

2003 DRAFTING REQUEST

Bill

Received: **04/21/2003**

Received By: **tfast**

Wanted: **Soon**

Identical to LRB:

For: **Robert Cowles (608) 266-0484**

By/Representing: **Roger Frings**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - railroads**
Transportation - traffic laws

Extra Copies: **TNF, PJH - 1**

Submit via email: **YES**

Requester's email: **Sen.Cowles@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Yileding at railroad crossings

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>
/?	tfast 10/06/2003			_____			S&L
/P1	agary 10/07/2003	kgilfoy 10/07/2003	pgreensl 10/07/2003	_____	sbasford 10/07/2003		S&L
/P2	agary	kgilfoy	jfrantze	_____	sbasford		S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	10/22/2003	11/03/2003	11/04/2003 _____		11/04/2003		
/1	agary 11/10/2003	kgilfoy 11/10/2003	jfrantze 11/10/2003 _____		lemery 11/10/2003	lemery 11/10/2003	

FE Sent For:

<END>

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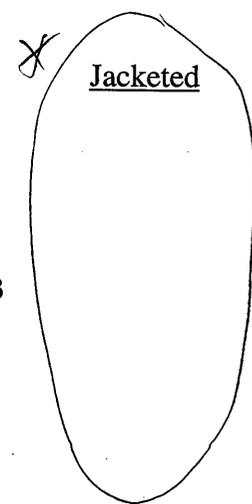
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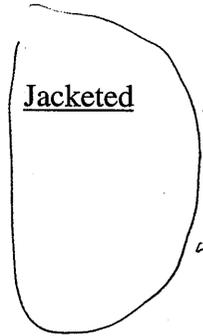


PA's: please
jacket "1/1"
Thub.
MLB

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	10/22/2003	11/03/2003	11/04/2003	_____	11/04/2003		

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<END>



*see
note
ALB*

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/P1	agary 10/07/2003	kgilfoy 10/07/2003	pgreensl 10/07/2003	_____	sbasford 10/07/2003		

1 p2 - 11/3
KMG

10/11/3

8/1ch
11/1

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1?	tfast 10/06/2003 agary	10/11 KMG	10/11 PS	10/11 PGJ/JF			

FE Sent For:

<END>

Fast, Timothy

From: Frings, Roger
Sent: Wednesday, March 05, 2003 10:47 AM
To: Fast, Timothy
Subject: Railroad Yield legislation

Tim-

Can I fax you a letter outlining some language Sen. Cowles would like to have drafted regarding the placement of Yield signs at at grade highway/railroad crossings?

Roger
6-0484

Fast, Timothy.

From: Frings, Roger
Sent: Thursday, March 13, 2003 4:00 PM
To: Fast, Timothy
Subject: Proposed Yield Sign Language¹, call me once you have had a chance to review. We would like to include the language in (b) and (c) on page 3. Roger @ 6-0484

OFFICE OF THE COMMISSIONER OF RAILROADS

MEMORANDUM

To: Kevin Soucie
CC: Rodney W. Kreunen, Ron Adams
From: Douglas S. Wood
Date: March 7, 2003
Subject: Proposed Yield Sign Language

As we discussed at the OCR-WCL-DOT meeting on March 6, I am providing some revised statutory language.

The proposed language I have provided would:

- Make the yield sign a **mandatory** part of all crossbucks unless a stop sign is present.
- Impose a duty on motorists to obey the yield sign.
- Provide federal funding for at least part of the initial funding.

Danger Sign

First, the definition of the crossing "Danger Sign" needs to be changed. You did not have that in your draft. This is section 192.29 (5). The proposed language would make the yield sign part of the standard crossbuck in Wisconsin. It would also make the railroad responsible for installing and maintaining the yield sign as part of the crossbuck.

Here is the proposed language:

192.29(5) ~~DANGER SIGNS.~~ HIGHWAY-RAIL GRADE CROSSING SIGNS. Whenever its track crosses a public highway or street, every railroad corporation shall maintain on each side of the track and near such crossing a highway-rail grade crossing sign, known as a crossbuck large signboard with the following inscription, painted in large letters: "Railroad Crossing" in such manner as to be visible to approaching traffic on the highway or street at least 100 feet distant. At railroad crossings with multiple tracks every railroad corporation shall install a supplemental number of tracks sign below the crossbuck. At railroad crossings without automatic signals or stop signs, every railroad corporation shall install and maintain a yield sign below the crossbuck. All signs placed shall be in accordance with the uniform traffic control devices manual under s. 84.02 (4) (e).

Duty to Yield

04/21/2003

Second, a revision needs to be made to the traffic code (Chapter 346) that would require motorists to yield to trains where a yield sign has been installed. This is the same language as drafted by DOT and presented by you on March 6.

