

## 2009 DRAFTING REQUEST

### Bill

Received: **04/10/2009**

Received By: **emueller**

Wanted: **As time permits**

Identical to LRB:

For: **Kristen Dexter (608) 266-9172**

By/Representing: **Ilsa Peterson**

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

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - other**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Rep.Dexter@legis.wisconsin.gov**

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Change safety patrol flag requirements.

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### Instructions:

See attached.

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### 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>
/?							
/1	emueller 05/08/2009	kfollett 05/12/2009	rschluet 05/12/2009	_____	sbasford 05/12/2009	lparisi 07/22/2009	

FE Sent For: **NONE**

<END>

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/?	emueller	1/16/09					
1/1	EUM 5/8/09	5/12/09					

FE Sent For:

<END>

## Mueller, Eric

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**From:** Grant, Peter  
**Sent:** Wednesday, April 08, 2009 10:21 AM  
**To:** Mueller, Eric  
**Subject:** FW: School Safety Patrol

**Attachments:** Chippewa Falls - Coughman Info.pdf

Eric, I think this one is yours or Aaron's.

Peter

---

**From:** Peterson, Ilsa  
**Sent:** Tuesday, April 07, 2009 7:25 PM  
**To:** Grant, Peter  
**Subject:** School Safety Patrol

Hello-

I work for Representative Dexter and she would like to draft legislation pertaining to the flags used by school safety patrols. I have attached a document outlining the changes. In statute 346.41(2) add that the flag can be florescent and a minimum of 20 inches, not exceeding 24 inches.

The document was sent to Rep Dexter by a constituent, I think it is quite thorough, however if you would like more information please don't hesitate to call or e-mail me. If this request would be better directed to someone else, please let me know and I will forward it on.

Thank you so much,  
Ilsa



Chippewa Falls -  
Coughman Info...

**Ilsa Peterson**  
Office of Representative Kristen Dexter  
68th Assembly District  
Phone: (608) 266-9172  
Toll Free: (888) 534-0068



## **Chippewa Falls Area School Safety Patrols**

**Chippewa Falls Area Unified School District**

- **PO Box 456 Chippewa Falls, WI 54729**
- **1130 Miles Street Chippewa Falls, WI 54729**

March 4, 2009

Dear Representative Dexter,

This is a letter asking you to introduce a bill to change, by adding a few words to Statute 346.41 (copy enclosed) to bring it up to current times.

Please change "Federal Yellow flag 24 inches square" to read... Federal yellow or florescent yellow flags minimum size of 20 inches but not to exceed 24 inches square.

Currently the crossing signs in the school areas are being changed, and are being replaced with the fluorescent yellow. Crossing Guard and "Safety Patrol" equipment throughout the State is being replaced with the florescent "Sam Brown" belts or safety vests. This bright color greatly adds to the safety of our walking school children. The visibility also enhances the fact that when children are present the speed zone is reduced. The current size of 24 inches is to large for our fifth grade patrols.

If I can be of any assistance, please call me.

Ralph Cushman  
Volunteer Safety Patrol Coordinator  
Chippewa Falls School District

715-723-6571

cc: Senator Pat Krietlow

**346.40 RULES OF THE ROAD**

whistle, such officer shall use the following whistle signals which shall signify as follows:

(a) One blast of the whistle means that all traffic not within the intersection shall stop.

(b) Two blasts of the whistle means that traffic which had been stopped prior to the one blast shall proceed through the intersection and that the traffic which was stopped by the one blast shall remain stopped.

(2) The traffic officer shall regulate the interval between the one and the 2 blasts so as to permit traffic that is legally within the intersection to clear the intersection.

**346.41 Display of unauthorized signs and signals prohibited.** (1) No person shall place, maintain or display upon or in view of any highway or at or in view of any railroad crossing any unauthorized sign, light, reflector, signal, marking or device which:

(a) Purports to be or is an imitation of or resembles or may be mistaken for an official traffic sign or signal or railroad sign or signal; or

(b) Attempts to direct the movement of traffic; or

(c) Hides from view or by its color, location, brilliance or manner of operation interferes with the effectiveness of any official traffic sign or signal or railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic control device bearing thereon any advertising except that a federal yellow flag, 24 inches square and bearing either the words "Safety Patrol" or "School," attached to a light weight pole 8 feet or less in length may be used by members of school safety patrols standing adjacent to but off the roadway to warn traffic that children are about to cross the roadway.

(3) No person shall place or maintain, or allow to be displayed any red or amber reflector within the limits of the highway boundaries at or near the entrance to a private road or driveway. The use of blue reflectors is permitted provided there is no disapproval by the highway authority in charge of maintenance of the highway.

History: 1981 c. 42.

Cross Reference: See also s. Trans 200.04, Wis. adm. code.

**346.42 Interference with signs and signals prohibited.** No person may intentionally damage, deface, move, or obstruct an official traffic sign or signal or neighborhood watch sign under s. 60.23 (17m) or 66.0429 (2) or intentionally interfere with the effective operation of such sign or signal.

History: 1985 a. 194; 1987 a. 205; 1999 a. 150 s. 672.

