



State of Wisconsin  
2025 - 2026 LEGISLATURE

LRB-0588/P1

KP:amn

DOA:.....Aslesen, BB0006 - Office of the commissioner of railroads administrative attachment

**FOR 2025-2027 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**TRANSPORTATION**

**RAIL AND AIR TRANSPORTATION**

***Attaching Office of the Commissioner of Railroads to DOT***

The bill attaches the Office of the Commissioner of Railroads to DOT for administrative purposes. Under current law, the office primarily regulates the safety of rail-highway crossings and is attached to PSC for administrative purposes.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 15.03 of the statutes is amended to read:

**15.03 Attachment for limited purposes.** Any division, office, commission, council or board attached under this section to a department or independent agency or a specified division thereof shall be a distinct unit of that department, independent agency or specified division. Any division, office, commission, council or board so attached shall exercise its powers, duties and functions prescribed by law, including rule making, licensing and regulation, and operational planning within the area of program responsibility of the division, office, commission, council or board, independently of the head of the department or independent agency, but budgeting, program coordination and related management functions shall be

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performed under the direction and supervision of the head of the department or independent agency, except that with respect to the office of the commissioner of railroads, all personnel and biennial budget requests by the office of the commissioner of railroads ~~shall be provided to the department of transportation as required under s. 189.02 (7) and~~ shall be processed and properly forwarded by the ~~public service commission~~ department of transportation without change except as requested and concurred in by the office of the commissioner of railroads.

**SECTION 2.** 15.465 (title) of the statutes is amended to read:

**15.465 (title) Same; attached board and office.**

**SECTION 3.** 15.79 (1) of the statutes is amended to read:

15.79 (1) There is created a public service commission consisting of one chairperson and 2 commissioners. The chairperson and any commissioner may not have a financial interest in a ~~railroad, water carrier, or~~ public utility. If the chairperson or a commissioner voluntarily becomes so interested, the chairperson's or commissioner's office shall become vacant. If the chairperson or commissioner involuntarily becomes so interested, the chairperson's or commissioner's office shall become vacant unless the chairperson or commissioner divests himself or herself of the interest within a reasonable time. The chairperson and each commissioner shall hold office until a successor is appointed and qualified.

**SECTION 4.** 15.795 (title) of the statutes is repealed.

**SECTION 5.** 15.795 (1) of the statutes is renumbered 15.465 (3) and amended to read:

15.465 (3) OFFICE OF THE COMMISSIONER OF RAILROADS. There is created an office of the commissioner of railroads which is attached to the ~~public service~~

**BILL****SECTION 5**

~~commission~~ department of transportation under s. 15.03, provided that s. 85.02 (1) does not apply to the office of the commissioner of railroads. The commissioner of railroads shall have expertise in railroad issues and may not have a financial interest in a railroad, as defined in s. 195.02 (1), or a water carrier, as defined in s. 195.02 (5). The commissioner may not serve on or under any committee of a political party. The commissioner shall hold office until a successor is appointed and qualified.

**SECTION 6.** 20.155 (2) (title) of the statutes is renumbered 20.395 (7) (title).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 7.** 20.155 (2) (g) of the statutes is renumbered 20.395 (7) (ag).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 8.** 20.155 (2) (m) of the statutes is renumbered 20.395 (7) (am).

\*\*\*\*NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

**SECTION 9.** 25.40 (1) (f) 1. of the statutes is amended to read:

25.40 (1) (f) 1. Moneys received from the federal government, for the regulation of railroads and water carriers, that are deposited in the general fund and credited to the appropriation under s. ~~20.155 (2) (m)~~ 20.395 (7) (am).

**SECTION 10.** 189.02 (3m) (a) of the statutes is amended to read:

189.02 (3m) (a) Except as provided in s. 15.03, the ~~public service commission~~ department shall have no control or jurisdiction over the office in matters relating to railroad regulation.