346.18 (6) Right-of-way where yield sign installed. (a) The operator of a vehicle, when approaching any intersection at which has been installed a yield sign, shall yield the right-of-way to other vehicles which have entered the intersection from an intersecting highway or which are approaching so closely on the intersecting highway as to constitute a hazard of collision and, if necessary, shall reduce speed or stop in order to so yield.

(b) The operator of a vehicle, when approaching any railroad crossing at which has been installed a yield sign, shall yield the right-of-way to trains which have entered the railroad crossing or which are approaching so closely as to constitute a hazard of collision and, if necessary, shall reduce speed or stop in order to so yield.

Federal Funding

Third, you presented draft language that would require the use of federal funds for a statewide yield sign program. DOT objected to a statutory requirement for the use federal funds. The draft also required the OCR to perform an evaluation of all passive crossings and determine whether a yield sign is needed. I suggested that this language would create potential problems because we would be doing a statewide program and would **not** actually review each crossing.

Under Shanklin and the FHWA stance on funding these 'minimum standards' programs, we do not need to do an individualized assessment of each crossing in order to obtain Shanklin protection or to be able to use federal funding. It could create confusion if the law requires us to look at each crossing. It would be impractical for us to try and look at each crossing. Under the draft language for 195.28 that you provided, until we looked at a crossing we could not issue an order for yield signs. Also, your language makes it discretionary whether yield signs get installed. We want it to be mandatory.

Let's be clear that we all (railroads, OCR, and DOT) agree that we want to do a statewide yield sign program that would be funded at least in part by federal funds. The yield signs would be installed at all passive crossings that do not already have a stop sign.

The proposed change to 192.29 (5) would require a yield sign as part of the standard crossbuck (unless a stop sign is in place). Therefore, the requirement in your draft 195.28 that OCR evaluate whether to order a yield sign is unnecessary. Yield signs would be mandatory.

The crucial point is the funding source. I think we could approach this in a couple ways.

One, the DOT, OCR, and the railroads could sign a memorandum of understanding (MOU) that would require the state to use partial federal funding to pay for the statewide yield sign program. The MOU could also require that the program be initiated in FY 2005 (this date might have to change depending on when the changes in law actually occur – the idea would be that the state would commit to doing the work).

It is the preference of the DOT and OCR that we accomplish this end with a MOU.

However, alternatively, we could add the following language to the end of the proposed changes to 192.29 (5). The **bold** type are the added parts:

192.29(5) ~~DANGER SIGNS. HIGHWAY-RAIL GRADE CROSSING SIGNS.~~ **HIGHWAY-RAIL GRADE CROSSING SIGNS.** (a) Whenever its track crosses a public highway or street, every railroad corporation shall maintain on each side of the track and near such crossing a highway-rail grade crossing sign, known as a crossbuck large signboard with the following inscription, painted in large letters: "Railroad Crossing" in such manner as to be visible to approaching traffic on the highway or street at least 100 feet distant. At railroad crossings with multiple tracks every railroad corporation shall install

a supplemental number of tracks sign below the crossbuck. At railroad crossings without automatic signals or stop signs, every railroad corporation shall install and maintain a yield sign below the crossbuck. All signs placed shall be in accordance with the uniform traffic control devices manual under s. 84.02 (4) (e).

(b) The department shall furnish to each railroad company a sufficient quantity of yield signs or funding to acquire a sufficient quantity of yield signs to enable the railroad company to initially comply with this section. The cost to initially acquire or furnish the yield signs shall be paid by the department from the appropriations under s. 20.395 (2) (gr) and (gx). The requirements of this sub-section shall expire following the completion of the initial installation on a state-wide basis.

(c) The cost of the installation, maintenance, and subsequent replacement of the signs shall be paid by the railroad company.

The intent of added language is to:

1. Require the DOT to either provide the yield signs or the funds to acquire the yield signs to the railroads for the initial installation.
2. Require that federal funds pay for at least a portion of the costs [20.395 (2) (gx) are the federal funds]. By using the conjunction "and" we mean that the state would have to use both federal and state funds. ["shall be paid by the department from the appropriations under s. 20.395 (2) (gr) and (gx)"]
3. Sunset the program after the initial installation of yield signs.
4. Require that railroads provide the labor to install the signs. This is consistent with all the other statewide or system-wide programs that we have done, for example, the crossbuck program and various programs to install RTUs at all gated crossings.
5. Require the railroad to maintain and replace the signs as needed.

Needed
by Fri.
10/10 end
of day

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen. Cat.

1

AN ACT relating to: traffic regulations and traffic control devices at railroad crossings, making ~~a~~ appropriation, and providing a penalty.

