

**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 588**

November 30, 2005 – Offered by Representative TOWNSEND.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 12, line 19: delete the material beginning with “49 USC” and ending
3 with “authority” on line 22 and substitute “federal law”.

4 **2.** Page 12, line 23: delete lines 23 to 25.

5 **3.** Page 13, line 1: delete lines 1 to 3.

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

7 “**SECTION 10m.** 189.02 (5) and (6) of the statutes are repealed.”.

8 **5.** Page 13, line 6: delete the material beginning with “49” and ending with
9 “authority,” on line 9 and substitute “federal law”.

10 **6.** Page 13, line 20: delete “provisions of ch. 195, if” and substitute “the
11 limitation that”.

12 **7.** Page 13, line 21: delete “~~shall leave~~ leaves” and substitute “shall leave”.

1 **8.** Page 13, line 22: after “width” insert “, and subject to any other limitation
2 on such construction provided by law”.

3 **9.** Page 15, line 6: delete lines 6 to 13.

4 **10.** Page 15, line 16: after “carriers” insert “, as defined in 49 USC 10102 (5)”.

5 **11.** Page 15, line 16: after “transportation” insert “, as defined in 49 USC
6 10102 (9)”.

7 **12.** Page 15, line 19: delete lines 19 to 21 and substitute “federal law”.

8 **13.** Page 17, line 3: delete the material beginning with “49” and ending with
9 “authority,” on line 6 and substitute “federal law”.

10 **14.** Page 17, line 9: delete lines 9 to 14.

11 **15.** Page 17, line 20: delete “and (2)”.

12 **16.** Page 17, line 20: delete “are” and substitute “is”.

13 **17.** Page 17, line 20: after that line insert:

14 “**SECTION 29m.** 192.29 (2) of the statutes is renumbered 195.28 (1m) and
15 amended to read:

16 195.28 **(1m)** ARTERIAL STOP SIGNS. In any proceeding under sub. (1) ~~or under~~
17 ~~s. 195.28~~, the office may by order require that the state or municipality install at any
18 crossing involved in such proceeding an official stop sign.”.

19 **18.** Page 17, line 21: delete “amended” and substitute “repealed and
20 recreated”.

21 **19.** Page 17, line 22: delete that line and substitute:

22 “192.29 **(3)** (title) HORN TO SOUND, CROSSING DEVICES.”.

23 **20.** Page 17, line 24: delete “No” and substitute “No A”.

- 1 **21.** Page 17, line 24: delete “shall run” and substitute “~~shall run~~ running”.
- 2 **22.** Page 17, line 25: delete “within any city or village” and substitute “~~within~~
3 ~~any city or village~~”.
- 4 **23.** Page 17, line 25: delete “operated,” and substitute “operated~~,~~”.
- 5 **24.** Page 18, line 1: delete “unless the” and substitute “~~unless the~~”.
- 6 **25.** Page 18, line 2: delete “railroad train or locomotive” and substitute “shall
7 sound its”.
- 8 **26.** Page 18, line 3: delete “is sounded”.
- 9 **27.** Page 18, line 3: after that line insert:
10 “**SECTION 31m.** 192.29 (3) (b) of the statutes is amended to read:
11 192.29 **(3)** (b) Flagmen or gates shall be placed and maintained, or such
12 mechanical safety appliances shall be installed upon such public traveled grade
13 crossings ~~in villages and cities,~~ as the ~~city or village authorities~~ office and the
14 railroad company may by agreement decide; such agreement may include the
15 apportionment of the cost of installation of such mechanical devices.”.
- 16 **28.** Page 18, line 5: delete lines 5 to 21 and substitute:
17 “**SECTION 34m.** 192.292 of the statutes is amended to read:
18 **192.292 Trains obstructing highways.** It shall be unlawful to stop any
19 railroad train, locomotive or car upon or across any highway or street crossing,
20 outside of cities, or leave the same standing upon such crossing longer than 10
21 minutes, except in cases of accident; and any ~~conductor, engineer, brakeman or other~~
22 ~~person in charge thereof or responsible therefor who~~ railroad company that shall
23 violate this section shall be liable to a fine of not more than \$~~25~~ \$500 or any officer

1 of such company responsible for the violation shall be liable to imprisonment of not
2 more than 15 days.

3 **SECTION 35m.** 192.295 of the statutes is repealed.”.

4 **29.** Page 19, line 2: delete “provides” and substitute “provided”.

5 **30.** Page 19, line 25: after that line insert:

6 “**SECTION 37m.** 192.32 (1) (c) of the statutes is repealed.”.

7 **31.** Page 20, line 4: delete the material beginning with “forfeit” and ending
8 with “\$2” on line 5 and substitute “~~not more than \$20 nor less than \$2~~ forfeit not less
9 than \$100 nor more than \$200”.

10 **32.** Page 21, line 6: delete “more” and substitute “~~more~~ less”.

