

1 **SECTION 136.** 195.13 of the statutes is repealed.

2 **SECTION 137.** 195.14 of the statutes is repealed.

3 **SECTION 138.** 195.15 of the statutes is repealed.

4 **SECTION 139.** 195.16 of the statutes is repealed.

5 **SECTION 140.** 195.17 of the statutes is repealed.

6 **SECTION 141.** 195.19 (1) of the statutes is amended to read:

7 195.19 (1) PASSENGER. Every railroad shall provide and maintain adequate
8 passenger depots equipped with proper toilet facilities at its regular stations for the
9 accommodation of passengers, and said depots shall be kept clean, well-lighted and
10 warmed, for the comfort and accommodation of the traveling public, and shall be kept
11 open continuously from not less than 20 minutes before any train carrying
12 passengers is scheduled to arrive and until such train has departed and for such
13 longer period in any case as the ~~office~~ department may determine is necessary for the
14 convenience and accommodation of the public. Where the ~~office~~ department
15 determines that the service of certain trains in making stops on signals is in excess
16 of reasonably adequate service, the provisions of this section shall not apply in
17 connection with the rendition of such service.

18 **SECTION 142.** 195.19 (3) of the statutes is amended to read:

19 195.19 (3) UNION DEPOT. In every city, village or town in which 2 or more
20 railroads maintain passenger depots, it shall be the duty of such railroads to
21 construct, maintain and use an adequate union passenger depot, whenever practical
22 and required by public convenience and necessity. If, after investigation, the ~~office~~
23 department shall determine that it is practicable and that public convenience and
24 necessity required the construction, maintenance and use of a union passenger depot
25 in any such city, village or town the ~~office~~ department may order such railroads to

1 construct, maintain and use an adequate union passenger depot, and shall in such
2 order fix the location of such depot. If the railroads shall be unable to agree upon an
3 apportionment of the original cost of such union passenger depot, and the expense
4 of maintaining the same, within 20 days after the service of such order, the ~~office~~
5 department may, after a hearing, issue a supplemental order declaring the
6 apportionment of such original cost and the expense of maintaining such depot.

7 **SECTION 143.** 195.20 of the statutes is amended to read:

8 **195.20 Joint use of railroad property.** Whenever, upon complaint and after
9 hearing had, the ~~office~~ department finds that ~~public convenience and necessity~~
10 ~~require~~ the use by one or more railroads of the tracks, wires, poles, rights-of-way,
11 switches, bridges or other property belonging to another railroad over or on any
12 street, railroad, railway, right-of-way, bridge or viaduct, upon or over which said
13 railroads have a right to operate, and that such use will not prevent the owners or
14 other users thereof from performing their public duties, nor result in irreparable
15 injury to such owners or other users thereof, the ~~office~~ department may, by order,
16 direct that such use be permitted, and prescribe a reasonable compensation and
17 reasonable terms and conditions for such joint use.

18 **SECTION 144.** 195.21 of the statutes is amended to read:

19 **195.21 Warehouses.** Any person proposing to erect or maintain a public
20 elevator or public warehouse for the purchase, sale, storage, receiving or shipping of
21 grain, or other personal property, to be received from or transported upon any
22 railroad, shall be furnished by such railroad at a reasonable rental, a site upon its
23 right-of-way or depot grounds, within the yard limits of any station or terminal of
24 such railroad; and any private elevator or warehouse situated upon such grounds
25 may be converted into a public elevator or warehouse at the option of the owner, upon

1 notice in writing to the railroad and thereby be permitted to remain thereon under
2 the same conditions as provided herein for a public elevator or warehouse; and the
3 office department shall, upon application by such owner, if the public interest so
4 requires, by order, direct the railroad to furnish such site and the office department
5 shall make reasonable regulations therefor and in case of disagreement, the office
6 department shall determine the rental therefor. Elevators and warehouses erected
7 or maintained under the foregoing provisions of this section shall be subject to such
8 rules and regulations as to charges and the manner of conducting business as the
9 office department shall prescribe.

10 SECTION 145. 195.26 of the statutes is amended to read:

11 **195.26 Safety devices; block system.** Every railroad shall adopt reasonably
12 adequate safety measures and install, operate and maintain reasonably adequate
13 safety devices for the protection of life and property. If after investigation the office
14 department shall determine that public safety requires it, the office department may
15 order the railroad to install, operate and maintain a block system or other safety
16 device or measure as may be necessary to render the operation of such railroad
17 reasonably safe.

18 SECTION 146. 195.27 of the statutes is amended to read:

19 **195.27 Safe tracks and bridges.** Every railroad shall construct and
20 maintain its tracks, bridges and line structures in a reasonably adequate and safe
21 manner. ~~The office may direct the department to investigate complaints in the~~
22 ~~manner provided by s. 195.04.~~ If, upon complaint or upon its own motion and after
23 hearing, the office the department determines that the track or structures of any
24 railroad are inadequate or unsafe for the operation of its railroad, the office

1 department shall order the railroad to reconstruct or repair the inadequate or unsafe
2 track or structures.

3 **SECTION 147.** 195.28 (1) of the statutes is amended to read:

4 195.28 (1) PETITION; HEARING; ORDER. Upon petition of the department, city a
5 city council, village board, town board, superintendent of highways or by 5 or more
6 electors in any town, village or city, or of any railroad corporation or railroad
7 historical society, to determine whether a public highway and railroad grade crossing
8 protects and promotes public safety, ~~or upon its own motion,~~ the ~~office~~ department
9 may investigate and issue an appropriate order without a public hearing. The
10 department shall issue its order on the basis of investigation and criteria
11 promulgated by rule with respect to the adequacy of grade crossing protection. The
12 rule may include programming criteria relating to the priority of grade crossings in
13 need of protection. If the petitioner, railroad, railroad historical society or any
14 interested party objects to the order and requests a hearing within 20 days after the
15 date that the order is issued, the ~~office shall proceed under s. 195.04.~~ Notice of an
16 investigation or hearing shall be served upon the department, which shall be an
17 interested party, and any recommendation it may file with the office at or prior to a
18 hearing, if there is one, regarding crossing protection shall be considered as evidence
19 in the proceeding department shall refer the order to the division of hearings and
20 appeals for review as provided in s. 195.325. The ~~office~~ department or the division
21 of hearings and appeals shall determine whether the existing warning devices at
22 such crossing are adequate to protect and promote public safety. If the ~~office~~
23 department or division of hearings and appeals determines, ~~either without or after~~
24 ~~a hearing,~~ that protection is not adequate, it may order the railroad company or
25 railroad historical society to keep a flagman at the crossing or to install automatic

1 signals or other suitable safety device at specific locations at such crossing. The ~~office~~
2 department or the division of hearings and appeals may order the relocation of
3 existing signals and devices to improve protection at a crossing. Any crossing
4 protection installed or maintained as approved by the ~~office~~ department or the
5 division of hearings and appeals, whether by order or otherwise, shall be deemed
6 adequate and appropriate protection for the crossing.

7 **SECTION 148.** 195.28 (3) of the statutes is amended to read:

8 195.28 (3) MAINTENANCE COSTS. Except as otherwise provided in this
9 subsection, the cost of maintaining crossing protection devices ordered under sub. (1)
10 shall be the responsibility of the railroad or railroad historical society. Any railroad
11 company or railroad historical society that incurs expenses for maintenance of
12 signals or other safety devices may file a claim for reimbursement with the
13 department regardless of the date of installation of the signals or devices. At the
14 close of each fiscal year the department shall reimburse claimants under this
15 subsection for 50% of the costs, as determined by the ~~office~~ department, incurred for
16 maintenance of railroad crossing protection devices from the appropriations under
17 s. 20.395 (2) (gj) and (gq). If the amount in the appropriations under s. 20.395 (2) (gj)
18 and (gq) is not adequate to fund maintenance reimbursement under this subsection,
19 the amount shall be prorated in the manner determined by the ~~office~~ department.

20 **SECTION 149.** 195.28 (4) of the statutes is amended to read:

21 195.28 (4) PREVIOUS OFFICE ORDERS. Subsection (3) applies to maintenance costs
22 for all crossing protection devices regardless of any prior order ~~of the office~~
23 apportioning maintenance costs.