**SECTION 11.** 189.02 (3m) (b) of the statutes is amended to read:

189.02 (3m) (b) Notwithstanding par. (a), the commissioner of railroads shall seek the input of, and give considerable weight to the advice given by, the

**BILL****SECTION 11**

~~chairperson of the public service commission~~ secretary on matters relating to the employment of persons by the office.

**SECTION 12.** 189.02 (4) of the statutes is amended to read:

189.02 (4) Decisions of the office are not appealable to the ~~public service commission~~ department. Decisions of the office are subject to judicial review under ch. 227.

**SECTION 13.** 189.02 (7) of the statutes is repealed.

**SECTION 14.** 190.11 (3) of the statutes is amended to read:

190.11 (3) The office of the commissioner of railroads shall collect a fee of \$1 per page filed under sub. (1). All fees received under this subsection shall be credited to the appropriation account under s. ~~20.155 (2) (g)~~ 20.395 (7) (ag).

**SECTION 15.** 195.60 (1) of the statutes is amended to read:

195.60 (1) Whenever the office in a proceeding upon its own motion, on complaint, or upon an application to it deems it necessary in order to carry out the duties imposed upon it by law to investigate the books, accounts, practices and activities of, or make appraisals of the property of any railroad or water carrier or to render any engineering or accounting services to any railroad or water carrier, the railroad or water carrier shall pay the expenses attributable to such investigation, appraisal or service. The office shall ascertain such expenses, and shall render a bill therefor, by mail, to the railroad or water carrier, either at the conclusion of the investigation, appraisal or services, or during its progress. The bill shall constitute notice of assessment and demand of payment thereof. The railroad or water carrier shall, within 30 days after the mailing thereof, pay to the office the amount of the special expense for which it is billed. Ninety percent of the payment shall be

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credited to the appropriation account under s. ~~20.155 (2) (g)~~ 20.395 (7) (ag). The total amount, in any one calendar year, for which any railroad or water carrier becomes liable, by reason of costs incurred by the office within such calendar year, shall not exceed four-fifths of one percent of its gross operating revenues derived from intrastate operations in the last preceding calendar year. Where, under this subsection, costs are incurred within any calendar year, which are in excess of four-fifths of one percent of such gross operating revenues, the excess costs shall not be chargeable as part of the remainder under sub. (2) but shall be paid out of the general appropriation to the office. Nothing in this subsection shall prevent the office from rendering bills in one calendar year for costs incurred within a previous year. For the purpose of calculating the costs of investigations, appraisals and other services under this subsection, 90 percent of the costs determined shall be costs of the office and 10 percent of the costs determined shall be costs of state government operations.

**SECTION 16.** 195.60 (2) of the statutes is amended to read:

195.60 (2) The office shall annually, within 90 days after the close of each fiscal year, ascertain the total of its expenditures during such year which are reasonably attributable to the performance of its duties relating to railroads and water carriers. For purposes of such calculation, 90 percent of the expenditures so determined shall be expenditures of the office and 10 percent of the expenditures so determined shall be expenditures for state government operations. The office shall deduct therefrom all amounts chargeable to railroads and water carriers under sub. (1) and s. 201.10 (3). A sum equal to the remainder plus 10 percent of the remainder shall be assessed by the office to the several railroads and water carriers

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in proportion to their respective gross operating revenues during the last calendar year, derived from intrastate operations. Such assessment shall be paid within 30 days after the bill has been mailed to the several railroads and water carriers, which bill shall constitute notice of assessment and demand of payment thereof. The total amount which may be assessed to the railroads and water carriers under authority of this subsection shall not exceed 1.85 percent of the total gross operating revenues of such railroads and water carriers, during such calendar year, derived from intrastate operations. Ninety percent of the payment shall be credited to the appropriation account under s. ~~20.155 (2) (g)~~ 20.395 (7) (ag). The railroads and water carriers shall furnish such financial information as the office requires for purposes of this section.

(END)