

## CHAPTER 189

## OFFICE OF THE COMMISSIONER OF TRANSPORTATION

189.01 Definitions

189.02 Office of the commissioner of transportation; powers and duties.

189.03 Transportation plans

**189.01 Definitions.** In this chapter:

(1) "Department" means the department of transportation.

(2) "Office" means the office of the commissioner of transportation.

(3) "Secretary" means the secretary of transportation.

**History:** 1977 c. 29; 1981 c. 347; 1983 a. 189.

**189.02 Office of the commissioner of transportation; powers and duties.** (1) The office may adopt rules to govern its proceedings and to regulate the mode and manner of hearings.

(2) The office may employ staff, including hearing examiners.

(3) The office may administer oaths, subpoena witnesses and documents or other physical evidence, take testimony and cause the taking of depositions.

(4) Any hearing granted by the department pursuant to a request therefor under s. 227.064 shall be conducted before the office which shall decide the matter.

(5) Decisions of the office are subject to judicial review under ch. 227.

(6) The secretary may request the office to hold hearings and advise the secretary on transportation plans, policies, goals, priorities and programs, including such hearings as may be

required for highway, airport or other transportation location matters.

(7) The secretary may by rule provide for administrative appellate review by the office of determinations of the department in areas specified by the secretary. In areas where such administrative appellate review is provided, recourse thereto shall be a condition precedent to judicial review under ch. 227.

(8) The commissioner of transportation may appoint a deputy commissioner of transportation in the unclassified service. The deputy commissioner shall possess all powers and perform the duties of the commissioner during a vacancy of the commissioner's position or during the absence or inability of the commissioner.

**History:** 1977 c. 29; 1979 c. 32 s. 92 (1); 1981 c. 347 ss. 22, 80 (1), (2); 1983 a. 27.

**189.03 Transportation plans.** In performing its duties and making its decisions the office may consider transportation plans, policies, or other documents if they are admitted into evidence. A party may conduct cross-examinations reasonably required for a full and true disclosure of the facts.

**History:** 1977 c. 29; 1981 c. 347 s. 80 (1).