

2005 DRAFTING REQUEST

Bill

Received: 12/15/2004

Received By: agary

Wanted: As time permits

Identical to LRB:

For: John Ainsworth (608) 266-3097

By/Representing: Kristina Boardman (aide)

This file may be shown to any legislator: NO

Drafter: agary

May Contact:

Addl. Drafters:

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

Extra Copies: **PJH**

Submit via email: YES

Requester's email: **Rep.Ainsworth@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Yielding 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>
/?	agary 02/03/2005	lkunkel 02/04/2005		_____			S&L
/P1	agary 04/25/2005	lkunkel 04/26/2005	pgreensl	_____	sbasford 02/07/2005		S&L
/P2			chaugen	_____	sbasford 04/28/2005		S&L
/P3	agary	lkunkel	pgreensl	_____	sbasford		S&L

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	05/06/2005	05/10/2005	05/11/2005	_____	05/11/2005		
/1	agary 05/17/2005	lkunkel 05/17/2005	chaugen 05/18/2005	_____	lnorthro 05/18/2005	sbasford 05/27/2005	

FE Sent For:

At intro.

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

05/06/2005 05/10/2005 05/11/2005 05/11/2005

1/mk 5/17 *ch 5/18* *ch 5/18*
PS

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/p3 lmk5/10

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PB

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1/2 lmk 4/26
Ch 2-28
RS

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/?

agary

pl lmk 2/4

2/4
p8
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p8

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p8

FE Sent For:

<END>

Gary, Aaron

From: Gary, Aaron
Sent: Friday, January 07, 2005 9:51 AM
To: Boardman, Kristina
Subject: RE: redraft request

Hi Kristina,

Sorry to belabor this ... The draft amends a state funds appropriation and amends a federal funds appropriation. Removing treatment of the federal funds appropriation is not a problem. But removing treatment of the state funds appropriation is a problem because, without it, I believe there is no existing appropriation that can be legally used to provide funds for this purpose. That is, if we remove the amendment of the state funds appropriation, this mechanism for providing signs may appear in the statutes, but DOT won't be authorized to expend funds to carry out the mechanism. If you want, you may wish to get a second opinion from DOT or the Fiscal Bureau, but that's my take on it. So, in summary, deleting the federal funding references is simple, but deleting all funding references (state too) would need some working through. Please let me know how you wish to proceed. Thanks. Aaron

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

*1/7 the w/ Kristina
• Only want to remove fed
• will get back to me*

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

From: Boardman, Kristina
Sent: Friday, January 07, 2005 9:05 AM
To: Gary, Aaron
Subject: FW: redraft request

Aaron:

Here is Sam Gratz's response to your questions regarding the redraft. The intent of the change is to get rid on the references to funding. Sorry for the confusion.

Kristina

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

From: Sam Gratz [mailto:samgratz@tds.net]
Sent: Friday, January 07, 2005 9:00 AM
To: Boardman, Kristina
Subject: Re: redraft request

Obviously, that is why the drafters needed to do this.... The only intent that we have, is to do the statutory changes necessary without referencing the funding. He is correct to assume that, and to proceed that way.

Thanks,
Sam Gratz

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

From: "Boardman, Kristina" <Kristina.Boardman@legis.state.wi.us>
To: <samgratz@tds.net>
Sent: Friday, January 07, 2005 8:53 AM
Subject: FW: redraft request

Sam:

Could you please respond to me regarding Aaron Gary's questions regarding the redraft for 2003 AB 846 (yield signs)?

Thank you!

Kristina Boardman, Committee Clerk
Wisconsin State Assembly Transportation Committee
Representative Ainsworth's Office
608.266.3097- phone
608.282.3603 - fax
kristina.boardman@legis.state.wi.us

> -----Original Message-----

> From: Gary, Aaron
> Sent: Thursday, January 06, 2005 4:20 PM
> To: Boardman, Kristina
> Subject: RE: redraft request

>
> Hi Kristina,
> The suggestion of Mr. Gratz won't work for the redraft - it appears to omit things necessary for the draft and include things that should be deleted. Is the only intent here to remove that part of the draft dealing with federal funding? or is there more to it? Please feel free to call or e-mail. 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: Boardman, Kristina
> Sent: Wednesday, December 15, 2004 10:00 AM
> To: Gary, Aaron
> Subject: redraft request

> Aaron:

>
> Representative Ainsworth would like to request a redraft of 2003 AB 846, with a few modifications. The Federal Highway Administration has decided that federal highway funds cannot be used to equip crossbuck signs with a yield marker - thus references to funding need to be deleted.

