

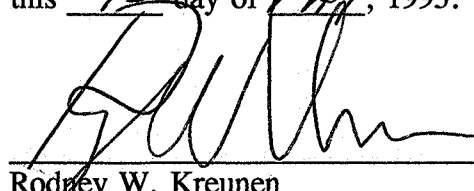
STATE OF WISCONSIN)
) SS
OFFICE OF THE COMMISSIONER OF RAILROADS)

I, Rodeny W. Kreunen, Commissioner of the
Office of the Commissioner of Railroads

and custodian of the official records, certify that the annexed rules, relating to intrastate railroad
rate regulation, were duly approved and adopted by this
office on May 7, 1996.

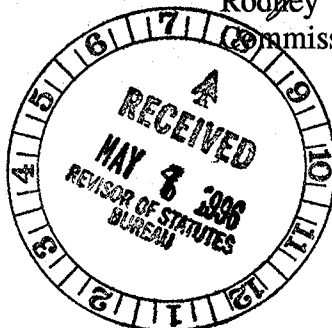
I further certify that this copy has been compared by me with the
original on file in this office and that it is a
true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto
set my hand and affixed the official seal of the office
of the commissioner of railroads at 610 North
Whitney Way, Room 110, Madison, Wisconsin
this 7th day of May, 1995.



Rodney W. Kreunen
Commissioner of Railroads

SEAL





NOTICE IS HEREBY GIVEN to the presiding officer of each house that pursuant to sections 189.02 (1) and 227.11 (2) (a), Stats., interpreting Chapters 189 to 192 and Chapter 195, Stats., the Office of the Commissioner of Railroads (OCR) proposes to adopt the rules set out below which renumber, amend and repeal Chapters OCT 1 to 7, Wis. Adm. Code, in order to reflect changes to the agency's name and subject matter jurisdiction adopted by 1993 Act 16, s. 2731 et seq., and 1993 Act 123, s. 27 et seq.

ORDER
of the
Office of the Commissioner of Railroads

The Wisconsin Office of the Commissioner of Railroads proposes an order to repeal OCT 1.12, Chapter OCT 2, Chapter OCT 4 and Chapter OCT 7; to renumber Chapter OCT 1 (title), 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.10 and 1.11, 1.13, 1.14, Chapter OCT 3 (title), 3.001, 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19, 3.20, Chapter OCT 5 (title), 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, Chapter OCT 6 (title), 6.01, 6.02 and 6.03; and to renumber and amend 1.001, 1.01, 3.001 (1), 3.04 (2) and (3), 3.05, 3.16 (1), 3.17 (1) and (2), 5.01 (7), 5.06 (1), (2) and (3), 5.09 (1) (b) and (2) (a), 5.10 (1) and (5) (a), 5.11, 5.13 (11) and (13), 5.14, 5.15 (3) (a), 5.16 (3) (a) and 5.17 (2), 6.01 (1), 6.02 (1), (2) and (3), 6.03 (2) and (3).

Need for the Rule

The OCR proposes these rule changes in order to conform the administrative rules to the legislative acts which created it. The rules change the designation of the rules from "OCT" to "RR". The rules also repeal existing rules governing areas over which the OCR no longer has jurisdiction.

Analysis Prepared by the Office of the Commissioner of Railroads:

The rule changes conform the OCR's rules to the agency's current name and subject matter jurisdiction. Wisconsin Act 16, s. 2731 et seq. (1993), abolished the Wisconsin Office of the Commissioner of Transportation (OCT) and transferred jurisdiction over railroad matters to the Public Service Commission (PSC). Subsequently, Wisconsin Act 123, s. 27 et seq. (1993) created the Office of the Commissioner of Railroads (OCR) and transferred jurisdiction over railroad matters from the PSC to the new OCR effective January 1, 1994. Act 16's transfer of non-railroad related duties to other agencies, primarily the Wisconsin Department of Transportation (DOT), and the Department of Administration's Division of Hearings and Appeals (DHA), was not effected by the later Act 123.

