

## Fiscal Estimate - 2013 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>13-1916/1</b>	<b>Introduction Number</b> <b>AB-0614</b>
<b>Description</b> Railroad track clearance and railroad walkways and providing a penalty	
<b>Fiscal Effect</b>	
<b>State:</b>	
<input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations	<input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues  <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs
<b>Local:</b>	
<input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate	5. Types of Local Government Units Affected <input type="checkbox"/> Towns <input type="checkbox"/> Village <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
1. <input type="checkbox"/> Increase Costs                              3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs                             4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
<b>Fund Sources Affected</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input checked="" type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS	
<b>Affected Ch. 20 Appropriations</b>	
<b>Agency/Prepared By</b>	
RRC/ Heather Graves (608) 266-0276	
<b>Authorized Signature</b>	
Doug Wood (608) 266-9536	
<b>Date</b>	
1/23/2014	

## Fiscal Estimate Narratives

RRC 1/23/2014

LRB Number	13-1916/1	Introduction Number	AB-0614	Estimate Type	Original
<b>Description</b> 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.

## Fiscal Estimate Worksheet - 2013 Session

Detailed Estimate of Annual Fiscal Effect

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<b>LRB Number</b> 13-1916/1		<b>Introduction Number</b> AB-0614	
<b>Description</b> Railroad track clearance and railroad walkways and providing a penalty			
<b>I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):</b>			
<b>II. Annualized Costs:</b>		<b>Annualized Fiscal Impact on funds from:</b>	
		Increased Costs	Decreased Costs
<b>A. State Costs by Category</b>			
State Operations - Salaries and Fringes	\$41,224		\$
(FTE Position Changes)			
State Operations - Other Costs			
Local Assistance			
Aids to Individuals or Organizations			
<b>TOTAL State Costs by Category</b>	<b>\$41,224</b>		<b>\$</b>
<b>B. State Costs by Source of Funds</b>			
GPR			
FED			
PRO/PRS (Railroad and Water C)	41,224		
SEG/SEG-S			
<b>III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</b>			
	Increased Rev		Decreased Rev
GPR Taxes	\$		\$
GPR Earned	500		
FED			
PRO/PRS			
SEG/SEG-S			
<b>TOTAL State Revenues</b>	<b>\$500</b>		<b>\$</b>
<b>NET ANNUALIZED FISCAL IMPACT</b>			
	<u>State</u>		<u>Local</u>
NET CHANGE IN COSTS	\$41,224		\$
NET CHANGE IN REVENUE	\$500		\$
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
RRC/ Heather Graves (608) 266-0276		Doug Wood (608) 266-9536	1/23/2014