2

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 ~~10~~ feet but not more than 30 feet from the nearest rail before proceeding on or over the railroad crossing.

ten

An operator who fails to comply with 1. or 2. 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 3. may be required to forfeit not less than \$40 nor more than \$80 or, for a ~~2nd~~ 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.

Item, above

second

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 1. and 2., above.

Item

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% of the annual maintenance costs. *percent*

This bill requires railroad companies to install and maintain a yield sign below the "Railroad Crossing" sign at any crossing at which the railroad is required to maintain a "Railroad Crossing" sign and that is not controlled by *a* flagman, gate, automatic signal, stop sign, or other warning or safety device. 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 ~~the bill~~. *→ 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:

- 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. ✓

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

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

7 **SECTION 3.** 192.29 (5) (title) of the statutes is amended to read:

8 192.29 (5) (title) ~~DANGER~~ RAILROAD CROSSING AND YIELD SIGNS.

9 **SECTION 4.** 192.29 (5) of the statutes is renumbered 192.29 (5) (a).

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

11 192.29 (5) (b) Subject to s. 195.282, at every railroad crossing at which a
12 railroad corporation is required to maintain a sign described in par. (a) and that is
13 not controlled by a flagman, gate, automatic signal, official stop sign, or other
14 warning or safety device, the railroad corporation shall install and maintain, below
15 the sign described in par. (a), a yield sign that conforms with the manual of uniform
16 traffic control devices adopted by the department under s. 84.02 (4) (e).

17 **SECTION 6.** 195.282 of the statutes is created to read:

18 **195.282 Yield signs for grade crossings.** (1) The department shall, upon
19 request, provide to each railroad company one yield sign for each location at which
20 a yield sign is required to be installed by the railroad company under s. 192.29 (5)
21 (b) or, in lieu of providing such a sign, the department shall reimburse the railroad
22 company for the cost of each such sign obtained by the railroad company from a
23 source other than the department. The cost of the yield signs provided by the
24 department under this section, and all funds expended by the department under this
25 section for reimbursement for yield signs obtained from other sources, shall be paid

1 from the appropriations under s. 20.395 (2) (gr) and (gx). If the amount in the
 2 appropriations under s. 20.395 (2) (gr) and (gx) is not adequate to fund the
 3 department's expenses under this section, the department shall prorate the number
 4 of signs and the amount of reimbursement to be provided to the railroad companies
 5 in the manner determined by the department.

6 (2) Every railroad company shall be responsible for the installation,
 7 maintenance, and replacement, and all costs associated therewith, of any sign
 8 received from or funded by the department under sub. (1). The department ~~shall~~ ^{may} not
 9 provide to any railroad company more than one yield sign, or reimbursement for
 10 more than one yield sign, for each location at which the railroad company is required
 11 to install a yield sign under s. 192.29 (5) (b). The department ~~shall~~ ^{may} not provide to any
 12 railroad company a yield sign, or reimbursement for a yield sign, first requested after
 13 the first day of the 13th month beginning after the effective date of this subsection
 14 [revisor inserts date].

15 SECTION 7. 195.286 (5) of the statutes is amended to read:

16 195.286 (5) OTHER SIGNS PROHIBITED. No other sign of the general size or
 17 appearance of the signs provided for in this section shall be placed or permitted upon
 18 any highway, nor any sign between such advance signs except signs or signals now
 19 required by law or permitted by the office for protection at railway crossings.

20 SECTION 8. 346.44 (1) (c) of the statutes is created to read:

21 346.44 (1) (c) If a yield sign is erected and maintained at the crossing, while
 22 any train occupies the crossing or approaches so closely to the crossing as to
 23 constitute a hazard of collision.

24 (END)

D - Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2580/P1dn

ARG:././...

King

ATTN: Roger Frings

Please review the attached draft carefully to ensure that it is consistent with your intent. To accomplish the purposes of the draft, I have had to make certain assumptions and interpretations with respect to the drafting instructions, which may not be consistent with your expectations.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2580/P1dn
ARG:kmg:pg

October 7, 2003

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Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Frings, Roger
Sent: Tuesday, October 21, 2003 2:55 PM
To: Gary, Aaron
Subject: FW: Yield sign legislation

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

From: Wood, Doug RR
Sent: Tuesday, October 21, 2003 2:50 PM
To: Frings, Roger
Cc: Adams, Ron; Morrison, Mark
Subject: RE: Yield sign legislation

It is not slang. It is the term used in the MUTCD. The MUTCD can be accessed on the web at <http://mutcd.fhwa.dot.gov/>

Go to chapter 8B.02.

The Wisconsin supplement does not make any changes to that section.

