

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

Joint Committee for  
Review of  
Administrative Rules  
(JCR-AR)

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

- Appointments ... Appt
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- Clearinghouse Rules ... CRule
- 97hr\_JCR-AR\_CRule\_98-145
- Committee Hearings ... CH
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- Executive Sessions ... ES
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- Miscellaneous ... Misc
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- Record of Comm. Proceedings ... RCP
-

98-145 TRANS 31. PERMITS -  
STATE OWNED RAIL LINES

WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

Nov 12 1998

**RULES CLEARINGHOUSE**

**Ronald Sklansky**  
Director  
(608) 266-1946

**Richard Sweet**  
Assistant Director  
(608) 266-2982



**David J. Stute, Director**  
Legislative Council Staff  
(608) 266-1304

One E. Main St., Ste. 401  
P.O. Box 2536  
Madison, WI 53701-2536  
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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-145**

AN ORDER to repeal Trans 31.02 (10), 31.03 (5) and 31.04 (1) (e) 1. to 5.; to renumber Trans 31.02 (1), (11) and (12) and 31.03 (9); to renumber and amend Trans 31.03 (3) (a) (intro.) and (6) to (8); to amend Trans 31.01, 31.03 (1) and Note, (3) (b) and (4), 31.04 (1) (a), (e) (intro.) and (h) 3. and (2) (a) (intro.) and 1., 31.05 (1) and 31.07 (1) (intro.) and (2); to repeal and recreate Trans 31.02 (8) and 31.04 (1) (h) 5.; and to create Trans 31.02 (1), (5m), (12) and (18), 31.03 (3) (a) 2. and 3. and 31.04 (1) (j) 4. to 8. and (n), relating to excursion permits on state-owned rail lines.

Submitted by **DEPARTMENT OF TRANSPORTATION**

09-29-98      RECEIVED BY LEGISLATIVE COUNCIL.  
10-26-98      REPORT SENT TO AGENCY.

RS:AS;jal;rv

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached      YES       NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached      YES       NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached      YES       NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached      YES       NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached      YES       NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached      YES       NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

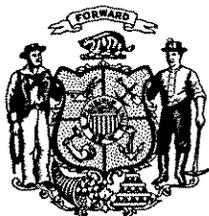
Comment Attached      YES       NO

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 98-145

### Comments

**[NOTE:** All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

#### 2. Form, Style and Placement in Administrative Code

- a. In s. Trans 31.02 (8), the word "of" should be inserted after the word "regardless" and the word "This" should be replaced by the phrase "Excursion train'."
- b. In the treatment clause for SEC. 9, "(intro.)" should be deleted.
- c. In s. Trans 31.03 (4), it appears that the material between the words "application" and "shall" is unnecessary given the definition of the term "additional application" in s. Trans 31.02 (1). If so, this material should be deleted.
- d. The text for s. Trans 31.03 (5) (d) should be deleted as it is not affected by the rule-making order.
- e. In s. Trans 31.04 (1) (h) 5., "North American Railcar Operators Association" should be replaced with "North American railcar operators association." Also, the rule should specify, by date, the latest edition of the rules of the North American Railcar Operators Association. If the rules are amended at a future date, and if the department approves of the amendments, the rule should be amended to refer to a new edition of the book of rules.

#### 4. Adequacy of References to Related Statutes, Rules and Forms

- a. In s. Trans 31.03 (1), "par." should be replaced by "sub."

b. In s. Trans 31.03 (6) (b), periods should be inserted after “2” and “3.” Also, in par. (c), periods should be inserted after “4” and “5.”

c. In s. Trans 31.03 (6) (d), the reference “sub. (6)” should be replaced by the phrase “this subsection.”

**5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In s. Trans 31.02 (18), “of America” should be deleted. Alternatively, “United States of America” could be deleted and “federal” could be inserted before “surface.”

b. In s. Trans 31.04 (1) (j) 8., “cannot” should be replaced with “may not.”

