



**Fiscal Estimate Narratives**  
**RRC 2/16/2004**

LRB Number <b>03-3983/1</b>	Introduction Number <b>AB-837</b>	Estimate Type <b>Original</b>
<b>Subject</b> Commissioner of railroads to be under the jurisdiction of the Department of Transportation		

**Assumptions Used in Arriving at Fiscal Estimate**

AB-837 would allow DOT to bypass the Office of the Commissioner of Railroads and issues its own orders in cases related to rail-highway crossings under s. 84.05 Stats., where DOT has authority to construct the highway. The bill would not add or remove FTEs. The OCR is funded by assessments on railroads under 195.60. DOT only has authority to construct a small percentage of highways (and thus crossings). DOT has authority to construct highways on the state trunk system or when federal-aid is being used to fund a highway project. The vast majority of rail-highway crossings in the state would not fall in to either of these categories.

**Long-Range Fiscal Implications**

In addition to the above, AB-837 prohibits decisions made by DOT from being reviewed in court, unlike decisions made by the Office of the Commissioner of Railroads, which can be judicially reviewed. This provision would eliminate the need for the Department of Justice to defend the Commissioner's decisions in court and for courts to review these decisions. Such review occurs about once per year.