24 **SECTION 150.** 195.285 (1) of the statutes is amended to read:

1 195.285 (1) ~~Upon~~ If, upon its own motion or upon the petition of a railroad
2 corporation, ~~the department,~~ or the governing body of any city, village, town or
3 county asserting that the stopping of vehicles under s. 346.45 at a railroad crossing
4 is hazardous to human life, ~~the office shall hold a hearing on the matter as provided~~
5 ~~under s. 195.04.~~ Notice of petition shall be served upon the department, which shall
6 be an interested party, and any recommendations it may file with the office regarding
7 the hazardous effect of vehicles stopping at such crossings shall be considered as
8 evidence in the proceedings. ~~Upon the recommendation of the department and~~
9 ~~concurrence by the office, the petition may be dismissed without holding a hearing.~~
10 ~~If, upon the public hearing, the office~~ department determines that it would be in the
11 public interest to exempt vehicles specified in s. 346.45 from stopping at such grade
12 crossing, it may, without a hearing, order the public body having jurisdiction over the
13 highway to erect signs, signals, markings or other devices exempting such vehicles
14 from stopping at the crossing. If a petitioner or interested party objects to an order
15 under this subsection within 20 days after the date that the order is issued, the
16 department shall refer the order to the division of hearings and appeals for review
17 as provided in s. 195.325.

18 **SECTION 151.** 195.285 (2) of the statutes is amended to read:

19 195.285 (2) Signs placed upon the order of the ~~office~~ department or the division
20 of hearings and appeals under this section shall exempt vehicles from stopping as
21 required under s. 346.45, unless a train or engine is occupying or approaching the
22 crossing.

23 **SECTION 152.** 195.285 (3) of the statutes is amended to read:

24 195.285 (3) The department shall establish standards for the type of signs,
25 signals, markings or other devices for exempting vehicles from stopping as required

1 under s. 346.45 and their location in relation to the highway and railroad track. The
2 ~~office~~ department may upon petition or its own motion, with or without a hearing,
3 order the removal of a sign exempting vehicles from stopping at a crossing.

4 **SECTION 153.** 195.286 (2) of the statutes is repealed and recreated to read:

5 195.286 (2) DESCRIPTION AND LOCATION. The signs shall be constructed, erected
6 and located as specified by the manual adopted by the department under s. 84.02 (4)
7 (e). This subsection does not apply to any sign complying with s. 195.286 (2) and (3),
8 2001 stats., on the effective date of this subsection [revisor inserts date], until such
9 time as the sign is replaced or relocated.

10 **SECTION 154.** 195.286 (3) of the statutes is repealed.

11 **SECTION 155.** 195.286 (5) of the statutes is amended to read:

12 195.286 (5) OTHER SIGNS PROHIBITED. No other sign of the general size or
13 appearance of the signs provided for in this section shall be placed or permitted upon
14 any highway, ~~nor any sign between such advance signs except signs or signals now~~
15 ~~required by law or permitted by the office for protection at railway crossings.~~

16 **SECTION 156.** 195.286 (6) (title) of the statutes is amended to read:

17 195.286 (6) (title) PENALTIES RELATING TO ~~FENCES~~ SIGNS.

18 **SECTION 157.** 195.286 (8) of the statutes is amended to read:

19 195.286 (8) PROSECUTIONS. The district attorney shall prosecute any person
20 violating this section, or begin and maintain any civil action necessary for its
21 enforcement upon the demand of any county highway commissioner, or the
22 department, ~~or the office.~~

23 **SECTION 158.** 195.29 (1) of the statutes is amended to read:

24 195.29 (1) ~~PETITION, HEARING,~~ PUBLIC SAFETY; ORDER. ~~Upon~~ If, upon its own
25 motion or upon petition by the common council or board of any city, village, town or

1 county within or bordering upon which a highway or street crosses a railroad, or a
2 highway or street is proposed to be laid out across a railroad, or a public highway
3 bridge across a railroad is required to connect existing streets or highways, or upon
4 petition by any railroad whose track crosses or is about to cross, or is crossed or about
5 to be crossed by a street or highway, or ~~upon petition by the department~~, in cases
6 where provision has been made for the improvement of the highway adjacent to such
7 crossing under any state aid or federal aid law, the department determines that
8 public safety requires an alteration in such crossing, its approaches, the method of
9 crossing, the location of the highway or crossing, or the closing of the crossing, and
10 the substitution of another therefor at grade or not at grade, or the removal of
11 obstructions to the view at such crossing, the relocation of the highway, or requires
12 the determination of the manner of making such new crossing, or of making the
13 proposed improvement or promoting the public safety or public convenience through
14 any other reasonable method, ~~and praying that the same may be ordered, the office~~
15 ~~shall give notice to the parties in interest and proceed to investigate the same and~~
16 ~~to order a hearing thereon in the manner provided by s. 195.04. The office shall~~
17 determine the department may issue an appropriate order without a public hearing.
18 The department shall make its determination on the basis of investigation and the
19 criteria relating to the requirements of public safety promulgated under sub. (9). The
20 order shall state what, if anything, shall be done to promote the public safety and the
21 means by which it shall be accomplished, whether by the relocation of the highway,
22 the alteration in such crossing, approaches, mode of crossing, location of highway
23 crossing, closing of highway crossing, with or without the substitution of another
24 therefor, the construction of a public highway bridge, the removal of obstructions to
25 sight at crossing, or by the use of other reasonable methods, and by whom the same

1 shall be made, and in case of new crossings the advisability of allowing such crossings
2 to be established and manner of making them.

3 **SECTION 159.** 195.29 (2) of the statutes is amended to read:

4 195.29 (2) APPORTIONMENT OF EXPENSE. The ~~office~~ department shall fix the
5 proportion of the cost and expense of alterations, removals and new crossings, or any
6 other work ordered; including the damages to any person whose land is taken, and
7 the special damages which the owner of any land adjoining the public street or
8 highway shall sustain by reason of a change in the grade of such street or highway,
9 or by reason of the removal of obstructions to view at such crossings, to be paid or
10 borne by the railroad companies and the municipalities in interest. In fixing such
11 proportion, the ~~office~~ department may order such cost and expense so apportioned
12 to be paid by the parties against which the apportionment shall be made.

13 **SECTION 160.** 195.29 (3) of the statutes is amended to read:

14 195.29 (3) RESTORATION OF SPUR TRACKS. Whenever the ~~office~~ department shall
15 have ordered a separation of the grade of a railway from the grade of a street or
16 highway, it may, if safe and practicable and if a necessity exists therefor, order the
17 alteration, restoration and connection of any track serving an industry. Demand for
18 such restoration shall be in writing and filed with the ~~office~~ department within 90
19 days after the date of the order for the separation of grades, and any such track for
20 which no such demand shall have been made shall be deemed abandoned. If the
21 ~~office~~ department shall order the alteration, restoration and connection of any such
22 track, it shall by its order apportion the cost thereof between the owner of the
23 industry served and the railway company, in such proportion as to the ~~office~~
24 department may seem just and equitable; and the ~~office~~ department shall in its order
25 prescribe the terms and conditions for securing the payment of such cost.