The Wisconsin Department of Transportation proposes an order to repeal TRANS 31.02(10), 31.03(5) and 31.04(1)(e)1. to 5.; renumber TRANS 31.02(1), (11) and (12), and 31.03(9); renumber and amend TRANS 31.03(3)(a)(intro.) and (6) to (8); amend TRANS 31.01, 31.03(1), (1)(note), (3)(b) and (4), 31.04(1)(a), (e)(intro.), (h)3., and (2)(a)(intro.) and (a)1., 31.05(1) and 31.07(1)(intro.) and (2); repeal and recreate TRANS 31.02(8), 31.04(1)(h)5.; and create TRANS 31.02(1), (5m), (12) and (18), 31.03(3)(a)2. and 3., and 31.04(1)(j)4. to 8. and (n), relating to Excursion Permits on State-Owned Rail Lines.

**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to ss. 85.075, 85.08(2)(g) and 85.16(1), Stats., and interpreting ss. 85.08(2)(k) and 85.15, Stats., the Department of Transportation will hold a public hearing in **Room 144-B** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **27th** day of **October**, 1998, at **10:00 AM**, to consider the amendment of ch. Trans 31, Wisconsin Administrative Code, relating to Excursion Permits on State-Owned Rail Lines.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until close of business on November 6, 1998, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Ron Adams, Wisconsin

Department of Transportation, Bureau of Railroads and Harbors, P.O. Box 7914,  
Madison, Wisconsin 53707-7914.

Parking for persons with disabilities and an accessible entrance are available on  
the north and south sides of the Hill Farms State Transportation Building.

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**Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** ss. 85.075, 85.08(2)(g) and 85.16(1), Stats.

**STATUTES INTERPRETED:** ss. 85.08(2)(k) and 85.15, Stats.

**General Summary of Rule.** 1991 Wisconsin Act 269, ss. 548 and 551, effective May 1, 1992, authorized the Department to issue permits to operate rail passenger excursion trains on state-owned railroad lines. This proposed rule amends the Department's policies and procedures relating to the operation of excursion trains on state-owned railroad lines.

The Department promulgated a rule establishing requirements and procedures for applying for a permit to operate an excursion train on state-owned railroad lines, as well as application and inspection fees in 1995.

The existing rule ensures public safety by requiring operators and sponsors to provide safe equipment; to operate an excursion train on safe track, bridges, and grade crossings; to perform necessary inspections; and to develop plans to handle medical emergencies.

This proposed rule:

- Expands the definition of excursion trains to include a broader category of railroad recreational vehicles.
- Increases application and inspection fees for permits to operate on state-owned railroad lines.
- Alters the time limits for the Department to grant or deny applications for permits.
- Requires applicants to provide additional information when requesting permits, including plans for maintenance, environmental protection and cleanup, and control of vegetation.

**Fiscal Impact.** The rule will increase revenues for application and inspection fees by about \$3,000 per year.

**Initial Regulatory Flexibility Analysis.** The rule will have an adverse effect on a limited number of small businesses. These businesses will be required to modify or operate equipment used to provide excursion trips so that human waste is not discharged onto the rail corridor. The rule will increase the application and inspection fee for a permit.

**Copies of Rule.** Copies of this rule may be obtained, free of charge, upon request to the Bureau of Railroads and Harbors, P.O. Box 7914, Madison, WI 53707-7914, or by calling Ron Adams at (608) 267-9284. Alternate formats of the rule will be provided upon request.

**Contact Person.** Persons having questions about the rule may write or call Ron Adams, Wisconsin Department of Transportation, Bureau of Railroads and Harbors, P.O. Box 7914, Madison, Wisconsin 53707-7914, telephone (608) 267-9284. Legal questions may be addressed to Charles M. Kernats, Wisconsin Department of Transportation, Office of General Counsel, P.O. Box 7910, Madison, Wisconsin 53707-7910, telephone (608) 266-8810.

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### **TEXT OF RULE**

Under the authority vested in the state of Wisconsin, department of transportation by ss. 85.075, 85.08(2)(g) and 85.16(1), Stats., the department of transportation hereby amends a rule interpreting ss. 85.08(2)(k) and 85.15, Stats., relating to rail passenger excursions on state-owned rail lines.

