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(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Transportation, Tourism,
Forestry, and Natural Resources (SC-TTFNR)**

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: Mike Barman (LRB) (June/2012)

Senate

Record of Committee Proceedings

Committee on Transportation, Tourism, Forestry, and Natural Resources

Senate Bill 157

Relating to: driver education instruction.

By Senators Plale, Lassa, Taylor and Cowles; cosponsored by Representatives Van Roy, Mursau, Stone, Spanbauer, Bies, A. Ott, Petrowski, Brooks and Montgomery.

April 06, 2009 Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

April 30, 2009 **PUBLIC HEARING HELD**

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Appearances For

- Jeff Plale — 7th Senate District
- Tim Deneen, Evansville — United Transportation Union

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Roger Breske, Madison — Office of the Commission on Railroads
- Karl Van Roy — 90th Assembly District

Registrations Against

- None.

Registrations for Information Only

- None.

May 21, 2009

EXECUTIVE SESSION HELD

Present: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

Absent: (0) None.

Moved by Senator Sullivan, seconded by Senator Hansen that **Senate Bill 157** be recommended for passage.

Ayes: (7) Senators Holperin, Sullivan, Plale, Hansen, Leibham, Kedzie and Grothman.

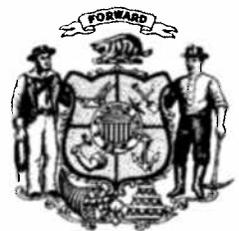
Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 7, Noes 0

Elizabeth Novak
Committee Clerk



WISCONSIN STATE LEGISLATURE





UNITED TRANSPORTATION UNION
UTU POLITICAL ACTION COMMITTEE
WISCONSIN LEGISLATIVE BOARD, LO 056

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COMMITTEE ON TRANSPORTATION, TOURISM, FORESTRY, & NATURAL RESOURCES

30 April 2009

4116.09

The Wisconsin Legislative Board of the United Transportation Union represents operating train crew members on the Class I railroads in Wisconsin.

We fully support the goals of SB 157.

Railroad labor and management continue to work together to reduce risks to employees and the general public. This bill will surely have a positive impact for all parties involved.

The UTU also supports Operation Lifesaver programs, with Local representatives participating in presentations before school groups and organizations. While Operation Lifesaver is an important part of this education, AB 158 will insure that students will be given the information on railroad crossing safety at a time when their interest in obtaining driving privileges is at its' peak.

It is my understanding that driver education courses currently require a 30 minute segment on organ donation. This is a wonderful program. Making the students aware of this gives them the knowledge that will spark both interest and debate. We feel that AB 158 will help reduce the number of organ donors resulting from railroad crossing accidents.

Railroad crew members are the first responders in a majority of grade crossing accidents. They are also subjected to the stress of witnessing near misses. While crews work to properly report these situations, a vast majority of the cases go unreported due to inability to identify the vehicle by license plate.

Statistics show that 94% of grade crossing accidents are caused by risky behavior. Educating our students with regard to crossing safety will not only address the 94%, but also the 6%. Awareness, along with the old adage of Stop, Look, and Listen will definitely save lives.

Please support SB 157.

Thank you,

Tim Deneen
State Director

3253.09

Port swims to championships

Victoria Port, daughter of Alan Port, Parsons manager-operating practices, qualified for the Tri-State Swimming Championship held August 4-5 in Springfield, Mo.

Victoria started swimming only two years ago when the family moved to Parsons. She qualified for the freestyle, butterfly, backstroke and breaststroke events.

Victoria placed third overall in the 50 meter freestyle event and sixth overall in the individual medley, which consists of 25 meters each of freestyle, backstroke, breaststroke and butterfly strokes.

Alan said he is proud of his daughter and her team for their strong performance in the meet.

Save lives: Report unsafe motorists

Did you know that 98 percent of crossing accidents are attributable to driver behavior? Did you know 50 percent of crossing accidents occur at crossings with gates and flashers? Did you know there was something you could do to help reduce these accidents?

Report unsafe motorists when you see them. Three ways to report are available to all UP Employees:

- Post Card: currently located in TE&Y crew packs
- Call Risk Management Control Center: (888) 877-7267 or (888) UPRR-COP
- Report violations to the dispatcher, yard master, or supervisor by radio and request that they notify RMCC.