The rules repeal three chapters which cover subjects over which the OCR lacks jurisdiction, specifically Chapter OCT 2 relating to the regulation of motor carriers now performed by the DOT; Chapter OCT 4 relating to the regulation of moving rates for civil servants now performed by the Department of Administration (DOA); and Chapter OCT 7 relating to administrative suspension hearings for drivers charged with operating a motor vehicle while intoxicated. DOT now conducts these hearings. The rules also repeal s. OCT 1.12, which allowed the hearing examiner to issue a final decision in motor vehicle registration and operator license matters brought under the Safety Responsibility Law, Chapter 344 Stats.

The rules renumber and rename the remaining chapters. All rules issued by the OCR will now be known as "RR" rather than OCT. Chapter OCT 1, which governs agency hearing practice and procedure, is renamed Chapter RR 1. Chapter OCT 3, which governs numerous substantive items related to railroads, is renumbered and renamed Chapter RR 2. Chapter OCT 5, which governs railroad ratemaking, is renumbered and renamed Chapter RR 3. Chapter OCT 6, which governs water carrier rate regulation, is renumbered and renamed Chapter RR 4 (The statutes define water carriers as railroads.).

The rules change specific provisions to replace references to the OCT with OCR. For example, section one of the rule changes the definition of "Office" found in s. OCT 1.001 from the office of the commissioner of transportation to the office of the commissioner of railroads. The rule also updates several archaic references to the agency as the "commission" and to the rules as "TC", both of which refer to the Transportation Commission, the OCT's precursor.

The rules also remove the agency's address from the body of the rules and place the updated address in a note.

The OCR has also commenced a thorough review of these remaining rules which should result in the proposal of substantive amendments to specific rules within the next six months.

The OCR did not hold a hearing on these rules because the rules only make changes necessary to conform to the legislation which created the OCR and the rules therefore qualify for the hearing requirement exception set forth in s. 227.16 (2) (b).

On March 5, 1996, the OCR received the Legislative Council Staff's (LCS) Clearinghouse Report on the proposed rule. The LCS report did not recommend any changes in the rule.

On March 22, 1996, the OCR submitted the proposed order to the respective clerks of the Senate and Assembly. Neither committee objected to the proposed rules.

Text of Rule

SECTION 1. Chapter OCT 1 (title), 1.001, 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.10 and 1.11 are renumbered RR 1 (title), 1.001, 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, 1.07, 1.08, 1.09, 1.10 and 1.11 and RR 1.001 (1), 1.01 (1), as renumbered, are amended to read:

~~OCT~~ RR 1.001 Definition. For purposes of this chapter.

(1) "Office" means the office of the commissioner of ~~transportation~~ railroads.

~~OCT~~ RR 1.01 Communications and documents addressed to office. (1) All written communications and documents should be ~~addressed to:~~

~~Office of the Commissioner of Transportation-
Railroad Tariff Bureau
Hill Farms State Transportation Building
4802 Sheboygan Avenue
P.O. Box 7957
Madison, WI 53707 7957~~

filed with the office by deposit in the mail or in person.

Note: The office can be contacted at:
Office of the Commissioner of Railroads
610 N. Whitney Way, Suite 110
P.O. Box 8968
Madison, WI 53708-8968
(608) 266-7607
Fax (608) 261-8220

SECTION 2. OCT 1.12 is repealed.

SECTION 3. OCT 1.13 and 1.14 are renumbered RR 1.12 and 1.13.

SECTION 4. Chapter OCT 2 is repealed.

SECTION 5. Chapter OCT 3 (title), 3.001, 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16, 3.17, 3.18, 3.19 and 3.20 are renumbered Chapter RR 2 (title), 2.001, 2.01, 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17, 2.18, 2.19 and 2.20 and RR 2.001 (1), 2.04 (2) and (3), 2.05, 2.16 (1), 2.17 (1) and (2) as renumbered, are amended to read:

~~OCT 3.001~~ RR 2.001 Definition. For purposes of this chapter:

(1) "Office" means the office of the commissioner of ~~transportation~~ railroads.

