

1999 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB133)

Received: 06/23/99

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Assembly Republican Caucus

By/Representing: Dake

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: **Transportation - railroads**

Extra Copies: **TNF, ISR**

Pre Topic:

ARC:.....Dake - Am #303 (8).

Topic:

Railroad crossings committee

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 06/23/99	wjackson 06/23/99		_____			
/1			mclark 06/23/99	_____	lrb_docadmin 06/23/99		

FE Sent For:

<END>

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/?	nilsepe 06/23/99	lrb_editor	mrc 6/23	MRC/IS 6/23			
		1 WJ 6/23	6/23				

FE Sent For:

<END>

1999

Date (time) needed

ARC

LRB b 1101 / 1

CAUCUS BUDGET AMENDMENT
[ONLY FOR CAUCUS]

PEN: WLJ:

See form AMENDMENTS — COMPONENTS & ITEMS.

WPO: INSERTS
ARE OUT OF
ORDER.

CAUCUS AMENDMENT
TO ASSEMBLY SUBSTITUTE AMENDMENT 1
TO 1999 ASSEMBLY BILL 133

>>FOR CAUCUS SUPERAMENDMENT — NOT FOR INTRODUCTION<<

At the locations indicated, amend the substitute amendment as follows:

#. Page . . . , line . . . :

#. Page . . . , line . . . :

#. Page . . . , line . . . :

#. Page . . . , line . . . :

#. Page . . . , line . . . :

#. Page . . . , line . . . :



For further information see the *state* 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:

SECTION 1. 15.03 of the statutes is amended to read:

15.03 Attachment for limited purposes. Any division, office, commission, council or board attached under this section to a department or independent agency or a specified division thereof shall be a distinct unit of that department, independent agency or specified division. Any division, office, commission, council or board so attached shall exercise its powers, duties and functions prescribed by law, including rule making, licensing and regulation, and operational planning within the area of program responsibility of the division, office, commission, council or board, independently of the head of the department or independent agency, but budgeting, program coordination and related management functions shall be performed under the direction and supervision of the head of the department or independent agency, except that with respect to the office of the commissioner of railroads, all personnel and biennial budget requests by the office of the commissioner of railroads shall be processed and properly forwarded by the public service commission without change except as requested and concurred in by the office of the commissioner of railroads by the department of transportation.

#. Page 28

line 6 = after that line insert:
SECTION 15.465(13) of the statutes is created to read:

① → (37m) ② (15.467 (5))
~~15.465(13)~~ RAILROAD GRADE CROSSINGS ~~BOARD~~ There is created in the department of transportation a railroad grade crossings ~~board~~. The ~~board~~ (COUNCIL) shall consist of 3 members appointed by the secretary of transportation and 2 members appointed by the commissioner of railroads. ^{Not} Members shall

serve at the pleasure of the appointing authority.

at least one of whom has expertise in railroad matters and is not employed by the department,

installed or maintained as approved by the office, whether by order or otherwise, shall be deemed considered adequate and appropriate protection for the crossing.

INSERT
4-2

SECTION 195.28 (2m) of the statutes is created to read:

195.28 (2m) DUTIES OF THE RAILROAD GRADE CROSSINGS ~~BOARD~~ ^{Council on} In addition to its

duties under sub. ~~1~~ ^{Council on} the railroad grade crossings ~~board~~ shall do all of the following:

(a) Establish and maintain a railroad crossing database. The database shall be available to the office and the department.

~~(b) Establish threshold requirements for railroad crossing projects.~~

~~(c) Recommend to the office and to the department desirable funding levels for railroad crossing protection installation and maintenance under subs. (2) and (3).~~

SECTION 9350. Initial applicability, transportation

Page 1595, line 17: after that line insert:

(b) RAILROAD GRADE CROSSINGS. The treatment of section 195.28 (3) of the statutes first applies to ~~permits submitted after~~ ^{orders of the office of commissioner of railroads under which} the effective date of this subsection.

(END)

physical improvements to a railroad grade crossing have not commenced on or before

(c) Meet at least once annually to review all railroad crossing improvements ordered by the office.