**346.43 Penalty for violating sections 346.37 to 346.42.**

(1) (a) Any pedestrian violating s. 346.37 or 346.38 may be required to forfeit not less than \$2 nor more than \$20 for the first offense and not less than \$10 nor more than \$50 for the 2nd or subsequent conviction within a year.

(b) 1. Unless otherwise provided in subd. 2. or 3., any operator of a vehicle violating ss. 346.37 to 346.39 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

2. Any operator of a bicycle or electric personal assistive mobility device violating s. 346.37, 346.38 or 346.39 may be required to forfeit not more than \$20.

3. If an operator of a vehicle violates s. 346.37 or 346.39 where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic, any applicable minimum and maximum forfeiture specified in subd. 1. for the violation shall be doubled.

(2) Any person violating s. 346.42 may be required to forfeit not less than \$30 nor more than \$300.

(3) Any person violating s. 346.41 may be required to forfeit not less than \$25 nor more than \$200 for the first offense and may

be required to forfeit not less than \$50 nor more than \$500 for the 2nd or subsequent conviction within a year.

History: 1971 c. 278, 336; 1973 c. 182; 1983 a. 27; 1985 a. 69 s. 16; 1993 a. 198; 1997 a. 277; 2001 a. 90.

**SUBCHAPTER VII**

**REQUIRED STOPS**

**346.44 All vehicles to stop at signal indicating approach of train.** (1) The operator of a vehicle shall not drive on or across a railroad crossing under any of the following circumstances:

(a) While any traffic officer or railroad employee signals to stop;

(b) While any warning device signals to stop, except that if the operator of the vehicle after stopping and investigating finds that no railroad train is approaching the operator may proceed.

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

(2) The operator of a vehicle shall not drive through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

History: 1991 a. 316; 2005 a. 95.

**346.45 Certain vehicles to stop at railroad crossings.**

(1) Except as provided in sub. (3), the operator of any of the following vehicles before crossing at grade any track of a railroad, shall stop such vehicle within 50 feet, but not less than 15 feet from the nearest rail of such railroad:

(a) Every motor bus transporting passengers.

(am) Every vehicle painted and displaying markings in accordance with s. 347.44 (1).

(b) Every motor vehicle transporting any quantity of chlorine.

(c) Every motor vehicle which, in accordance with sub. (4), is required to be marked or placarded with one of the following markings:

1. Explosives A.
2. Explosives B.
3. Poison.
4. Flammable.
5. Oxidizers.
6. Compressed gas.
7. Corrosives.
8. Flammable gas.
9. Radioactive.
10. Dangerous.

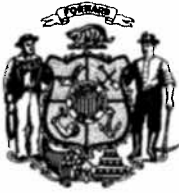
(d) Every cargo tank motor vehicle, whether loaded or empty, used for the transportation of any liquid having a flashpoint below 200° Fahrenheit, as determined by the test method approved for that product by the American society for testing and materials.

(e) Every cargo tank motor vehicle transporting a commodity which at the time of loading has a temperature above its flashpoint as determined by the same standard method of testing as prescribed in par. (d).

(f) Every vehicle transporting a building, as defined in s. 348.27 (12m) (a) 1.

(2) The operator of every vehicle required to stop before crossing any track shall listen and look in both directions along the track for any approaching train, and shall not proceed until such precautions have been taken and until the operator has ascertained that the course is clear. Wherever an auxiliary lane is provided for stopping at a railroad, operators of vehicles required to stop shall use such lane for stopping.

(3) A stop need not be made at:



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-2598

EVM...

11  
[Handwritten initials]

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

ln 5/8/09

RMR

gen

1 AN ACT ...; relating to: traffic control devices used by school safety patrols.

*Analysis by the Legislative Reference Bureau*

Under current law, traffic control devices containing advertising are not permitted on highways. An exception is provided for the use of certain flags by members of school safety patrols to warn traffic that children are about to cross the roadway. To meet the exception a school safety patrol flag must be federal yellow, 24 inches square, bear the words "safety patrol" or "school," and be attached to a light weight pole eight feet or less in length. Under this bill, the school safety patrol flag exception also includes flags that are fluorescent yellow and between 20 inches and 24 inches square.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2 SECTION 1. 346.41 (2) of the statutes is amended to read:

3 346.41 (2) No person shall may place or maintain ~~nor shall any, and no~~ public  
4 authority may permit upon any highway, any traffic control device bearing ~~thereon~~  
5 any advertising, except that a federal or fluorescent yellow flag, not less than 20  
6 inches nor more than 24 inches square and bearing either the words "Safety Patrol"

1 or "School," attached to a light weight pole 8 feet or less in length may be used by  
2 members of school safety patrols standing adjacent to but off the roadway to warn  
3 traffic that children are about to cross the roadway.

History: 1981 c. 42.

4

(END)



**Duerst, Christina**

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**From:** Peterson, Ilsa  
**Sent:** Tuesday, July 21, 2009 1:46 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-2598/1 Topic: Change safety patrol flag requirements.

Please Jacket LRB 09-2598/1 for the ASSEMBLY.