

**MARCH 16, 2018, LEGAL AFFAIRS COMMITTEE MEETING**-filed MARCH 13.docx

Members present: A. Hraban, J. Pearson, B. Stoneberg. Others present: A. and N. Christianson, Rep. J. Edming, K. Gorsegner, T. Hall, A. Kenyon, K. Julien.

**Bakken Crude:**

A memo was distributed wherein the Sheriff's Dept. was advised by CN that it isn't transporting any volatile Bakken Crude through Wisconsin. That seems unlikely given that ours is a main line from the Twin Ports south through Milwaukee to Chicago. An alternate line that runs south from the Twin Ports to St. Paul before cutting diagonally across WI to Chicago shows on a CN system map we have that it is owned by another railroad. AC will seek to confirm CN's assertion through WisDOT.

Mr. Hraban, who is on the Emergency Government Committee, noted that Bakken Crude isn't the only hazardous material being shipped on the rail line. There is also chlorine gas tank cars, as Rep. Edming referenced, and chemicals that are used to help dissolve minerals that aid in mining.

Rusk County Emergency Government Director Tom Hall, who was present at Chair Stoneberg's request, provided information which was quite useful including, but not limited to, the following:

- He, as County Director, is the only one who receives notice of volatile oil shipments.
- The last time he received notification of a shipment of Bakken crude through Wisconsin was in April of last year, when it was actually being shipped on BNSF's line in eastern MN. That may have coincided with a new pipe that started operations about that time in MN.
- He carries his cell phone all the time since notifying local responders is his to do if and when it may be necessary.
- CN is exempt from reporting shipments of less than one million gallons of volatile oil so sometimes seems to ship slightly lesser amounts.
- CN knows of derailments and similar problems within a couple minutes of them happening and can send folks out by copter in relatively short order.
- CenturyTel can send out thousands of emergency messages per minute, but not as many as the State-wide alert system could feed them.

**Unfunded Mandates:**

Adm. Christianson circulated a newsletter the City regularly receives from the League of Municipalities wherein it lists pending legislation that impacts cities. He noted that when such legislation is proposed the Legislative Fiscal Bureau estimates its financial impact on the State itself, but not on municipalities. He suggested having the Bureau analyze the financial impact on municipalities might impact how the legislation is viewed, adding that would be a real plus. Mr. Hraban then recalled how State legislation that required the City to create a tourism commission put it in a position where the City now has to, more or less, appropriate additional monies to cover its usual support to the Chamber of Commerce/Rusk Co. Tourism.

**Lake Ave. Crossing:**

It was explained that with Representative Edming's help, last fall, WisDOT and the Office of the Commissioner of Railroads (OCR) were convinced to go along with the City's plea not to install a raised concrete median at the Lake Ave. rail crossing when that portion of U.S. H. 8 is rebuilt, presumably in 2020. The City subsequently consented through Council action to plans filed at that time to install a painted only median over which emergency vehicles or other traffic like funeral processions might be escorted by LPD.

**ATV/UTV Rules:**

Those present reviewed current City rules requiring that those operating ATVs/UTVs on City streets possess a WI driver's license. Nancy Christianson, who does not have a license for medical reasons testified that eliminating that requirement will allow her to drive such vehicle to get around. Attention was called to an email wherein Chief Julien noted that neither County or State rules require ATV/UTV operators to have a driver's license. He went on to say that he doesn't see why the City's restriction needs to be there. It was noted that City rules still require operators to be age 18 or older and LPD can and will enforce "rules of the road" and speeding, which the bulk of calls relate to. Chief Julien also noted that a handful of folks with DWI issues use these vehicles to get to and from work. It was then suggested that sentences might provide for occupational licenses.

Mrs. Stoneberg stated that she had advocated in favor of requiring licenses and that her concern in doing so was to be sure young folks who might not have had driver's ed would be driving these vehicles without knowledge of "rules of the road". She added that she had not considered implications for adults. She advised that this subject will be added to a future agenda.

A handout was provided, which included LA minutes from June, 2015, wherein it was suggested that ATV/UTV operators be required to carry proof of insurance with them as passenger vehicle drivers are. Current City rules do not require this. It was noted that passenger vehicle insurance likely doesn't extend to recreational vehicles although homeowner's policies may. If not, a separate or rider policy would be needed. Mrs. Stoneberg noted the liability for causing an accident should be on the operator of the vehicle at fault.

**Park Board Duties:**

Those present briefly reviewed a copy of the ordinance indicating local Park Board duties, wherein items that don't seem to fit past practice have been red lined by way of indicating they should be removed with the expectation that these duties will be identified as belonging to the Youth and Recreation Committee, or others. Those present were asked to consider these for discussion at a future meeting.

**Adjourn:**

Chair Stoneberg adjourned the meeting at 1:12 p.m.