewa County's RTA membership shall withdraw from the RTA if the county withdraws.

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by Scott Grosz, Staff Attorney, on March 12, 2010.

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