

## CHAPTER 189

### OFFICE OF THE COMMISSIONER OF RAILROADS

189.01 Definitions.

189.02 Office of the commissioner of railroads; powers and duties.

189.03 Transportation plans.

**189.01 Definitions.** In this chapter:

(1) “Department” means the department of transportation.

(2) “Office” means the office of the commissioner of railroads.

(3) “Secretary” means the secretary of transportation.

**History:** 1977 c. 29; 1981 c. 347; 1983 a. 189; 1993 a. 16, 123.

**189.02 Office of the commissioner of railroads; powers and duties.** (1) The office may adopt rules to govern its proceedings and to regulate the mode and manner of hearings.

(2) The office may employ staff, including hearing examiners.

(3) The office may administer oaths, subpoena witnesses and documents or other physical evidence, take testimony and cause the taking of depositions.

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

(b) Notwithstanding par. (a), the commissioner of railroads shall seek the input of, and give considerable weight to the advice given by, the chairperson of the public service commission on matters relating to the employment of persons by the office.

(4) Decisions of the office are not appealable to the public ser-

vice commission. Decisions of the office are subject to judicial review under ch. 227.

(5) The secretary may request the office to hold hearings and advise the secretary on transportation plans, policies, goals, priorities and programs affecting railroads.

(6) The secretary may by rule provide for administrative appellate review by the office of determinations of the department in areas that affect railroads and that are specified by the secretary. In areas where such administrative appellate review is provided, recourse thereto shall be a condition precedent to judicial review under ch. 227.

(7) At least 14 days before submitting to the public service commission any personnel or budget request that affects any appropriation to the department of transportation, the office shall notify the secretary of the request.

**History:** 1977 c. 29; 1979 c. 32 s. 92 (1); 1981 c. 347 ss. 22, 80 (1), (2); 1983 a. 27; 1985 a. 182 s. 57; 1993 a. 16, 123; 1999 a. 9.

**189.03 Transportation plans.** In performing its duties and making its decisions the office may consider transportation plans, policies, or other documents if they are admitted into evidence. A party may conduct cross-examinations reasonably required for a full and true disclosure of the facts.

**History:** 1977 c. 29; 1981 c. 347 s. 80 (1); 1993 a. 16, 123.