

Wisconsin Department of Transportation

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Tommy G. Thompson
Governor

Charles H. Thompson
Secretary

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The Honorable Fred Risser
President, Wisconsin State Senate
Room 220 South, State Capitol
Madison, Wisconsin 53707

January 12, 1999

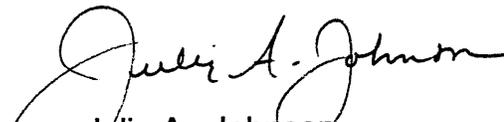
The Honorable Scott Jensen
Speaker, Wisconsin State Assembly
Room 211 West, State Capitol
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 31**
Notification of Legislative Standing Committees
CLEARINGHOUSE RULE 98-145

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **98-145**, relating to **Excursion Permits on State-owned Rail Lines**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,


Julie A. Johnson
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson (Deputy Revisor of Statutes)
Senator Judy Robson
Representative Glenn Grothman
Jim Gruendler
Ron Adams
Secretary's Office

CR 98-145

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(3)(a) and (9); renumber and amend TRANS 31.03(6) to (8); amend TRANS 31.01, 31.03(1), (1)(note), (3)(b) and (4), 31.04(1)(a), (e)(intro.), (h)1. to 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 31.04(1)(h)6., (j)4. to 8. and (n), relating to Excursion Permits on State-Owned Rail Lines.

**REPORT OF THE DEPARTMENT OF TRANSPORTATION
ON THE FINAL RULE DRAFT**

This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



CHARLES M. KERNATS
Assistant General Counsel
Office of General Counsel
Department of Transportation
Room 115-B, Hill Farms State
Transportation Building
P. O. Box 7910
Madison, WI 53707-7910
(608) 267-7940

PART 1
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.
- Requires applicants to assume liability for any injury or damage resulting from operation on state-owned railroad lines.

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

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.

PART 2
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).

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 of whether passengers are carried or a fee is charged. "Excursion train" 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 federal surface transportation board, 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.

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) is renumbered Trans 31.03(3)(a)1.

SECTION 10. Trans 31.03(3)(a)2. Is created to read:

Trans 31.03(3)(a)2. 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>1-3</u>	<u>\$100</u>	<u>\$200</u>
<u>4-10</u>	<u>\$500</u>	<u>\$1,000</u>
<u>11-50</u>	<u>\$750</u>	<u>\$1,500</u>
<u>51-150</u>	<u>\$1,000</u>	<u>\$3,000</u>
<u>151-365</u>	<u>\$1,500</u>	<u>\$5,000</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.

(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. ~~BR&H shall have 10 working 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.

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 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 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.

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

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)1. to 3. are amended to read:

Trans 31.04(1)(h)1. The track to be used is in compliance with the FRA track safety standards for ~~the proposed maximum speed of operation~~ class 1 track, or track rehabilitated to a higher standard.

2. All active grade-crossing warning devices are functional and can be operated by the equipment proposed to be used unless BR&H waives this requirement in writing on the permit.

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 North American railcar operators association latest book of rules, and motorcar inspection reports for each vehicle are available.

SECTION 20. Trans 31.04(1)(h)6. is created to read:

Trans 31.04(1)(h)6. All at-grade crossings are in full compliance with the requirements in s. 195.29(6), Stats.

SECTION 21. 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 may not 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 22. 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 23. 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 24. 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

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 11 day of January, 1999.



CHARLES H. THOMPSON
Secretary
Wisconsin Department of Transportation

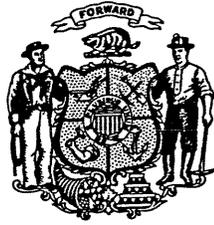
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC
FORM 2

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

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(608) 266-2982



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

One E. Main St., Ste. 401
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Madison, WI 53701-2536
FAX: (608) 266-3830

PART 3

CLEARINGHOUSE REPORT TO AGENCY

[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

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

Ronald Sklansky
Director
(608) 266-1946

Richard Sweet
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David J. Stute, Director
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Madison, WI 53701-2536
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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.”

PART 4
CR 98-145

ANALYSIS OF FINAL DRAFT OF TRANS 31

(a) **Need for Amended 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.

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.
- Requires applicants to assume liability for any injury or damage resulting from operation on state-owned railroad lines.

(b) **Modifications as a Result of Testimony at Public Hearing.** The public hearing was held in Madison on October 27, 1998. The following modifications were made to the proposed rule after the public hearing and receipt of written comments:

Proposed sections Trans 31.03(1), (3)(a)1., and (3)(a)2. were modified by deleting the proposed additional application fee for late applications.

Proposed section Trans 31.03(3)(b) was modified by deleting the proposed inspection fee increases on property supervised by a Commission, and by reducing the proposed inspection fee increases on property not supervised by a Commission.

Proposed sections Trans 31.03(5)(a) and (c) were modified by deleting the procedure for reviewing late applications.

Proposed sections 31.04(1)(h)1. was modified by specifying that track must satisfy Federal Railroad Administration class 1 track safety standards.

Proposed section Trans 31.04(1)(h)2. was modified to allow the Department to waive the requirement that an applicant demonstrate that grade crossing warning devices are functional.

