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From: Gavin, Michelle [GavinM@ci.beloit.wi.us]
Sent: Monday, April 25, 2011 4:14 PM
To: 'Forbeck, Helen'
Cc: 'Mumma, Dave'; 'Greg Seubert'; 'Anita Connelly'; Kamp, Charles
Subject: Request for Representative Baldwin - Regarding the Federal Transit Administration, "13c" and 2011 Wisconsin SB10/AB 10/Act 10
Attachments: 110216LFB_transit_memo.pdf; WURTAhandoutfinal_1.pdf; 13c_Transit Employee Protections.pdf; RE: City of Beloit- Beloit Transit System Testimony to the Joint Finance

The Honorable Tammy Baldwin
2446 Rayburn HOB
Washington, D.C. 20515

Dear Representative Baldwin:

On behalf of the Wisconsin Urban and Rural Transit Association (WURTA), and also the City of Beloit, I am asking for your assistance on a matter relating to the Wisconsin Senate Bill 10 / Assembly Bill 10 / 2011 Wisconsin Act 10 (the "Act"), and how these relate to a specific provision contained within the Federal Transit Act, 49 U.S.C. 5333(b), also known as Section 13(c). As you are aware, the Walker Administration is currently enjoined from further implementation of the "Act", pending the final outcome of a current lawsuit. Meanwhile, WURTA members, including the City of Beloit and the City of Madison, are already deeply involved in budget preparations for calendar year 2012; and while a favorable outcome of the of the legal action permanently enjoining the Governor from implementing the labor provisions of Wisconsin Act 10 may be possible; it is far from likely. An action by the Court vacating the injunction or simply forcing the Walker Administration to re-pass Act 10 following legally acceptable procedures would deal a tremendous financial blow to Wisconsin's public transit systems, many of which rely on Federal Transit Operating Assistance for up to 1/3 of their annual operating budgets.

At stake is \$46.7 million in federal funding for transit properties across the state. More about that later in this email, and in the attached documents.

To date, WURTA and its members have sought counsel on this matter from the Federal Transit Administration (FTA) Region V Office in Chicago, and to date have not been provided a complete enough reaction so that we can satisfactorily address questions posed to us from our state Legislators and others. Unfortunately, in the absence of such guidance, we cannot provide satisfactory and technically accurate responses. Absent a review of the applicable portions of the Federal Regulations, we're left "guesstimating", and at the same are faced by proponents of this legislation with a number of platitudes, none of which are realistic or supported by facts.

To date, our Republican state legislators have provided us only the following sampling of reassurances regarding our expressed concerns related to the Act, and how it may affect federal funding:

"Don't worry about this," or
"We're working on this," or
"The Governor will write a letter to the FTA, and work things out, or
"One of your colleagues tells us this isn't a big deal."

We, WURTA, and the City of Beloit are greatly concerned that this has all the raw material of in fact being a "very big deal," contrary to the vague and dismissive assurances from these same legislators.

As a matter of background, I have attached several documents for your review. One is a "white paper" ("13c_Transit_Employee_Protections"), prepared by the Legislative Committee of WURTA - an "executive summary" of how this proposed legislation may impact public transit properties in Wisconsin in relation to Federal funding.

I have also attached some additional information, including a letter ("110216LFB_transit_memo") from Al Runde, Fiscal Analyst, the Wisconsin Legislative Fiscal Bureau (WiLFB) to State Representative Tamara Grigsby on February 16, 2011, and his analysis on the impact of the proposed legislation. Also contained at the end of that same document is a letter, also dated February 16, 2011, from the Director of the US Department of Labor's, Office of Labor - Management Standards (OLMS) that outlines the his reaction to the (at that time proposed) legislation. Last is an handout from WURTA

("WURTAhandoutfinal") that provides an overview on the role of Transit in Wisconsin.

We realize that the FTA does not want to embroil itself in state politics in Wisconsin, and to be blunt, that is not what we've been asking for. We are only asking for technical answers to the following:

In the event that public transit employee's collective bargaining rights are restricted as provided in WI 2011 Act 10:

1. What are the probable effects on Wisconsin transit grantees with unionized public employees, and;
2. What "special procedures" as provided in 29CFR Part 215.3(a)(2), which sets-up USDOL's administrative procedures for processing applications under Federal Transit law (49USC Chapter 53 Section 5333 (b)) can or will USDOL use in considering applications where "...states or political subdivisions are subject to legal restrictions on bargaining with employee organizations...", and what information will grantees need to supply to comply with the "special procedures"?

In the absence of clear guidance to date from the FTA, and faced only with the attached reactions from the WiLFB and the USDOL, it's time to escalate this massive issue to the realm of reality. As we understand, public transit in Wisconsin stands to lose \$46.7 million in federal funding, and we're at a loss to explain to our detractors how likely of a threat we face.

We thank you for your continued and long-standing support of public transit in Wisconsin, and hope you will consider assisting us in obtaining comprehensive FTA guidance on this matter.

Very truly yours,

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