After an event is reported, the RMCC notifies local authorities, the event is recorded in the Public Safety Unsafe Motorist Database, a letter about the unsafe action is sent to the registered owner of the vehicle involved, and a letter is sent to the reporting party as well.

These reports are used by UP Police Department, Public Safety Team, service unit safety teams, Operation Lifesaver Organizations, local and state road authorities and the UP Engineering Department, to help find ways to educate the public and reduce motorist related accidents.

UP employees are encouraged to report what they can, when they can.

Union Pacific Railroad
needs your support
in our
**Unsafe Motorist
Program**
1-888-877-7267

UNION PACIFIC

3252.09



Home » Safety » Grade Crossing Safety » Grade Crossing Safety

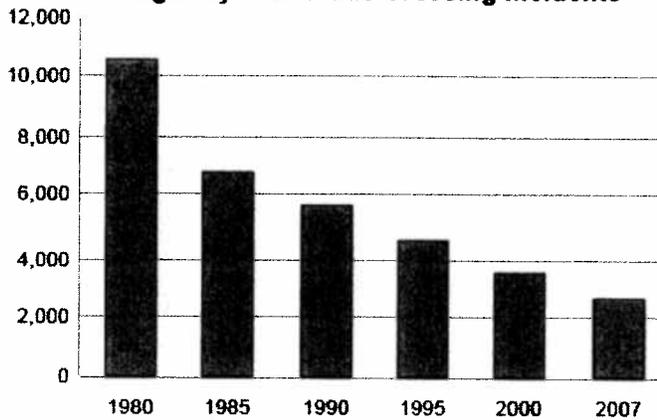
Grade Crossing Safety

The Association of American Railroads and its member railroads are committed to improving grade crossing safety.

From 1980 through 2007, the number of grade crossing incidents fell 74 percent. In fact, 2007 was the safest year ever in terms of grade crossing safety.

With approximately 140,000 public grade crossings in the United States, improving grade crossing safety is an enormous challenge that will take the combined efforts of railroads; state, local, and federal governments; public safety officials; and the public. A freight train moving at 55 miles an hour can take a mile or more to stop — the equivalent of nearly 18 football fields.

Highway-Rail Grade Crossing Incidents



Source: FRA

Causes of grade crossing accidents:

According to a June 2004 report issued by the Department of Transportation's Inspector General, 94 percent of all grade crossing accidents are caused by risky driver behavior. (See full inspector general report [here](#).) About half of all grade crossing accidents occur at crossings that are already equipped with active warning devices such as bells, gates, and lights.

Grade crossing warning signs and signals:

Active warning devices at grade crossings, as well as passive devices such as stop signs and yield signs, are highway traffic control devices and cannot be installed by railroads on public roads without the consent and permission of appropriate government authorities.



Each state receives an allocation of federal safety funds for grade crossing improvements. States, not railroads, determine the location and types of grade crossing signals to be installed, and develops a priority list of where to put them. These decisions are based on factors factors such as average daily motor vehicle traffic, train volumes and speeds, and accident history. The railroads have strongly supported recommendations to install stop or yield signs at all passive railroad crossings. These additional signs would help clarify what drivers should do at grade crossings.

Railroad industry initiatives to improve grade crossing safety:

Grade crossing safety is a major priority for railroads. Railroads spend several hundred million dollars each year on programs related to grade crossing safety, including funding educational activities, crossing signal maintenance, and vegetation control. Just a few of the many other railroad efforts to improve grade crossing safety include the following:



- North America's freight railroads are founding sponsors of Operation Lifesaver, an international, non-profit education and awareness organization dedicated to ending tragic collisions, fatalities and injuries at highway-rail grade crossings and railroad rights-of-way. Operation Lifesaver provides free safety presentations to more than 1.3 million people every year.
- Railroads work closely with communities and property owners to close unnecessary and redundant crossings. For example, since 2000, BNSF Railway has closed more than 3,500 grade crossings. ([Click here](#) to visit BNSF.)
- Railroads sponsor cutting-edge public safety campaigns designed to promote grade-crossing safety and prevent trespassing on railroad tracks. For example, CSX sponsored an award-winning series of billboards, radio ads, and public service announcements to discourage motorists from trying to beat a train at a crossing. One ad states "People outrun trains in the movies. They also save the world, get the girl and own a talking dog." Another ad says, "Tie goes to the train." The tagline on each ad: "If you are thinking about beating a train, don't." ([Click here](#) to visit CSX.)
- Many major railroads, including Norfolk Southern, have installed or plan to install digital video recorders on locomotives to record the track, crossings, and signals in front of trains. ([Click here](#) to visit Norfolk Southern.)
- Railroads work closely with state officials on improving grade crossing safety. For example, Kansas City Southern and the State of Louisiana entered into a five-year, \$16 million corridor project agreement to improve 300 public railroad crossings covering more than 375 miles of track. ([Click here](#) to visit Kansas City Southern.)
- Canadian Pacific and Canadian National joined forces in a cross-Canada campaign to identify high-risk driving behaviors at highway railroad grade crossings and bring them to the public's attention. The initiative is in partnership with the Canadian Association of Police Chiefs, Police Services of Canada, and Transport Canada. ([Click here](#) to visit Canadian National or [click here](#) to visit Canadian Pacific.)
- Railroads are engaged in improving existing passive warning devices. For example, Union Pacific has completed a 4-year, \$16 million project to install more than 18,000 highly-reflective crossbucks at grade crossings across its 23-state system. UP installed the warning signs at crossings without gates or warning lights. [Click here](#) to visit Union Pacific.)

Links for more information on grade crossing safety:

- [AAR position paper on grade crossing safety](#)
- [Fact sheet on grade crossing safety from Operation Lifesaver](#)
- [Federal Railroad Administration's Highway-Rail Grade Crossing and Trespasser Prevention Division](#)

Links and phone numbers for Class I railroads:

- [BNSF Grade Crossing Safety](#) (for emergencies call: 1-800-832-5452)
- [CN Crossing Safety](#) (for emergencies call: 1-800-465-9239)
- [CPR Safety Pages](#) (for emergencies call: 1-800-716-9132)
- [CSXT Grade Crossing Safety Page](#) (for emergencies call: 1-800-232-0144)
- [KCS Public Safety Page](#) (for emergencies call: 1-877-527-9464)
- [NS Community Resources Page](#) (for emergencies call: 1-800-453-2530)
- [UP Highway Rail Crossing Facts](#) (for emergencies call: 1-888-877-7267)

Raise the Grade on Grade Crossing Safety

ASSOCIATION OF AMERICAN RAILROADS

JANUARY 2009

WHAT SHOULD BE DONE?

Continue to fund the “Section 130” federal grade crossing safety program. Encourage the use of a broad set of engineering, education, and enforcement actions to enhance safety at grade crossings.

WHY?

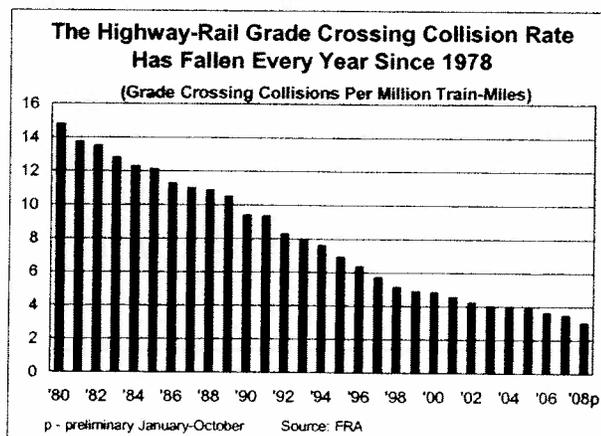
Grade crossing collisions have fallen sharply over the years, but too many still occur. Virtually all of these collisions are preventable, so the focus should be on **educating** the public regarding safety at crossings, on **engineering** solutions (such as closing unneeded crossings and upgrading warning devices) that prevent collisions, and on **enforcement** of applicable traffic laws.

What Are Highway-Rail Grade Crossings?

- A highway-rail grade crossing is where a railway and roadway intersect. There are approximately 227,000 grade crossings in the United States.
- Grade crossings are protected either by train-activated “active warning devices” (such as gates and flashing lights) or by “passive warning devices” (such as crossbucks, stop signs, and yield signs). Trains often require a mile or more to stop and they can’t deviate from their course. That’s why safety at grade crossings is, by its very nature, primarily a motorist responsibility. The warning devices **are there to protect motorists**, not trains.
- States, not railroads, are responsible for evaluating grade crossing risks and prioritizing grade crossings for improvement. The decision to install a specific type of warning device at a particular public grade crossing is made by the **state highway authority, not by a railroad**, and approved by the Federal Highway Administration.

