

 **05hr_SC-NRT_sb0256_pt01**



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Natural Resources and Transportation...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

November 3, 2005

EXECUTIVE SESSION HELD

Present: (5) Senators Kedzie, Stepp, Kapanke, Wirch and
Breske.

Absent: (0) None.

Moved by Senator Breske, seconded by Senator Kapanke that
Senate Bill 256 be recommended for passage.

Ayes: (5) Senators Kedzie, Stepp, Kapanke, Wirch and
Breske.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0

Matt Phillips
Committee Clerk

Vote Record

Committee on Natural Resources and Transportation

Date: November 3, 2005

Bill Number: Senate BNI 256

Moved by: Breske Seconded by: Kapanke

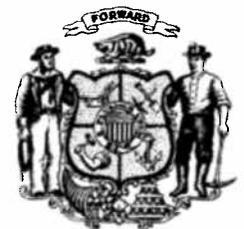
Motion: Passage

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Neal Kedzie, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Dan Kapanke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 5-0 _____



WISCONSIN STATE LEGISLATURE



**Chairman's Notes: Senate Committee on
Natural Resources and Transportation
Public Hearing – October 20, 2005**

- Welcome to today's hearing of the Senate Committee on Natural Resources and Transportation. Today we are having a public hearing on a number of Transportation related bills. We will also be entering into executive session to vote on a number of Natural Resources bills that the Committee has previously held a public hearing on.
- Committee Clerk will take Attendance. The roll will be left open for members who have yet to arrive.
- I would like to remind individuals wishing to testify to fill out a hearing slip and give it to the member of the Sergeant's Staff.
- Also, because of the number of bills before the committee today, I would encourage everyone to limit their comments to 5 minutes or less. For those that have written testimony, I would encourage you to summarize instead of reading it verbatim.
- It is my intent to take up the items in the order listed on the hearing notice, and will take up Companion bills at the same time.

Senate Bill 256/Assembly Bill 512 (Cowles/Ainsworth)

Relating to: traffic regulations and traffic control devices at railroad crossings and providing a penalty.

Summary:

- 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 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.
- 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 a forfeiture of \$1,000.

Fiscal Effect: A fiscal estimate prepared by the DOT indicates that there are 1,596 crossings that would be affected, for a total of 3,192 signs. DOT must provide these signs, but the railroad companies must reimburse the Department for the cost of the sign and are responsible for installation and maintenance.

Questions:

- Is everyone in the railroad community in support of this proposal?
- Are motorists currently required to yield at a crossing – is it accurate to say that this bill is not changing the rules of the road as it relates to railroad crossings, it is simply ensuring that the crossings are better marked?
- Are other states doing this, and if so, have they seen a reduction in car-train accidents?
- Are most car-train accidents due to people not yielding at these types of intersections and getting hit by trains they didn't see or because of people that are aware a train is coming and they either try to beat it or disregard the existing gates?

Assembly Action:

- Passed the Assembly Committee on Transportation on a 14-0 vote.
- Passed the Assembly on a voice vote.

Note: If Uncle Rodney is unable to make the hearing, he indicated that he would like someone to indicate that he is in support of the bill.

Assembly Bill 230 (Companion bill to SB 122)
Relating to: the licensing of motor vehicle salvage dealers.

- **MOTION TO RECOMMEND CONCURRENCE**
- **SECOND**
- **DISCUSSION**
- **ROLE CALL**

Senate Bill 256
Relating to: traffic regulations and traffic control devices at railroad crossings and providing a penalty.

- **MOTION FOR PASSAGE**
- **SECOND**
- **DISCUSSION**
- ✓ **ROLE CALL**

Assembly Bill 512 (Companion bill to SB 256)
Relating to: traffic regulations and traffic control devices at railroad crossings and providing a penalty.

- **MOTION TO RECOMMEND CONCURRENCE**
- **SECOND**
- **DISCUSSION**
- **ROLE CALL**

Assembly Bill 112
Relating to: motor vehicle registration plates for disabled veterans.

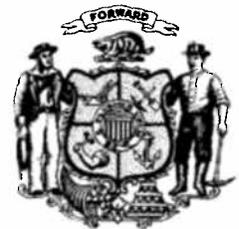
- **MOTION TO RECOMMEND CONCURRENCE**
- **SECOND**
- **DISCUSSION**
- ✓ **ROLE CALL**

Assembly Bill 144
Relating to: designating and marking a portion of STH 19 as the Georgia O'Keeffe Memorial Highway.