~~OCT 3.04~~ RR 2.04 (2) The usual practice of the ~~commission~~ office is to render monthly statements. Itemization is made on the bill to indicate the names of the ~~commission's~~ office's employes engaged on the work, the hours expended, their hourly rates, special charges and the amount of the charges. In a joint investigation or where the charges in one investigation are to be divided between 2 or more railroads, such charges shall be assessed, unless otherwise ordered, in proportion to their respective gross operating revenues for the preceding calendar year from the kind of service involved.

(3) Each railroad shall file with the ~~commission~~ office on or before April 1 of each year a verified statement of its gross operating revenues for the preceding calendar year, exclusive of those derived from the transportation of mail, derived from intrastate operations in the state of Wisconsin, showing the amounts for each operating revenue-account as prescribed by the current classification of accounts for railroads of the interstate commerce commission transportation compliance board.

~~OCT 3.05~~ RR 2.05 Forms--general. The forms named in this chapter are listed by title, and may be obtained from the ~~Office of the Commissioner of Transportation, 4802 Sheboygan Avenue, P.O. Box 7957, Madison, Wisconsin 53707-7957.~~ office.

Note: The office can be contacted at:
Office of the Commissioner of Railroads
610 N. Whitney Way, Suite 110
P.O. Box 8968
Madison, WI 53708-8968
(608) 266-7607
Fax (608) 261-8220

~~OCT 3.16~~ RR 2.16 Exemptions. (1) Materials used by a railroad for repair or construction just prior to and during the period such work is in progress, and railroad structures and facilities necessary for the operations of trains for which it is impracticable to provide the minimum clearances, are exempted from the provisions of s. ~~OCT 3.15 (2) to (5)~~ RR 2.15 (2) to (5).

(SECTION 5, continued)

~~OCT 3.17~~ RR 2.17 Motor vehicles--general. (1) ~~OCT 3.17~~ RR 2.17 prescribes minimum standards for the transportation of employes by motor vehicles to and from their places of employment and during the course of their employment and shall be observed by all railroads in their operations within the state of Wisconsin.

(2) The intent of the rules will be realized (a) by applying the rules in full to all new motor vehicles and related items or equipment when placed in service, (b) by applying all except s. ~~OCT 3.18 (1), (2), (3), (5) and (6)~~ RR 2.18 (1), (2), (3), (5) and (6) to existing vehicles, (c) by applying all rules where there is major reconstruction of the vehicles and to those parts used as replacements in the partial reconstruction of a vehicle, (d) these regulations shall not apply to taxicabs or other vehicles licensed by competent authority to transport the public, and used by a railroad to transport its employes.

SECTION 6. Chapter OCT 4 is repealed.

SECTION 7. Chapter OCT 5 (title), 5.01, 5.02, 5.03, 5.04, 5.05, 5.06, 5.07, 5.08, 5.09, 5.10, 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, and 5.17 are renumbered Chapter RR 3 (title), 3.01, 3.02, 3.03, 3.04, 3.05, 3.06, 3.07, 3.08, 3.09, 3.10, 3.11, 3.12, 3.13, 3.14, 3.15, 3.16 and 3.17 and RR 3.01 (7), 3.06 (1), (2) and (3), 3.09 (1) (b) and (2) (a), 3.10 (1) and (5) (a), 3.11, 3.13 (11) and (13), 3.14, 3.15 (3) (a), 3.16 (3) (a) and 3.17 (2), as renumbered, are amendeded to read:

~~OCT 5.01~~ RR 3.01 Definitions. For purposes of this chapter:

(7) "Office" means the ~~office of the commissioner of transportation~~ office of the commissioner of railroads.

~~OCT 5.06~~ RR 3.06 Monetary adjustments for suspension actions. (1) RATE INCREASES WITH NO SUSPENSIONS. In the event the office does not suspend but investigates a proposed increase under s. ~~OCT 5.04~~ RR 3.04, the office shall require the rail carrier to account for all amounts received under the increase until the proceedings are completed. The accounting shall specify by whom and for whom the amounts are paid. When the office takes final action, it shall require the carrier to refund to the person for whom the amounts were paid that part of the increased rate found to be unreasonable, plus interest at a rate equal to the average yield, on the date that the "Statement of Monetary Adjustment" is filed, of marketable securities of the United States government having a duration of 90 days.