These are more direct links:

http://mutcd.fhwa.dot.gov/kno-millennium_06.14.01.htm

<http://mutcd.fhwa.dot.gov/pdfs/millennium/06.14.01/8ndi.pdf>

Doug

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

From: Frings, Roger
Sent: Tuesday, October 21, 2003 2:37 PM
To: Running, Tom RR; Wood, Doug RR
Subject: FW: Yield sign legislation

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

From: Gary, Aaron
Sent: Tuesday, October 21, 2003 2:35 PM
To: Frings, Roger
Subject: RE: Yield sign legislation

Roger,

The statutes do not use the term "crossbuck", and I am unsure whether this is slang or is an accepted term under the MUTCD. Can you have somebody send me a copy of the MUTCD adopted in Wis that deals with crossbucks?
Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

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

From: Frings, Roger
Sent: Tuesday, October 21, 2003 12:25 PM
To: Gary, Aaron
Subject: FW: Yield sign legislation

Aaron,

Here are the changes we need to incorporate into the yield draft. Let me know if you have any questions.

Thanks,
Roger Frings
Office of Senator Rob Cowles
123 South, State Capitol
Madison, WI 53702
(608) 266-0484
800-334-1465

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

From: Wood, Doug RR
Sent: Tuesday, October 21, 2003 12:12 PM
To: Frings, Roger
Cc: Adams, Ron; Kreunen, Rodney RR
Subject: Yield sign legislation

Roger,

I met with DOT last week regarding the preliminary draft of the yield sign statute. DOT and OCR concur in the following recommendations. I am also attaching the same language as a Word document. This is LRB-2580/P1

If you would like the OCR to send a formal letter, let me know and we will do so. Otherwise I will assume that these email comments suffice. I am copying Ron Adams the Director of the DOT's Bureau of Railroads and Harbors.

To: Roger Frings

From: Rodney W. Kreunen, Commissioner

Date: October 21, 2003

Subject: Yield sign legislation, LRB -2580/P1

Doug Wood of the OCR met with Ron Adams, Jim Bolitho, and Mark Morrison on October 16 to go over the draft yield sign language.

Here are the items that OCR and DOT agreed they would like to see changed from the preliminary draft:

- Page 3, line 15. s. 192.29 (5) (b). **Remove the word 'flagman'**. We want the yield signs at all crossings which do not have signals, gates, or stop signs, whether the railroad flags the crossing or not. The term flagman is probably an archaic holdover from the days when railroads actually posted flagmen permanently at some crossings.
- Page 3, lines 15-16. **Remove the phrase 'or other warning or safety device'**. Again, we want the yield signs at any crossing that does not have crossing signals, stop signs, or gates.
- Suggest that they also amend s. 192.29 (5) (a) regarding crossbucks to remove archaic language and insert language requiring that the crossbucks conform to the Manual on Uniform Traffic Control Devices (MUTCD) under s. 84.02 (4) (e). S. 195.29 (a) would then read (new language in bold) "Wherever its track crosses a public highway or street, every railroad corporation shall maintain on each side of the track a **crossbuck sign that conforms with the manual on uniform traffic control devices adopted by the department under s. 84.02 (4) (e)**."
- Page 4, lines 13-16. We questioned whether the actual statute should have this sunset provision or whether that language should be put in a non-statutory provision. This was not an

important item and if that is how LRB wants it drafted, that's fine.

The remainder of the draft legislation is acceptable.

Please contact me or Doug Wood with any comments or questions.

<< File: yield sign legislation kreunen 10-21-03.doc >>

Please note my new e-mail address is Doug.Wood@psc.state.wi.us

Douglas Wood
Legal Counsel
Office of the Commissioner of Railroads
608-266-9536
608-261-8220 (fax)

OFFICE OF THE COMMISSIONER OF RAILROADS

MEMORANDUM

To: Roger Frings
From: Rodney W. Kreunen, Commissioner
Date: October 21, 2003
Subject: Yield sign legislation, LRB -2580/P1

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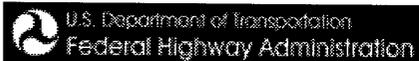
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- Page 4, lines 13-16. We questioned whether the actual statute should have this sunset provision or whether that language should be put in a non-statutory provision. This was not an important item and if that is how LRB wants it drafted, that's fine.

The remainder of the draft legislation is acceptable.