(d) Determine and recommend to the office ^{which} railroad crossing improvements shall be constructed during the following ³ ~~one~~ years and the order in which those projects shall be completed to maximize the safety benefits of the projects. In determining the order in which projects should be completed, the council shall consider all of the following:

insert A

INIT APP

1. The volume and speed of trains
= and traffic at the ^{railroad} crossing.

INSERT
A

2. The physical features of the railroad crossing,
= including curves, hills and other features
that may reduce the visibility of motorists
at the railroad crossing.

3. The history of accidents at the ~~to~~ railroad
= crossing.

4. Anticipated changes in the volume or speed
= of motor vehicles ^{or} train traffic at the
railroad crossing.

5. Any other factors the council considers appropriate."

(end insert)

#. Page 1179, line 19: after that line insert =

INSERT 4-2

" Section # 195.28 (1) of the statutes is amended to read:

2308mg

195.28 (1) PETITION; HEARING; ORDER. Upon petition of the department, city council, village board, town board, superintendent of highways or by 5 or more electors in any town, village or city, or of any railroad corporation or railroad historical society, to determine whether a public highway and railroad grade crossing protects and promotes public safety, the office may investigate and issue an appropriate order without a public hearing. If the petitioner, railroad, railroad historical society or any interested party objects to the order and requests a hearing within 20 days after the date that the order is issued, the office shall proceed under s. 195.04. Notice of an investigation or hearing shall be served upon the department, which shall be an interested party, and any recommendation it may file with the office at or prior to a hearing, if there is one, regarding crossing protection shall be considered as evidence in the proceeding. The office shall determine whether the existing warning devices at such crossing are adequate to protect and promote public safety. If the office determines, either without or after a hearing, that protection is not adequate, it may order the railroad company or railroad historical society to keep a flagman at the crossing or to install automatic signals or other suitable safety device at specific locations at such crossing. The office may order the relocation of existing signals and devices to improve protection at a crossing. Any crossing protection installed or maintained as approved by the office, whether by order or otherwise, shall be deemed adequate and appropriate protection for the crossing.

History: 1973 c. 155; 1973 c. 243 s. 82; 1975 c. 135; 1977 c. 29 ss. 1654 (8) (b), 1656 (43); 1979 c. 34; 1981 c. 20 ss. 1504, 2202 (51) (c); 1981 c. 347 s. 80 (1); 1985 a. 29 s. 3202 (51); 1987 a. 27; 1989 a. 31; 1991 a. 269; 1993 a. 16, 123; 1997 a. 135.

To the greatest extent practicable, orders under this subsection shall be deviated in the priority recommended under sub. (2m) d (M), except that the recommendation shall be disregarded if the office determines that immediate improvement of a crossing is necessary to protect public safety.

file sep (1) bun x 133

Wed Jan 23 1999 11:56 am

#. Page 1544, line 8; after that line insert:

"(Zm¹) ^(CS) COUNCIL ON RAILROAD GRADE

^(CS) CROSSINGS. The commissioner of

railroads shall appoint the initial

members of the council on

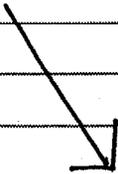
railroad grade crossings under section

15.467 (5)[↓] of the statutes, CS created

by this act, within 45 days

after the effective date of this subsection."

NON STAYS



INSERT
4-10 CONT.

#. Page 1549, line 13: after + bar line insert:

" (2bⁿ_{1a}) ^(CS) COUNCIL ON RAILROAD GRADE CROSSINGS

The secretary of transportation

shall appoint the

initial members of the council on railroad grade crossings within 45 days after the effective date of this subsection."

Under section 15.467(5) of the statutes, as created by this act,

(END)
OF
INSERT 4-10

NONSTATS



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb1101/1
PEN:wlj:mrc

ARC:.....Dake - Am #303 (8), Railroad crossings committee

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

CAUCUS AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 1999 ASSEMBLY BILL 133

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 28, line 6: after that line insert:

3 **"SECTION 37m.** 15.467 (5) of the statutes is created to read:

4 15.467 (5) COUNCIL ON RAILROAD GRADE CROSSINGS. There is created in the
5 department of transportation a council on railroad grade crossings. The council shall
6 consist of 3 members appointed by the secretary of transportation, at least one of
7 whom has expertise in railroad matters and is not employed by the department, and
8 2 members appointed by the commissioner of railroads. Members shall serve at the
9 pleasure of the appointing authority."

