

2005 ASSEMBLY BILL 512

June 23, 2005 – Introduced by Representatives AINSWORTH, ALBERS, BIES, HAHN, HINES, KRAWCZYK, LEMAHIEU, LOTHIAN, MCCORMICK, NERISON, OWENS, PETROWSKI, PETTIS, TOWNSEND, VRAKAS and KREIBICH, cosponsored by Senators COWLES, BRESKE and LASSA. Referred to Committee on Transportation.

1 **AN ACT to renumber and amend** 192.29 (5); **to amend** 192.29 (5) (title) and
2 195.286 (5); and **to create** 192.29 (5) (b) and 346.44 (1) (c) of the statutes;
3 **relating to:** traffic regulations and traffic control devices at railroad crossings
4 and providing a penalty.

Analysis by the Legislative Reference Bureau

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, 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 adopted by DOT. The bill also requires railroad companies, not later than July 1, 2007, 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

ASSEMBLY BILL 512

railroad companies one yield sign for each location at which a yield sign is required to be installed and may charge a fee, which may not exceed DOT's actual cost, for each sign provided. The railroad companies are responsible for the installation, maintenance, and replacement, and all costs associated therewith, of the yield signs. The railroad companies may not be held liable for damage to any person or property arising from a traffic accident at the railroad crossing that occurs between the bill's effective date and July 1, 2007, and that is caused by the railroad companies' failure to install these yield signs.

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.

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 crossbuck 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.

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

2 192.29 (5) (title) ~~DANGER~~ RAILROAD CROSSING AND YIELD SIGNS.

3 **SECTION 2.** 192.29 (5) of the statutes is renumbered 192.29 (5) (a) and amended

4 to read:

ASSEMBLY BILL 512

1 192.29 (5) (a) Wherever its track crosses a public highway or street, every
2 railroad corporation shall maintain on each side of the track and near such crossing
3 a large signboard with the following inscription, painted in large letters: “Railroad
4 Crossing,” in such manner as to be visible to approaching traffic on the highway or
5 street at least 100 feet distant a highway-rail-grade crossing sign, commonly known
6 as a crossbuck sign, that conforms with the manual of uniform traffic control devices
7 adopted by the department under s. 84.02 (4) (e).

8 **SECTION 3.** 192.29 (5) (b) of the statutes is created to read:

9 192.29 (5) (b) No later than July 1, 2007, at every railroad crossing at which
10 a railroad corporation is required to maintain a sign described in par. (a) and that
11 is not controlled by a gate, automatic signal, or official stop sign, the railroad
12 corporation shall install and maintain, below the sign described in par. (a), a yield
13 sign that conforms with the manual of uniform traffic control devices adopted by the
14 department under s. 84.02 (4) (e).

15 **SECTION 4.** 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 5.** 346.44 (1) (c) of the statutes is created to read:

21 346.44 (1) (c) If any crossbuck sign specified under s. 192.29 (5) (a) is
22 maintained at the crossing, while any train occupies the crossing or approaches so
23 closely to the crossing as to constitute a hazard of collision.

24 **SECTION 6. Nonstatutory provisions.**

ASSEMBLY BILL 512

1 (1) The department of transportation shall, upon request, provide to each
2 railroad company one yield sign for each location at which a yield sign is required to
3 be installed by the railroad company under section 192.29 (5) (b) of the statutes, as
4 created by this act. The department may charge a fee, which may not exceed the
5 department's actual cost, for each sign provided under this subsection. The
6 department is not required to provide to any railroad company a yield sign first
7 requested after the first day of the 13th month beginning after the effective date of
8 this subsection. Every railroad company shall be responsible for the installation,
9 maintenance, and replacement, and all costs associated therewith, of any sign
10 received from the department under subsection.

11 (2) No railroad corporation may be held liable for damage to any person or
12 property arising from a traffic accident at the railroad crossing that occurs on or after
13 the effective date of this subsection and before July 2, 2007, and that is caused, or
14 asserted to be caused, in whole or in part by the railroad corporation's failure to
15 install a yield sign as provided under section 192.29 (5) (b) of the statutes, as created
16 by this act.

17 (END)