**SECTION 1.** Trans 31.01 is amended to read:

**Trans 31.01 Purpose and applicability.** This chapter prescribes policies and procedures relating to applications for authority to operate rail passenger excursion trains on state-owned railroad lines. It also describes the procedures for requesting a permit to operate rail passenger excursion trains on state-owned railroad lines. This chapter does not apply to the operation of any railroad passenger train operated under ~~ICC~~ STB authority or direction nor to the operation of customer specials by an operator.

**SECTION 2.** Trans 31.02(1) is renumbered Trans 31.02(1m).

*amend  
31.02  
9/27/14*

**SECTION 3.** Trans 31.02(1) and (5m) are created to read:

Trans 31.02(1) "Additional application" means a subsequent application for an additional excursion to be held during the same calendar year in which an applicant has applied for and obtained a permit to operate an excursion train by the same operator or sponsor.

(5m) "Day" means calendar, ~~not work~~ day. 

**SECTION 4.** Trans 31.02(8) is repealed and recreated to read:

Trans 31.02(8) "Excursion train" means a train or a dinner train operated for pleasure or recreation which carries passengers for a fee, or any other vehicle operated on rails for pleasure or recreation regardless <sup>of</sup> whether passengers are carried or a fee is charged. <sup>"Excursion train"</sup> This does not include customer specials, commuter trains, ~~and~~ trains operated  by the national railroad passenger corporation.

**NOTE:** Vehicles operated on rails for pleasure or recreation include railcars, railroad motorcars, railroad handcars, and railroad speeder cars.

**SECTION 5.** Trans 31.02(10) is repealed.

**SECTION 6.** Trans 31.02(11) and (12) are renumbered Trans 31.02(10) and (11).

**SECTION 7.** Trans 31.02(12) and (18) are created to read:

Trans 31.02(12) "Operating agreement" means a contract between a commission and an operator providing for rail service on state-owned railroad property.

(18) "STB" means the surface transportation board of the United States ~~of~~  America, which has regulatory authority over railroads, or any other governmental agency that assumes its authority and responsibilities.

**SECTION 8.** Trans 31.03(1) and (note) are amended to read:

Trans 31.03(1) WHEN REQUIRED. No person may operate an excursion train on state-owned railroad ~~lines~~ property without first obtaining a permit issued by the department. An application for a permit shall be submitted to the department not less than ~~30 calendar~~ 45 days prior to the date of the first planned operation. Applications received by the department less than 45 days prior to the date of the first planned operation shall be subject to an additional fee in accordance with <sup>sub</sup> par. (3)(b). (4)

Note: Applications may be ~~sent~~ submitted to BR&H, 4802 Sheboygan Avenue, P. O. Box 7914, Madison, Wisconsin 53707-7914.

**SECTION 9.** Trans 31.03(3)(a)(~~intro.~~<sup>o</sup>) is renumbered Trans 31.03(3)(a)1. and (2) amended to read:

Trans 31.03(3)(a)1. Each application for a permit to operate an excursion train on state-owned railroad property shall be accompanied by an application fee of ~~\$300~~ \$500 when submitted at least 45 days prior to the first planned excursion date.

**SECTION 10.** Trans 31.03(3)(a)2. and 3. are created to read:

Trans 31.03(3)(a)2. Applications received less than 45 days prior to the date of the first planned excursion shall be accompanied by an application fee of \$750.

3. An application may request multiple dates and locations during a calendar year.

**SECTION 11.** Trans 31.03(3)(b) and (4) are amended to read:

Trans 31.03(3)(b) *Inspection fee.* ~~Each~~ In addition to the application fee in sub. (3)(a), each application for a permit to operate an excursion train on state-owned railroad property shall be accompanied by the inspection fee determined in accordance with the following schedule:

<u>Number of Days of Requested Operation</u>	<u>Inspection Fee</u>
<u>1-3</u>	<u>\$ 0</u>
<u>4-10</u>	<u>\$ 500</u>
<u>11-50</u>	<u>\$ 750</u>
<u>51-150</u>	<u>\$1,000</u>
<u>151-365</u>	<u>\$1,500</u>