Please contact me or Doug Wood with any comments or questions.

yield sign language kreunen 10-21-03

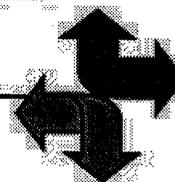


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Manual on Uniform Traffic Control Devices (MUTCD)



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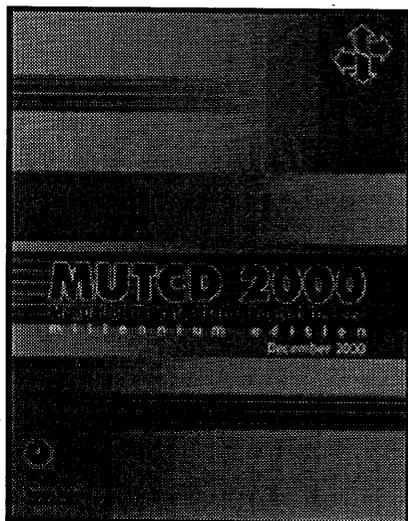
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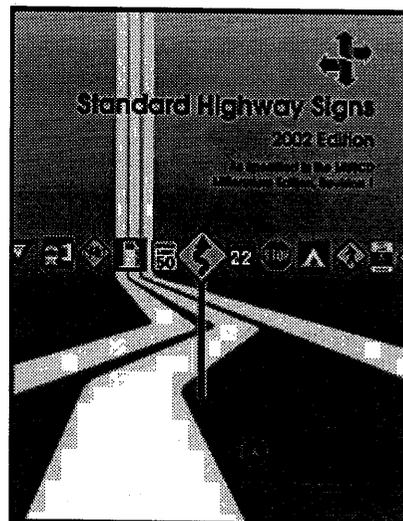
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Home Page



[Click here for MUTCD](#)



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[Click here to review Compliance Dates for the Millennium Edition of the MUTCD.](#)

The electronic version posted on the MUTCD website is the official FHWA publication. FHWA is not printing copies of the millennium MUTCD because of the prohibitive costs involved. The website version is also more efficient and reliable when revising the MUTCD. National organizations have partnered and printed hard copies of the millennium MUTCD Revision 1. These hard copies are available for sale. Click on these links for ATSSA, ITE, or AASHTO to get sales information.

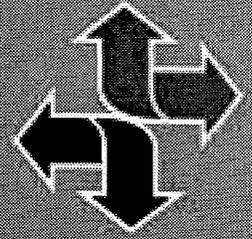
This Web site is devoted to information about the Millennium Edition of the **Manual on Uniform Traffic Control Devices (MUTCD)**. The MUTCD contains standards for traffic control devices that regulate, warn, and guide road users along the highways and byways in all 50 States. Traffic control devices are important because they optimize traffic performance, promote uniformity nationwide, and help improve safety by reducing the number and severity of traffic crashes.

- [March 24, 2003 Final Rule to Amend 23 CFR 655 to prescribe](#)

procedures for obtaining basic uniformity of traffic control devices on all streets and highways. These changes were implemented due to a recent agency reorganization. Additionally, the FHWA provided nomenclature changes and removed a reference to an outdated regulation. ([Click here](#))

- **The Peer-to-Peer Program for Traffic Control Devices (P2P TCD):** FHWA is introducing a new assistance program to provide short-term assistance to address specific, technical issues on traffic control devices at no cost to the user. [Click here for more information.](#)
- The Notice of Proposed Amendments for MUTCD Revision 2 is online ([click here for the proposed text, figures, and change list](#)). The Register public comment period closed on August 19, 2002 ([click here to view the Federal Register Notice](#)). Comments may be mailed or hand delivered to the U.S.DOT Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590-0001 or submitted electronically at <http://dmses.dot.gov/submit>.
- On July 30, 2002, a Final Rule for Revision 1 to the 2000 MUTCD was published in the Federal Register. A list of the changes included in Revision No. 1 and the full MUTCD with Revision No. 1 changes incorporated into the electronic text have been published on the MUTCD website ([Click here](#)).
- November 21, 2002 Final Rule on Color Specifications for Retroreflective Sign and Pavement Marking Materials; Traffic Control Devices on Federal-aid and Other Streets and Highways. This amendment removes the language "service life" from the document and corrects a typographical error in Table 2. ([Click here](#))





PART 8

Traffic Controls for Highway-Rail Grade Crossings

MUTCD 2000

Manual on Uniform Traffic Control Devices

m i l l e n n i u m e d i t i o n

December 2000

Including Errata No. 1 dated June 14, 2001



U.S. Department
of Transportation
**Federal Highway
Administration**

CHAPTER 8B. SIGNS AND MARKINGS

Section 8B.01 Purpose

Support:

Passive traffic control systems, consisting of signs and pavement markings, identify and direct attention to the location of a highway-rail grade crossing and advise drivers, bicyclists, and pedestrians to take appropriate action.