- **MOTION TO RECOMMEND CONCURRENCE**
- **SECOND**
- **DISCUSSION**
- ✓ **ROLE CALL**



WISCONSIN STATE LEGISLATURE



CHAIR:
Energy and Utilities Committee

MEMBER:
Higher Education and Tourism
Joint Committee on Audit
State Building Commission

ROBERT L. COWLES

Wisconsin State Senator • 2nd Senate District

TO: Chairman Kedzie and Members, Senate Natural Resources and
Transportation Committee

FROM: Senator Robert Cowles

DATE: October 20, 2005

RE: Senate Bill 256 and Assembly Bill 512, relating to traffic regulations and
traffic control devices at railroad crossings.

I would like to express my strong support for Senate Bill 256 and Assembly Bill 512 which is aimed at improving traffic safety and clarifying the commissioner's authority at railroad crossings.

Additionally, the bill also requires railroad companies to install and maintain a yield sign below the cross buck sign at any crossing at which the railroad is required to maintain a cross buck sign and that is not controlled by a gate, automatic signal, or stop sign.

The Department of Transportation would provide to the railroad companies one-yeild sign for each location at which a yield sign is required to be installed. Funding for the signs and installation would come from the Hazard Elimination Fund, which gets it's funding from the assessment on railroads.

Under this legislation operators of a vehicle would be prohibited 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.

This legislation was drafted with input from the Commissioner of Railroads, the Department of Transportation, and individuals representing the railroad industry.

I'd appreciate your support of this important legislation.

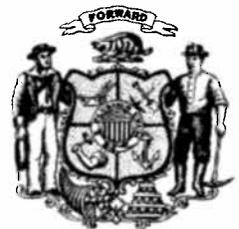
Office:
Room 122 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
608-266-0484

Toll-free Hotline: 1-800-334-1465
TDD Hotline: 1-800-228-2115
Fax 608-267-0304

District:
300 W. St. Joseph Street
Green Bay, WI 54301-2328
920-448-5092
Fax: 920-4485093



WISCONSIN STATE LEGISLATURE



TESTIMONY OF
THE WISCONSIN RAILROAD COMMITTEE

Before the
Senate Committee on Natural Resources and Transportation

October 20, 2005

Presented by Sam Gratz

I am testifying today on behalf of the Wisconsin Railroad Committee, which includes BNSF Railway Company, Canadian National, Canadian Pacific Railway Company, as well as Union Pacific. The Committee's focus is freight rail transportation. Safety is key to the freight rail industry.

The Wisconsin Railroad Committee is strongly in support of SB-256 & AB-512.

Grade Crossing Safety is a Cooperative Effort with Wisconsin

The freight rail industry and the state (via OCR and DOT) have been very pro-active with regard to highway-rail crossing safety. This has occurred through two complimentary programs:

1. **Section 130 Program:** Federal funds are used, along with some state funds, to upgrade crossing warning systems at highway-rail grade crossings. This usually occurs by replacing crossbucks, a passive warning, with signals and gates, an active warning. It can also occur with closure of redundant crossings, or low cost improvements to sight distances or other improvements.
2. **Operation Lifesaver Program:** This is a public awareness program where grade crossing education is emphasized. Here we talk about (i) education, (ii) engineering solutions and (iii) enforcement. Both railroad and state employees are involved into going to schools and meeting with adult groups to advocate crossing safety and make people aware of it.

Used together, these programs have produced great results in reducing injury and death at highway-rail grade crossings. Nationally, grade

crossing collisions and fatalities have declined by almost 75% since 1975 and almost 50% in the last 10 years since 1993. But 2004 has brought a reversal in that downward trend with grade crossing fatalities showing their first increase in four years, on a national basis.

Goal is to Reduce Accidents Further at Highway-Rail Grade Crossings

While much progress has been made with crossing warning upgrades and educating the public, more has to be done. While we will continue our efforts in crossing warning upgrades and education, we needed to look at crossbuck crossings in order to continue to reduce accidents. The majority of Wisconsin crossings still have crossbucks, and nearly 50% of the accidents occur at crossbuck crossings.

For over 15 years, an increasing number of research reports, articles and discussion papers have repeatedly called attention to the apparent failure of a significantly large percentage of motorists to comprehend that the crossbuck sign, used as a stand alone sign at passive (non-signalized) highway-rail grade crossings, is a form of yield sign requiring motorists to approach such crossings prepared to yield the right-of-way to an approaching train.

A 1993 study conducted at Turner-Fairbanks revealed that while the crossbuck sign's familiar "X" shape was one of the more commonly recognized traffic control device shapes, insofar as denoting the presence of a highway-rail crossing, it scored very poorly in terms of road user comprehension of its intended "yield to trains" message. The crossbuck sign is the sole regulatory sign that fails to incorporate a clear, concise, behavior-directing message. The legend "RAILROAD CROSSING" explains 'what it is' and 'where it is', but fails to adequately convey to the road user any intended behavioral response.

