



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2005 Wisconsin Act 95**  
[2005 Assembly Bill 512]

**Railroad Signs**

**Current law** requires railroad companies to maintain “Railroad Crossing” signs on each side of the tracks wherever their tracks cross public highways or streets. Current law also permits the Office of the Commissioner of Railroads, upon petition of the Department of Transportation (DOT), a local authority, or other interested party, to issue an order requiring the installation of certain railroad crossing improvements (automatic signals or other warning devices to improve safety). DOT pays for the cost of installing the signals or other warning devices and the railroad companies pay for the cost of maintaining the signals or other warning devices, subject to available reimbursement from DOT of up to 50% of the annual maintenance costs.

**2005 Wisconsin Act 95** modernizes terms used to refer to the “Railroad Crossing” sign, commonly known as a crossbuck sign, and requires that such signs required to be maintained by railroad companies conform with the Manual on Uniform Traffic Control Devices adopted by DOT. The Act also requires railroad companies, not later than July 1, 2007, to install and maintain a yield sign below the crossbuck sign at any crossing at which the railroad is required to maintain a crossbuck sign and that is not controlled by a gate, automatic signal, or stop sign. DOT must provide to railroad companies one yield sign for each location at which a yield sign is required to be installed and may charge a fee, which may not exceed DOT’s actual cost, for each sign provided. The railroad companies are responsible for the installation, maintenance, and replacement, and all costs associated therewith, of the yield signs. The railroad companies may not be held liable for damage to any person or property arising from a traffic accident at the railroad crossing that occurs between the Act’s effective date and July 1, 2007, and that is caused by the railroad companies’ failure to install these yield signs.

**Under current law**, the operator of a vehicle:

1. May not drive the vehicle on or across a railroad crossing while being signaled to stop by a traffic officer, railroad employee, or warning device. After stopping for a warning device, however, the operator may proceed if no train is approaching.

---

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.

2. May not drive the vehicle through, around, or under any railroad crossing gate or barrier if it is closed or is being opened or closed.

3. Must, when approaching an official stop sign at a railroad crossing, stop the vehicle at least 10 feet but not more than 30 feet from the nearest rail before proceeding on or over the railroad crossing.

An operator who fails to comply with item 1. or 2., above, may be required to forfeit not more than \$1,000, except that a bicyclist may be required to forfeit not more than \$40. An operator who fails to comply with item 3., above, may be required to forfeit not less than \$40 nor more than \$80 or, for a second or subsequent violation within a year, not less than \$100 nor more than \$200, except that a bicyclist may be required to forfeit not more than \$40.

**This Act** prohibits the operator of a vehicle from driving the vehicle on or across a railroad crossing that is posted with a crossbuck sign if any train occupies the crossing or approaches so closely to the crossing as to constitute a hazard. An operator who fails to comply with this prohibition is subject to the same forfeiture that applies to a violation of item 1. and 2., above.

*Effective Date:* The effective date of 2005 Wisconsin Act 95 is January 20, 2006.

*Prepared by:* Phil G. Cardis, Staff Attorney

January 31, 2006

PGC:rv