(SECTION 7, continued)

(2) RATE INCREASES WITH SUSPENSION. If a rate increase is suspended under s. ~~FC 5.04~~ RR 3.04 and any portion of such rate is later found to be reasonable, the carrier shall collect from each person using the transportation to which the rate applies the difference between the original rate and the portion of the suspended rate found to be reasonable for any services performed during the period of suspension, plus interest at a rate equal to the average yield, on the date that the "Statement of Monetary Adjustment" is filed, of marketable securities of the United States government having a duration of 90 days.

(3) RATE DECREASES WITH SUSPENSION. In the event the office suspends a proposed rate decrease under s. ~~FC 5.04~~ RR 3.04 which is later found to be reasonable, the rail carrier may refund any part of the decrease found to be reasonable, if the carrier makes the refund available to each shipper who participated in the rate, in accordance with the relative amount of such shipper's traffic transported at such rate.

~~OCT 5.09~~ RR 3.09 (1) (b) Grounds for suspension. The protest shall incorporate sufficient facts to meet the criteria for suspension and sustain the applicable burdens of proof as set forth in s. ~~OCT 5.04~~ RR 3.04. Further, the protest should include any additional information that would support suspension of the proposed rate.

~~OCT 5.09~~ RR 3.09 (2) REPLY TO PROTEST. (a) Content. The reply should adequately identify the protested tariff. Further it shall contain sufficient facts to rebut the allegations made in the protest and to sustain the applicable burdens of proof as set forth in s. ~~OCT 5.04~~ RR 3.04.

~~OCT 5.10~~ RR 3.10 Refund, collection of freight charges or petitions based on damages. (1) When the office finds that a railroad shall make refunds on freight charges collected or that the railroad is entitled to collect additional freight charges, but the amount cannot be ascertained upon the record before it, the party entitled to the refund or the railroad entitled to collect additional monies, as the case may be, shall immediately prepare a statement showing details of the shipments involved in the proceeding, in accordance with s. ~~OCT 5.11~~ RR 3.11 -- Statement of Monetary Adjustment. The statement shall not include any shipment not covered by the office findings. Statements based on damages may also be submitted to the office. Where a liquidated damages provision exists for a contract violation, and a carrier is willing to pay the specified damages, a statement for appropriate authority shall be filed by the carrier with this office.

(SECTION 7, continued)

(5) (a) Objection letter. The protest should be in the form of an objection letter and shall identify the investigation and suspension docket number, shall clearly state the reasons for objection and shall certify according to s. ~~OCT 5-08~~ RR 3.08 that a copy of the letter stating the objection has been served on all parties named in the letter stating the intent to waive freight charges.

~~OCT 5-11~~ RR 3.11 Content of statement of monetary adjustment.

Statement of Monetary Adjustment

Claim of _____ under decision of the ~~Office of the~~ Office of the Commissioner of Railroads, State of Wisconsin in Docket No. _____.

_____	Date of shipment
_____	Date of delivery or tender of delivery
_____	Date charges were paid
_____	Car initials
_____	Car number
_____	Origin
_____	Destination
_____	Route
_____	Commodity
_____	Weight
_____	Rate
_____	Amount
_____	Rate
_____	Amount
_____	Refund (or monies due) on basis of Office of the Commissioner of <u>Office of the Commissioner of Railroads</u> decision
_____	Charges paid by (1)

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for refund (or monies due) previously filed with the ~~Office of the Commissioner of Transportation~~ Office of the Commissioner of Railroads or on behalf of claimant or, so far as claimant knows, by or on behalf of any person, in any other proceedings, except as follows: (here indicate any exceptions and explanation thereof)

(SECTION 7, continued)

_____ (Claimant)
 by _____
 _____ (address)
 _____ (date)

Total amount of refund (or monies due) \$ _____. The undersigned hereby certifies that this statement has been checked against the records of this Company and found correct.

