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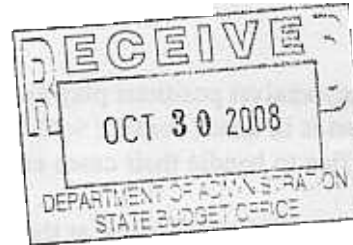
# Office of the Commissioner of Railroads



Roger Breske, Commissioner

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October 29, 2008

Michael Morgan, Secretary  
Department of Administration  
101 E. Wilson St.  
Madison, WI 53702

Dear Secretary Morgan:

As per the Governor's request I am submitting the Office of the Commissioner of Railroad's 10% reduction plan. I have many serious concerns with the plan. As the head of a small agency, I am left with very few options and hope that you will give every possible consideration to my concerns.

First and foremost, the Office of Commissioner of Railroads is entirely funded by assessments on railroads for the service the Office performs in preserving safety where vehicular and pedestrian traffic encounter train traffic. The Wisconsin railroad companies I have met with support this practice and support my goals for the Office. According to the financial analysts at the Department of Administration, my Office must cut \$48,700 from our base budget. While this is a drop in the bucket for many of the larger agencies, this has a major impact on a small, five full-time employee agency that oversees the entire state of Wisconsin. The Office does not have any vacancies, nor are any of the current employees planning to retire.

From a purely financial perspective, the decision item that would meet the reduction requirement would involve laying-off one full-time safety analyst position. This would reduce our budget by \$52,100; \$3,700 more than the required 10% of \$48,700. However, this will leave the Office with only one remaining safety analyst to cover the entire state. Only two of these positions exist in Wisconsin. The positions themselves are uncompetitive and need further salary flexibility, not the other way around.

From 2005 through 2008, the Office opened nearly 400 dockets. The Safety Analyst position includes site visits to crossings listed in the dockets to verify the warning devices in place, the angle of approach and clearing sight distances among other factors. This position also investigates drainage, bridge and clearance issues. In addition, the position is responsible for reviewing the engineering plan for any proposed improvements. Extra duties include field investigations to verify that equipment was installed or to check on the health of the tracks, investigating rough crossing complaints and writing orders for the Commissioner's review. As passenger and freight rail increase, the Safety Analyst may be called on by the Federal Railroad Administration to perform safety inspections on the trains themselves.

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The Safety Analyst position is the extra sets of eyes and ears for the Commission. The Office's attorney relies on the Analyst to provide objective on-site data. Over half of the dockets, some including multiple crossings, need on-site investigations. Another 25% of the dockets require alternative investigations. The remainder of the dockets is handled either by other staff, or testimony based on discovery at a public hearing held by the Office attorney.

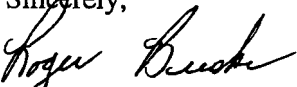
As you can see the two safety analyst positions play an intricate role in two-thirds of the dockets handled by this Office. Lay-off of an analyst is in direct conflict with the statutory mission of this office. Railroads, citizens and communities rely on this office to handle their cases expeditiously. It is often a matter of public safety.

Finally, as an alternative to lay-off I have looked at the office's \$65,000 in supplies and services budget, but after taking out annual costs for rent, phone, computers and other office equipment and state travel not much is left for anything else. Travel is essential to this office. Four of the five full-time staff travel on a regular basis for site visits, meetings with community leaders and to hold public hearings. A major interstate center for the railroads in Superior is over four hours away. Trying to cut expenditures out of the operating budget will not come close to reaching the \$48,700 goal.

The bottom line is that lay-off of an essential staff member or cutting funding for basic operations will reduce this Office to a dog-and-pony show and undermine Wisconsin's strong railroad tradition just at the cusp of a national expansion of freight and passenger rail (President Bush just approved funding authorization for the expansion of Amtrak, for which Wisconsin's Milwaukee-Madison corridor is an excellent candidate).

Thank you in advance for keeping my concerns in mind. Please feel free to give me a call anytime at 608-266-3182 if you have any questions or concerns.

Sincerely,



ROGER BRESKE  
Commissioner of Railroads

cc: David Schmeidicke  
Kirsten Grinde  
Tyler Byrnes