Section 8B.02 Highway-Rail Grade Crossing (Crossbuck) Signs (R15-1, R15-2)

Standard:

The Highway-Rail Grade Crossing (R15-1) sign, commonly identified as the Crossbuck sign, shall be retroreflectorized white with the words **RAILROAD CROSSING** in black lettering, mounted as shown in Figure 8B-1.

As a minimum, one Crossbuck sign shall be used on each highway approach to every highway-rail grade crossing, alone or in combination with other traffic control devices.

If automatic gates are not present and if there are two or more tracks at the highway-rail grade crossing, the number of tracks shall be indicated on a supplemental Number of Tracks (R15-2) sign of inverted T shape mounted below the Crossbuck sign in the manner and at the height indicated in Figure 8B-1.

Option:

The supplemental Number of Tracks sign may also be used at highway-rail grade crossings with automatic gates.

Standard:

The Crossbuck sign shall be installed on the right side of the highway on each approach to the highway-rail grade crossing. Where restricted sight distance or unfavorable highway geometry exists on an approach to a highway-rail grade crossing, an additional Crossbuck sign shall be installed on the left side of the highway, possibly placed back-to-back with the Crossbuck sign for the opposite approach, or otherwise located so that two Crossbuck signs are displayed for that approach.

A strip of retroreflective white material not less than 50 mm (2 in) in width shall be used on the back of each blade of each Crossbuck sign for the length of each

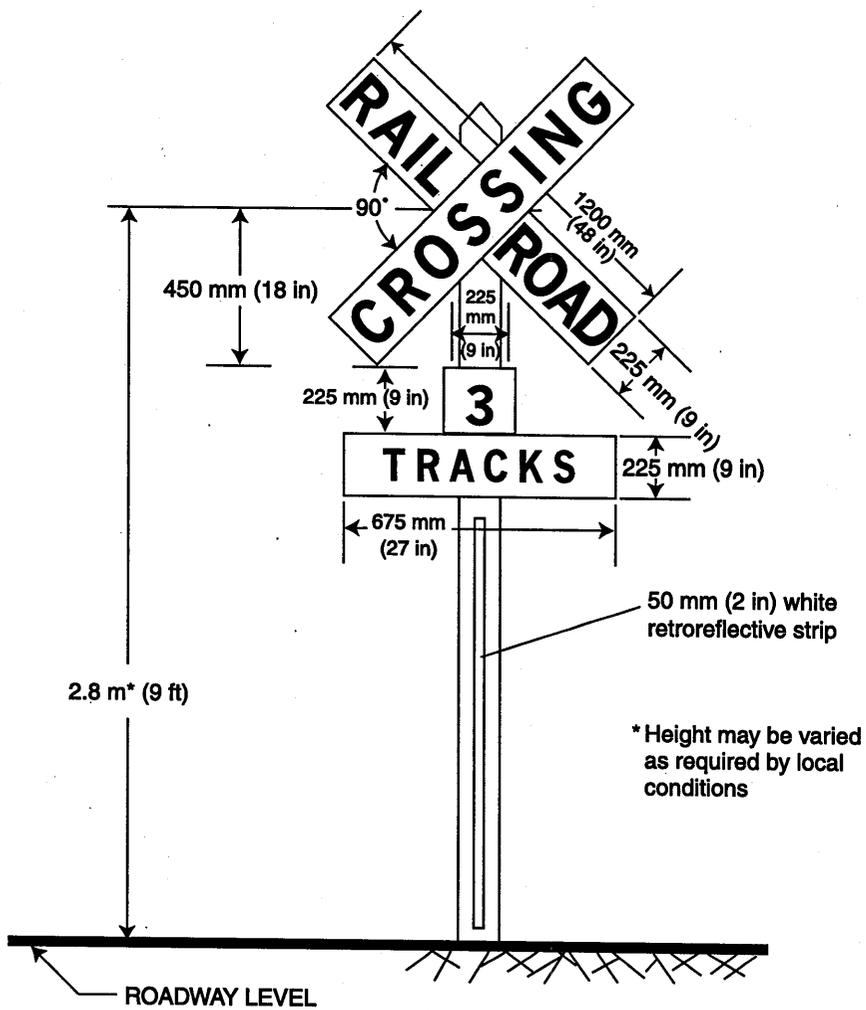
Figure 8B-1. Highway-Rail Grade Crossing (Crossbuck) Signs



R15-1
(drilled for 90-degree mounting)



R15-2



blade, at all highway-rail grade crossings, except those where Crossbuck signs have been installed back-to-back.

A strip of retroreflective white material, not less than 50 mm (2 in) in width, shall be used on each support at highway-rail grade crossings for the full length of the front and back of the support from the Crossbuck sign or Number of Tracks sign to near ground level.

