

1999 DRAFTING REQUEST

Bill

Received: 0712211999

Received By: **nilsepe**

Wanted: **As time permits**

Identical to LRB:

For: **Gary Sherman (608) 266-7690**

By/Representing:

This file may be shown to any legislator: NO

Drafter: **nilsepe**

May Contact:

Alt. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies: **TNF**

Pre Topic:

No specific pre topic given

Topic:

Speed limit at school crossings regardless of presence of children

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>
/?	nilsepe 07/22/1 999	wjackson 0712611999		_____			
/1	nilsepe 08/17/1999	gilfokm 08/17/1999	martykr 07/28/1999	_____	lrb-docadmin 07/28/1999		
/2			mclark 08/18/1999	_____	lrb_docadmin 08/18/1999	lrb-docadmin 10/21/1999	

FE Sent For:

Not Needed

<END>

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/?	nilsepe 07/22/1999	wjackson 07/26/1999		_____			
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I?	nilsepe 0712211999	wjackson 0712611999		_____			
/1		12-8-17-99 King	martykr 07/28/1999	_____	lrb_docadmin 07/28/1999		
FE Sent For:			mrc 8/18	mrc/HH 8/18			

<END>

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1?	nilsepe	1-7/23/99 King	km 7/28	JF 7/28			

FE Sent For:

<END>



REPRESENTATIVE GARY E. SHERMAN
74th Assembly District

, 3326

State Capitol
P.O. Box 8953
Madison, WI 53708
(608) 266-7690
Toll-free: 1-888-534-0074
Fax: (608) 282-3674
E-mail: rep.sherman@legis.state.wi.us

District Address:
11800 Sherman bad
P.O. Box 157
Port Wing, WI 54865
715-774-3113

Drafting request sent to me by Page Decker, Chief of Police, City of Ashland:

Several months ago an Ashland citizen was stuck and killed on Highway 2 in front of Our Lady of the Lake Catholic Church and School in Ashland. A committee of citizens and community officials spent many hours discussing this incident, searching for ways to reduce the potential for future recurrences. Although this incident was unusual and significant for the Ashland community, it happens far too many times throughout the state. Schools present special problems, and in my view Wisconsin's school zone law needs some tweaking to make it more enforceable and therefore more effective.

As motor vehicle traffic in urban areas continues to increase at record rates, schools that are located on busy streets and highways must find ways to protect their children. Compounding the problem, Wisconsin's current state law that regulates vehicular traffic within school zones is less effective than it could be. With the verbiage, *when children are present*, in the statutes, drivers routinely ignore the 15 MPH limits unless they see a child.

Because children are usually small people and may be hidden by parked cars, etc., the potential for tragedy is increasing exponentially with the traffic rates. Drivers find themselves scanning school buildings and adjacent playgrounds instead of watching the road, and courts are reluctant to convict violators when they present the reasonable defense that they did not see a child.

To overcome the problem, many states have adopted speed laws that regulate the speed of traffic in school zones during the entire time school is in session. With appropriate signage equipped with flashing lights that operate only during school hours, drivers may not exceed 15 MPH or pass other vehicles until clear of the zone's marked crosswalks. Fines for violating school zone speed laws are enhanced and enforcement is strict. In these states the driving public has been educated and voluntary compliance is the rule instead of the exception.

Wisconsin should strongly consider *removing* the element that *children must be present* must be present before the speed limit is enforceable.

Freidig, Boots

From: Sherman, Gary
Sent: Saturday, May 08, 1999 1:25 PM
To: 'Page DECKER'
cc: Freidig, Boots
Subject: RE: School Zone Legislation

This is an **excellant** idea. I will have Boots contact DoT for me and we will work out appropriate language, and fiscal estimate. My thought is to add "15mph when flashing" as an option and then encourage authorities to install the signs. In the mean time, the old rule would continue to apply until the signs were all replaced. The other task will be to provide funding for the signage. I will work on that, as well, but it is pretty late in the budget process to get it in this year. I wish I had known sooner, because I think this would have gotten good reception from the budget makers. I will talk to my "budget buddy" just in case it is not too late.