Date _____ Concurred (2) in: _____ Company
 _____ Company. Defendant Collecting Carrier, Defendant
 (3) _____ By _____, Auditor. By
 _____, Auditor.

(1) Here insert name of person paying charges in the first instance, and state whether as consignor, consignee, or in other capacity.

(2) For concurring certificate in case the collection carrier is not a defendant.

(3) If not a defendant, strike out the word "defendant."

~~OCT 5-13~~ RR 3.13 (11) STATEMENTS OF CLAIMED DAMAGE BASED ON OFFICE FINDINGS. (a) When the office finds that damages are due, but that the amount cannot be ascertained upon the record before it, the complainant shall immediately prepare a statement showing details of the shipments on which damages are claimed, in accordance with s. ~~TC 5-14~~ RR 3.14. The statement shall not include any shipment not covered by the office's findings, or any shipment on which complaint was not filed with the office within the statutory period. The filing of a statement will not stop the running of the statute of limitations as to shipments not covered by complaint or supplemental complaint. If the shipments move over more than one route, a separate statement shall be prepared for each route, and separately numbered, except that shipments, as to which the collecting carrier is in each instance the same, may be listed in a single statement if grouped according to routes.

(SECTION 7, continued)

(13) MARKET DOMINANCE. The office shall determine within 90 days of the commencement of a complaint proceeding whether the carrier has market dominance over the transportation to which the rate applies. If the office finds that the carrier has market dominance, it may then determine that rate to be unreasonable if it exceeds a reasonable maximum for that transportation. In making a determination of market dominance, the office shall find that the rail carrier establishing the challenged rate does not have market dominance over the transportation to which the rate applied if the rail carrier proves that the rate charged results in a revenue-variable cost percentage which is less than that stated in 49 U.S.C. s. 10709(d) (2). Evidentiary guidelines for the determination of whether or not the railroad has market dominance over the transportation to which the rate applies shall be found in s. ~~TC 5.12~~ RR 3.12. If the office determines that a rail carrier does not have market dominance over the transportation to which a particular rate applies, the rate established by such carrier for such transportation shall be deemed reasonable.

~~OCT 5.14~~ RR 3.14 Reparation statement

Claim of _____ under decision of
the ~~Office of the Commissioner of Transportation~~ Office of the Commissioner of
Railroads in Docket No.

_____ Date of shipment
_____ Date of delivery or tender of delivery
_____ Date charges were paid
_____ Car initials
_____ Car number
_____ Origin
_____ Destination
_____ Route
_____ Commodity
_____ Weight
_____ Rate
_____ Amount
_____ Reparation on basis of ~~Office of the Commissioner of Transportation~~
Office of the Commissioner Railroads decision
_____ Charges paid by (1)

(SECTION 7, continued)

Claimant hereby certifies that this statement includes claims only on shipments covered by the findings in the docket above described and contains no claim for reparation previously filed with the ~~Office of the Commissioner of Transportation~~ Office of the Commissioner of Railroads or on behalf of claimant or, so far as claimant knows, by or on behalf of any person, in any other proceedings, except as follows: (here indicate any exceptions, and explanation thereof)

(Claimant)
By _____

(address)

(date)

Total amount of reparation \$ _____. The undersigned hereby certifies that this statement has been checked against the records of this Company and found correct.

Date _____ Concurred (2) in: _____ Company
_____ Company. Defendant Collecting Carrier, Defendant
(3) _____ By _____, Auditor. By _____,
Auditor.

(1) Here insert name of person paying charges in the first instance and state whether as consignor, consignee, or in what other capacity.

(2) For concurring certificate in case collecting carrier is not a defendant.

(3) If not a defendant, strike out the word "defendant."