>
> Sam Gratz, lobbyist for several railroad companies, has indicated that this could be accomplished by only re-drafting sections 6,7,8,9, and 12. Hopefully this seems appropriate, from a drafting standpoint.

>
> We don't want to lock DOT into a mandate of installing these signs - we just want the language in place so that railroad companies can install them.

>
> If you have any questions, please let me know.

>
> As always - thank you for your efforts.

>
> Kristina Boardman, Committee Clerk
> Wisconsin State Assembly Transportation Committee
> Representative Ainsworth's Office
> 608.266.3097- phone
> 608.282.3603 - fax
> kristina.boardman@legis.state.wi.us

#2 2/1/05

He - / Kristina

- RR yield sign

• RR to put up (& pay for) signs
by July 1, 2007

• DOT to provide signs at cost - but
not pay for them

• can talk to Jim Doolin 6-9546
if I need assistance

~~#7 He - / Kristina~~

Wanted
by 2/17

1252/P1

LRB-1454/P1

ARG:lmk&jld:pg
Keep

R M N R

in 2/3

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

~~LPS: Please check
auto refs~~

Rosen

1 AN ACT *to repeal* 195.282; *to renumber and amend* 192.29 (5); *to amend*
2 20.395 (2) (gr), 192.29 (5) (title), 192.29 (5) (b) and 195.286 (5); *to repeal and*
3 *recreate* 20.395 (2) (gr); and *to create* 192.29 (5) (b), 195.282 and 346.44 (1)
4 (c) of the statutes; **relating to:** traffic regulations and traffic control devices at
5 railroad crossings, ~~making an appropriation,~~ 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 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 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, 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 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 ^{beginning on July 1, 2007,} 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:

and may charge a fee, which may not exceed DOT's actual cost, for each sign provided or

1 20.395 (2) (gr) *Railroad crossing improvement and protection installation,*
2 *state funds.* As a continuing appropriation, the amounts in the schedule to pay the
3 costs for railroad crossing protection improvements under s. 195.28 (2) and, for the
4 installation of railroad crossing gates under 1999 Wisconsin Act 9, section 9150 (9g),
5 and for railroad crossing yield signs under s. 195.282.

6 **SECTION 2.** 20.395 (2) (gr) of the statutes, as affected by 2005 Wisconsin Act
7 (this act), is repealed and recreated to read:

8 20.395 (2) (gr) *Railroad crossing improvement and protection installation,*
9 *state funds.* As a continuing appropriation, the amounts in the schedule to pay the
10 costs for railroad crossing protection improvements under s. 195.28 (2) and for the
11 installation of railroad crossing gates under 1999 Wisconsin Act 9, section 9150 (9g).

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

13 192.29 (5) (title) DANGER RAILROAD CROSSING AND YIELD SIGNS.

14 **SECTION 4.** 192.29 (5) of the statutes is renumbered 192.29 (5) (a) and amended
15 to read:

16 192.29 (5) (a) Wherever its track crosses a public highway or street, every
17 railroad corporation shall maintain on each side of the track ~~and near such crossing~~
18 ~~a large signboard with the following inscription, painted in large letters: "Railroad~~
19 ~~Crossing," in such manner as to be visible to approaching traffic on the highway or~~
20 ~~street at least 100 feet distant~~ a highway-rail-grade crossing sign, commonly known
21 as a crossbuck sign, that conforms with the manual on uniform traffic control devices
22 adopted by the department under s. 84.02 (4) (e). ✓

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

24 192.29 (5) (b) ^{Beginning on July 1, 2007,} Subject to s. 195.282, at every railroad crossing at which a
25 railroad corporation is required to maintain a sign described in par. (a) and that is

1 not controlled by a gate, automatic signal, or official stop sign, the railroad
2 corporation shall install and maintain, below the sign described in par. (a), a yield
3 sign that conforms with the manual of uniform traffic control devices adopted by the
4 department under s. 84.02 (4) (e).

