

2005 DRAFTING REQUEST

Bill

Received: 03/21/2005

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Karl Van Roy (608) 266-0616

By/Representing: Eric Bott (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

Subject: Transportation - miscellaneous
Transportation - traffic laws

Extra Copies: PJH

Submit via email: YES

Requester's email: Rep.VanRoy@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Prohibiting use of traffic control signal emergency vehicle preemption devices

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 03/23/2005	lkunkel 03/23/2005		_____			Crime
/1			rschluet 03/24/2005	_____	lemery 03/24/2005	lnorthro 04/01/2005	

FE Sent For:

<END>

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/?	agary	1/mk 3/23					
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FE Sent For:

Handwritten notes and signatures: "3/23", "406", and "<END>".

Gary, Aaron

From: Bott, Eric
Sent: Monday, March 21, 2005 1:31 PM
To: Gary, Aaron
Subject: RE: PROHIBITING THE USE OF TRAFFIC SIGNAL PREEMPTION DEVICES

Thanks for letting me know Aaron. Contact me with any questions you have. I look forward to working with you.

Eric

-----Original Message-----

From: Gary, Aaron
Sent: Monday, March 21, 2005 1:29 PM
To: Bott, Eric
Subject: RE: PROHIBITING THE USE OF TRAFFIC SIGNAL PREEMPTION DEVICES

I would be the drafter.

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

-----Original Message-----

From: LRB.Legal
Sent: Monday, March 21, 2005 12:54 PM
To: Gary, Aaron
Cc: Rep.Van Roy
Subject: FW: PROHIBITING THE USE OF TRAFFIC SIGNAL PREEMPTION DEVICES
Importance: High

-----Original Message-----

From: Rep.Van Roy
Sent: Monday, March 21, 2005 12:34 PM
To: LRB.Legal
Subject: PROHIBITING THE USE OF TRAFFIC SIGNAL PREEMPTION DEVICES

Please see attached drafting request and supporting information. When a drafter is selected for this legislation, please have them contact Eric Bott in my office. THIS IS A HIGH PRIORITY.

Thank you.

<< File: MEMO - MIRTS Bill Request.21mar05.doc >>

Preemption Devises in Wisconsin: <http://www.jsonline.com/traffic/news/apr02/37064.asp>

The Potential for Havoc: <http://www.detnews.com/2003/commuting/0310/26/a01-307303.htm>

Sample Website where Joe Blow can buy such a device: <http://www.themirt.com/>

**TO: LRB-DRAFTING
FROM: REP. VAN ROY**

DATE: MARCH 21ST, 2005

**RE: PROHIBITING THE USE OF TRAFFIC SIGNAL PREEMPTION DEVICES,
ALSO KNOWN AS MOBILE INFRARED TRANSMITTERS, EXCEPT BY
MEMBERS OF LAW ENFORCEMENT DEPARTMENTS, FIRE
DEPARTMENTS, OR EMERGENCY MEDICAL SERVICES WHEN
RESPONDING TO EMERGENCIES AND PROVIDING A PENALTY.**

Currently Traffic Signal Preemption Devices, also known as Mobile Infrared Transmitters, which sit on a vehicle's dash, are not regulated by federal standards because they rely on a beam of light instead of a radio wave to trigger the light-changing mechanisms that are installed at some intersections. The devices were intended to help police, fire, and emergency services personnel respond to emergencies, however, they are now being offered for sale over the Internet to private individuals.

A recent U.S. Department of Transportation survey showed there are 26,500 intersections in 78 cities across the country that are susceptible to MIRTs.

Please draft a bill creating a prohibition on the use of traffic signal preemption devices, also known as mobile infrared transmitters, except by members of law enforcement departments, fire departments, or emergency medical services when responding to emergencies. Violators shall be charged with a misdemeanor and subject to up to one year in prison and a fine not to exceed \$10,000.

Original URL: <http://www.jsonline.com/traffic/news/apr02/37064.asp>

Here's a way to change those silly stoplights

Last Updated: April 21, 2002

Imagine never having to stop for a red light.