Safer Than Ever

- From 1980 through 2007, the number of grade crossing collisions fell 74 percent; injuries associated with collisions fell 74 percent; and fatalities fell 59 percent. The grade crossing collision rate, which fell 77 percent from 1980 through 2007, **has fallen every year since 1978**.
- The vast majority of grade crossing collisions are the result of motorists’ actions; only a miniscule number result from the



failure of crossing gates or signals. According to a 2004 U.S. Department of Transportation report, “Risky driver behavior or poor judgment accounted for 31,035 or 94 percent of public grade crossing accidents” from 1994-2003. Most of the rest were vehicles stuck, stalled, or abandoned at crossings.

- America’s freight railroads typically spend **more than \$250 million each year** to maintain and improve grade crossings. They also:
 - ✓ **Cooperate** with state agencies to install and upgrade warning devices and signals, and **bear the cost** of maintaining them.
 - ✓ Help pay to **close unneeded crossings**.
 - ✓ **Support Operation Lifesaver**, a nationwide non-profit organization that educates the public about the need for proper behavior at grade crossings.
 - ✓ **Work with law enforcement** and others to keep grade crossings safe.
- Class I railroads are installing signs at public crossings that provide a unique ID number and a telephone number so that people can report emergencies.

Continue Federal Funding for Grade Crossing Safety

- Under the federal “Section 130” program, some \$220 million in federal funds are allocated each year to states for installing new active warning devices, upgrading existing devices, and replacing or improving grade crossing surfaces. The Section 130 program has helped prevent **tens of thousands of injuries and fatalities**, according to the FRA.
- Without a budgetary set-aside like the Section 130 program, grade crossing needs would fare poorly in competition with more traditional highway needs (such as highway construction and maintenance). One of the primary reasons the Section 130 program was created in the first place was that highway safety — and especially grade crossing safety — traditionally received low funding priority.
- More funding for the Section 130 program would make grade crossings safer — meaning **more injuries averted** and **more lives saved**.

Safety Must Be Priority Number One

Grade crossing accidents can best be reduced through a **mix of engineering, education, and enforcement**, including:

- Adopt a uniform national grade crossing closure process, combined with a freeze on the overall number of grade crossings within each state. Ultimately, eliminate grade crossings on the National Highway System.
- Generously fund Operation Lifesaver, as well as a research and development program to design effective low-cost active warning systems for grade crossings.
- Continue to examine the effectiveness of other types of warning device systems such as four quadrant gates.
- Require that grade crossing safety be part of commercial driver’s license educational curricula and mete out tough penalties for grade crossing traffic violations.
- Require a minimum set-back or a physical safety barrier between active railroad tracks and adjacent parallel trails and paths.

Action Plan Support Proposal

3257.09

Executive Summary

Objectives

Current Statistics

Initiatives

- I. Increased Enforcement of Traffic Laws at Crossings
- II. Rail Corridor Crossing Safety Improvement Reviews
- III. Increased Public Education and Operation Lifesaver
- IV. Safety at Private Crossings
- V. Data and Research
- VI. Trespass Prevention

Recommendations/Goal

Appendices

- I. Historical Background
- II. Status of Current Programs - Part I
- II. Status of Current Programs - Part II

III. Increased Public Education and Operation Lifesaver

Since 1973, more than \$2.8 billion of Federal-aid funds has been spent by states for safety improvements at highway-rail crossings. Over half of this was for automated warning devices. However, half of all collisions occur at crossings so equipped. To realize full benefit from the public investment in these devices, motorists must be educated in their responsibilities at all types of crossings.

Operation Lifesaver (OL) is an active, continuing public information and education program to help prevent and reduce crashes, injuries and fatalities and improve driver performance at our Nation's 280,000 public and private highway-rail crossings. Operation Lifesaver, Inc. (OLI) is a tax exempt, non-profit corporation which coordinates and facilitates state and local OL programs nationwide.

OLI needs to supplement its Federal funds with funds from other sources. This would serve the dual purpose of providing additional funds in the near term for the promotion of the OL message and would establish a cushion should Federal funding be reduced or eliminated in the future.