1 **SECTION 161.** 195.29 (4) of the statutes is amended to read:

2 195.29 (4) GRADE SEPARATION IN MILWAUKEE COUNTY. The ~~office~~ department may
3 upon petition of any town, city or village, or upon its own motion, when the interests
4 of the public demand it and it is found practicable so to do, establish the grade of the
5 tracks of any railroad, or of all the railroads throughout any county having a
6 population of 500,000 or more, or any part thereof, and the grades of the streets or
7 highways, or any of them, where they cross such railroad track or tracks, in
8 anticipation of the future separation of grades of the railroad tracks from the grades
9 of such streets or highways. The ~~office~~ department, before making any such order,
10 shall mail notice to the railroad company or companies affected, the owners or
11 occupants of any building abutting on that part of the railroad the grade of which is
12 to be established, all 1st class cities in the county, and if the grades to be established
13 are outside the 1st class city, the towns, cities or villages in which such grades are
14 to be established, of the filing of such petition or that the ~~office~~ department
15 contemplates establishing such grades, and fixing a time at which the 1st class cities
16 and such other towns, cities or villages and the railroad company or companies
17 affected thereby and any other person or corporation interested therein may be
18 heard. The grades so established under this subsection shall be described by
19 reference to a base or datum line to be established by the ~~office~~ department, from
20 which all elevations and the height of all grades shall be measured, and the grades
21 so established shall be such that when brought to the established grade the railroad
22 tracks will cross the streets and highways above or below the same. Such order shall
23 not necessarily require a present change in grade but the ~~office~~ department may at
24 any time order the railroad track or tracks and the street and highways brought to
25 the grade established or any street or highways closed by the order, in accordance

1 with sub. (1), and may, at the time of making the order, apportion the cost of
2 separating the grades as provided in sub. (2).

3 **SECTION 162.** 195.29 (5) of the statutes is amended to read:

4 195.29 (5) ELIMINATION OF GRADE CROSSINGS, COSTS. ~~Upon~~ If, upon its own motion
5 or upon petition of the ~~department, or of the~~ common council or board of any city,
6 village, town or county, alleging that one or more of them have undertaken or propose
7 to undertake to relocate or improve an existing highway or to construct a new
8 highway in such manner as to eliminate a highway grade crossing with any railroad
9 or so as to permanently divert a material portion of the highway traffic from a
10 highway grade crossing with any railroad, ~~the office shall issue notice of~~
11 ~~investigation and hearing, as provided in s. 195.04. If upon such hearing the office~~
12 department finds that the public safety will be promoted by the highway relocation,
13 improvement or new construction, ~~the office~~ department shall order the old crossings
14 closed and new crossings opened as are deemed necessary for public safety. The
15 department may issue an appropriate order without a public hearing. The order
16 shall require the railroad company or companies to pay to the interested
17 municipality or municipalities such sum as the ~~office~~ department finds to be an
18 equitable portion of the cost of the highway relocation, improvement or new
19 construction, if the work is performed by the municipalities; or to the state treasurer
20 if the work is performed by the state; or to the proper county treasurer if the work
21 is performed by the county. The sum shall be added to the joint fund available for
22 the improvement and may be expended in like manner as the other portions of the
23 fund.

24 **SECTION 163.** 195.29 (6) of the statutes is amended to read:

1 195.29 (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.
2 Every railroad shall keep its right-of-way clear of brush or trees for a distance of not
3 less than 330 feet in each direction from the center of its intersection at grade with
4 any public highway, and for such further distance as is necessary to provide an
5 adequate view of approaching trains, from the highway. Every municipality shall
6 keep the public highways within its jurisdiction clear of brush and shall adequately
7 trim all trees within 330 feet of the center of any railroad highway grade crossing.
8 Every person or corporation owning or occupying any land adjacent to any railroad
9 highway grade crossing shall keep all brush cut and adequately trim all trees on the
10 land within the triangles bounded on 2 sides by the railway and the highway, and on
11 the 3rd side by a line connecting points on the center lines of the railway and the
12 highway, 330 feet from the intersection of the center lines. The ~~office~~ department,
13 upon its own motion, or upon any complaint to the effect that any work required by
14 this subsection has not been performed, after due notice and hearing, may order the
15 corporation, municipality or person at fault to perform the work; provided, however,
16 that if the physical conditions at any crossing are such that the performance of the
17 required work will not materially improve the view for highway traffic, or, if
18 unreasonable loss would be caused thereby, the ~~office~~ department may excuse the
19 party in interest from performing the same. The ~~office~~ department may also order
20 the cutting of brush and the trimming of trees at private farm crossings as may be
21 necessary and reasonable. If any person shall violate any provision of this section,
22 or shall fail, neglect or refuse to obey any order made by the ~~office~~ department under
23 this section, or any judgment, order, or decree made by the division of hearings and
24 appeals or any court upon such an order, for every such violation, failure or refusal
25 such person shall forfeit not less than \$25 nor more than \$150.

1 **SECTION 164.** 195.29 (7) of the statutes is amended to read:

2 195.29 (7) **STRUCTURE REQUIREMENTS.** Whenever the office department shall
3 order the construction or reconstruction of a crossing not at grade, it may direct that
4 the structure required shall be of such character and constructed of such materials
5 as it shall deem appropriate to the situation and necessary for the public interest.

6 **SECTION 165.** 195.29 (9) of the statutes is created to read:

7 195.29 (9) **RULES.** The department shall promulgate a rule establishing criteria
8 for determining the requirements of public safety with respect to railroad highway
9 crossings under this section. The rule shall include criteria for apportioning
10 expenses under this section.

11 **SECTION 166.** 195.29 (10) of the statutes is created to read:

12 195.29 (10) **REVIEW OF DEPARTMENT ORDERS.** If a petitioner, railroad or any
13 interested party objects to an order under this section within 20 days after the date
14 that the order is issued, the department shall refer the order to the division of
15 hearings and appeals for review as provided in s. 195.325.

16 **SECTION 167.** 195.295 of the statutes is created to read:

17 **195.295 Highway crossings; public warning.** Notwithstanding ss. 195.28,
18 195.285, 195.286, 195.29, and 195.30, the department shall monitor and investigate
19 all railroad highway grade crossings in this state, and determine, by order, rule or
20 otherwise, for each crossing whether any warning devices, advance warning signs
21 or other warning measures shall be required to protect and promote public safety.
22 The department may make a determination under this section without a hearing.
23 Any device, sign, or other measure, installed or maintained at a crossing, that
24 conforms to a determination of the department under this section or, if no such
25 determination has been made, that was approved by the office of the commissioner

1 of transportation under ch. 195, 1991 stats., or the office of the commissioner of
2 railroads under ch. 195, 2001 stats., before the effective date of this section ...
3 [revisor inserts date], whether by order or otherwise, shall be considered adequate
4 and appropriate warning for the crossing. If a railroad or interested party objects
5 to an order under this section within 20 days after the date that the order is issued,
6 the department shall refer the order to the division of hearings and appeals for
7 review as provided in s. 195.325.

8 **SECTION 168.** 195.30 (1) of the statutes is amended to read:

9 195.30 (1) Upon a petition by the common council of any city, or the board of
10 any village, town or county within which a railroad crosses another railroad at grade,
11 or by any such railroad, that public safety requires an alteration in the crossing or
12 the installation of protective appliances, ~~the office shall give notice to the parties in~~
13 ~~interest, and proceed to investigate the same and may order a hearing on the matter.~~
14 The office shall determine what alteration in such crossing, if any, shall or on its own
15 motion, the department may investigate the matter and determine what alteration
16 in the crossing, if any, is necessary. The department shall make its determination
17 on the basis of the criteria for public safety requirements promulgated as rules under
18 ss. 84.05 and 195.28. The department may issue an order, with or without a hearing,
19 specifying an alteration to be made, and by whom made and maintained, or what
20 protective appliances shall be installed, operated and maintained at the crossing and
21 by whom installed, operated and maintained. The office department's order shall fix
22 the proportion of the cost and expense of such change in grade and maintenance of
23 the crossing or of the installation, operation and maintenance of the safety appliance
24 which shall be paid by the railroad companies, respectively. If an interested party
25 objects to the order and requests a hearing within 20 days after the date on which

1 the order is issued, the department shall refer the matter to the division of hearings
2 and appeals for review as provided in s. 195.325.

3 SECTION 169. 195.305 of the statutes is amended to read:

4 **195.305 Railroad crossings; grade; expense.** Whenever a railroad
5 proposes to cross, intersect, join or unite its track with another railroad track, the
6 surface road of the proposed track shall be above, below or at grade of the tracks
7 proposed to be crossed as the ~~office~~ division of hearings and appeals determines after
8 hearing the parties upon reasonable notice. In its determination, the ~~office~~ division
9 of hearings and appeals shall fix the proportion of the expense of originally
10 constructing, operating, and maintaining such crossing, intersecting, joining or
11 uniting which shall be paid by the owners of the tracks respectively.

12 SECTION 170. 195.31 of the statutes is amended to read:

13 **195.31 Bridges made safe.** Whenever a complaint is lodged with the ~~office~~
14 department by the common council of any city, the village board of any village, a
15 member of a town board, or a supervisor of highways, or by 5 or more electors and
16 taxpayers in any town, or 5 or more electors of the county in which such bridge is
17 located, and who are users of such bridge or railway, to the effect that a bridge erected
18 over a stream intersecting a public highway or highways upon which a railway is
19 constructed and operated, is unsafe and dangerous to travelers over such highway
20 or highways or bridge or railroad, and that public safety requires the alteration, the
21 repair or reconstruction of such bridge, or the substitution of another bridge therefor,
22 ~~it shall be the duty of the office to give notice to the party or parties in interest, other~~
23 ~~than the petitioners, of the filing of such complaint, and to furnish a copy of the~~
24 ~~complaint to the party or parties in interest other than the petitioners, and to order~~
25 ~~a hearing thereon, in the manner provided for hearings in ss. 195.04 to 195.043. The~~

1 ~~office~~ the department shall investigate the matter. The department may proceed in
2 a similar manner in the absence of a petition when, in the opinion of the ~~office~~
3 department, public safety requires the alteration, repair or reconstruction of a bridge
4 or the substitution of another bridge for the bridge in question. ~~After the hearing,~~
5 ~~the office~~ The department shall determine what alteration or repair or
6 reconstruction of such bridge, and the approaches thereto, shall be made, or if it shall
7 ~~determine~~ determines that public safety requires the substitution of a new bridge,
8 it shall determine the character, manner of construction and location of such bridge
9 and the approaches thereto. ~~The office~~ department shall fix the proportion of the cost
10 and expense of such alteration, repair, reconstruction or substitution of a new bridge,
11 ~~including the damage to any person whose land is taken, and the special damage~~
12 ~~which the owner of any land adjoining the approaches to said bridge shall sustain~~
13 ~~by reason of the alteration, repair, reconstruction or substitution of a new bridge, to~~
14 be paid by the railroad company and the city, village or town in interest. The
15 department may issue appropriate orders incorporating its determinations and may
16 proceed without a hearing on the matter. The department shall make its
17 determinations on the basis of investigation and criteria for bridge safety
18 promulgated by rule. If a petitioner or interested party objects to an order under this
19 section within 20 days after the date that the order is issued, the department shall
20 refer the order to the division of hearings and appeals for review as provided in s.
21 195.325.

22 SECTION 171. 195.32 of the statutes is amended to read:

23 **195.32 Safety gates on drawbridges.** Whenever a complaint is filed with
24 the ~~office~~ department to the effect that any drawbridge is not equipped with gates
25 or other safety devices, the ~~office~~ department may notify the proper party or parties

1 in interest of the complaint, and may proceed to investigate the ~~complaint and to hold~~
2 ~~a hearing on the matter in the manner provided for hearings in ss. 195.04 to 195.043~~
3 matter. If after the investigation the ~~office~~ department determines that public safety
4 requires the erection and maintenance of gates or other safety devices at the points
5 mentioned in the complaint, it may order the county, city, village, town, corporation
6 or person whose duty it is to maintain such bridge to erect and maintain at such
7 points such gates or other safety devices as the ~~office~~ department prescribes. The
8 ~~office~~ department may conduct the investigations, hold the hearings and make the
9 orders provided for in this section upon its own motion in the same manner and with
10 the same effect as though a complaint were filed. The department shall make its
11 determination on the basis of the investigation and criteria for drawbridge safety
12 promulgated by rule. If an interested party objects to an order under this section
13 within 20 days after the date that the order is issued, the department shall refer the
14 order to the division of hearings and appeals for review as provided in s. 195.325.

15 **SECTION 172.** 195.325 of the statutes is created to read:

16 **195.325 Review of department orders on crossings and bridges.** If an
17 order of the department under s. 84.05, 195.28, 195.285, 195.29, 195.295, 195.30,
18 195.31, or 195.32 is referred to the division of hearings and appeals for review, the
19 division of hearings and appeals shall review the order under s. 85.013 (3) in light
20 of the application of the criteria relating to the matter promulgated as rules by the
21 department.

22 **SECTION 173.** 195.33 of the statutes is repealed.

23 **SECTION 174.** 195.34 of the statutes is amended to read:

24 **195.34 Reports of accidents, investigation.** Every railroad shall report to
25 the ~~office~~ department all collisions, derailments or other accidents resulting in injury

1 to persons, equipment or roadway arising from its operation. The ~~office~~ department
2 may issue rules concerning the reporting of accidents and may also, if public
3 interests require, cause an investigation of any accident.

4 **SECTION 175.** 195.36 of the statutes is amended to read:

5 **195.36 General penalty upon railroads.** If any railroad shall violate any
6 provision of this chapter, or shall do any act herein prohibited, or shall fail or refuse
7 to perform any duty enjoined upon it, for which a penalty has not been provided, or
8 shall fail, neglect or refuse to obey any lawful requirement or order made by the ~~office~~
9 department or division of hearings and appeals, or any judgment or decree made by
10 any court upon its application, for every such violation, failure or refusal in respect
11 to any matter prescribed by this chapter such railroad shall forfeit not less than \$100
12 nor more than \$10,000. The act, omission or failure of any officer, agent or other
13 person employed by any railroad, acting within the scope of his or her employment,
14 shall be deemed to be the act, omission or failure of such railroad.

15 **SECTION 176.** 195.37 of the statutes is repealed.

16 **SECTION 177.** 195.38 of the statutes is repealed.

17 **SECTION 178.** 195.45 (1) of the statutes is amended to read:

18 195.45 (1) No person shall operate as a common carrier of passengers or
19 property by water except in accordance with the terms and conditions of a certificate
20 ~~of public convenience and necessity issued by the office. The office shall issue any~~
21 ~~certificate upon a finding that the service proposed to be performed is in the public~~
22 ~~interest and required by public convenience and necessity~~ department.

23 **SECTION 179.** 195.45 (2) of the statutes is amended to read:

1 195.45 (2) Application for the certificate shall be made on forms furnished by
2 the ~~office~~ department and shall contain such information as the ~~office~~ department
3 requires.

4 **SECTION 180.** 195.45 (4) of the statutes is amended to read:

5 195.45 (4) The ~~office~~ department may promulgate rules for the operation of this
6 section.

7 **SECTION 181.** 195.50 (1) of the statutes is amended to read:

8 195.50 (1) Any officer, agent or employee of any railroad who fails to fill out and
9 return any forms required by this chapter, or fails to answer any question therein,
10 or knowingly gives a false answer to any such question, or evades the answer to any
11 such question where the fact inquired of is within his or her knowledge, or who, upon
12 proper demand, fails to exhibit to the ~~office or~~ department or the division of hearings
13 and appeals or any person authorized to examine the same, any book, paper, account,
14 record or memoranda of such railroad which is in the possession or under control of
15 the officer, agent or employee, or who fails to properly use and keep the system of
16 accounting prescribed by the ~~office~~ department, or who refuses to do any act or thing
17 in connection with such system of accounting when so directed by the ~~office or its~~
18 department, the division of hearings and appeals, or their authorized
19 representatives, shall forfeit not less than \$100 nor more than \$1,000 for each
20 offense.

21 **SECTION 182.** 195.60 (title) of the statutes is amended to read:

22 **195.60 (title) Payment of ~~office~~ department expenses by railroads.**

23 **SECTION 183.** 195.60 (1) of the statutes is amended to read:

24 195.60 (1) Whenever the ~~office~~ department in a proceeding upon its own
25 motion, on complaint, or upon an application to it deems it necessary in order to carry

*deposited in the
general fund and*

1 out the duties imposed upon it by law to investigate the books, accounts, practices
2 and activities of, or make appraisals of the property of any railroad or to render any
3 engineering or accounting services to any railroad, the railroad shall pay the
4 expenses attributable to such investigation, appraisal or service. The office
5 department shall ascertain such expenses, ~~including all expenses incurred by the~~
6 ~~department at the request or direction of the office~~ and shall render a bill therefor,
7 by mail, to the railroad, either at the conclusion of the investigation, appraisal or
8 services, or during its progress. The bill shall constitute notice of assessment and
9 demand of payment thereof. The railroad shall, within 30 days after the mailing
10 thereof, pay to the office department the amount of the special expense for which it

11 is billed. ~~Ninety percent of the payment shall be credited to the appropriation~~

12 ~~account under s. 20.155 (2) (g).~~ *plain period* The total amount, in any one calendar year, for which
13 any railroad becomes liable, by reason of costs incurred by the office department
14 within such calendar year, shall not exceed four-fifths of one percent of its gross
15 operating revenues derived from intrastate operations in the last preceding calendar
16 year. Where, under this subsection, costs are incurred within any calendar year,
17 which are in excess of four-fifths of one percent of such gross operating revenues, the
18 excess costs shall not be chargeable as part of the remainder under sub. (2) but shall
19 be paid out of the general appropriation to the office department. Nothing in this
20 subsection shall prevent the office department from rendering bills in one calendar
21 year for costs incurred within a previous year. For the purpose of calculating the
22 costs of investigations, appraisals and other services under this subsection, 90% of
23 the costs determined shall be costs of the office department and 10% of the costs
24 determined shall be costs of state government operations.

25 SECTION 184. 195.60 (2) of the statutes is amended to read:

20.395 (2) (gg)

*delete
strike
plain*

← plain

1 195.60 (2) The ~~office~~ department shall annually, within 90 days after the close
 2 of each fiscal year, ascertain the total of its expenditures during such year which are
 3 reasonably attributable to the performance of its duties relating to railroads. For
 4 purposes of such calculation, 90% of the expenditures so determined shall be
 5 expenditures of the ~~office~~ department and 10% of the expenditures so determined
 6 shall be expenditures for state government operations. The ~~office~~ department shall
 7 deduct therefrom all amounts chargeable to railroads under sub. (1) and s. 201.10 (3).
 8 A sum equal to the remainder plus 10% of the remainder shall be assessed by the
 9 ~~office~~ department to the several railroads in proportion to their respective gross
 10 operating revenues during the last calendar year, derived from intrastate
 11 operations. Such assessment shall be paid within 30 days after the bill has been
 12 mailed to the several railroads, which bill shall constitute notice of assessment and
 13 demand of payment thereof. The total amount which may be assessed to the
 14 railroads under authority of this subsection shall not exceed 1.85% of the total gross
 15 operating revenues of such railroads, during such calendar year, derived from
 16 intrastate operations. ~~Ninety percent of the payment shall be credited to the~~
 17 ~~appropriation account under s. 20.155 (2) (g)~~ The railroads shall furnish such
 18 financial information as the office department requires.

19 **SECTION 185.** 195.60 (3) of the statutes is amended to read:

20 195.60 (3) If any railroad against which a bill has been rendered under sub. (1)
 21 or (2) within 30 days after the rendering of such bill neglects or refuses to pay the
 22 same or fails to file objections to the bill with the office division of hearings and
 23 appeals, the office department shall transmit to the state treasurer a certified copy
 24 of the bill, together with notice of neglect or refusal to pay the bill, and on the same
 25 day the office department shall mail to the railroad against which the bill has been

Handwritten notes:
 - "plain" with arrows pointing to "such calendar year" and "requires."
 - "deposited in the general fund and" with a line underneath.
 - "plain" with an arrow pointing to "office department".
 - Circled numbers 16 and 17.
 - A large bracket underlines the text from line 16 to 18.

20. 395 (2) (gg) ✓

1 rendered a copy of the notice which it has transmitted to the state treasurer. Within
2 10 days after the receipt of such notice and certified copy of such bill, the state
3 treasurer shall levy the amount stated on such bill to be due, with interest, by
4 distress and sale of any goods and chattels, including stocks, securities, bank
5 accounts, evidences of debt, and accounts receivable belonging to such delinquent
6 railroad. Such levy by distress and sale shall be governed by the provisions of s.
7 74.10, 1985 stats., except that it shall be made by the state treasurer and that said
8 goods and chattels anywhere within the state may be levied upon.

9 **SECTION 186.** 195.60 (4) (a) of the statutes is amended to read:

10 195.60 (4) (a) Within 30 days after the date of the mailing of any bill as provided
11 by subs. (1) and (2), the railroad against which such bill has been rendered may file
12 with the ~~office~~ division of hearings and appeals objections setting out in detail the
13 grounds upon which the objector regards the bill to be excessive, erroneous, unlawful
14 or invalid. The ~~office~~ division of hearings and appeals, after notice to the objector,
15 shall hold a hearing upon such objections, not less than 5 nor more than 10 days after
16 such notice. If after such hearing the ~~office~~ division of hearings and appeals finds
17 any part of the bill to be excessive, erroneous, unlawful or invalid it shall record its
18 findings ~~upon its minutes~~ with respect to the objections and transmit to the objector
19 an amended bill, in accordance with such findings. The amended bill shall have in
20 all ways the same force and effect under this section as an original bill rendered
21 under subs. (1) and (2).

22 **SECTION 187.** 195.60 (4) (b) of the statutes is amended to read:

23 195.60 (4) (b) If after the hearing the ~~office~~ division of hearings and appeals
24 finds the entire bill unlawful or invalid, it shall notify the objector of such
25 determination, in which case the original bill shall be deemed void.

1 **SECTION 188.** 195.60 (4) (c) of the statutes is amended to read:

2 195.60 (4) (c) If after the hearing the ~~office~~ division of hearings and appeals
3 finds that the bill as rendered is neither excessive, erroneous, unlawful or invalid,
4 either in whole or in part, it shall record such findings ~~upon its minutes~~ with respect
5 to the objections, and transmit to the objector notice of such finding.

6 **SECTION 189.** 195.60 (4) (d) of the statutes is amended to read:

7 195.60 (4) (d) If any bill against which objections have been filed is not paid
8 within 10 days after notice of a finding that such objections have been overruled and
9 disallowed by the ~~office~~ division of hearings and appeals has been mailed to the
10 objector, the ~~office~~ department shall give notice of such delinquency to the state
11 treasurer and to the objector, in the manner provided in sub. (3). The state treasurer
12 shall then proceed to collect the amount of the bill as provided in sub. (3). If an
13 amended bill is not paid within 10 days after a copy thereof is mailed to the objector
14 by registered mail, the ~~office~~ department shall notify the state treasurer and the
15 objector as in the case of delinquency in the payment of an original bill. The state
16 treasurer shall then proceed to collect the amount of the bill as provided in the case
17 of an original bill.

18 **SECTION 190.** 195.60 (5) of the statutes is amended to read:

19 195.60 (5) No suit or proceeding shall be maintained in any court for the
20 purpose of restraining or in any way delaying the collection or payment of any bill
21 rendered under subs. (1) and (2). Every railroad against which a bill is rendered shall
22 pay the amount thereof, and after such payment may in the manner herein provided,
23 at any time within 2 years from the date the payment was made, sue the state in an
24 action at law to recover the amount paid with legal interest thereon from the date
25 of payment, upon the ground that the assessment was excessive, erroneous,

1 unlawful or invalid in whole or in part. If it is finally determined in such action that
2 any part of the bill for which payment was made was excessive, erroneous, unlawful
3 or invalid, the state treasurer shall make a refund to the claimant as directed by the
4 court, which shall be charged to the appropriations to the office department.

5 **SECTION 191.** 195.60 (6) of the statutes is amended to read:

6 195.60 (6) No action for recovery of any amount paid under this section shall
7 be maintained in any court unless objections have been filed with the office division
8 of hearings and appeals as provided in this section. In any action for recovery of any
9 payments made under this section the claimant shall be entitled to raise every
10 relevant issue of law, but the office's findings of fact of the division of hearings and
11 appeals made pursuant to this section shall be prima facie evidence of the facts
12 therein stated.

13 **SECTION 192.** 195.60 (7) (intro.) of the statutes is repealed.

14 **SECTION 193.** 195.60 (7) (a) of the statutes is renumbered 195.60 (7) and
15 amended to read:

16 195.60 (7) Determinations of fact expressed in bills rendered under this
17 section; and shall be considered to be findings of fact of the division of hearings and
18 appeals, within the meaning of this section.

19 **SECTION 194.** 195.60 (7) (b) of the statutes is repealed.

20 **SECTION 195.** 197.10 (4) of the statutes is amended to read:

21 197.10 (4) Insofar as the use, operation, service, management, control, sale,
22 lease, purchase, extension, improvement, rates, value or earnings of the properties
23 of the public utility or provisions looking toward the ultimate acquisition of the same
24 are made subject to the terms of any contract provided for in sub. (1), and so long as
25 said contract remains in force, the following sections of the statutes shall be

1 inapplicable to the same: ss. ~~195.05, 195.10~~, 196.02 (1) and (2), 196.05, 196.09,
2 196.10, 196.11, 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28,
3 196.30, 196.37, 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03,
4 197.04, 197.05, 197.06, 197.08 and 197.09; provided that nothing in any contract
5 made hereunder shall operate to prevent an appeal to the public service commission
6 by any person, other than a party to said contract, upon any complaint alleging that
7 any rate, fare, charge or classification, or any joint rate, or any regulation, act or
8 practice relating to the production, transmission, delivery or furnishing of gas, heat,
9 light or power, or any service in connection therewith, is unjustly discriminatory, or
10 that any such service is inadequate or cannot be obtained. Upon said appeal the
11 commission shall, as provided by law, determine and by order fix a rate, fare, charge,
12 classification, joint rate or regulation, act or practice or service to be imposed,
13 observed or followed in the future in lieu of that found to be unjustly discriminatory
14 or inadequate.

15 **SECTION 196.** 201.01 (1) of the statutes is amended to read:

16 201.01 (1) “Commission” means the ~~office of the commissioner of railroads in~~
17 ~~the case of railroads and the public service commission in the case of other public~~
18 ~~service corporations.~~

19 **SECTION 197.** 201.01 (2) of the statutes is amended to read:

20 201.01 (2) “Public service corporation” means and embraces every corporation,
21 except municipalities and other political subdivisions, which is a public utility as
22 defined in s. 196.01, ~~and every corporation which is a railroad as defined in s. 195.02,~~
23 but shall not include a public utility corporation receiving an annual gross revenue
24 of less than \$1,000 for the calendar year next preceding the issuance of any securities
25 by it. “Public service corporation” includes a holding company, as defined under s.

1 196.795 (1) (h), which is a public utility, as defined under s. 196.01 (5). “Public service
2 corporation” does not include a telecommunications utility, as defined in s. 196.01
3 (10). “Public service corporation” does not include any other holding company unless
4 the holding company was formed after November 28, 1985, and unless the
5 commission has determined, under s. 196.795 (7) (a), that each nonutility affiliate,
6 as defined under s. 196.795 (1) (j), does not and cannot reasonably be expected to do
7 at least one of the items specified in s. 196.795 (7) (a). “Public service corporation”
8 does not include a company, as defined in s. 196.795 (1) (f), which owns, operates,
9 manages or controls a telecommunications utility, as defined in s. 196.01 (10), unless
10 such company also owns, operates, manages or controls a public utility which is not
11 a telecommunications utility. “Public service corporation” does not include a
12 transmission company, as defined in s. 196.485 (1) (ge).

13 **SECTION 198.** 201.10 (3) of the statutes is amended to read:

14 201.10 (3) Whenever the commission deems it necessary to make an
15 investigation of the books, accounts and practices or to make an appraisal of the
16 property of any public service corporation which has filed an application for
17 authority to issue any securities to which this chapter is applicable, such public
18 service corporation shall pay all expenses reasonably attributable to such special
19 investigation, or to such an appraisal of the property. For the purpose of calculating
20 investigative and appraisal expenses of the commission, 90% of the costs determined
21 shall be costs of the commission and 10% of the costs determined shall be costs of
22 state government operations. The procedure set up by s. ~~195.60 or 196.85, whichever~~
23 ~~is appropriate,~~ for the rendering and collection of bills shall be in all ways applicable
24 to the rendering and collection of bills under this section. Ninety percent of the

1 amounts paid to the ~~public service~~ commission under authority of this subsection
2 shall be credited to the appropriation account under s. 20.155 (1) (g).

3 **SECTION 199.** 201.13 of the statutes is amended to read:

4 **201.13 Stock.** Subject to the regulatory jurisdiction of the commission under
5 this chapter and to all other applicable provisions of law relating to ~~railroad or other~~
6 special types of corporations, all classes and series of stock of a public service
7 corporation shall be governed by the provisions of ch. 180.

8 **SECTION 200.** 226.025 (3) of the statutes is amended to read:

9 226.025 (3) The appointment of the department of financial institutions or the
10 designation of a resident agent as attorney for the service of summons, notice,
11 pleadings or process under s. 180.1507 shall be applicable only to actions or
12 proceedings against the foreign corporations described in this section (unless such
13 corporations have been admitted to this state for purposes other than those
14 mentioned in this section) where the cause of action or proceeding arises out of
15 transactions between such foreign corporations and public utilities operating in this
16 state with which such foreign corporations are affiliated; and to actions or
17 proceedings by or before the public service commission ~~or office of the commissioner~~
18 ~~of railroads~~ involving the transactions described in sub. (1), or involving the relation
19 between such foreign corporations and public utilities operating in this state with
20 which they are affiliated.

21 **SECTION 201.** 227.01 (13) (s) of the statutes is amended to read:

22 227.01 (13) (s) Prescribes or relates to a uniform system of accounts for any
23 person, including a municipality, that is regulated by the ~~office of the commissioner~~
24 ~~of railroads or the public service commission.~~

25 **SECTION 202.** 227.43 (1) (bk) of the statutes is created to read:

1 227.43 (1) (bk) Assign a hearing examiner to preside over any hearing or review
2 under ss. 26.20 (3) and (10), 84.05, 88.66 (2), 88.87 (4), 88.88 (2), 190.02 (6), 190.16
3 (4) and (5), 192.324, 192.34, 192.52, 192.56, 195.28 (1), 195.285 (1), 195.29 (10),
4 195.295, 195.30 (1), 195.305, 195.31, 195.32, 195.325, and 195.60.

5 **SECTION 203.** 227.43 (4) (b) of the statutes is amended to read:

6 227.43 (4) (b) The department of transportation shall pay all costs of the
7 services of a hearing examiner assigned under sub. (1) (bg) or (bk) or assigned to the
8 department under sub. (1) (br), according to the fees set under sub. (3) (b).

9 **SECTION 204.** 227.46 (2m) of the statutes is amended to read:

10 227.46 (2m) In any hearing or review assigned to a hearing examiner under
11 s. 227.43 (1) (bg) or (bk), the hearing examiner presiding at the hearing shall prepare
12 a proposed decision, including findings of fact, conclusions of law, order and opinion,
13 in a form that may be adopted as the final decision in the case. The proposed decision
14 shall be a part of the record and shall be served by the division of hearings and
15 appeals in the department of administration on all parties. Each party adversely
16 affected by the proposed decision shall be given an opportunity to file objections to
17 the proposed decision within 15 days, briefly stating the reasons and authorities for
18 each objection, and to argue with respect to them before the administrator of the
19 division of hearings and appeals. The administrator of the division of hearings and
20 appeals may direct whether such argument shall be written or oral. If the decision
21 of the administrator of the division of hearings and appeals varies in any respect from
22 the decision of the hearing examiner, the decision of the administrator of the division
23 of hearings and appeals shall include an explanation of the basis for each variance.
24 The decision of the administrator of the division of hearings and appeals is a final

1 decision of the agency subject to judicial review under s. 227.52. The department of
2 transportation may petition for judicial review.

3 **SECTION 205.** 227.46 (3) (intro.) of the statutes is amended to read:

4 227.46 (3) (intro.) With respect to contested cases except a hearing or review
5 assigned to a hearing examiner under s. 227.43 (1) (bg) or (bk), an agency may by rule
6 or in a particular case may by order:

7 **SECTION 206.** 281.36 (1) (cr) of the statutes is amended to read:

8 281.36 (1) (cr) “State transportation agency” means the department of
9 transportation ~~or the office of the commissioner of railroads.~~

10 **SECTION 207.** 346.45 (3) (d) of the statutes is amended to read:

11 346.45 (3) (d) A railroad grade crossing which is marked with a sign in
12 accordance with s. 195.285 (3). Such signs shall be erected by the maintaining
13 authority only upon order of the ~~office of the commissioner of railroads as set forth~~
14 in department or the division of hearings and appeals in accordance with s. 195.285.

15 **SECTION 208.** 350.137 (1) of the statutes is amended to read:

16 350.137 (1) The department, after having consulted with each rail authority,
17 as defined in s. 350.138 (1) (b), in this state, that has furnished the department with
18 the information required under s. 350.138 (2m), an established snowmobile
19 association that represents snowmobile clubs, as defined in s. 350.138 (1) (e), in this
20 state, and the ~~office of the commissioner of railroads~~ department of transportation,
21 shall promulgate rules to establish uniform maintenance standards and uniform
22 design and construction standards for snowmobile rail crossings under ss. 350.138
23 and 350.139.

24 **SECTION 209.** 350.138 (4) (c) of the statutes is amended to read:

1 350.138 (4) (c) The department shall give notice of any hearing scheduled
2 under par. (b) to the applicant, to the applicable rail authority, and to the ~~office of the~~
3 ~~commissioner of railroads~~ department of transportation. The hearing shall be a
4 contested case hearing under ch. 227. The department's department of natural
5 resources' order issuing or denying a permit is a final order subject to judicial review
6 under ch. 227.

7 **SECTION 210.** 350.138 (9) of the statutes is amended to read:

8 350.138 (9) INSPECTION AUTHORIZED. The department or the ~~office of the~~
9 ~~commissioner of railroads~~ department of transportation may inspect the site of a
10 proposed snowmobile rail crossing or the site of a snowmobile rail crossing for which
11 a permit has been issued to determine whether there are grounds to refuse to issue
12 a permit under sub. (4) or to revoke a permit under sub. (8).

13 **SECTION 211.** 350.139 (5) of the statutes is amended to read:

14 350.139 (5) INSPECTION AUTHORIZED. The department or the ~~office of the~~
15 ~~commissioner of railroads~~ department of transportation may inspect an established
16 snowmobile rail crossing to determine whether the snowmobile organization
17 maintaining the crossing is in compliance with the requirements imposed under sub.
18 (4).

19 **SECTION 212.** 350.1395 (2) (b) 2. of the statutes is amended to read:

20 350.1395 (2) (b) 2. The department shall hold a hearing on a petition filed under
21 subd. 1. after giving notice of the hearing to the rail authority, the snowmobile
22 organization, and the ~~office of the commissioner of railroads~~ department of
23 transportation. The hearing shall be a contested case hearing under ch. 227. The
24 department's department of natural resources' order shall be a final order subject to
25 judicial review under ch. 227.

1 **SECTION 213.** 350.1395 (2) (b) 3. (intro.) of the statutes is amended to read:

2 350.1395 (2) (b) 3. (intro.) The department shall grant a rail authority's petition
3 under subd. 2. to close or remove a snowmobile rail crossing if, after a hearing under
4 subd. 2., and after giving substantial weight to the ~~office of the commissioner of~~
5 ~~railroads'~~ department of transportation's testimony or report given under s. 195.03
6 (30) (b), the department of natural resources finds that any of the following applies:

7 **SECTION 214.** 350.1395 (4) (b) of the statutes is amended to read:

8 350.1395 (4) (b) The department may not promulgate a rule under this
9 subsection without first consulting with each rail authority in this state that has
10 furnished the department with the information required under s. 350.138 (2m), an
11 established snowmobile association that represents snowmobile clubs, as defined in
12 s. 350.138 (1) (e), in this state, and the ~~office of the commissioner of railroads~~
13 department of transportation.

14 **SECTION 215.** 552.23 (1) of the statutes is amended to read:

15 552.23 (1) If the target company is an insurance company subject to regulation
16 by the commissioner of insurance, a banking corporation subject to regulation by the
17 division of banking, a savings bank or savings and loan association subject to
18 regulation by the division of savings institutions, or a company subject to regulation
19 by the public service commission, or the department of transportation ~~or the office~~
20 ~~of the commissioner of railroads~~, the division of securities shall promptly furnish a
21 copy of the registration statement filed under this chapter to the regulatory agency
22 having supervision of the target company. Any hearing under this chapter involving
23 any such target company shall be held jointly with the regulatory agency having
24 supervision, and any determination following the hearing shall be made jointly with
25 that regulatory agency.

1 **SECTION 216.** 945.06 of the statutes is amended to read:

2 **945.06 Public utilities to cease service.** When any public utility, common
3 carrier, contract carrier, or railroad, subject to the jurisdiction of the public service
4 commission, ~~office of the commissioner of railroads~~ or department of transportation
5 of this state, is notified in writing by a federal, state or local law enforcement agency,
6 acting within its jurisdiction, that any facility furnished by it is being used or will be
7 used for the purpose of transmitting or receiving gambling information in violation
8 of the laws of this state it shall discontinue or refuse the leasing, furnishing or
9 maintaining of such facility, after reasonable notice to the subscriber, but no
10 damages, penalty or forfeiture, civil or criminal, shall be found against any such
11 public utility, common carrier, contract carrier or railroad, for any act done in
12 compliance with any notice received from a law enforcement agency under this
13 section. Nothing in this section shall be deemed to prejudice the right of any person
14 affected thereby to secure an appropriate determination as otherwise provided by
15 law in any court or tribunal or agency, that such facility should not be discontinued
16 or removed, or should be restored.

17 **SECTION 9143. Nonstatutory provisions; public service commission.**

18 (1) **ABOLISHING THE OFFICE OF COMMISSIONER OF RAILROADS; TRANSITIONAL**
19 **PROVISIONS.**

20 (a) *Definitions.* In this subsection:

- 21 1. "Department" means the department of transportation.
- 22 2. "Division" means the division of hearings and appeals in the department of
23 administration.
- 24 3. "Office" means the office of the commissioner of railroads.

1 (b) *Assets and liabilities.* On the effective date of this paragraph, the assets and
2 liabilities of the office shall become the assets and liabilities of the department.

3 (c) *Staff.*

4 1. On the effective date of this subdivision, the position of the commissioner of
5 railroads is abolished.

6 2. On the effective date of this subdivision, 1.0 FTE PR hearing examiner
7 position and the incumbent employee holding that position in the office are
8 transferred to the division.

9 3. On the effective date of this subdivision, the following 4.0 FTE PR positions
10 and the incumbent employees, identified by the secretary of transportation, holding
11 those positions in the office are transferred to the department:

12 a. One program assistant position.

13 b. Three regulation compliance investigator positions.

14 4. a. The employee transferred under subdivision 2. to the division has all of
15 the rights and the same status under subchapter V of chapter 111 and chapter 230
16 of the statutes in the division that he or she enjoyed in the office immediately before
17 the transfer. Notwithstanding section 230.28 (4) of the statutes, the employee so
18 transferred who has attained permanent status in class is not required to serve a
19 probationary period.

20 b. Employees transferred under subdivision 3. to the department have all of
21 the rights and the same status under subchapter V of chapter 111 and chapter 230
22 of the statutes in the department that they enjoyed in the office immediately before
23 the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so
24 transferred who has attained permanent status in class is required to serve a
25 probationary period.

1 5. On the effective date of this subdivision, the remaining FTE PR positions of
2 the office not transferred under subdivisions 2. and 3. or abolished under subdivision
3 1. are deauthorized.

4 6. The commissioner of railroads shall, in addition to his or her other duties,
5 assist the department in the orderly transfer of the functions of the office to the
6 department and perform the duties specified in paragraphs (d), (e), (f), and (g).

7 (d) *Tangible personal property.* On the effective date of this paragraph, all
8 tangible personal property, including records, of the office is transferred to the
9 department.

10 (e) *Contracts.* All contracts entered into by the office in effect on the effective
11 date of this paragraph remain in effect and are transferred to the department. The
12 department shall carry out any obligations under such a contract until the contract
13 is modified or rescinded by the department to the extent allowed under the contract.

14 (f) *Rules and orders.*

15 1. All rules promulgated by the office that are in effect on the effective date of
16 this subdivision remain in effect until their specified expiration date or until
17 amended or repealed by the department.

18 2. All orders issued by the office that are in effect on the effective date of this
19 subdivision remain in effect until their specified expiration date or until modified or
20 rescinded by the department.

21 (g) *Pending matters.* Any matter pending with the office on the effective date
22 of this paragraph is transferred to the department and all materials submitted to or
23 actions taken by the office with respect to the pending matter are considered as
24 having been submitted to or taken by the department.

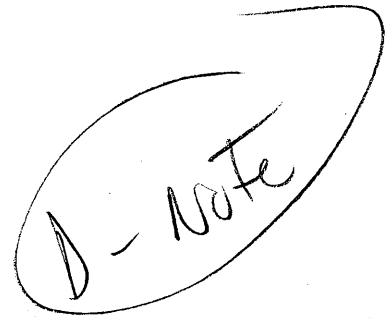
1 (h) *Department of administration to arbitrate disputes.* In the case of
2 disagreement between the secretary of transportation and the commissioner of
3 railroads with respect to any matter specified in paragraph (d), (e), (f), or (g), the
4 department of administration shall determine the matter and shall develop a plan
5 for an orderly transfer.

6 **SECTION 9443. Effective dates; public service commission.**

7 (1) ABOLISHING THE OFFICE OF COMMISSIONER OF RAILROADS. The treatment of
8 sections 15.03, 15.06 (1) (ar), 15.79, 15.795, 20.155 (intro.) and (2), 20.395^{(2) (39) and (99)}~~(4) (99)~~
9 ~~20.923~~ 20.923 (4) (e) 11., 25.40 (1) (a) 12m. ~~25.40~~, 26.20 (3) and (10), 30.33
10 (1) and (2), 66.0801 (2), 84.05, 85.013 (3), 86.001 (2m), 86.12 (2), 86.13 (3), 88.66 (2),
11 88.87 (4), 88.88 (2), 182.36 (3), 190.001, 190.02 (6), 190.025 (2) (b), 190.03, 190.13,
12 190.16 (4) (a), (b), and (c) and (5), 191.001, 191.01 (2), 191.02 (title), 191.03, 191.05,
13 191.06, 191.07, 191.09, 191.10 (title), (1), (2), and (3), 191.11, 191.13 (2), 191.16,
14 191.17, 191.19 (1) and (3), 191.20, 191.21, 192.001 (1r) and (2), 192.14 (10) and (12),
15 192.15 (14), 192.25 (3) (a), 192.27 (1), 192.29 (1), (2), (4), and (5), 192.31 (1), (2), (4),
16 and (5), 192.324, 192.327 (3), (4), (5), (6), and (7), 192.33 (5), 192.34, 192.47, 192.52
17 (3), (4), and (5), 192.53 (4) (a) and (b), (5) (a) (intro.), and (6), 192.55 (5), 192.56 (1),
18 (2), (3), (5), and (6), 195.001 (1r), (2), and (3), 195.03 (title), (1), (2), (7), (8), (9), (10),
19 (11), (12), (13), (14), (15), (16), (17), (18), (19), (25), (28), (29), and (30) (a) and (b),
20 195.04, 195.041, 195.042, 195.043, 195.044, 195.045, 195.046, 195.047, 195.05,
21 195.055, 195.06, 195.07 (1) and (2), 195.08, 195.09, 195.10, 195.11, 195.12, 195.13,
22 195.14, 195.15, 195.16, 195.17, 195.19 (1) and (3), 195.20, 195.21, 195.26, 195.27,
23 195.28 (1), (3), and (4), 195.285 (1), (2), and (3), 195.286 (2), (3), (5), and (8), 195.29
24 (1), (2), (3), (4), (5), (6), (7), (9), and (10), 195.295, 195.30 (1), 195.305, 195.31, 195.32,
25 195.325, 195.33, 195.34, 195.36, 195.37, 195.38, 195.45 (1), (2), and (4), 195.50 (1),

1 195.60 (title), (1), (2), (3), (4) (a), (b), (c), and (d), (5), (6), and (7) (intro.), (a), and (b),
2 197.10 (4), 201.01 (1) and (2), 201.10 (3), 201.13, 226.025 (3), 227.01 (13) (s), 227.43
3 (1) (bk) and (4) (b), 227.46 (2m) and (3) (intro.), 281.36 (1) (cr), 346.45 (3) (d), 350.137
4 (1), 350.138 (4) (c) and (9), 350.139 (5), 350.1395 (2) (b) 2. and 3. (intro.) and (4) (b),
5 552.23 (1), and 945.06 and chapter 189 of the statutes and SECTION 9143 (1) (b), (c)
6 1., 2., 3., 4., and 5., (d), (e), (f), and (g) of this act take effect on July 1, 2004.

7

(END)

D - Note

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1187/2ins
ARG:.....

INSERT 4-1:

SECTION 8. 20.395 (2) (gq) of the statutes is amended to read:

20.395 (2) (gq) *Railroad crossing improvement and protection maintenance and railroad regulation, state funds.* The amounts in the schedule to pay the costs for railroad crossing protection maintenance under s. 195.28 (3) and for activities related to railroad regulation under chs. 190 to 195.

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

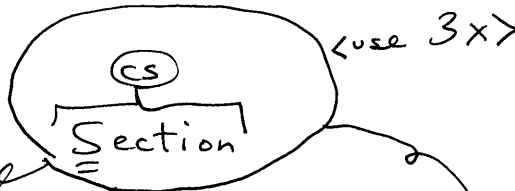
DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1187/2dn

ARG:/.....

gjs

ATTN: Kirsten Grinde



The attached draft is identical to the "/1" draft except for the following changes:

1. Regarding ~~bill section~~ 7 of the "/1" draft, the state funds appropriation, formerly placed in s. 20.395 (4) (aq), now appears in s. 20.395 (2) (gq). ✓
2. Regarding ~~bill section~~ 9 of the "/1" draft, the created PR appropriation has been renumbered from s. 20.395 (4) (fg) to s. 20.395 (2) (gg) and the language "from the general fund" has been added to the beginning of the appropriation. I also clarified in s. 195.60 (1) and (2), at page 57, lines 11-12, and page 58, lines 16-17 of the "/1" draft, the deposit of certain payments into the general fund. ✓
3. Per your request, I removed treatment in the draft of s. 20.395 (4) (ax), so there is now no federal funding appropriation for this program. (The draft repeals s. 20.155 (2).) A corresponding change was needed eliminating ~~bill section~~ 12 of the "/1" draft. ✓

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

and modified the language
of s. 20.395 (2) (gg)
consistent with this change

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1187/2dn
ARG:cjs:pg

February 3, 2003

ATTN: Kirsten Grinde

The attached draft is identical to the "/1" draft except for the following changes:

1. Regarding SECTION 7 of the "/1" draft, the state funds appropriation, formerly placed in s. 20.395 (4) (aq), now appears in s. 20.395 (2) (gq).
2. Regarding SECTION 9 of the "/1" draft, the created PR appropriation has been renumbered from s. 20.395 (4) (fg) to s. 20.395 (2) (gg) and the language "from the general fund" has been added to the beginning of the appropriation. I also clarified in s. 195.60 (1) and (2), at page 57, lines 11-12, and page 58, lines 16-17 of the "/1" draft, the deposit of certain payments into the general fund and modified the language of s. 20.395 (2) (gg) consistent with this change.
3. Per your request, I removed treatment in the draft of s. 20.395 (4) (ax), so there is now no federal funding appropriation for this program. (The draft repeals s. 20.155 (2).) A corresponding change was needed eliminating SECTION 12 of the "/1" draft.

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