Gary E. Sherman
74th Assembly District

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

From: Page DECKER [mailto:PDecker@coawi.org]
Sent: Friday, May 07, 1999 10:56 AM
To: Rep.Sherman
Subject: School Zone Legislation

Good Morning Sir,

As you may have heard, some 5 months ago an Ashland citizen was struck and killed on Highway 2 in front of Our Lady of the Lake Catholic Church and School in Ashland. A committee of citizens and community officials spent many hours discussing this incident, searching for ways to reduce the potential for future recurrences. Although this incident was unusual and significant for the Ashland community, it happens far too many times throughout the state. Schools present special problems and in my view Wisconsin's school zone law needs some tweaking to make it more enforceable and therefore more effective. Please consider the following:

As motor vehicle traffic in urban areas continues to increase at record rates, schools that are located on busy streets and highways must find ways to protect their children. Compounding the problem, Wisconsin's current state law that regulates vehicular traffic within school zones is less effective than it could be. With the verbiage, "when children are present" in the statute, drivers routinely ignore the 15 MPH limits unless they see a child. Because children are usually small people and may be hidden by parked cars and etc, the potential for tragedy is increasing exponentially with the traffic rates. Drivers find themselves scanning school buildings and adjacent playgrounds instead of watching the road, and courts are reluctant to convict violators when they present the reasonable defense that they did not see a child.

*Gary;
This is the
bill draft as
requested by
Page Decker*

To overcome the problem many states have adopted speed laws that regulate the speed of traffic in school zones during the entire time school is in session. With appropriate signage equipped with flashing lights that operate only during school hours, drivers may not exceed 15 MPH or pass other vehicles until clear of the zone's marked crosswalks. Fines for violating school zone speed laws are enhanced and enforcement is strict. In these states the driving public has been educated and voluntary compliance is the rule instead of the exception.

Wisconsin should strongly consider removing the element that children must be present before the speed limit is enforceable.

Unfortunately, the State of Wisconsin's Department of Transportation does not capture information on school zone related crashes, so it is not possible to compare statistics in Wisconsin with states that have adopted the suggested change.

Thank you for any assistance you can be in moving this proposal forward in the legislature.

Page W. Decker
Chief of Police
City of Ashland

3326/1

1999 BILL ,

1 **AN ACT to amend** 346.57 (4) (b) of the statutes; **relating to:** speed limit at ~~dept~~^{the}

2 intersections marked with school crossing signs.

Analysis by the Legislative Reference Bureau

Current law requires a motorist approaching an intersection marked with a "school crossing" sign to slow to 15 miles per hour or slower when children are present.

This bill requires a motorist approaching an intersection marked with a "school crossing" sign to slow to 15 miles per hour or slower ~~when any child or any school crossing guard~~^{when any child or any school crossing guard} is present.
 regardless of whether

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

3 **SECTION 1.** 346.57 (4) (b) of the statutes is amended to read:

4 **346.57 (4)** (b) Fifteen miles per hour when passing an intersection properly

5 marked with a "school crossing" sign of a type approved by the department ~~when~~

6 children are ~~any child or a school crossing guard~~^{any child or a school crossing guard} is present.
 plain

7 **SECTION 2. Initial applicability.**

**SUBMITTAL
FORM**

LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 08/18/1999

To: Representative Sherman

Relating to LRB drafting number: LRB-3326

Topic

Speed limit at school crossings regardless of presence of children

Subject(s)

Transportation - traffic laws

1. **JACKET** the draft for introduction _____

in the **Senate** _____ or the **Assembly** _____ (check only one). Only the requester under whose name the drafting request is entered in the **LRB's** drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval **with changes incorporated.**

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney
Telephone: (608) 261-6926



1999 BILL

1 **AN ACT to renumber and amend** 346.57 (4) (b); and **to create** 346.57 (4) (b) 2.
2 of the statutes; **relating to:** the speed limit at intersections marked with school
3 crossing signs.

Analysis by the Legislative Reference Bureau

Current law requires a motorist approaching an intersection marked with a "school crossing" sign to slow to 15 miles per hour or slower when children are present.

This bill requires a motorist approaching an intersection marked with a "school crossing" sign to slow to 15 miles per hour or slower when children are present or, regardless of whether any child is present, if the "school crossing" sign is equipped with yellow lights and the lights are flashing.

that can be activated by

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

4 SECTION 1. 346.57 (4) (b) of the statutes is renumbered 346.57 (4) (b) 1. and
5 amended to read:



REPRESENTATIVE GARY E. SHERMAN
74th Assembly District

State Capitol
P.O. Box 8953
Madison, WI 53708
(608) 266-7690
Toll-free: 1-888-534-0074
Fax: (608) 282-3674
E-mail: rep.sherman@legis.state.wi.us

District Address:
11800 Sherman Road
P.O. Box 157
Port Wing, WI 54865
715-774-3113

TO: Paul E. Nilsen
Legislative Reference Bureau

FROM: Rep. Gary Sherman

DATE: August 17, 1999

RE: LRB-3326

I think this goes too far in the other direction.

