Fiscal Estimate - 2013 Session						
🛛 Original 🔲 Updated	Corrected Supp	emental				
LRB Number 13-1916/1	Introduction Number AB-06	14				
Description Railroad track clearance and railroad walkways	and providing a penalty					
Fiscal Effect						
Appropriations Reve	ease Existing enues ease Existing enues Ease Existing enues Enues Decrease Costs - May to absorb within agend Yes Decrease Costs					
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Fund Sources Affected     Affected Ch. 20 Appropriations						
GPR FED PRO PRS SEG SEGS						
Agency/Prepared By	Authorized Signature	Date				
RRC/ Heather Graves (608) 266-0276	Doug Wood (608) 266-9536 1/23/2					

## Fiscal Estimate Narratives RRC 1/23/2014

LRB Number	13-1916/1	Introduction Number	AB-0614	Estimate Type	Original	
Description			1 01 1 100 <u>0</u>			
Railroad track clearance and railroad walkways and providing a penalty						

## Assumptions Used in Arriving at Fiscal Estimate

The proposed legislation applies to nearly all railroads in the state (i.e. Class I and II railroad companies). Only a few very small Wisconsin railroads are excluded. Class I and II railroads operate over 4,000 track miles in Wisconsin, which is about 96% of total track miles in the state. Nearly 100% of existing or future yard tracks in the state are maintained or will be constructed by Class I or II railroads.

The proposed legislation requires railroads to construct walkways adjacent to new yard tracks if rail workers will frequently work on the ground to perform switching. The bill grants the Office of the Commissioner of Railroads (Office) authority, upon application by the railroad and after conducting an evidentiary hearing, to waive the walkway requirement adjacent to new yard track construction.

The bill also grants the Office authority to require railroads to construct new walkways or repair walkways adjacent to existing yard tracks if the Office finds after conducting an evidentiary hearing that railroad company employees will otherwise be exposed to safety hazards due to the lack of a walkway or to the condition of a walkway.

In essence, the bill creates rebuttable presumptions that walkways are needed alongside new yard tracks and are not needed alongside existing yard tracks. Thus, the bill grants authority to the Office to determine whether walkways are or will be needed alongside each and every yard track in the state. In either case, before exercising such authority, the Office is required to open a docket, give notice, investigate, hold a hearing and prepare a legal decision. It is expected that costs of docketing, investigation, hearing, and issuing of legal decisions would be absorbed by the Office. The number of additional dockets each year might vary from three to five depending on variables that cannot be fully determined. A sample of comparable dockets requiring hearing reveals an average cost per docket of \$10,306. Given that the parties to these dockets will be railroad companies and railroad labor unions and the technical nature of the subject matter, it is likely that these dockets will be more complex and more intensely contested than the Office's current typical docket. Using four additional dockets as an average each year at an estimated \$10,306/docket would result in an estimated increase in cost annually of \$41,224 due to the proposed legislation. There is no additional revenue for the Office of the Commissioner of Railroads under the proposed legislation.

The proposed legislation specifies a forfeiture of \$500 for each violation of walkway requirements or failure to obey an order made by the Office. The Office estimates zero to two prosecutions annually. Prosecution would be brought by the Attorney General or the county District Attorney. Annual increase in revenue is estimated to be \$500. Revenues will not come back to the Office of the Commissioner of Railroads.

## **Long-Range Fiscal Implications**

Costs and revenue expected to be ongoing.

Wisconsin Department of Administration Division of Executive Budget and Finance

Description Railroad track clearance and railroad walkways and providing a penalty         I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):         II. Annualized Costs:       Annualized Fiscal Impact on funds from Increased Costs         II. Annualized Costs:       Annualized Fiscal Impact on funds from Increased Costs         State Costs by Category       Increased Costs         State Operations - Salaries and Fringes       \$41,224         (FTE Position Changes)       Increased Costs         Local Assistance       Increased Costs by Category         Aids to Individuals or Organizations       Increased Costs by Category         B State Costs by Source of Funds       GPR         GPR       Increase or decrease state         FED       Increased Rev         PRO/PRS (Railroad and Water C)       41,224         SEG/SEG-S       Increased Rev         III. State Revenues - Complete this only when proposal will increase or decrease state         revenues (e.g., tax increase, decrease in license fee, ets.)         III. State Revenues - Complete this only when proposal will increase or decrease state         GPR Taxes       \$         GPR Earned       500         GPR Earned       500         FED       Increased Rev         PRO/PRS       SEG/	Fiscal Estimat				sion	
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RRC/ Heather Graves (608) 266-0276 Doug Wood (608) 266-9536 1/23/2014	Agency/Prepared By	Autho	rized	Signature		Date
	RRC/ Heather Graves (608) 266-0276		Doug Wood (608) 266-9536		1/23/2014	