You could have this cool gadget on top of your car, and every time you got close to a red light, the gadget would send out a signal. And as soon as another gadget on the stoplight picked up the signal, the light would change green for you and turn red in every other direction.

Just a fantasy? Not at all. We have the technology. You can do this now.

Here's the only catch: You have to drive a fire engine, or maybe an ambulance.



Larry Sandler

[E-MAIL](#) | [ARCHIVE](#)

Devices that change traffic signals for emergency vehicles - officially called emergency vehicle pre-emption systems - have been used in some places for several years, but they're new elsewhere.

This explains the confusion of **Jonathan Munt**, a South Milwaukee reader who sent the Road Warrior a photograph of a doohickey on a traffic light at S. 6th St. and W. Rawson Ave. in Oak Creek.

"Is it a bird? A plane? Please check out the picture I have attached and speculate as to what . . . is mounted on that stoplight," wrote Munt, who signed his e-mail "Dumbfounded in South Milwaukee."

The Road Warrior checked out the picture and speculated it was one of those pre-emption devices. Then he quit speculating and called Oak Creek engineers.

Oak Creek is the latest area community to install pre-emption technology, and 6th and Rawson is the first intersection in that city to get it, said **Mike Sullivan**, a city design engineer. That intersection is near a new fire station, Sullivan explained.

The system uses small units in vehicles, called emitters, to transmit a beam of light to the larger units on the stoplights. So far, Oak Creek has installed emitters in one fire engine and one ambulance, but it plans to outfit all of its fire engines and ambulances, and eventually all of its police cars as well, Sullivan said.

Stoplights at major intersections will be set up for the system in connection with state and county highway projects, Sullivan said. Because many of the streets in Oak Creek are state or county highways, nearly all of the stoplights in the city - including 6th and Rawson - are under state or county control, he added.

Oak Creek is years behind Milwaukee in installing these devices, but Milwaukee's job is far from done, said **Chris Fornal**, a Milwaukee traffic engineer. Since the mid-1990s, Milwaukee has set up the system at 130 intersections. Work is under way at 40 more intersections, and officials hope to equip another 150 by 2006, he said.

Emitters have been installed in all Milwaukee fire engines, paramedic units and Fire Department command cars, Fornal said. Officials decided not to equip police cars, which follow less-predictable routes and move too fast in emergencies for the system to work, he said.

Milwaukee has spent \$700 to \$900 for each vehicle, and \$3,500 to \$5,000 for each intersection, Fornal said. Oak Creek hasn't added up its costs yet, Sullivan said.

Both Milwaukee and Oak Creek use the Opticom system manufactured by 3M, which is also used in Waukesha and is under study in some other suburbs.

Other technologies are available. At Puetz Road and S. Howell Ave., for example, Oak Creek firefighters can push a button in a nearby fire station to change the light green when fire engines are leaving, Sullivan said.

Fornal said he hopes all area municipalities eventually adopt the same system, to benefit firefighters crossing city lines to come to the aid of nearby communities.

Curbside comments

The way to the freeway is not a clear way, **Ralph** and **Caroline Tym** say.

At least that seems to be the problem at N. Lovers Lane Road and W. Silver Spring Drive, write the Tyms, a couple of readers from Milwaukee.

A sign at that intersection is supposed to direct northbound drivers to nearby U.S. Highway 45. The sign consists of a Highway 45 icon and an arrow pointing left.

However, as the Tyms point out, nobody in the left lane could see the arrow, because it was covered up by a stoplight.

It's true that drivers might have seen a previous sign a bit to the south, and they ought to be able to see the freeway right next to them, but as the Tyms say, "It wouldn't take much to raise the sign a bit higher for a better view from all lanes."

Jim Craft agrees. Craft, who is in charge of signs for the state Department of Transportation's southeastern district, sent workers to move the sign up after the Road Warrior asked about it. That sign could be fixed by the time you read this.

Trent Stevenson, on the other hand, may not be as satisfied with Craft's answer to another sign question.