Nobody will support creating hundreds of 15 mph speed limits, 365 days per year, when not needed most of the time. Even if it passed, people would just ignore the zones, increasing rather than decreasing the hazard.

How about this: If there is no flashing yellow light, it remains as now. However, if the school zone is equipped with a flashing yellow light that can be turned on and off by the school, then it is 15 mph whenever the light is shining.



1999 BILL

1 **AN ACT** to amend 346.57 (4) (b) of the statutes; **relating to:** the speed limit at
2 intersections marked with school crossing signs.

Analysis by the Legislative Reference Bureau

Current law requires a motorist approaching an intersection marked with a "school crossing" sign to slow to 15 miles per hour or slower when children are present.

This bill requires a motorist approaching an intersection marked with a "school crossing" sign to slow to 15 miles per hour or slower, ^{when children are present or} regardless of whether any child is present, if the "school crossing" sign is equipped with yellow lights and the lights are flashing

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

3 **SECTION 1.** 346.57 (4) (b) of the statutes is ^{renumbered 346.57 (4)(b)1. and} amended to read:
4 346.57 (4) (b) ^{1.} Fifteen ^{EXCEPT AS PROVIDED IN SUBD. 2., 15} miles per hour when passing an intersection properly
5 marked with a "school crossing" sign of a type approved by the depahe department ^{when}
6 children are present. ^{STEP}

7 **SECTION 2. Initial applicability.**

fix component 3

inset 1-6

108

insert
1-6

Section #. CR: 346.57 (4) (b) 2. ✓

346.57 (4) (b) 2. Fifteen miles per
hour when passing an intersection properly
marked with a "school crossing" sign equipped with flashing
yellow lights, whenever the lights on the sign are flashing. (that is)

(end insert)

Nilsen, Paul

From: Nilsen, Paul
Sent: Wednesday, September 22, 1999 1:29 PM
To: Rep.Sherman
Subject: LRB-3326, relating to speed limits at school crossings

Representative Sherman:

On August 17, 1999, I received redrafting instructions from you concerning LRB-3326, relating to the speed limit at school crossings. Current law requires motorists to slow to 15mph at school crossings when children are present. The bill as drafted requires motorists to also slow to 15mph whenever lights are flashing on a school crossing sign, regardless of whether children are present or whether the light was activated by a timer, a school district, crossing guard, local police officer or by some other means.

Your redrafting instructions asked to limit that flashing sign requirement so that motorists are only required to slow if the light can be activated from inside a school. I have some questions about this instruction that your staff could not answer, and I have been unable to reach you by phone, and cannot redraft the bill until I properly understand the request.

Requiring a reduced speed only at lights that can be activated by the school will cause at least 2 significant problems:

1. Confusion for motorists, who are not required to stop at every flashing school crossing sign, just at ones that can be operated by a school. Motorists will not know how the light is wired.
2. Proof problems in court. If a motorist contests a ticket for violating the reduced speed, the prosecutor must prove how the light is wired.

Please let me know whether I correctly understand your instructions. If I properly understand your request, please let me know and I will redraft immediately according to your instructions. If not, perhaps you could rephrase the instructions or provide a different description of your intent.

Please let me know if I can help you in this matter, either by presenting the bill to you as drafted or by helping you to formulate your drafting instructions.

Attorney Paul E. Nilsen
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2307
Tel: (608) 261-6926
Fax: (608) 264-8522
Email: Paul.Nilsen@legis.state.wi.us

Nilsen, Paul

Frdm: Sherman, Gary
Sent: Wednesday, September 22, 1999 1:43 PM
To: Nilsen, Paul
Subject: RE: LRB-3326, relating to speed limits at school crossings

Sorry to be so slow getting back to you. I did not see the language to which you refer. It seemed to me that the draft I saw made the speed limit 25 mph 7 days a week, 24 hours a day. If it indeed says what you say here, then I apologize for bothering you. We are in the chamber long hours this week, but if you send the draft back, I'll take another look at it. Thanks for your diligence.

Gary E. Sherman
74th Assembly District

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

From: Nilsen, Paul
Sent: Wednesday, September 22, 1999 1:29 PM
To: Rep.Sherman
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Attorney Paul E. Nilsen
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P.O. Box 2037
Madison, WI 53701-2307
Tel: (608) 261-6926
Fax: (608) 264-8522
Email: Paul.Nilsen@legis.state.wi.us

10/20/99 4:20pm

Per Boots - Rep. Sherman's

side - jacket CRB-3326/2

for Assembly, to Rep. Sherman.

-PEN

