

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Adoption of this rule will keep the state in compliance with its obligation to adopt federal changes in the rail transit safety area. Federal law under 49 U.S.C. § 5329(e) gives FTA authority to withhold all Chapter 53 funds from any state that does not meet the April 2019 final deadline for full SSO program compliance under Part 674. Adoption of this state rule will keep Wisconsin on track to meet that deadline and avoid this substantial penalty.

14. Long Range Implications of Implementing the Rule

The primary long-range implication of implementing the rule concerns the department's enforcement authority – including investigations, audits, inspections, and oversight – over rail transit agencies. Currently, both the state and rail transit agencies are already required, under federal law, to follow federal regulations concerning rail transit safety. However, the current rules under 49 CFR Part 659 do not include SSO agency enforcement authority.

15. Compare With Approaches Being Used by Federal Government

Chapter Trans. 10 is based on federal requirements under 49 U.S.C. § 5329(e) and 49 CFR Part 674; as such, Trans. 10 takes the same approach as the federal government.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

All states with qualifying rail fixed guideway public transportation systems, including Illinois, Michigan, and Minnesota – Iowa does not currently have a qualifying rail fixed guideway public transportation system, and so is not affected by the federal regulations – must become certified under the new SSO rules.

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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

N/A

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

This rule does not impact small businesses.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
 - Less Stringent Schedules or Deadlines for Compliance or Reporting
 - Consolidation or Simplification of Reporting Requirements
 - Establishment of performance standards in lieu of Design or Operational Standards
 - Exemption of Small Businesses from some or all requirements
 - Other, describe:
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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

N/A

5. Describe the Rule's Enforcement Provisions

The rule requires the department to review, approve, oversee, and enforce the safety plan of every rail transit agency (RTA) under the department's oversight. The rule authorizes oversight and enforcement of RTAs by the department through corrective action plans (CAP) ordered by the department, or by any other means the department deems necessary or appropriate. The rule allows the department to enforce minimum standards for safety and have broad investigative and enforcement authority with respect to safety. The rule also requires that the department adopt and distribute a written SSO program standard that will further identify specific processes and procedures, of both the SSO agency and RTAs, including specific exercise of enforcement authority authorized by the rule and s. 85.066(2), Wis. Stats.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes No
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