<u>Number of Days of Requested Operation</u>	<u>Inspection Fee (with Commission)</u>	<u>Inspection Fee (without Commission)</u>
<u>1-7</u>	<u>\$300</u>	<u>\$450</u>
<u>8-14</u>	<u>\$600</u>	<u>\$1,150</u>
<u>15-56</u>	<u>\$900</u>	<u>\$1,950</u>
<u>57-154</u>	<u>\$1,500</u>	<u>\$6,850</u>
<u>155-365</u>	<u>\$2,000</u>	<u>\$15,000</u>

(4)(title) ~~SUBSEQUENT~~ ADDITIONAL APPLICATIONS. An ~~applicant~~ additional application (for a ~~subsequent permit for extended~~ operations during the same calendar year by the same operator or sponsor ~~is required to pay~~) shall be accompanied by an additional application fee of \$200 and an additional inspection fee for the additional days requested in the ~~subsequent~~ additional permit application.

**SECTION 12.** Trans 31.03(5) is repealed.

**SECTION 13.** Trans 31.03(6) is renumbered Trans 31.03(5) and, as renumbered, Trans 31.03(5)(a), (b)1. and (c) are amended to read:

Trans 31.03(5)(a) BR&H shall review an application and notify the applicant of approval or denial of the application within ~~40 working~~ 21 days following receipt of a

complete application. If an application is received by BR&H less than 45 days prior to the date of the first planned operation, review and notice of approval or denial shall be completed within 14 days following receipt of a complete application.

(b)1. Submittal less than ~~30 calendar~~ 21 days prior to the first planned operation of the excursion train.

(c) BR&H may require additional information from an applicant to complete its review of an application. If an application is received less than 45 days prior to the date of the first planned operation, BR&H shall have ~~40 working~~ 14 days from the receipt of the additional information to render its decision about the application. If an application is received at least 45 days prior to the date of the first planned operation, BR&H shall have 21 days from the receipt of the additional information to render its decision about the application.

(d) BR&H shall notify an applicant in writing of all deficiencies in an application, and the reasons for a denial. (h)

**SECTION 14.** Trans 31.03(7) and (8) are renumbered Trans 31.03(6) and (7) and are amended to read:

Trans 31.03(6) RESUBMITTAL. (a) An application which has been denied by BR&H in accordance with sub. ~~(6)(b)1.~~ (5)(b)1. may be resubmitted in compliance with <sup>sub</sup> this section. →

(b) An application which has been denied by BR&H in accordance with sub. ~~(6)(b)2~~ (5)(b)2 or 3 may be resubmitted with the additional information identified in (i)  
BR&H's letter denying the original application.

(c) An application which has been denied by BR&H in accordance with sub. ~~(6)(b)4~~

(5)(b)4, or 5 may not be resubmitted until after the sanctions imposed by s. Trans 31.07(3) have expired. (14)

(d) An additional application fee of \$200, plus inspection fees, shall accompany a resubmitted application under sub. (6). *this subsection*

(7) PERMIT. The department shall issue an applicant a written permit for the proposed operation following its approval of an application. A copy of the permit shall be forwarded to the sponsor and commission as appropriate.

**SECTION 15.** Trans 31.03(9) is renumbered Trans 31.03(8). *renumbered yes*

**SECTION 16.** Trans 31.04(1)(a) and (e)(intro.) are amended to read:

Trans 31.04(1)(a) The name and address of the sponsor and the name and daytime telephone and facsimile number of a representative of the sponsor.

(e)(intro.) The specific type of motive power for railroad equipment to be used including all of the following; for example, steam, diesel or gas.

**SECTION 17.** Trans 31.04(1)(e)1. to 5. are repealed.

**SECTION 18.** Trans 31.04(1)(h)3. is amended to read:

Trans 31.04(1)(h)3. All on-going track, signal and equipment inspections will be performed as required, and current FRA roadway worker safety rules are enforced at all times.

**SECTION 19.** Trans 31.04(1)(h)5. is repealed and recreated to read:

Trans 31.04(1)(h)5. Other powered or non-powered vehicles operating as excursion trains are in compliance with the <sup>current</sup> North American Railcar Operators Association <sup>latest</sup> book of rules, and motorcar inspection reports for each vehicle are available. *give letter*  
(2)  
(3)

**SECTION 20.** Trans 31.04(1)(j)4. to 8., and (n) are created to read:

Trans 31.04(1)(j)4. Continued maintenance of track, bridges, warning devices and equipment.