Proposed section Trans 31.04(1)(h)6. was created to require that all grade crossings comply with the requirements in section 195.29(6), Stats.

(c) List of Persons who Appeared or Registered at Public Hearing. The following persons appeared/registered at the hearing:

SPOKE IN OPPOSITION

Gerald Bobbolz, Teacher, representing North Central Railcars, 521 East Lakeview Avenue, Madison, WI 53716.

Hank Brown, Operation Department, North American Railcar Operators Association, 622 Oak Street, Cottage Grove, WI 53527. Mr. Brown also provided written comments.

Bill Gardner, President, Wisconsin & Southern Railroad, 5300 N. 32nd Street, Milwaukee, WI 53209.

Daniel Hiller, Member of North American Railcar Operators Association, E10652 Terry Town Road, Baraboo, WI 53913.

Carol Strause, Village Clerk-Treasurer, Village of Monticello, P. O. Box 147, Monticello, WI 53570-0147. Ms. Strause also provided written comments.

Kim Tschudy, Co-founder of Depot Days of Green County, P. O. Box 416, New Glarus, WI 53574.

SPOKE FOR INFORMATION

Ralph Justen, Executive Director, National Railroad Museum, 2285 South Broadway, Green Bay, WI 54304.

Charles A. Wiesner, 2001 W. 6th Avenue, Brodhead, WI 53520.

REGISTERED IN OPPOSITION

Robert N. Babler, Wisconsin Heritage Rail Corp., N5924 Hwy. 39, Monticello, WI 53570.

Craig Bluschke, Excursion Coordinator, North Central Railcars, 10916 Spring Creek Road, Blue Mounds, WI 53517.

Senator Dale W. Schultz, P. O. Box 7882, Madison, WI 53707.

Kurt Wittenwyler, W4498 Wittenwyler Road, P. O. Box 571, Monticello, WI 53570.

Wade Wittenwyler, Director, Wisconsin Heritage Rail Corp., P. O. Box 243, Monticello, WI 53570. Mr. Wittenbyler also provided written comments.

REGISTERED FOR INFORMATION

Joan Foeste, Transportation Planner, DCRPC/SCWRTC, 217 South Hamilton Street, Suite 403, Madison, WI 53703.

Written comments in opposition to the rule were also received from the following persons, and are available upon request:

Harvey W. Kubly, CPA, 148 North Main Street, P. O. Box 695, Monticello, WI 53570.

Mark & Lynn Langenfeld, 2020 Harley Drive, Madison, WI 53711.

Michael J. Paul, Vice President/Director, North Central Railcars, Ltd., 1780 Maricopa Drive, Oshkosh, WI 54904.

Sharon and Tom Sharratt, Route 1, P. O. Box 104A, Westby, WI 54667.

(d) Response to Legislative Council Recommendations. All of the Legislative Council recommendations have been incorporated into the proposed rule.

(e) Final 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.



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March 15, 1999

The Honorable Representative David Brandemuehl
Chairman, Assembly Transportation Committee
Room 317 North, State Capitol
Madison, Wisconsin 53702

**RE: Proposed Administrative Rule
Chapter Trans 31, Wisconsin Administrative Code
Clearinghouse Rule No. 98-145**

Dear Representative Brandemuehl:

On January 28, 1999, you met with Department of Transportation representatives, Ron Adams and Mike Kernats, other legislators, and constituents from Monticello regarding the above-mentioned rule, relating to excursion permits on state-owned rail lines, asking to reach a compromise about the amount of application and inspection fees.

On February 17, 1999, the Department received your letter requesting an extension of the committee's review period. Under s. 227.19(4)(b)1.a., Stats., this request extends the review period for both the Senate and Assembly Transportation Committees by an additional 30 days, thereby expiring on March 18, 1999.

After discussions with Department staff and concerned citizens, the Department has reached a compromise relating to the application and inspection fees and hereby submits its germane amendment for this rule, pursuant to § 227.19(4)(b)2, Stats., as shown on the attached redlined version. The preparation feature used shows the changes made by shading the new language and ~~deleting~~ the old language. Please replace page 5 originally submitted with the attached replacement page.

Submittal of this amendment within the last 10 working days of the review period hereby extends the review period for both committees another 10 working days, expiring on March 29, 1999.

Thank you for your consideration of this proposal.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".

Julie A. Johnson
Paralegal

cc: Senator Roger Breske/Senator Judy Robson/Representative Glenn Grothman/
Gary Poulson/Charles H. Thompson/Mike Kernats/Jim Gruendler/Ron Adams

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

<u>Number of Days of Requested Operation</u>	<u>Inspection Fee (with Commission)</u>	<u>Inspection Fee (without Commission)</u>
<u>1-3</u> 7	<u>\$100</u>	<u>\$200</u>
4-10 <u>8-10</u>	\$500 <u>\$300</u>	<u>\$1,000</u>
<u>11-50</u>	<u>\$750</u>	<u>\$1,500</u>
<u>51-150</u>	<u>\$1,000</u>	<u>\$3,000</u>
<u>151-365</u>	<u>\$1,500</u>	<u>\$5,000</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.