10 **2.** Page 1179, line 19: after that line insert:

1 **“SECTION 2308mg.** 195.28 (1) of the statutes is amended to read:

2 195.28 (1) PETITION; HEARING; ORDER. Upon petition of the department, city
3 council, village board, town board, superintendent of highways or by 5 or more
4 electors in any town, village or city, or of any railroad corporation or railroad
5 historical society, to determine whether a public highway and railroad grade crossing
6 protects and promotes public safety, the office may investigate and issue an
7 appropriate order without a public hearing. If the petitioner, railroad, railroad
8 historical society or any interested party objects to the order and requests a hearing
9 within 20 days after the date that the order is issued, the office shall proceed under
10 s. 195.04. Notice of an investigation or hearing shall be served upon the department,
11 which shall be an interested party, and any recommendation it may file with the
12 office at or prior to a hearing, if there is one, regarding crossing protection shall be
13 considered as evidence in the proceeding. The office shall determine whether the
14 existing warning devices at such crossing are adequate to protect and promote public
15 safety. If the office determines, either without or after a hearing, that protection is
16 not adequate, it may order the railroad company or railroad historical society to keep
17 a flagman at the crossing or to install automatic signals or other suitable safety
18 device at specific locations at such crossing. The office may order the relocation of
19 existing signals and devices to improve protection at a crossing. To the greatest
20 extent practicable, orders under this subsection shall be executed in the priority
21 recommended under sub. (2m) (d), except that the recommendation shall be
22 disregarded if the office determines that immediate improvement of a crossing is
23 necessary to protect public safety. Any crossing protection installed or maintained
24 as approved by the office, whether by order or otherwise, shall be deemed adequate
25 and appropriate protection for the crossing.

1 **SECTION 2308mj.** 195.28 (2m) of the statutes is created to read:

2 **195.28 (2m) DUTIES OF THE COUNCIL ON RAILROAD GRADE CROSSINGS.** The council
3 on railroad grade crossings shall do all of the following:

4 (a) Establish and maintain a railroad crossing data base. The data base shall
5 be available to the office and the department.

6 (b) Recommend to the office and to the department desirable funding levels for
7 railroad crossing protection installation and maintenance under subs. (2) and (3).

8 (c) Meet at least once annually to review all railroad crossing improvements
9 ordered by the office.

10 (d) Determine and recommend to the office which railroad crossing
11 improvements should be constructed during the following 3 years and the order in
12 which those projects should be completed to maximize the safety benefits of the
13 projects. In determining the order in which projects should be completed, the council
14 shall consider all of the following:

15 1. The volume and speed of trains and traffic at the railroad crossing.

16 2. The physical features of the railroad crossing, including curves, hills and
17 other features that may reduce the visibility of motorists at the railroad crossing.

18 3. The history of accidents at the railroad crossing.

19 4. Anticipated changes in the volume or speed of motor vehicles or train traffic
20 at the railroad crossing.

21 5. Any other factors the council considers appropriate.”

22 **3.** Page 1544, line 8: after that line insert:

23 “(2mm) **COUNCIL ON RAILROAD GRADE CROSSINGS.** The commissioner of railroads
24 shall appoint the initial members of the council on railroad grade crossings under

1 section 15.467 (5) of the statutes, as created by this act, within 45 days after the
2 effective date of this subsection.”.

3 **4.** Page 1549, line 13: after that line insert:

4 “(2bn) COUNCIL ON RAILROAD GRADE CROSSINGS. The secretary of transportation
5 shall appoint the initial members of the council on railroad grade crossings under
6 section 15.467 (5) of the statutes, as created by this act, within 45 days after the
7 effective date of this subsection.”.

8 **5.** Page 1595, line 17: after that line insert:

9 “(1n) RAILROAD GRADE CROSSINGS. The treatment of section 195.28 (1) of the
10 statutes first applies to orders of the office of commissioner of railroads under which
11 physical improvements to a railroad grade crossing have not commenced on or before
12 the effective date of this subsection.”.

13

(END)