

Clearinghouse Rule 19-139

OFFICE OF THE COMMISSIONER OF RAILROADS

PETITION TO REPEAL UNAUTHORIZED RULES

A. PETITION

Pursuant to Wis. Stat. § 227.26(4), the Office of the Commissioner of Railroads (Office) petitions the Joint Committee for Review of Administrative Rules (JCRAR) to repeal rules the Office has determined to be unauthorized.

B. PROPOSED ORDER

The Office proposes an order to repeal Wis. Admin. Code §§ RR 2.07.

C. ANALYSIS

Previous Statutory Authority

None

Related Statutes or Rules

49 CFR 234.403

Explanation of Agency Authority and Brief Summary of Proposed Rules

Wisconsin Admin. Code § RR 2.07

The above provision lacks an enabling State statute. This rule duplicates that established by the Rail Safety Improvement Act of 2008 (codified at 49 CFR Part 234, Subpart F) requiring railroads that operate one or more trains through highway-rail or pathway crossings to submit reports to the National Highway-Rail Crossing Inventory, including current information about warning devices and signs for previously unreported and new highway-rail and pathway crossings through which they operate.

Agency Contact

Questions regarding this matter should be directed to Heather Graves at (608) 266-0276 or heather.graves@wisconsin.gov.

D. PROPOSED RULES

SECTION 1. RR 2.07 is repealed.

SECTION 2. The rules repealed in this order shall take effect on the first day of the month following publication in the *Wisconsin Administrative Register* as provided in Wis. Stat. § 227.22 (2) (intro.)