5. Control of vegetation.

6. Service and storage of railroad equipment on state-owned railroad property.

7. Environmental protection and clean-up procedures, including petroleum spills and scrap tie disposal.

8. Handling and disposal of human waste. Human waste <sup>may</sup> cannot be discharged onto the track. 

(n) A statement that the operator and sponsor agree to pay any claim for any bodily injury or property damage resulting from operation under the permit for which the operator or sponsor are legally responsible; and that the operator and sponsor will indemnify and hold harmless the state, its subdivisions, officers, employees and agents from any claim which may arise from operation under the permit.

**SECTION 21.** Trans 31.04(2)(a)(intro.) and (a)1. are amended to read:

Trans 31.04(2)(a) The first application submitted by ~~an operator as~~ a sponsor shall include a business plan in addition to the items in sub. (1). The business plan shall cover a period of 2 full fiscal years plus the portion of the operator's fiscal year remaining as of the date of the proposed operation. The business plan shall include all of the following:

1. Pro forma balance sheet, including budgeted costs for inspections, maintenance, equipment and improvements.

**SECTION 22.** Trans 31.05(1) is amended to read:

Trans 31.05(1) BY A SPONSOR. Any person ~~who is not an operator~~ may sponsor an excursion train on state-owned track only with the concurrence of the operator, except

where there is not an operator on that track. A sponsor shall prepare its application in cooperation with the operator. The operator, or the sponsor if there is no operator, shall submit the application to the department by the date specified in s. Trans 31.03(1).

**SECTION 23.** Trans 31.07(1)(intro.) and (2) are amended to read:

Trans 31.07(1) The department may deny or immediately cancel a permit for any one of the following reasons:

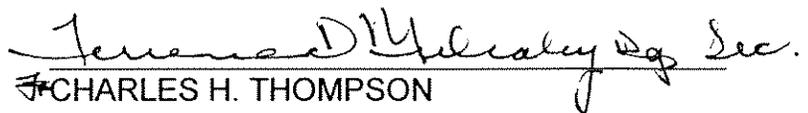
(2) Notice of denial or cancellation of a permit shall be given to the sponsor and the operator. The notice may be delivered by facsimile, U.S. mail or in person. No operator may operate, or allow the operation of, any equipment by or on behalf of a sponsor after receipt of notice from the department that a permit is denied or canceled.

**(END OF RULE TEXT)**

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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 28 day of September, 1998.

  
CHARLES H. THOMPSON

Secretary  
Wisconsin Department of Transportation

October 28, 1998

Bob Welch Office  
P.O Box 7882  
Madison, WI 53707-7882  
Attention: Lester Wakefield

Dear Les:

Thank you very much for returning my phone call on October 28th in reference to the administrative purposal regarding railroads. I was, as I stated, in attendance at the Wisconsin DOT on Tuesday, October 27, 1998 voicing my opposition to the changes purposed by the DOA. I had a chance to speak at the meeting and my points for opposition are as follows:

1. Financial aspect as proposed would be a terrible burden to our hobby and railroad enthusiasts and patrons.
2. If these fees are adopted, the burden of costs to the motor car hobby and the railroads will have a direct impact on tourism. As it stands now, motor car fees for excursions are minimal and affordable by enthusiasts of all ages. A large portion of our motor car people are retired and on a fixed income. Wisconsin Southern Railway runs several excursion trips per year at a very minimal cost to the public. Those fees would be increased dramatically because of inspection fees, licensing and permits by the state. The areas that the motor car hobby and railroad excursion trains frequent are generally rural areas where lower wages are paid and, at present, still affordable by most families that wish to ride an excursion train or participate in the motor car hobby. If this proposal is not repealed there will be no motor car excursions and substantially fewer excursion trains in the state of Wisconsin. If this happens, the impact on tourism will certainly be affected at all the cities that are frequented. The motels, restaurants, curio shops, etc. will suffer. We feel that anything we can do as motor car hobbieists and the railroads can do for pro public awareness is an attribute for the future of rail transportation in Wisconsin and throughtout the U.S.
3. In reference to inspection clauses in the bill, it should be noted that the railroad inspects their own trackage and the need to pay the state for another inspection is totally unnecessary.
4. As far as insurance and safety goes, in our hobby our association, (NARCOA), North America Railcar Operators Association, is self-disciplined with regards to