Guidance:

Crossbuck signs should be located with respect to the highway pavement or shoulder in accordance with the criteria in Chapter 2A and Figures 2A-1 and 2A-2, and should be located with respect to the nearest track in accordance with Figure 8D-2.

The lateral clearance for the nearest edge of the Crossbuck sign should be 1.8 m (6 ft) from the edge of the shoulder, or 3.7 m (12 ft) from the edge of the traveled way in rural areas, and 0.6 m (2 ft) from the face of the curb in urban areas.

Where unusual conditions make variations in location and lateral clearance appropriate, engineering judgment should be used to provide the best practical combination of view and safety clearances.

Section 8B.03 Highway-Rail Grade Crossing Advance Warning Signs (W10 Series)

Standard:

A Highway-Rail Grade Crossing Advance Warning (W10-1) sign shall be used on each highway in advance of every highway-rail grade crossing except in the following circumstances:

- A. If the distance between the railroad tracks and the parallel highway, from the edge of the track to the edge of the highway, is less than 30 m (100 ft), the W10-2, W10-3, or W10-4 signs shall be used on the parallel highway to warn road users making a turn that they will encounter a highway-rail grade crossing soon after making the turn;
- B. On low-volume, low-speed highways crossing minor spurs or other tracks that are infrequently used and are flagged by train crews;
- C. In business districts where active highway-rail grade crossing traffic control devices are in use; and
- D. Where physical conditions do not permit even a partially effective display of the sign.



State of Wisconsin
2003 - 2004 LEGISLATURE

Soon
turned
in 10/22

LRB-2580/P2
ARG:kmg:pg

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SPS:
check
auto-refs.

D-Note

Gen. Cat

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

INLET ANAL
 This bill requires railroad companies to install and maintain a yield sign below the ~~"Railroad Crossing"~~ sign at any crossing at which the railroad is required to maintain a ~~"Railroad Crossing"~~ sign and that is not controlled by a ~~flashing~~ gate, automatic signal, ~~stop sign~~ or ~~other warning or safety device~~. 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. *cross buck*

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:

- 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

1 installation of railroad crossing gates under 1999 Wisconsin Act 9, section 9150 (9g),
2 and for railroad crossing yield signs under s. 195.282.

Insert
3-2 ✓
3

^{#3}
SECTION 2. 20.395 (2) (gx) of the statutes is amended to read:

4 20.395 (2) (gx) *Railroad crossing improvement, federal funds.* All moneys
5 received from the federal government for the purposes of railroad crossing protection
6 under s. 195.28 and, for the purposes of railroad crossing gates under 1999 Wisconsin
7 Act 9, section 9150 (9g), and for the purposes of railroad crossing yield signs under
8 s. 195.282, for such purposes.

Insert
3-8 ✓
9

^{#5}
SECTION 3. 192.29 (5) (title) of the statutes is amended to read:

10 192.29 (5) (title) DANGER RAILROAD CROSSING AND YIELD SIGNS.

Insert
3-11 ✓
11

~~SECTION 4. 192.29 (5) of the statutes is renumbered 192.29 (5) (a).~~

^{#7}
SECTION 5. 192.29 (5) (b) of the statutes is created to read:

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

Insert
3-18 ✓
19

^{#9}
SECTION 6. 195.282 of the statutes is created to read:

20 **195.282 Yield signs for grade crossings.** (1) The department shall, upon
21 request, provide to each railroad company one yield sign for each location at which
22 a yield sign is required to be installed by the railroad company under s. 192.29 (5)
23 (b) or, in lieu of providing such a sign, the department shall reimburse the railroad
24 company for the cost of each such sign obtained by the railroad company from a
25 source other than the department. The cost of the yield signs provided by the

1 department under this section, and all funds expended by the department under this
 2 section for reimbursement for yield signs obtained from other sources, shall be paid
 3 from the appropriations under s. 20.395 (2) (gr) and (gx). If the amount in the
 4 appropriations under s. 20.395 (2) (gr) and (gx) is not adequate to fund the
 5 department's expenses under this section, the department shall prorate the number
 6 of signs and the amount of reimbursement to be provided to the railroad companies
 7 in the manner determined by the department.

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

17 ^{#11} SECTION 195.286 (5) of the statutes is amended to read:

18 195.286 (5) OTHER SIGNS PROHIBITED. No other sign of the general size or
 19 appearance of the signs provided for in this section shall be placed or permitted upon
 20 any highway, nor any sign between such advance signs except signs or signals now
 21 required by law or permitted by the office for protection at railway crossings.

22 ^{#12} SECTION 346.44 (1) (c) of the statutes is created to read:

1 346.44 (1) (c) If a yield sign is erected and maintained at the crossing, while
2 any train occupies the crossing or approaches so closely to the crossing as to
3 constitute a hazard of collision.