The success and effectiveness of OL state programs at getting the OL message out is directly dependent on the capabilities of the OL State Coordinator. In some cases this individual is a state employee, sometimes a railroad, railroad association or railroad supply industry employee (ranging from executive to locomotive engineer), sometimes a local or state police officer or official and sometimes an employee of a safety or highway oriented group (e.g., American Automobile Association, a state safety council, a school bus driver, etc.). Many carry out the function of State Coordinator as an "additional duty." Many are volunteers, receiving no remuneration for their effort, and little support. Many of the State Coordinators need assistance, i.e., considerable additional man-hours. The credibility of the program suffers when the public reaches only a message machine at the State Coordinator's office. Scheduling, coordination, support and material functions must often wait until the weekend or until the State Coordinator returns. If an assistant were available, their involvement would expand the presence, visibility and outreach of the program in communities throughout the U.S.

The Department proposes to work with Operation Lifesaver, states and industry advocates to facilitate delivery of the OL message at the state and local levels and thus to increase public awareness of hazards at crossings and of motorist responsibilities.

A. Marketing Materials Plan

NHTSA, FHWA, FTA, FRA and possibly OLI will work together in periodic meetings to develop programs and material to promote public and youth awareness. A marketing materials plan will be developed. When products are available, NHTSA Regional staff will promote this material through Governors' Representatives to appropriate organizations and officials. States may use Section 402 funds to purchase or reproduce materials as well as to implement programs.

B. Driver Training Materials

NHTSA, working with the AAMVA, will review current driver training material relevant to highway-rail crossing safety and will determine what material(s) may need updating and where gaps exist. NHTSA, FHWA, FTA, FRA and possibly OLI, will work together to select the best of these materials, develop new and updated materials, if necessary, and disseminate this information to the states. An interagency working group will be established. Draft materials will be completed by Winter, and final products will be available by Summer 1995.

C. National and Community Service

For FY 96, pursuant to the National and Community Service Trust Act of 1993, FRA will explore the possibility of assigning national service participants to support OL State Coordinators.

D. Truck and Bus Involved Accidents

In the near-term the FHWA will take the following actions to improve highway-rail crossing programs with respect to commercial motor vehicles.

1. On-Guard Notice

Publish an On-Guard notice to alert the truck and bus industry of the dangers at crossings. This was mailed to all 270,000 interstate motor carriers on our records. The notice was written, printed and distributed in February 1994.

2. Advisory Bulletin

Send an advisory bulletin to the trade press about the danger of accidents at crossings. The bulletin was released to all motor carriers in February.

3. Public Service Print Advertisements

Prepare public service print advertisements for the trade journals on truck and bus accidents at highway-rail crossings. Attention will be given to ensuring the articles reach state and local trucking association newsletters. The public service messages will be published and distributed to 4,500 potential carriers in June.

4. "Trucker on the Train" Program

Work with Amtrak, the American Trucking Associations (ATA), OLI and FRA to create a "Trucker on the Train" program where motor carrier executives and drivers accompany train engineers on the engine of a train to view first hand dangerous highway-rail crossings. FHWA and FRA representatives have recently begun meeting with the ATA and Amtrak officials on this program.

5. Operation Lifesaver

Encourage OLI staff to meet with trucking companies and associations regarding this problem. An OL spokesperson addressed the ATA Safety Management Council in February. The ATA Safety Management Council reminded their members and drivers in a January letter of crossing dangers.

6. National Safety Organizations

Address the issue at meetings of national safety organizations such as the International Association of Chiefs of Police (IACP). Discuss the issue with industry executives at the next National Motor Carrier Advisory Committee meeting.

7. On-Site Compliance Reviews

Ensure that at each on-site compliance review conducted by the Office of Motor Carriers field staff and state personnel, the motor carrier is informed of the risks at highway-rail crossings.

E. Operation Lifesaver Matching Funds

Legislation will be proposed to increase the FHWA grant to OLI to an amount not to exceed \$500,000 annually, but any portion of the funding in excess of the current grant of \$300,000 (and \$100,000 from FRA) would be available to OL only if OLI matches the increased amount through its own fund raising mechanisms outside of the public sector. The entire amount of the FHWA funding would come from a draw-down of the STP funds set aside for highway-rail crossing safety.

Failure to secure additional funding for OL will hamper the organization's ability to expand its activities to adequately support the Federal effort in this area.