5 **SECTION 6.** 192.29 (5) (b) of the statutes, as created by 2005 Wisconsin Act ...
6 (this act), is amended to read:

7 192.29 (5) (b) Subject to s. 195.282, at At every railroad crossing at which a
8 railroad corporation is required to maintain a sign described in par. (a) and that is
9 not controlled by a gate, automatic signal, or official stop sign, the railroad
10 corporation shall install and maintain, below the sign described in par. (a), a yield
11 sign that conforms with the manual of uniform traffic control devices adopted by the
12 department under s. 84.02 (4) (e).

13 **SECTION 7.** 195.282 of the statutes is created to read:

14 ~~195.282 Yield signs for grade crossings.~~ (1) The department shall, upon
15 request, provide to each railroad company one yield sign for each location at which
16 a yield sign is required to be installed by the railroad company under s. 192.29 (5)
17 (b) ~~or, in lieu of providing such a sign, the department shall reimburse the railroad~~
18 ~~company for the cost of each such sign obtained by the railroad company from a~~
19 ~~source other than the department.~~ The cost of the yield signs provided by the

20 department under this section, and all funds expended by the department under this
21 section for reimbursement for yield signs obtained from other sources, shall be paid
22 from the appropriation under s. 20.395 (2) (gr). If the amount in the appropriation
23 under s. 20.395 (2) (gr) is not adequate to fund the department's expenses under this
24 section, the department shall prorate the number of signs and the amount of

Move to 5-23

(B) Nonstatutory provisions. LPS action: NS: nonstat of transportation
LPS: text: ns: sub plain
of the statutes, as created by this act. The department may charge a fee, which
may not exceed the department's actual cost, for each sign provided under
this subsection. move to 5-23 cont'd on page 5

MOVE TO 5-23 CONT'D

1 reimbursement to be provided to the railroad companies in the manner determined
2 by the department.

3 (no P) (2) Every railroad company shall be responsible for the installation,
4 maintenance, and replacement, and all costs associated therewith, of any sign
5 received from or funded by the department under ^{this subsection} ~~sub (1)~~. The department may not
6 provide to any railroad company more than one yield sign, or reimbursement for
7 more than one yield sign, for each location at which the railroad company is required
8 to install a yield sign under s. 192.29 (5) (b). The department ^{is} ~~may~~ not ^{required to} provide to any

9 railroad company a yield sign, or reimbursement for a yield sign, first requested after
10 the first day of the 13th month beginning after the effective date of this subsection
11 ... [revisor inserts date]

X
move
to
P. 4

12 SECTION 8. 195.282 of the statutes, as created by 2005 Wisconsin Act (this
13 act), is repealed.

14 SECTION 9. 195.286 (5) of the statutes is amended to read:
15 195.286 (5) OTHER SIGNS PROHIBITED. No other sign of the general size or
16 appearance of the signs provided for in this section shall be placed or permitted upon
17 any highway, nor any sign between such advance signs except signs or signals now
18 required by law or permitted by the office for protection at railway crossings.

19 SECTION 10. 346.44 (1) (c) of the statutes is created to read:
20 346.44 (1) (c) If a yield sign is erected and maintained at the crossing, while
21 any train occupies the crossing or approaches so closely to the crossing as to
22 constitute a hazard of collision.

MOVE
FROM
PP. 4-5

23 SECTION 11. Effective dates. This act takes effect on the day after publication,
24 except as follows:

SECTION 11

192.29(5) (title)

a.r
4 and

1

(1) The treatment of sections ~~20.395 (2) (gr)~~ (by SECTION ~~2~~), ~~192.29 (5) (b)~~ (by

2

SECTION 6); and 195.282 (by SECTION ~~8~~) of the statutes takes effect on July 1, 2009.

3

(END)

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1252/P1ins
ARG:.....

u
INSERT 3-13:

art.
SECTION ~~11~~ 192.29 (5) (title) of the statutes, as affected by 2005 Wisconsin Act

... (this act), is amended to read:

192.29 **(5)** (title) RAILROAD CROSSING AND YIELD SIGNS.