Stevenson, a reader from Milwaukee, asks why the signs at the end of the I-43 off-ramps at W. Capitol Drive and N. Green Bay Ave. don't mention N. King Drive, which picks up where Green Bay leaves off, a little south of Capitol.

Craft says it's not DOT policy to direct drivers to roads that are away from the exit ramp, even if it's a block or two.

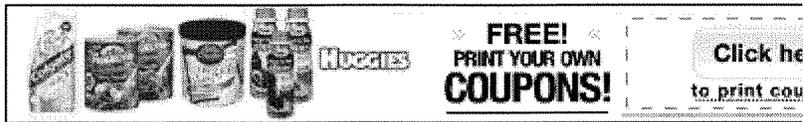
"We direct to the roads that are there" at the end of the ramp, and King Drive isn't there, Craft says.

Appeared in the Milwaukee Journal Sentinel on April 22, 2002.

Road Warrior Archive

-  [In some lanes, it's ready, set — and wait \(3/20/05\)](#)
-  [In time, signs will get updates 24-7 \(3/13/05\)](#)
-  [Confusion takes off at airport signs \(3/6/05\)](#)
-  [College Ave. name stuck, but the school didn't \(2/27/05\)](#)
-  [It's best to leave those lines alone \(2/20/05\)](#)
-  [Common sense rules near snowy curbs \(2/13/05\)](#)
-  [Yes, Virginia and Bruce, there is a plan \(2/6/05\)](#)
-  [I-PASS helps keep fees from taking a toll \(1/30/05\)](#)
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About Larry Sandler



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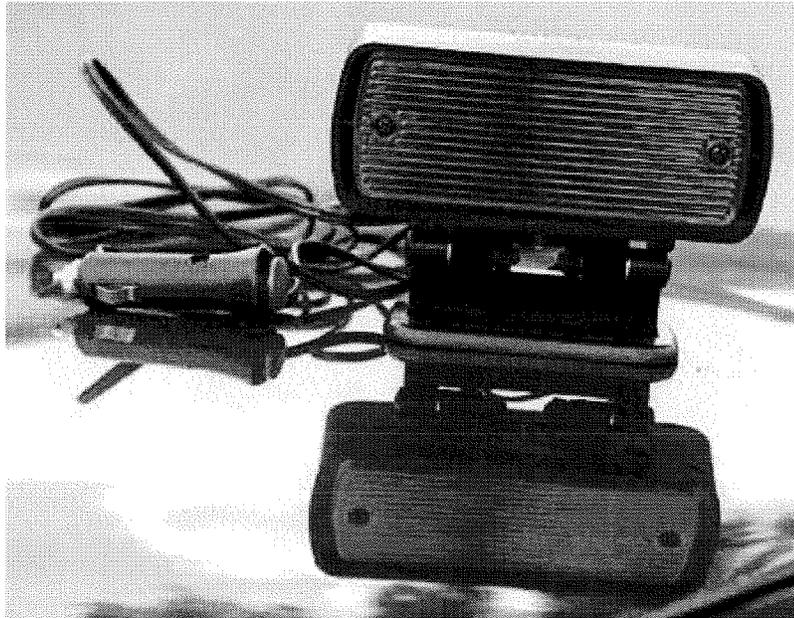
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Sunday, October 26, 2003

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Todd McInturf / The Detroit News

This \$300 device changes red traffic lights to green. Police are worried about chaos at intersections.

Gadget may wreak traffic havoc

In-car device lets drivers change stoplights; officials fear gridlock, seek to block signal

By Jodi Upton / The Detroit News

Tired of sitting at endless red lights? Frustrated by lights that turn from green to red too quickly, trapping you in traffic?

Now anyone can breeze through congested intersections just like the police, thanks to a \$300 dashboard device that changes traffic lights from red to green, making nasty commutes a thing of the past and leaving other drivers open-mouthed at your ability to manipulate traffic.

But what if everyone had one?

That's the fear of traffic control officials, who believe chaos would take over the roads. That's also the potential facing communities from Troy to Washington Township as Internet-marketed knockoffs of the device -- originally intended only for police and fire vehicles -- have become available to the public.