There is currently a recommendation, with support from the Federal Highway Administration (FHWA) and the Federal Railroad Administration (FRA) to make changes to the Manual on Uniform Traffic Control Devices (MUTCD) to mandate the use of yield signs with crossbuck signs, beginning in mid-2007.

MUTCD is adopted by Wisconsin DOT as the controlling document on these issues. There is nothing in the current MUTCD that prohibits yield signs to be installed now.

Proposed Legislation Places Wisconsin at the Forefront of Safety

SB-256 & AB-512 modernize terms used to refer to the "Railroad Crossing" sign, and specifically requires yield signs to be installed by July 1, 2007. That places Wisconsin on the "cutting edge" on this issue, as most states have not placed the yield sign requirement into legislation yet. It will be an indication of Wisconsin's commitment to highway-rail safety.

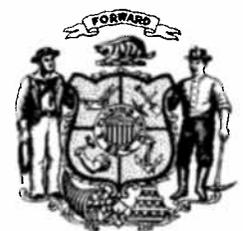
The Union Pacific Railroad believes this is such a good idea that via an agreement with the Commissioner of Railroads, they have installed yield signs at all of our Wisconsin crossings that have crossbucks. There is no stronger way for me to demonstrate our support for SB-256/AB-512 and our belief that it will increase safety, than actually doing what we are advocating. It is important that this program is implemented in an organized and thorough manner, and July 1, 2007 is a reasonable date.

Please vote "YES" on SB-256/AB-512.

#####



WISCONSIN STATE LEGISLATURE



Good morning Senator Kedzie and members of the Natural Resources and Transportation Committee.

no date

My name is Ronald E. Adams, P.E.. I am the Chief of the Railroads and Harbors Section within the Department of Transportation.

I am here to testify in support of Senate Bill #256.

It is a pleasure and a privilege to testify in support of this bill. The Department of Transportation believes this bill when enacted will increase transportation safety in Wisconsin.

I am especially pleased to be able to offer the support of the Department to that of the Office of the Commissioner of Railroads and the railroad company's serving Wisconsin for this bill.

There are 4,845 public highway/railway grade crossings in Wisconsin. Seven hundred one are grade separated. One thousand eight hundred twenty-one of the at-grade crossings have automated warning devices installed. This includes those with flashing lights and those with both flashing lights and gates. The remaining 2,340 public at-grade crossings have passive warning devices. These include those with the familiar crossbuck sign and those with the crossbuck and a STOP or YIELD sign.

In 2004, there were 68 crashes at highway/railway grade crossings. These crashes killed 4 people and injured 24 people. Of these 68 crashes, 23 occurred at highway/railway grade crossings with active warning devices. Forty-five of the 2004 crashes occurred at at-grade crossings with passive warning devices. This include nine that occurred at those at-grade crossings that had crossbucks and stop signs and seventeen that occurred at those crossings with only the crossbuck signs.

Similar results occurred in the first 7 months of 2005 (the latest period for which Federal Railroad Administration data is available) when there have been 48 crashes at highway/railway at-grade crossings in Wisconsin. Four of the crashes resulted in fatal injuries to 7 people and injury to one other person. An additional nine of the crashes resulted in injuries to 10 individuals. The remaining 35 crashes resulted in property damage to the vehicles and trains. One of the fatalities occurred at an at-grade crossing with crossbucks. Five occurred at at-grade crossings with crossbucks and stop signs present. One of the fatal crashes occurred at an at-grade crossing with flashing lights and gates. Four of the injury-only crashes occurred at crossings with automatic warning devices and five of the injury-only crashes occurred at crossings with crossbucks or crossbucks and STOP signs.

We believe, as do the Commissioner of Railroads and the railroads serving Wisconsin, that placing YIELD signs at those at-grade crossings with only crossbucks that do not currently have STOP signs will improve safety at those crossings. We believe that like those crossings that currently have crossbucks and STOP signs, the combination of crossbucks and YIELD signs will make the crossbuck signs and therefore the presence of a crossing more visible to motorists. We also believe that since drivers are familiar with YIELD signs there will better awareness of appropriate action to be taken by drivers.

We believe that the addition of YIELD signs and the accompanying changes in the Motor Vehicle Code are small incremental steps that can be taken to improve transportation safety in Wisconsin. This small step can also prevent trauma to the train crews involved in these crashes. They can seldom take effective action to avoid these crashes.

The Department looks forward to working with the railroads in Wisconsin to assist them in getting the required signs in place prior to the timeframe provided in the SB256.

Thank you for this opportunity to let you know of the Department to Transportation's support for this bill.