11 **33.** Page 21, line 7: after “~~both~~” insert “nor more than \$200”.

12 **34.** Page 21, line 10: delete “\$1” and substitute “\$1 \$100”.

13 **35.** Page 21, line 10: delete “\$50” and substitute “\$50”.

14 **36.** Page 21, line 11: after “imprisonment” insert “\$200”.

15 **37.** Page 21, line 12: after that line insert:

16 “**SECTION 45m.** 192.71 and 192.72 of the statutes are repealed.”.

17 **38.** Page 22, line 2: delete the material beginning with “49 USC” and ending
18 with “authority,” on line 5 and substitute “federal law”.

19 **39.** Page 22, line 9: after “carriers” insert “or contract”.

20 **40.** Page 22, line 13: after “transporting” insert “freight”.

21 **41.** Page 22, line 14: after “shipment” insert “. In this chapter, “common
22 carrier,” with respect to a water carrier, includes a contract carrier other than a
23 private contract carrier”.

- 1 **42.** Page 24, line 20: delete “direct the” and substitute “~~direct the~~”.
- 2 **43.** Page 24, line 21: delete “department to” and substitute “~~department to~~”.
- 3 **44.** Page 24, line 21: delete “hearing. The” and substitute “hearing. ~~The~~”.
- 4 **45.** Page 24, line 22: delete lines 22 to 23 and substitute “~~report of the~~
5 ~~department shall be presented to the office only at the hearing on the complaint, if~~
6 ~~hearing is requested and held.~~ No order may be entered by the office”.
- 7 **46.** Page 24, line 24: after “hearing” insert “, except as otherwise provided in
8 this chapter”.
- 9 **47.** Page 24, line 25: delete that line.
- 10 **48.** Page 25, line 1: delete lines 1 to 7.
- 11 **49.** Page 25, line 9: delete “water carrier”.
- 12 **50.** Page 25, line 10: delete “or railroad” and substitute “railroad water
13 carrier”.
- 14 **51.** Page 25, line 13: on lines 13 and 15, delete “water carrier or railroad” and
15 substitute “railroad water carrier”.
- 16 **52.** Page 26, line 2: delete “water carrier or, if a matter under its jurisdiction,
17 to any railroad” and substitute “railroad water carrier”.
- 18 **53.** Page 26, line 3: delete “investigate the matter or request the” and
19 substitute “~~request the~~”.
- 20 **54.** Page 26, line 4: delete “department to” and substitute “~~department to~~”.
- 21 **55.** Page 26, line 7: delete “by the department or the office” and substitute “~~by~~
22 ~~the department~~”.

- 1 **56.** Page 26, line 10: delete “the report of the department” and substitute “the
2 any report of the department”.
- 3 **57.** Page 26, line 13: delete “water”.
- 4 **58.** Page 26, line 14: delete “carrier or railroad” and substitute “railroad water
5 carrier”.
- 6 **59.** Page 30, line 3: delete “direct the department” and substitute “direct the
7 department”.
- 8 **60.** Page 30, line 4: delete “to” and substitute “~~to~~”.
- 9 **61.** Page 30, line 4: delete “Any report of” and substitute “Any report of”.
- 10 **62.** Page 30, line 5: delete that line and substitute “~~the department shall be~~
11 ~~presented to the office only at the hearing on the complaint.~~”.
- 12 **63.** Page 32, line 15: delete “\$50” and substitute “\$50 \$100”.
- 13 **64.** Page 36, line 14: delete the material beginning with “. The” and ending
14 with “law” on line 16.
- 15 **65.** Page 36, line 17: delete lines 17 to 20.
- 16 **66.** Page 37, line 3: delete “\$10” and substitute “\$10 \$100”.
- 17 **67.** Page 37, line 3: delete “\$50” and substitute “\$50 \$200”.
- 18 **68.** Page 37, line 4: delete “, 195.31”.
- 19 **69.** Page 37, line 11: delete “monthly”.
- 20 **70.** Page 38, line 19: delete “investigate or direct the department to” and
21 substitute “direct the department to”.

1 **71.** Page 39, line 12: delete “request the department to” and substitute
2 “request the department to”.

3 **72.** Page 40, line 24: delete “expenses, including all expenses” and substitute
4 “expenses, including all expenses”.

5 **73.** Page 40, line 25: delete that line and substitute “~~incurred by the~~
6 ~~department at the request or direction of the office~~ and shall render”.

7 **74.** Page 46, line 19: after that line insert:

8 **“SECTION 121m. Nonstatutory provisions.**

9 (1) All orders issued by the office of the commissioner of railroads, including
10 any order requiring the placement of any crossing protection device or official traffic
11 control device, that are in effect on the effective date of this subsection remain in
12 effect until their specified expiration date or until modified or rescinded by the
13 office.”.

14 (END)