~~OCT 5.15~~ RR 3.15 (3) FILING AND APPROVAL. (a) Filing. Rail carriers providing transportation subject to Subchapter 1 of Chapter 105 of Title 49, United States Code, shall file with the office an original and one copy of a contract entered into with one or more purchasers of rail service. The contract shall be accompanied by 3 copies of a summary of the nonconfidential elements of the contract in the format specified in 49 C.F.R. ss. 1300.300 - 1300.315, and s. ~~OCT 5.16~~ RR 3.16 (1)-(4). A contract, amendment or supplement may be rejected for noncompliance with applicable statutes and regulations.

(SECTION 7, continued)

~~OCT 5.16~~ RR 3.16 (3) CONTRACT AND CONTRACT SUMMARY NUMBERING SYSTEM. (a) Each issuing carrier shall sequentially number the contract and contract summary it issues. The contract and contract summary identification number shall include the word "ICC," the abbreviation for interstate commerce commission, and "~~OCT~~," "OCR", the abbreviation for the office of the commissioner of transportation railroads, the industry standard alphabet code for the issuing railroad (limited to four letters), the letter "C," and the sequential number with each separated by a hyphen.

~~OCT 5.17~~ RR 3.17 (2) EXEMPTIONS. In addition to those exemptions approved by the ICC, the office may conduct exemption proceeding initiated pursuant to a petition. These proceedings are used to consider the exemption of traffic which has not been considered by the interstate commerce commission. The process for considering exemptions shall be through notice and hearing as provided for in ch. ~~OCT~~ RR 1.

SECTION 8. Chapter OCT 6 (title), 6.01, 6.02 and 6.03 are renumbered Chapter RR 4 (title) 4.01, 4.02 and 4.03 and RR 4.01 (1), 4.02 (1), (2) and (3), 4.03 (2) and (3), as renumbered, are amended to read:

~~OCT 6.01~~ RR 4.01 Definition. For purposes of this chapter.

(1) "Office" means the office of the commissioner of transportation railroads.

~~OCT 6.02~~ RR 4.02 Water carrier application. (1) APPLICATION FOR A CERTIFICATE. Application for a certificate of convenience and necessity to operate as a water carrier shall be made to the Office of the Commissioner of Transportation Railroad Tariff Bureau, Hill Farms State Transportation Building, 4802 Sheboygan Avenue, P.O. Box 7957, Madison, WI 53707-7957. filed with the office by deposit in the mail or in person upon the forms prescribed for that purpose provided by the office.

Note: The office can be contacted at:
Office of the Commissioner of Railroads
610 N. Whitney Way, Suite 110
P.O. Box 8968
Madison, WI 53708-8968
(608) 266-7607
Fax (608) 261-8220

SECTION 8 continued

(2) **FILING FEE.** An application for a certificate of public convenience and necessity shall be accompanied by a nonrefundable filing fee of \$40. This fee shall be paid by cash, check or money order made payable to the Office of the Commissioner of Transportation Office of the Commissioner of Railroads.

(3) **PUBLICATION OF NOTICE.** Upon an initial determination by the Office that the basic entry requirement set out in s. ~~OCT 6.03~~ RR 4.03 may be satisfied, the applicant shall be furnished with copies of the official notice that application has been made which the applicant shall publish in a newspaper of general circulation in each county through or in which the proposed service shall be rendered. Prior to publication, the applicant shall examine the notice and notify the office of applicant's approval of the form and content of the notice or submit a revised notice to the office.

~~OCT 6.03~~ RR 4.03 (2) **NOTICE OF HEARING.** Where an application is protested and a petition for hearing is filed with the office pursuant to s. ~~OCT 6.02 (4) (d)~~ RR 4.02 (4) (d), the matter may be set for hearing and the parties notified in the manner prescribed in s. ~~OCT 1.03~~ RR 1.03.