(END)

4 →
Insert ✓
5-3

D-Note

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2580/P2ins
ARG:.....

INSERT ANAL: ✓

^{NO} 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 (MUTCD). The bill also

INSERT 3-2: ✓

^{#2} SECTION 20.395 (2) (gr) of the statutes, as affected by 2003 Wisconsin Act ... (this act), is repealed and recreated to read:

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

INSERT 3-8: ✓

^{#4} SECTION 20.395 (2) (gx) of the statutes, as affected by 2003 Wisconsin Act ... (this act), is repealed and recreated to read:

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

INSERT 3-11: ✓

^{#6} SECTION 192.29 (5) of the statutes is renumbered 192.295 (5) (a) and amended to read:

192.295 (5) (a) Wherever its track crosses a public highway or street, every railroad corporation shall maintain on each side of the track ~~and near such crossing a large signboard with the following inscription, painted in large letters:~~ "Railroad

~~Crossing," in such manner as to be visible to approaching traffic on the highway or street at least 100 feet distant a highway-rail-grade crossing sign, commonly known as a crossbuck sign, that conforms with the manual of uniform traffic control devices adopted by the department under s. 84.02 (4) (e).~~

↓ ↓

= = = =

on

INSERT 3-18: ✓

7

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

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

INSERT 4-16: ✓

7

~~SECTION 10.~~ 195.282 of the statutes is repealed.

as created by 2003 Wisconsin Act ... (this act),

INSERT 5-3: ✓

7

~~SECTION 13.~~ **Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of sections 20.395 (2) (gr) (by SECTION 2), 20.395 (2) (gx) (by SECTION 4), 192.29 (5) (b) (by SECTION 8), and 195.282 (by SECTION 10) of the statutes takes effect on July 1, 2007.

a.r. ✓

a.r. ✓

a.r. ✓

a.r. ✓

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2580/P2dn

ARG: 

ATTN: Roger Frings

The Manual on Uniform Traffic Control Devices (MUTCD) refers to the term "crossbuck sign" as an alternative or common term for "highway-rail-grade crossing sign," so the attached draft includes both terms. This is consistent with the recommendation contained in the original drafting instructions.

The attached draft contains some "clean-up" provisions repealing statutes after they will have no continuing applicability. I could not prepare this bill with non-statutory provisions in lieu of in-text applicability because the provisions of the bill may apply beyond the current biennium. At this point, it is difficult to predict when the funding provisions of the bill will be completed. If the bill were enacted toward the end of the legislative biennium, and became effective in the summer of 2004, railroad companies would have until the summer of 2005 to make their requests of DOT to provide the yield signs, and DOT would then require additional time to evaluate the requests and pay for, or provide, signs. To be safe, the bill does not repeal the bill's limited-term provisions related to funding until the end of the next fiscal biennium, hence the July 1, 2007, date for repeal of these provisions.

If you have questions or would like additional changes, please let me know. If the attached draft meets with your approval, please let me know and I will turn it into an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2580/P2dn
ARG:kmg:jf

November 4, 2003

ATTN: Roger Frings

The Manual on Uniform Traffic Control Devices (MUTCD) refers to the term "crossbuck sign" as an alternative or common term for "highway-rail-grade crossing sign," so the attached draft includes both terms. This is consistent with the recommendation contained in the original drafting instructions.

The attached draft contains some "clean-up" provisions repealing statutes after they will have no continuing applicability. I could not prepare this bill with nonstatutory provisions in lieu of in-text applicability because the provisions of the bill may apply beyond the current biennium. At this point, it is difficult to predict when the funding provisions of the bill will be completed. If the bill were enacted toward the end of the legislative biennium, and became effective in the summer of 2004, railroad companies would have until the summer of 2005 to make their requests of DOT to provide the yield signs, and DOT would then require additional time to evaluate the requests and pay for, or provide, signs. To be safe, the bill does not repeal the bill's limited-term provisions related to funding until the end of the next fiscal biennium, hence the July 1, 2007, date for repeal of these provisions.

If you have questions or would like additional changes, please let me know. If the attached draft meets with your approval, please let me know and I will turn it into an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

Gary, Aaron

From: Frings, Roger
Sent: Monday, November 10, 2003 10:24 AM
To: Gary, Aaron
Subject: yield sign draft

03-2580

Aaron,
We've reviewed the "p2" draft of the bill and it looks fine. Please put it in a /1 form and have it jacketed for Sen. Cowles.

Thanks,

Roger



State of Wisconsin
2003 - 2004 LEGISLATURE

TODAY

LRB-2580/1
ARG:kmg:jf

KMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

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

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:

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:

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).

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.

