



2003 ASSEMBLY BILL 846

February 16, 2004 – Introduced by Representatives AINSWORTH, OWENS, HAHN, OTT, PETROWSKI, KRAWCZYK, GRONEMUS, ALBERS, MUSSER, VAN ROY and GUNDERSON, cosponsored by Senators COWLES, ROESSLER, A. LASEE and SCHULTZ. Referred to Committee on Transportation.

1 **AN ACT** *to repeal* 195.282; *to renumber and amend* 192.29 (5); *to amend*
2 20.395 (2) (gr), 20.395 (2) (gx), 192.29 (5) (title), 192.29 (5) (b) and 195.286 (5);
3 *to repeal and recreate* 20.395 (2) (gr) and 20.395 (2) (gx); and *to create* 192.29
4 (5) (b), 195.282 and 346.44 (1) (c) of the statutes; **relating to:** traffic regulations
5 and traffic control devices at railroad crossings, making appropriations, and
6 providing a penalty.

Analysis by the Legislative Reference Bureau

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.

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 ten 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

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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 bill prohibits the operator of a vehicle from driving the vehicle on or across a railroad crossing that is posted with a yield sign if any train occupies the crossing or approaches so closely to the crossing as to constitute a hazard of collision. 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.

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 (OCR), 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 percent of the annual maintenance costs.

This bill 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 (MUTCD) adopted by DOT. The bill also requires railroad companies 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 or, in lieu of providing the signs, provide reimbursement to the railroad companies for the cost incurred in obtaining the signs from another source. The railroad companies are responsible for the installation, maintenance, and replacement, and all costs associated therewith, of the yield signs. If there are insufficient funds for DOT to pay for all signs or to provide all reimbursement, DOT must prorate among the railroad companies the number of signs, and the amount of reimbursement, to be provided. DOT may not provide to any railroad company more than one yield sign, or reimbursement for more than one yield sign, for each location at which a yield sign is required. To obtain a yield sign without charge from DOT, or to obtain reimbursement for a yield sign obtained elsewhere, a railroad company must request the yield sign or reimbursement within approximately one year after the effective date of these provisions.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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1 **SECTION 1.** 20.395 (2) (gr) of the statutes is amended to read:

2 20.395 (2) (gr) *Railroad crossing improvement and protection installation,*
3 *state funds.* As a continuing appropriation, the amounts in the schedule to pay the
4 costs for railroad crossing protection improvements under s. 195.28 (2) ~~and~~, for the
5 installation of railroad crossing gates under 1999 Wisconsin Act 9, section 9150 (9g),
6 and for railroad crossing yield signs under s. 195.282.

7 **SECTION 2.** 20.395 (2) (gr) of the statutes, as affected by 2003 Wisconsin Act ...
8 (this act), is repealed and recreated to read:

9 20.395 (2) (gr) *Railroad crossing improvement and protection installation,*
10 *state funds.* As a continuing appropriation, the amounts in the schedule to pay the
11 costs for railroad crossing protection improvements under s. 195.28 (2) and for the
12 installation of railroad crossing gates under 1999 Wisconsin Act 9, section 9150 (9g).

13 **SECTION 3.** 20.395 (2) (gx) of the statutes is amended to read:

14 20.395 (2) (gx) *Railroad crossing improvement, federal funds.* All moneys
15 received from the federal government for the purposes of railroad crossing protection
16 under s. 195.28 ~~and~~, for the purposes of railroad crossing gates under 1999 Wisconsin
17 Act 9, section 9150 (9g), and for the purposes of railroad crossing yield signs under
18 s. 195.282, for such purposes.

19 **SECTION 4.** 20.395 (2) (gx) of the statutes, as affected by 2003 Wisconsin Act ...
20 (this act), is repealed and recreated to read:

21 20.395 (2) (gx) *Railroad crossing improvement, federal funds.* All moneys
22 received from the federal government for the purposes of railroad crossing protection
23 under s. 195.28 and for the purposes of railroad crossing gates under 1999 Wisconsin
24 Act 9, section 9150 (9g), for such purposes.

25 **SECTION 5.** 192.29 (5) (title) of the statutes is amended to read:

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1 192.29 (5) (title) ~~DANGER~~ RAILROAD CROSSING AND YIELD SIGNS.

2 **SECTION 6.** 192.29 (5) of the statutes is renumbered 192.295 (5) (a) and
3 amended to read:

4 192.295 (5) (a) Wherever its track crosses a public highway or street, every
5 railroad corporation shall maintain on each side of the track ~~and near such crossing~~
6 ~~a large signboard with the following inscription, painted in large letters: "Railroad~~
7 ~~Crossing," in such manner as to be visible to approaching traffic on the highway or~~
8 ~~street at least 100 feet distant~~ a highway-rail-grade crossing sign, commonly known
9 as a crossbuck sign, that conforms with the Manual on Uniform Traffic Control
10 Devices adopted by the department under s. 84.02 (4) (e).

11 **SECTION 7.** 192.29 (5) (b) of the statutes is created to read:

12 192.29 (5) (b) Subject to s. 195.282, at every railroad crossing at which a
13 railroad corporation is required to maintain a sign described in par. (a) and that is
14 not controlled by a gate, automatic signal, or official stop sign, the railroad
15 corporation shall install and maintain, below the sign described in par. (a), a yield
16 sign that conforms with the manual of uniform traffic control devices adopted by the
17 department under s. 84.02 (4) (e).

18 **SECTION 8.** 192.29 (5) (b) of the statutes, as created by 2003 Wisconsin Act
19 (this act), is amended to read:

20 192.29 (5) (b) ~~Subject to s. 195.282, at~~ At every railroad crossing at which a
21 railroad corporation is required to maintain a sign described in par. (a) and that is
22 not controlled by a gate, automatic signal, or official stop sign, the railroad
23 corporation shall install and maintain, below the sign described in par. (a), a yield
24 sign that conforms with the manual of uniform traffic control devices adopted by the
25 department under s. 84.02 (4) (e).

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1 **SECTION 9.** 195.282 of the statutes is created to read:

2 **195.282 Yield signs for grade crossings. (1)** The department shall, upon
3 request, provide to each railroad company one yield sign for each location at which
4 a yield sign is required to be installed by the railroad company under s. 192.29 (5)
5 (b) or, in lieu of providing such a sign, the department shall reimburse the railroad
6 company for the cost of each such sign obtained by the railroad company from a
7 source other than the department. The cost of the yield signs provided by the
8 department under this section, and all funds expended by the department under this
9 section for reimbursement for yield signs obtained from other sources, shall be paid
10 from the appropriations under s. 20.395 (2) (gr) and (gx). If the amount in the
11 appropriations under s. 20.395 (2) (gr) and (gx) is not adequate to fund the
12 department's expenses under this section, the department shall prorate the number
13 of signs and the amount of reimbursement to be provided to the railroad companies
14 in the manner determined by the department.

15 **(2)** Every railroad company shall be responsible for the installation,
16 maintenance, and replacement, and all costs associated therewith, of any sign
17 received from or funded by the department under sub. (1). The department may not
18 provide to any railroad company more than one yield sign, or reimbursement for
19 more than one yield sign, for each location at which the railroad company is required
20 to install a yield sign under s. 192.29 (5) (b). The department may not provide to any
21 railroad company a yield sign, or reimbursement for a yield sign, first requested after
22 the first day of the 13th month beginning after the effective date of this subsection
23 [revisor inserts date].

24 **SECTION 10.** 195.282 of the statutes, as created by 2003 Wisconsin Act (this
25 act), is repealed.