(3) **NEED FOR THE PROPOSED SERVICE.** Where no petition for hearing is received pursuant to s. ~~OCT 6.02 (4) (d)~~ RR 4.02 (4) (d), the applicant shall submit verified statements from representative shippers or passengers who expect to use the proposed service in order to prove that a public need exists for the proposed service. The sponsors must state the following information:

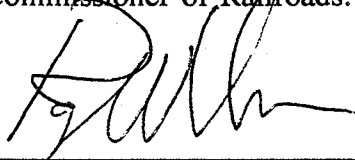
- (a) For what purpose or occasion they expect to use the proposed service.
- (b) To and from what points they expect to use the proposed service.
- (c) How often they expect to use the proposed service.
- (d) For freight shippers only, the volumes of product they expect to ship using the proposed service.
- (e) Any additional information which may explain how the proposed service will meet needs that are not currently being met by existing service.

SECTION 9. Chapter OCT 7 is repealed.

This rule shall take effect on the first day of the month commencing after the date of publication as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, May 7, 1996.

By the Office of the Commissioner of Railroads.



Rodney Kreunen
Commissioner of Railroads

Fiscal Estimate:

There is no fiscal effect from the adoption of these rules. A copy of the rules and the full fiscal estimate may be obtained without cost from the contact person at the Office of the Commissioner of Railroads upon request.

Initial Regulatory Flexibility Analysis:

These rule changes will not affect small business.

Contact Person

For additional information, or if there are questions concerning these rules,
contact:

Douglas S. Wood, Legal Counsel
Telephone (608) 266-9536
Office of the Commissioner of Railroads
610 North Whitney Way, Room 110
PO Box 8968
Madison, Wisconsin 53708-8968

FISCAL ESTIMATE

1996 Session

OCT 1-7, Wis. Adm. Code

Original Updated _____ Adm. Rule No. _____
 Corrected _____ Supplemental _____ Amendment No. _____

Subject: Updating rules with agency's new name and subject matter jurisdiction.

Fiscal Effect

State: No state fiscal effect
 _____ Increase costs
 May be possible to absorb in agency's budget yes no
 _____ Decrease Costs

Local: No local governmental costs

_____ Increase Costs	_____ Permissive	_____ Mandatory
_____ Decrease Costs	_____ Permissive	_____ Mandatory
_____ Increase Revenues	_____ Permissive	_____ Mandatory
_____ Decrease Revenues	_____ Permissive	_____ Mandatory

Types of local governmental units effected, if any:

_____ Towns	_____ Villages	_____ Cities
_____ Counties	_____ Others	
_____ School Districts	_____ VTAE Districts	

Fund Sources Effected

_____ GPR _____ FED PRO _____ PRS _____ SEG _____ SEG-S

Effected Chapter 20 Appropriations

s . 2 0 . 1 5 5 (2) (g)

Assumptions used in arriving at fiscal estimate:


The order changes the administrative rules to reflect the agency's name change and narrowed subject matter jurisdiction. The rules do not change current practices and consequently will not change any costs to railroads, highway authorities or shippers.

Long-Range fiscal implications

The above assumptions also apply to long-range fiscal implications.

Agency/Prepared by: (Name & Phone)
Office of the Commissioner of Railroads
Douglas S. Wood 266-9536

Authorized Signature/Date


May 7 1996
Rodney W. Kreunen
Commissioner of Railroads

wisrev.fin



Office of the Commissioner of Railroads

610 N. Whitney Way
P. O. Box 8968
Madison, WI 53708-8968

Rodney W. Kreunen, Commissioner

Tel: (608) 266-7607
Fax: (608) 261-8220
TTY: (608) 267-1479

May 7, 1996

Revisor of Statutes Bureau
Gary L. Poulson, Deputy Revisor
131 West Wilson Street, Room 800
Madison, Wisconsin 53703-3233



Re: Final administrative rules

Dear Mr. Poulson:

Please find enclosed a certified and a uncertified copy of a final rule adopted by the Office of the Commissioner of Railroads (Office). We provided the rule to the respective legislative clerks on March 22, 1996. The legislative committees did not object to the rules. Clearinghouse Rule 96-025.

Thank you for your attention to this matter. Please contact Douglas S. Wood, Legal Counsel, at 266-9536 with any questions or comments.

Sincerely,

Rodney W. Kreunen
Commissioner of Railroads