



Working to implement a 21st century passenger rail system by adding the Midwest Regional Rail Initiative network and additional state-supported corridors to the region's existing passenger rail infrastructure.



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Limitations of States in Multistate Passenger Rail Development

Illinois: 20 ILCS 2705-440

- ▶ For the purposes of providing intercity railroad passenger service within this State (*or as part of service to cities in adjacent states*), the Department is authorized to enter into agreements with units of local government, the Commuter Rail Division of the Regional Transportation Authority (or a public corporation on behalf of that Division), architecture or engineering firms, the National Railroad Passenger Corporation, any carrier, *any adjacent state (or political subdivision, corporation, or agency of an adjacent state), or any individual, corporation, partnership, or public or private entity*. The cost related to such services shall be borne in such proportion as, by agreement or contract the parties may desire. (Emphasis added)

Indiana: IC 8-3-1.5-12

- ▶ The department may cooperate with other states in connection with the purchase of any rail properties within this State. *The department may also acquire trackage rights in other States and rail properties lying in other States in order to carry out the intentions and purposes of this chapter*. In carrying out the authority conferred by this section, the department may enter into general contractual arrangements, *including joint purchasing and leasing of rail properties, with other States*. (Emphasis added)

Iowa: Iowa Code 327J.3.2 (Administration)

- ▶ 2. The director may enter into agreements with AMTRAK, other rail operators, local jurisdictions, and other states for the purpose of developing passenger rail service serving Iowa. The agreements may include any of the following:
 - a. Cost-sharing agreements associated with initiating service, capital costs, operating subsidies, and other costs necessary to develop and maintain service.
 - b. Joint powers agreements and other institutional arrangements associated with the administration, management, and operation of passenger rail service.

Kansas: KSA 75-5089

- ▶ DOT secretary may
- ▶ (1) Enter into agreements with Amtrak, other rail operators, local jurisdictions and other states for the purpose of developing passenger rail service, serving Kansas and other states interconnected and positioned on a current or proposed route. The agreements *may include* any of the following provisions:
 - (A) *Cost-sharing agreements associated with initiating service, capital costs, operating subsidies and other costs necessary to develop and maintain service; or*
 - (B) *joint powers agreements and other institutional arrangements associated with the administration, management and operation of passenger rail service.*
- ▶ (2) Provide assistance and enter into agreements with local jurisdictions along the proposed route of a Midwest regional rail system development or other passenger rail service operations serving Kansas
- ▶ (Emphasis added)

Kansas: KSA 75-5089

- ▶ Section 5(f) specifies that “As used in this section ‘passenger rail service’ means long-distance, intercity and commuter passenger transportation, *including the Midwest regional rail system development* which is provided on railroad tracks.” (Emphasis added)

Michigan: Act 295 of 1976 (474.56)

- ▶ Sec. 6.
- ▶ (1) The department, as sole agent for the state, may acquire by purchase or through the procedures set forth in the staggers rail act of 1980, Public Law 96-448, 94 Stat. 1895, and the northeast rail service act of 1981, subtitle E title XI, Public Law 97-35, 95 Stat. 643, a portion or portions of the property of a railroad company, including, but not limited to, the tracks and ties, rights of way, land, buildings, appurtenances, other facilities, **rolling stock, and equipment**, whether or not necessary for the operation of a railroad, for the preservation of a railroad line, or for commuter trail use. In addition, the department may acquire by purchase or otherwise other property owned by an entity other than a railroad company which is found by the department to be necessary for the present or future operation of a railroad.
- ▶ (2) The department may acquire through condemnation only those segments of a railroad which has been abandoned. Acquisition through condemnation shall be limited to right of way, track, ties, bridges, and culverts which are necessary for the operation of a railroad. The action shall be undertaken pursuant to Act No. 149 of the Public Acts of 1911, being sections 213.21 to 213.25 of the Michigan Compiled Laws, and Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws.

OHIO: ORC 4981

- ▶ Establishes the Rail Development Commission
- ▶ Requires the commission to “plan for the construction and operation of an intercity conventional or high speed passenger transportation system in this state” to be built and operated by the commission.
- ▶ Requires plans to be based on existing studies, and an initial route connecting Cleveland, Columbus, and Cincinnati and any points in between those cities determined by the authority.

Wisconsin: Chapter 85.06 (Excerpts)

- ▶ The department shall administer a rail passenger service assistance and promotion program and may do any of the following:
- ▶ **(c)** *Consult with other states and with local governmental units regarding service levels for additional rail passenger service in this state.*
- ▶ **(d)** Monitor the quality of rail passenger service in this state.
- ▶ **(e)** Conduct or contract for marketing studies and promotional activities to increase rail passenger service ridership in this state, to identify potential riders and to educate the public about the availability and advantages of rail passenger service.
- ▶ **(f)** Apply for and accept federal funds for rail passenger service.
- ▶ **(g)** Acquire equipment or facilities for the purpose of providing rail passenger service or support services for rail passenger service.
- ▶ **(h)** *Enter into agreements with other states to assist or promote rail passenger service.* (Emphasis added)

Wisconsin: Chapter 85.061(3)(a)(3)

- ▶ Authorizes the department to fund development of capital improvements in support of existing service in the Milwaukee–Chicago corridor or new service in the Milwaukee–Madison and Milwaukee–Green Bay corridors.

Response Summary: Legal Limitations?

- ▶ (Note: By definition, MIPRC member states do not have such legal limitations regarding engaging in a passenger rail governance framework, at least within the framework of the compact.)
- ▶ Iowa: Yes (not a MIPRC state)
Nebraska: Although a MIPRC state, statutory authorization would be necessary to enter governance agreements.
Ohio: Uncertain
South Dakota: Uncertain

Response Summary: Funding? Dedicated?

- ▶ Illinois, Indiana, Missouri, Wisconsin: General funds (not dedicated)
- Iowa, Nebraska, South Dakota: None
- Michigan: Up to 10 percent of sales taxes; portion of registration fees and other taxes
- Minnesota: None (General funds for office; G.O. bonds for specific projects)
- Ohio: Uncertain
- North Dakota: Rail loan program (not dedicated, but passenger rail is eligible), no P3s

Response Summary: Out-state spending?

- ▶ YES
Illinois (adjacent states only), Indiana (if codified), Iowa (planning studies only), Michigan, Missouri, North Dakota (on or near state borders only), South Dakota (limited), Wisconsin
- ▶ NO
Kansas, Minnesota, Nebraska
- ▶ Uncertain
Indiana, Ohio

Thank you.

Questions?