The knockoffs have traffic engineers investigating whether lockout measures will work against the copycats and whether hundreds of

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Sunday, October

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thousands of dollars in traffic technology investments will become obsolete.

Police are worried about the possibility of intersection chaos if people duel over control for lights. But even more fundamentally, the dashboard device may be impossible to detect even from a police car right next to it, and it may be perfectly legal anyway.

"The potential for chaos is enormous," Macomb County Sheriff Mark Hackel said.

The traffic light changer, called the MIRT for mobile infrared transmitter, emits a beam with a 1,500-foot range to a receiver installed at the intersection, which changes the light immediately, allowing an intersection to clear before a fire or rescue truck approaches.

"That's unreal. I want one," Hackel said while watching a test device change the lights at the touch of a button.

The devices are normally installed on the fire truck and respond automatically. The MIRT requires the press of a button and plugs into the cigarette lighter.

Unlike other devices, like radar jammers and certain laser detectors that emit radio signals, the MIRT and other signal changers emit an infrared beam, so it doesn't run afoul of the Federal Communications Commission, said Chelsea Fallon, a spokeswoman for the agency.

Because no laws apply to the MIRT in Michigan and elsewhere, new ones may have to be written. "I guess I have something to talk to the (state) legislators about," Hackel said.

Copycats sold online

While government officials search legal texts for possible legal infractions, dealers are lining up to sell MIRTs.

Scott Pregler of Shelby Township was one of the first, adding it to his other business of after-market aerodynamic car body parts "like that stuff in 'The Fast and the Furious,' you know?" he said, referring to a movie in which a gang of drivers in super-fast cars repeatedly outwit the police.

Pregler said he hasn't even tried the device yet, and plans to focus on selling it to small police and fire agencies that can't afford the more expensive version of the technology, marketed by 3M, which bigger cities and counties buy.

"We'll probably try to avoid (selling to the public) if it may cause problems in the future," said Pregler, whose company is named Vision Aerodynamics.

The 3M knockoffs, like the MIRT, are available on the Internet, but they work only at intersections that have receivers. There are about 85 such intersections in Troy, along Big Beaver and Rochester Road and other main corridors. Farmington and Novi also have invested in the receivers, which can run \$15,000 to \$20,000 per intersection, including wiring and installation.

But the real vulnerability may lie in whether the receivers can lock out devices like the MIRT and read only the signal from specific fire trucks. Many receivers already purchased by Troy, for example, can't be locked out and can't be upgraded, said Frank Carrier, the primary 3M dealer in southeast Michigan.

Troy traffic engineer John Abraham said newer receivers are programmable, making it unclear how vulnerable the city is to MIRTs.

"We had a scare a few years ago when we realized there was a potential for the technology to get out, so we upgraded," Abraham said.

In Macomb, Washington Township along Old Van Dyke has been a test site. But the county has only six intersections with receivers, and the technology was able to lock out the MIRT on Friday.

"But if something comes up that gets around the lock, I'll take them all out. It would be chaos," said Dan McNerney, traffic operations engineer at the Road Commission of Macomb County.

For now, Macomb allows only fire trucks to have the device, fearing that if police and paramedics also have it, it would cause havoc at larger emergency scenes.

Wayne County has none of the intersection systems, mostly because of a fear that if there was an accident because of the light change, the county would be held legally responsible, spokeswoman Vanessa Denha said. But there are some similar devices on traffic lights outside some firehouses to help trucks get out.

Because Michigan's communities have not invested in the traffic technology as heavily as some states, problems with copycat devices like the MIRT are just beginning to appear.

Competition, critics grow

Tim Gow, who markets the device through his company, FAC, which also sells high-end weapons and accessories to police, said he's not using the Internet to appeal to the public, but only to level the playing field in a David-versus-Goliath market.

"We will need an army of distributors to go up against 3M," Gow said. He said he is aiming to sell to small police, fire and emergency agencies who can't afford the 3M systems but can afford his \$499 device, which is higher than his direct-to-the-dealer price.