NOV 25 1998

**inspections and safety. Each car must be maintained properly and inspected before each run by the operator and the trip coordinator.**

**5. I have touched on just a few of the issues at hand and I believe most of the people at the DOT meeting will be contacting you with additional information. Thank you very much for your interest in our situation and I look forward to working with you to abolish this proposed bill.**

**Sincerely,**

A handwritten signature in cursive script that reads "Dan Hiller". The signature is written in black ink and is positioned below the word "Sincerely,".

**Dan Hiller  
President  
Classic Limo & Motorcoach, Inc.  
Baraboo, Wi 53913**

North Central Railcars, Ltd. - 1780 Maricopa Dr. - Oshkosh, WI 54904  
Telephone: 920-233-9590 (Weekdays), 920-235-2607 (Other)  
FAX: 920-233-9610 (Weekdays)

October 7, 1998

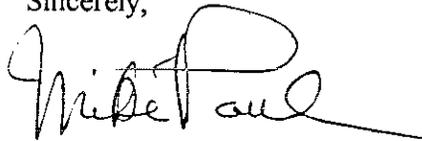
Dear NCR member:

Enclosed is a proposed Wisconsin Department of Transportation (WISDOT) rules' change pertaining to excursions operated over state-owned railroad trackage. I cannot attend the public hearing on Oct. 27. as I will be in Maryland on company related business. I therefore encourage you to attend if at all possible. I intend to reply in writing to the proposed change, advancing arguments why these proposed changes are not in the best interests of the state or the legal, insured motorcar hobby.

If the proposed changes are enacted, the costs of WSOR excursions will rise dramatically, plus there would be one more bureaucratic layer from which approval would be required before WSOR (or any other railroad operating on state-owned trackage) could be operated by motorcars. The cost factor is this: \$500 for a state permit (if granted), plus a several hundred dollar inspection fee. We are already paying WSOR \$1,000.00 per day, so these extra costs would have to be added to the WSOR fee if the proposed rules' changes are adopted.

The proposed WISDOT rules' changes could kill the legal, insured motorcar hobby in Wisconsin that operates over state-owned trackage, so I encourage you to attend the public hearing on Oct. 27 and voice your objections to the proposed changes. I cannot be more emphatic here ..... The future of legal, insured motorcar excursions is threatened by the proposed rules' changes, and if you do not act to protect this fragile hobby of ours, there will certainly be fewer motorcar excursion opportunities in the state of Wisconsin.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Paul", with a long horizontal flourish extending to the right.

Mike Paul  
Vice President and Director

Enclosure



# Wisconsin Department of Transportation

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary



Division of Transportation  
Infrastructure Development  
Bureau of Railroads and Harbors  
4802 Sheboygan Avenue, 155B  
P O Box 7914  
Madison, WI 53707-7914

Telephone: (608) 267-7348  
Facsimile (FAX): (608) 267-3567

October 5, 1998

ATTN: Mr. Mike Paul, P. E.  
Oshkosh Truck Corporation  
P. O. Box 2566  
Oshkosh, WI 54903-2566

Dear Mr. Paul:

Enclosed is a copy of a proposed rule governing operation of excursion trains on State of Wisconsin owned railroad property. A public hearing will be held on October 27, 1998 at 10:00 AM in Room 144-B Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin. The proposed rule incorporates revisions to the existing rule based on experience gained since the original rule was promulgated in 1992.

I know that you have previously expressed interest in this rule. If you have any comments on the proposed rule please let me know, in writing, or plan to attend the hearing.

I look forward to receiving your comments.

Sincerely,

*Ronald E. Adams*

Ronald E. Adams, Chief  
Rail Project Management Section

608-266-0751

LES WAKEFIELD IS BOB WELCH'S MAN ON  
administration

PO BX 7882

MAD. WI 53707-7882

*Ron Adams*