

No. 236, A.]

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AN ACT to repeal and recreate 192.29 (1) and (2); to amend 192.29 (3) (b) and 195.28; and to create 20.49 (7b) of the statutes, relating to safety measures at grade crossings, making an appropriation, and providing penalties.

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

SECTION 1. 20.49 (7b) of the statutes is created to read:

20.49 (7b) RAILROAD GRADE CROSSING IMPROVEMENTS. Annually, beginning July 1, 1949, not to exceed \$250,000 to pay the cost of crossing protection under section 195.28.

SECTION 2. 192.29 (1) and (2) of the statutes are repealed and recreated to read:

192.29 (1) SETTING MAXIMUM SPEED. Upon petition to the public service commission by the governing body of any city or village or by any railroad corporation alleging that any railroad crossing at one or more public highways or streets in such city or village is dangerous to human life and that public safety requires a designation of the maximum speed of a train over such crossing or crossings, or that an order previously made by the commission should be modified, the commission shall give notice to the parties in interest and order a hearing thereon in the manner provided by section 196.26. If, after such hearing, the commission shall determine that the crossing or crossings described in such petition are dangerous to human life, it may by order determine what maximum speed of a train over such crossing is reasonably required by public safety and is consistent with the public need for adequate and expeditious passenger and freight service by railroad, having due regard for other orders entered by the commission and to practical railroad operating conditions. Where the commission has so designated the maximum speed of any train or trains over such crossing or crossings, such rate of speed shall be the lawful maximum speed at which any train affected by such order can be operated over such public highway or street crossing, until changed by subsequent order of the commission. Any railroad corporation violating any order entered under this section shall be guilty of a violation treated to the state not less than \$10 nor more than \$100. The jurisdiction over train speeds hereby vested in the commission shall be exclusive, but any order entered by the commission hereunder shall be subject to judicial review in the manner provided by chapter 221.

(2) ARTERIAL STOP SIGNS. In any proceeding under subsection (1) of this section or section 195.28, the board, when by order notified by the state or municipality, install an arterial stop sign of the size and type prescribed in chapter section S5.71 for use at arterials for through traffic at any crossing involved in such proceeding; and it shall be unlawful for the operator of any vehicle and every person or person or by which any person or property is or may be drawn, moved or drawn upon a public highway, to fail to come to full and complete stop not less than 10 nor more than 30 feet from the nearest rail before proceeding on or over any crossing at which such sign has been installed. Any person violating this section shall be fined not to exceed \$25.

SECTION 3. 192.29 (3) (b) of the statutes is amended to read:

192.29 (3) (b) Flagmen or gates shall be placed and maintained, or such mechanical safety appliances shall be installed near such public-traveled grade crossings in villages and cities as the city or village authorities and the railroad company may * * * by agreement determine; such agreement must include the appropriation of the cost of installation of such mechanical devices.

SECTION 4. 195.28 of the statutes is amended to read:

195.28 Upon * * * petition of the city council, village board, member of town board, superintendent of highways or of 5 or more road officers in any town, village or city, or of any railroad corporation, * * * determine whether a public highway and railroad grade crossing * * * is dangerous to human life, the commission shall proceed in the manner provided in section 196.26. * * * Notice of hearing shall be served upon the highway commission, which shall be an interested party, and any recommendation it may file with the public service commission at or prior to the hearing regarding crossing protection or appointment of flagmen thereof shall be considered as evidence in the proceeding. The commission shall determine whether the existing warning devices at such crossing are adequate, and if the crossing complained of is dangerous to human life, the commission may order the railway company to * * * keep a flag-

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man there, * * * or may order the installation of gates, electric * * * signals or other suitable safety device at such crossing. The cost of such protection shall be apportioned between the railroad and the state on the basis of benefits received by the railroad and the public, respectively, the public's portion to be paid by the state from the appropriation provided for in section 23.12. In no case shall the state's share exceed 50 per cent of the cost.

Approved in part and vetoed in part, July 13, 1949.
Vetoed part passed, September 12, 1949.