He says he has rejected some dealers -- including a pizza delivery guy who wanted to use the device. He asks dealers to promise not to sell directly to the public and to use their device for demonstrations only.

Gow knows he may not hear about infractions. But if he does, he says he will revoke a dealership.

"I have a highly unique product here, and I'm going beyond what I have to do to sell a legal product," Gow said. "The BATF (federal Bureau of Alcohol, Tobacco and Firearms) and the FBI, these are organizations I answer to every day. We have no issues with these governing bodies."

But if communities start locking out the MIRT, Gow may not be able to compete at all.

Frank Carrier, the 3M dealer, says that's only fair. If Gow wants to compete, he should create his own system, including a receiver that can be locked as well, Carrier said. Providing only a transmitter as his business is parasitic, he said.

However long the MIRT survives, it's only one of a number of devices that frustrated and lead-footed drivers have snatched up over the years with an aim of having an advantage over the police. The difference is, few of them actually work.

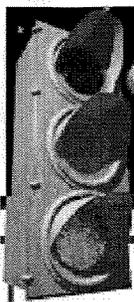
"People are gullible, and they have discretionary income," said P. David Fisher, professor emeritus of electrical engineering at Michigan State University. He said the issue of a national campaign to expose the businesses that sell radar jammers and laser detectors that, by definition,

if they are effective are illegal, has been discussed at public safety conventions.

"It's a very interesting ethical dilemma. Here are all these gullible people. Why should we protect them? On the other hand, they are causing a number of crashes."

You can reach Jodi Upton at (313) 222-2310 or jupton@detnews.com.

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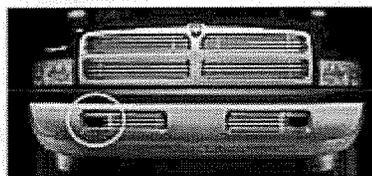
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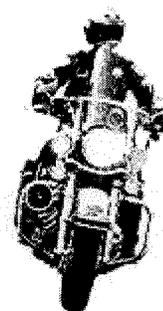
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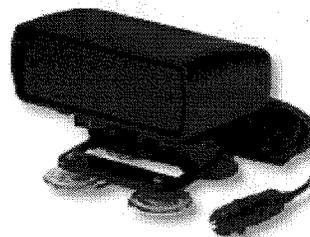


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2005 BILL

ReGen

1 AN ACT to renumber 347.255 (2); to renumber and amend 347.255 (1) and
 2 347.255 (3); to amend 347.255 (title); and to create 347.255 (1m) and 347.255
 3 (5) of the statutes; relating to: traffic control signal emergency preemption
 4 devices and providing a penalty ✓

Analysis by the Legislative Reference Bureau

Under current law, certain authorized emergency vehicles (police and fire department vehicles and ambulances) may be equipped and operated with lamps designed and used to activate traffic control signal emergency preemption devices. No operator of such an authorized emergency vehicle may use these lamps except under specified emergency circumstances. Any person who is convicted of a violation of this prohibition is subject to a forfeiture of not less than \$10 nor more than \$200.

Under this bill, an emergency preemption device is defined as a device on a traffic control signal that permits an approaching vehicle to alter the normal sequence of the signal to provide or maintain a green light for the emergency vehicle. A transmitter emits a signal for the purpose of activating an emergency preemption device. With limited exceptions, this bill prohibits a person from operating a motor vehicle, other than these authorized emergency vehicles, that is equipped with a transmitter or in which a transmitter is located. The bill also prohibits the use of any transmitter in an authorized emergency vehicle except under specified emergency circumstances. Any person who is convicted of a violation of these prohibitions is

Insert ANAL

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this

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subject to the same forfeiture that applies to a violation under current law, a forfeiture of not less than \$10 nor more than \$200.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 347.255 (title) of the statutes is amended to read:

347.255 (title) Auxiliary lamps on emergency vehicles used to activate; traffic control signal emergency preemption devices.

SECTION 2. 347.255 (1) of the statutes is renumbered 347.255 (2m) and amended to read:

347.255 (2m) An authorized emergency vehicle described in s. 340.01 (3) (a), (e), (g) or (i) may be equipped and operated with lamps designed and used solely, or with any other transmitter designed and used, to activate official traffic control signal emergency preemption devices.

SECTION 3. 347.255 (1m) of the statutes is created to read:

347.255 (1m) In this section:

(a) "Authorized emergency vehicle" means an authorized emergency vehicle as defined in s. 340.01 (3) (a), (c), (g), or (i).

(b) "Emergency preemption device" means a device, located on or within a traffic control signal, that is designed to receive an electronic, radio, light, or sound transmission from an approaching vehicle that alters the normal sequence of the traffic control signal to provide or maintain a green signal for the vehicle to proceed through the intersection.

(c) "Transmitter" means a device that emits a signal for the purpose of activating an emergency preemption device.

SECTION 4. 347.255 (2) of the statutes is renumbered 347.255 (3m).

add CRIME component

LPS: PLS change component

renumbered 347.385 (title) and

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move to after section 5

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BILL

1 **SECTION 5.** 347.255 (3) of the statutes is renumbered 347.³⁸~~255~~ (4) and amended

2 to read:

3 347.³⁸~~255~~ (4) No operator of an authorized emergency vehicle may use such a
4 transmitter, including lamps under sub. (2m), except when responding to an
5 emergency call, when pursuing an actual or suspected violator of the law, or when
6 responding to, but not when returning from, a fire alarm.

→ moved from p. 2

7 **SECTION 6.** 347.³⁸~~255~~ (5) of the statutes is created to read:

8 347.³⁸~~255~~ (5) No person may operate upon a highway a motor vehicle, other than
9 an authorized emergency vehicle, that is equipped with a transmitter or in which a
10 transmitter is located. This subsection does not apply to a motor carrier or person
11 in the business of selling transmitters to authorized users who transports a
12 transmitter in original, unopened packaging or in an inoperative condition in an
13 enclosed storage compartment of the vehicle.

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(END)

Insert 3-13

2005-2006 DRAFTING INSERT
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LEGISLATIVE REFERENCE BUREAU

LRB-2529/lins
ARG:.....

INSERT ANAL:

(no P) A person who is convicted of a violation of this prohibition is subject to a fine of not more than \$10,000 or imprisonment for not more than one year or both. ✓

INSERT 3-13:

SECTION 1. 347.50 (1) of the statutes is amended to read: ✓

347.50 (1) Any person violating ss. 347.35 to 347.49, except s. 347.385 (5), s. ✓
347.413 (1) or s. 347.415 (1m), (2) and (3) to (5) or s. 347.417 (1) or s. 347.475 or s.
347.48 (2m) or (4) (a) or s. 347.489, may be required to forfeit not less than \$10 nor
more than \$200. ✓

History: 1971 c. 278; 1975 c. 121; 1981 c. 327; 1983 a. 243; 1985 a. 309; 1987 a. 132; 1989 a. 22; 1991 a. 26, 277; 2001 a. 28; 2003 a. 166.

SECTION 2. 347.50 (1m) of the statutes is created to read:

347.50 (1m) Any person violating s. 347.385 (5) may be fined not more than
\$10,000 or imprisoned for not more than one year in the county jail, or both, for each
violation. ✓

History: 1971 c. 278; 1975 c. 121; 1981 c. 327; 1983 a. 243; 1985 a. 309; 1987 a. 132; 1989 a. 22; 1991 a. 26, 277; 2001 a. 28; 2003 a. 166.

Northrop, Lori

From: Bott, Eric
Sent: Friday, April 01, 2005 2:58 PM
To: LRB.Legal
Subject: Draft review: LRB 05-2529/1 Topic: Prohibiting use of traffic control signal emergency vehicle preemption devices

It has been requested by <Bott, Eric> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2529/1 Topic: Prohibiting use of traffic control signal emergency vehicle preemption devices