



2011 ASSEMBLY BILL 274

1 **AN ACT** *to amend* 195.285 (2), 195.29 (6), 340.01 (47), 343.315 (2) (j) 1., 346.44
2 (1) (b), 346.44 (1) (c), 346.45 (2), 350.137 (2) (intro.) and 350.137 (2) (a); and *to*
3 **create** 195.001 (3) and 340.01 (47m) of the statutes; **relating to:** requiring
4 motorists to yield to railroad track equipment trains at railroad crossings and
5 requiring a railroad to maintain its right-of-way.

Analysis by the Legislative Reference Bureau

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

6 **SECTION 1.** 195.001 (3) of the statutes is created to read:
7 195.001 (3) "Railroad track equipment" means a device that is operated on rails
8 and used primarily for the maintenance of railroads.
9 **SECTION 2.** 195.285 (2) of the statutes is amended to read:

ASSEMBLY BILL 274**SECTION 2**

1 195.285 (2) Signs placed upon the order of the office under this section shall
2 exempt vehicles from stopping as required under s. 346.45, unless a train ~~or~~ an
3 engine, or railroad track equipment is occupying or approaching the crossing.

4 **SECTION 3.** 195.29 (6) of the statutes is amended to read:

5 195.29 (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.

6 Every railroad shall keep its right-of-way clear of brush or trees for a distance of not
7 less than 330 feet in each direction from the center of its intersection at grade with
8 any public highway, ~~and for such further distance as is necessary~~ to provide an
9 adequate view of approaching trains, or railroad track equipment from the highway.

10 Every municipality shall keep the public highways within its jurisdiction clear of
11 brush and shall adequately trim all trees within 330 feet of the center of any railroad
12 highway grade crossing. Every person or corporation owning or occupying any land
13 adjacent to any railroad highway grade crossing shall keep all brush cut and
14 adequately trim all trees on the land within the triangles bounded on 2 sides by the
15 railway and the highway, and on the 3rd side by a line connecting points on the center
16 lines of the railway and the highway, 330 feet from the intersection of the center lines.

17 The office, upon its own motion, or upon any complaint to the effect that any work
18 required by this subsection has not been performed, after due notice and hearing,
19 may order the corporation, municipality or person at fault to perform the work;
20 provided, however, that if the physical conditions at any crossing are such that the
21 performance of the required work will not materially improve the view for highway
22 traffic, or, if unreasonable loss would be caused thereby, the office may excuse the
23 party in interest from performing the same. The office may also order the cutting of
24 brush and the trimming of trees at private farm crossings as may be necessary and
25 reasonable. If any person shall violate any provision of this section, or shall fail,

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1 neglect or refuse to obey any order made by the office under this section, or any
2 judgment or decree made by any court upon such an order, for every such violation,
3 failure or refusal such person shall forfeit not less than \$25 nor more than \$150.

4 **SECTION 4.** 340.01 (47) of the statutes is amended to read:

5 340.01 **(47)** “Railroad crossing” means the intersection of any highway or
6 private road or driveway at grade with tracks upon which railroad track equipment
7 or railroad trains operate.

8 **SECTION 5.** 340.01 (47m) of the statutes is created to read:

9 340.01 **(47m)** “Railroad track equipment” means a device that is operated on
10 rails and used primarily for the maintenance of railroads.

11 **SECTION 6.** 343.315 (2) (j) 1. of the statutes is amended to read:

12 343.315 **(2)** (j) 1. If the operator is not always required to stop the vehicle,
13 failing to reduce speed and determine that the tracks are clear of any approaching
14 railroad train or railroad track equipment.

15 **SECTION 7.** 346.44 (1) (b) of the statutes is amended to read:

16 346.44 **(1)** (b) While any warning device signals to stop, except that if the
17 operator of the vehicle after stopping and investigating finds that no railroad train
18 or railroad track equipment is approaching the operator may proceed.

19 **SECTION 8.** 346.44 (1) (c) of the statutes is amended to read:

20 346.44 **(1)** (c) If any crossbuck sign specified under s. 192.29 (5) (a) is
21 maintained at the crossing, while any railroad train or railroad track equipment
22 occupies the crossing or approaches so closely to the crossing as to constitute a hazard
23 of collision.

24 **SECTION 9.** 346.45 (2) of the statutes is amended to read:

