

## 2011 DRAFTING REQUEST

### Bill

Received: 01/19/2011

Received By: **emueller**

Wanted: **As time permits**

Companion to LRB:

For: **Jerry Petrowski (608) 266-1182**

By/Representing: **Tim Fiocchi**

May Contact:

Drafter: **emueller**

Subject: **Transportation - mass trnst/rail**

Addl. Drafters:

Extra Copies: **ARG**

Submit via email: **YES**

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

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

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### Topic:

Requiring motorists to yield to railroad track equipment.

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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>
/?							
/P1	emueller 03/10/2011	csicilia 04/05/2011	jfrantze 04/06/2011	_____	ggodwin 04/06/2011		
/1	emueller 08/17/2011	wjackson 08/18/2011	rschluet 08/18/2011	_____	lparisi 08/18/2011	mbarman 09/02/2011	

FE Sent For:

*None.*

<END>

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**Instructions:**

See attached

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/?							
/P1	emueller	csicilia	ifrantze		ggodwin		
	03/10/2011	04/05/2011	04/06/2011		04/06/2011		

FE Sent For:

*EVW*  
8/17/11  
1 WLJ 8/18

*8/24*

<END>

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May Contact:

Drafter: **emueller**

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Extra Copies: **ARG**

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Carbon copy (CC:) to:

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### Pre Topic:

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### Topic:

Requiring motorists to yield to railroad track equipment.

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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	/Pl gjs	g	Ph 4/6			
/Pl	EMM 3/10/11	4/5	4/6	g			
		11					

FE Sent For:

<END>

**Mueller, Eric**

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**From:** Fiocchi, Tim  
**Sent:** Monday, January 17, 2011 11:47 AM  
**To:** Gary, Aaron; Mueller, Eric  
**Subject:** Drafting request from Rep. Petrowski

Hi guys,

I don't know which of you would handle this but I'll be sending over some information Inter-D to draft a change to our rail right of way law to essentially give rail maintenance vehicles more protection from liability by giving them the right of way when crossing a road. I'll send it attention to both of you – if who ever is going to draft it could give me a call I'd appreciate it.

Thanks,

Tim

Tim Fiocchi  
Clerk, Assembly Transportation Committee  
Office of Representative Jerry Petrowski  
(608) 266-1182

**Changes need to accommodate BLE request**

**195.285 Exempt railroad crossings.**

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

**195.29 Railroad highway crossings. (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.** Every railroad shall keep its right-of-way clear of brush or trees for a distance of not less than 330 feet in each direction from the center of its intersection at grade with any public highway, and for such further distance as is necessary to provide an adequate view of approaching trains **or railroad track equipment**, from the highway.....

\*\*\*

**340.01 Words and phrases defined.** In s. 23.33 and chs. 340 to 349 and 351, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

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

**(48K) "Railroad track equipment train" means every vehicle operated upon rails for the purpose of the maintenance of railroads including, but not limited to, all hi-rail vehicles and on-track roadway maintenance machines, as defined in 49 CFR, Part 214.7.**

\*\*\*

**343.315 Commercial motor vehicle disqualifications; effects.**

(j) A person is disqualified for a period of 60 days from operating a commercial motor vehicle if convicted of a railroad crossing violation, or 120 days if convicted of 2 railroad crossing violations or one year if convicted of 3 or more railroad crossing violations, arising from separate occurrences committed within a 3-year period while driving or operating a commercial motor vehicle. In this paragraph, "railroad crossing violation" means a violation of a federal, state, or local law, rule, or regulation, or the law of another jurisdiction, relating to any of the following offenses at a railroad crossing:

1. If the operator is not always required to stop the vehicle, failing to reduce speed and determine that the tracks are clear of any approaching train **or railroad track equipment**.

\*\*\*

**346.44 All vehicles to stop at signal indicating approach of train or railroad track equipment.** (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 or railroad track equipment 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 or railroad track equipment occupies the crossing or approaches so closely to the crossing as to constitute a hazard of collision.

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

(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 or railroad track equipment, 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.



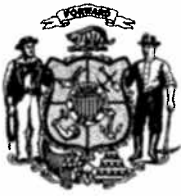
For reference, pertinent definitions from 49 CFR Part 214.7:

Hi-rail vehicle means a roadway maintenance machine that is manufactured to meet Federal Motor Vehicle Safety Standards and is equipped with retractable flanged wheels so that the vehicle may travel over the highway or on railroad tracks.

...  
On-track roadway maintenance machine means a self-propelled, rail-mounted, non-highway, maintenance machine whose light weight is in excess of 7,500 pounds, and whose purpose is not for the inspection of railroad track.

On-track roadway maintenance machine, existing means any on-track roadway maintenance machine that does not meet the definition of a "new on-track roadway maintenance machine."

On-track roadway maintenance machine, new means an on-track roadway maintenance machine that is ordered after December 26, 2003, and completed after September 27, 2004.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1114/P1  
EVM/.....

D Note

cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

RMR

In 3/10/11

SAZ

Green Cat

- 1 AN ACT...; relating to: requiring motorists to yield to railroad track equipment
- 2 trains at railroad crossings.

*Analysis by the Legislative Reference Bureau*

Under current law, an operator of a vehicle may not drive across a railroad crossing when a train occupies or is closely approaching the crossing. An operator of certain vehicles, including motor buses, school buses, and certain motor vehicles used for transporting hazardous, flammable, or explosive materials (covered vehicles) must generally stop before crossing any nonexempted railroad track, listen and look in both directions for an approaching train, and proceed only once the operator has ascertained that the course is clear. Also under current law, a railroad must keep its right-of-way clear of brush or trees for at least 330 feet in each direction from the center of a public railroad crossing, and for any further distance that is necessary to provide an adequate view of approaching trains from the highway.

Under this bill, railroad track equipment is defined as "a device that is operated on rails and used primarily for the maintenance of railroads." For railroad crossing purposes, this bill treats railroad track equipment similar to railroad trains. Thus, under this bill, a motorist must yield to railroad track equipment as for a railroad train at a railroad crossing and a covered vehicle must listen and look for railroad track equipment as for a railroad train at a nonexempted railroad tracks. Also under this bill, a railroad must keep its right-of-way clear as described above and



for any further distance that is necessary to provide an adequate view of approaching railroad track equipment.

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

1           **SECTION 1.** 195.001 (3) of the statutes is created to read:

2           195.001 (3) "Railroad track equipment" means a device that is operated on rails  
3 and used primarily for the maintenance of railroads.

4           **SECTION 2.** 195.285 (2) of the statutes is amended to read:

5           195.285 (2) Signs placed upon the order of the office under this section shall  
6 exempt vehicles from stopping as required under s. 346.45, unless a train ~~or~~ an  
7 engine, or railroad track equipment is occupying or approaching the crossing.

8 History: 1975 c. 63; 1977 c. 29 ss. 1654 (8) (a), (9) (f), 1656 (43); 1981 c. 347 s. 80 (1), (2); 1985 a. 29; 1993 a. 16, 123.

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

9           195.29 (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.

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

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

21          The office, upon its own motion, or upon any complaint to the effect that any work

1 required by this subsection has not been performed, after due notice and hearing,  
 2 may order the corporation, municipality or person at fault to perform the work;  
 3 provided, however, that if the physical conditions at any crossing are such that the  
 4 performance of the required work will not materially improve the view for highway  
 5 traffic, or, if unreasonable loss would be caused thereby, the office may excuse the  
 6 party in interest from performing the same. The office may also order the cutting of  
 7 brush and the trimming of trees at private farm crossings as may be necessary and  
 8 reasonable. If any person shall violate any provision of this section, or shall fail,  
 9 neglect or refuse to obey any order made by the office under this section, or any  
 10 judgment or decree made by any court upon such an order, for every such violation,  
 11 failure or refusal such person shall forfeit not less than \$25 nor more than \$150.

History: 1977 c. 29 ss. 1654 (8) (b), 1656 (43); 1981 c. 347 s. 80 (1); 1993 a. 16, 123; 2003 a. 33.

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

13 340.01 (47) "Railroad crossing" means the intersection of any highway or  
 14 private road or driveway at grade with tracks upon which railroad track equipment  
 15 or railroad trains operate.

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140; 2001 a. 10, 16, 90, 102, 105, 109; 2003 a. 30, 33, 97, 192, 320, 321; 2005 a. 455; 2007 a. 11; 2007 a. 20 ss. 3190m, 3190p, 3220c; 2007 a. 27; 2007 a. 33 s. 8; 2007 a. 130, 175; 2009 a. 85, 97, 100, 122, 177, 311, 320.

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

17 340.01 (47m) "Railroad track equipment" means a device that is operated on  
 18 rails and used primarily for the maintenance of railroads.

INSERT  
3-18

19 **SECTION 6.** 346.44 (1) (b) of the statutes is amended to read:

20 346.44 (1) (b) While any warning device signals to stop, except that if the  
 21 operator of the vehicle after stopping and investigating finds that no railroad train  
 22 or railroad track equipment is approaching the operator may proceed.

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

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

2           346.44 (1) (c) If any crossbuck sign specified under s. 192.29 (5) (a) is  
3 maintained at the crossing, while any railroad train or railroad track equipment  
4 occupies the crossing or approaches so closely to the crossing as to constitute a hazard  
5 of collision.

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

6           **SECTION 8.** 346.45 (2) of the statutes is amended to read:

7           346.45 (2) The operator of every vehicle required to stop before crossing any  
8 track shall listen and look in both directions along the track for any approaching  
9 railroad train or railroad track equipment, and shall not proceed until such  
10 precautions have been taken and until the operator has ascertained that the course  
11 is clear. Wherever an auxiliary lane is provided for stopping at a railroad, operators  
12 of vehicles required to stop shall use such lane for stopping.

13 History: 1973 c. 12; 1975 c. 41, 63, 199; 1977 c. 29 s. 1654 (6) (b), (9) (f); 1977 c. 410; 1981 c. 347 s. 80 (2); 1993 a. 16, 123; 2005 a. 250.

13           **SECTION 9.** 350.137 (2) (intro.) of the statutes is amended to read:

14           350.137 (2) (intro.) The maintenance standards shall include requirements for  
15 the marking of snowmobile rail crossings and for the maintenance of adequate  
16 drainage of railroad rights-of-way. The design and construction standards shall  
17 include a list and a description of the frequency and speed of railroad trains and  
18 railroad track equipment and the types of railroad tracks, embankments, ditches,  
19 snowmobile trail alignments and other configurations that do any of the following:

20 History: 1993 a. 120; 2001 a. 14.

20           **SECTION 10.** 350.137 (2) (a) of the statutes is amended to read:

21           350.137 (2) (a) Preclude the use of a proposed site for a snowmobile rail crossing  
22 because the site would be unsafe due to poor visibility of an approaching railroad

1 train or railroad track equipment from the position of a snowmobile operator who is  
2 stopped on the approach to the proposed crossing.

History: 1993 a. 120; 2001 a. 14.

3 **SECTION 11. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this  
5 paragraph, but does not preclude the counting of other violations as prior violations  
6 for purposes of revocation of motor vehicle operating privileges.

7 (END)

subsection

or disqualification  
from operating a  
commercial motor  
vehicle

Note

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB  
.....

1           INSERT 3-18 for LRB-1114/P1

2

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

4           343.315 (2) (j) 1. If the operator is not always required to stop the vehicle,  
5           failing to reduce speed and determine that the tracks are clear of any approaching  
6           railroad train or railroad track equipment.

**History:** 1989 a. 105; 1991 a. 39, 277; 1995 a. 113, 448; 1997 a. 84, 258; 1999 a. 85, 140; 2001 a. 38, 109; 2003 a. 33, 97; 2007 a. 20; 2009 a. 28, 103; s. 13.92 (2) (i).

*Not checked for*

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1114/P1dn

EVM:.....

gis

- Late

ATTN: Tim Fiocchi

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. In addition to the provisions identified in your request, I have treated s. 350.137 (2) (intro.) and (a), stats., regarding snowmobile rail crossings. Please let me know if you do not want this included. ✓

2. I have not treated s. 192.29 (3) and (4), stats., to require railroad track equipment to follow the bell sounding requirements for trains. Do you want a bell sounding requirement for railroad track equipment added? Is there a different warning signal requirement you would like to impose? ✓

3. I have not added railroad track equipment to the non-obstruction requirement in s. 192.292, stats. Please let me know if you want this section treated. ✓

4. Because two of the provisions treated in this draft are prohibitions that could subject motorists to forfeitures, I have provided an initial applicability provision. As currently drafted, this provision would allow past violations of s. 346.44, stats., to count toward revocation under s. 343.30 (2j) (a), stats. Please let me know if you want this changed. ✓

5. This draft does not contain a delayed effective date. Please let me know if you want one added. ✓

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "1" draft. ✓

Eric V. Mueller  
Legislative Attorney  
Phone: (608) 261-7032  
E-mail: eric.mueller@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1114/P1dn  
EVM:cjs:jf

April 6, 2011

ATTN: Tim Fiocchi

Please review the attached draft carefully to ensure that it is consistent with your intent. The following are several issues you may wish to consider in your review of this draft.

1. In addition to the provisions identified in your request, I have treated s. 350.137 (2) (intro.) and (a), stats., regarding snowmobile rail crossings. Please let me know if you do not want this included.
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3. I have not added railroad track equipment to the non-obstruction requirement in s. 192.292, stats. Please let me know if you want this section treated.
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5. This draft does not contain a delayed effective date. Please let me know if you want one added.

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Eric V. Mueller  
Legislative Attorney  
Phone: (608) 261-7032  
E-mail: [eric.mueller@legis.wisconsin.gov](mailto:eric.mueller@legis.wisconsin.gov)

## Mueller, Eric

---

**From:** Fiocchi, Tim  
**Sent:** Monday, August 15, 2011 11:51 AM  
**To:** Mueller, Eric  
**Subject:** Bill Draft for Rep. Petrowski

**Attachments:** 11-1114P1dn (2).pdf; 11-1114P1 (3).pdf

Hi Eric,

I ran the attached draft by several interested parties and the only change they suggested was to delete the phrase "and for such further distance as is necessary" on line 12 of page 2. If you could make that change and then have a /1 jacketed and sent to our office I'd appreciate it.

Thank you,

Tim

Tim Fiocchi  
Clerk, Assembly Transportation Committee  
Office of Representative Jerry Petrowski  
(608) 266-1182



11-1114P1dn  
(2).pdf (11 KB)



11-1114P1 (3).pdf  
(38 KB)





State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-1114/P1

EVM:cjs:jf

twj

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 8/17/11

RMR

Soon

Regen

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 requiring a railroad to maintain its right of way

**Analysis by the Legislative Reference Bureau**

Under current law, an operator of a vehicle may not drive across a railroad crossing when a train occupies or is closely approaching the crossing. An operator of certain vehicles, including motor buses, school buses, and certain motor vehicles used for transporting hazardous, flammable, or explosive materials (covered vehicles), must generally stop before crossing any nonexempted railroad track, listen and look in both directions for an approaching train, and proceed only once the operator has ascertained that the course is clear. Also under current law, a railroad must keep its right-of-way clear of brush or trees for at least 330 feet in each direction from the center of a public railroad crossing, and for any further distance that is necessary to provide an adequate view of approaching trains from the highway.

Under this bill, railroad track equipment is defined as "a device that is operated on rails and used primarily for the maintenance of railroads." For railroad crossing purposes, this bill treats railroad track equipment similar to railroad trains. Thus, under this bill, a motorist must yield to railroad track equipment as for a railroad train at a railroad crossing and a covered vehicle must listen and look for railroad track equipment as for a railroad train at a nonexempted railroad tracks. Also under

*is required only to*  
this bill, a railroad must keep its right-of-way clear as described above and for any further distance that is necessary to provide an adequate view of approaching railroad track equipment.

*far at least 330 feet in each direction from the center of a public railroad crossing*

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

1 SECTION 1. 195.001 (3) of the statutes is created to read:

2 195.001 (3) "Railroad track equipment" means a device that is operated on rails  
3 and used primarily for the maintenance of railroads.

4 SECTION 2. 195.285 (2) of the statutes is amended to read:

5 195.285 (2) Signs placed upon the order of the office under this section shall  
6 exempt vehicles from stopping as required under s. 346.45, unless a train or, an  
7 engine, or railroad track equipment is occupying or approaching the crossing.

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

9 195.29 (6) VIEW AT CROSSINGS; TREES AND BRUSH NEAR CROSSINGS; FORFEITURE.

10 Every railroad shall keep its right-of-way clear of brush or trees for a distance of not  
11 less than 330 feet in each direction from the center of its intersection at grade with  
12 any public highway, ~~and for such further distance as is necessary~~ to provide an

13 adequate view of approaching trains or railroad track equipment, from the highway.

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

1 The office, upon its own motion, or upon any complaint to the effect that any work  
2 required by this subsection has not been performed, after due notice and hearing,  
3 may order the corporation, municipality or person at fault to perform the work;  
4 provided, however, that if the physical conditions at any crossing are such that the  
5 performance of the required work will not materially improve the view for highway  
6 traffic, or, if unreasonable loss would be caused thereby, the office may excuse the  
7 party in interest from performing the same. The office may also order the cutting of  
8 brush and the trimming of trees at private farm crossings as may be necessary and  
9 reasonable. If any person shall violate any provision of this section, or shall fail,  
10 neglect or refuse to obey any order made by the office under this section, or any  
11 judgment or decree made by any court upon such an order, for every such violation,  
12 failure or refusal such person shall forfeit not less than \$25 nor more than \$150.

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

14 340.01 (47) "Railroad crossing" means the intersection of any highway or  
15 private road or driveway at grade with tracks upon which railroad track equipment  
16 or railroad trains operate.

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

18 340.01 (47m) "Railroad track equipment" means a device that is operated on  
19 rails and used primarily for the maintenance of railroads.

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

21 343.315 (2) (j) 1. If the operator is not always required to stop the vehicle,  
22 failing to reduce speed and determine that the tracks are clear of any approaching  
23 railroad train or railroad track equipment.

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

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

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

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

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

10          346.45 (2) The operator of every vehicle required to stop before crossing any  
11 track shall listen and look in both directions along the track for any approaching  
12 railroad train or railroad track equipment, and shall not proceed until such  
13 precautions have been taken and until the operator has ascertained that the course  
14 is clear. Wherever an auxiliary lane is provided for stopping at a railroad, operators  
15 of vehicles required to stop shall use such lane for stopping.

16          **SECTION 10.** 350.137 (2) (intro.) of the statutes is amended to read:

17          350.137 (2) (intro.) The maintenance standards shall include requirements for  
18 the marking of snowmobile rail crossings and for the maintenance of adequate  
19 drainage of railroad rights-of-way. The design and construction standards shall  
20 include a list and a description of the frequency and speed of railroad trains and  
21 railroad track equipment and the types of railroad tracks, embankments, ditches,  
22 snowmobile trail alignments and other configurations that do any of the following:

23          **SECTION 11.** 350.137 (2) (a) of the statutes is amended to read:

24          350.137 (2) (a) Preclude the use of a proposed site for a snowmobile rail crossing  
25 because the site would be unsafe due to poor visibility of an approaching railroad

1 train or railroad track equipment from the position of a snowmobile operator who is  
2 stopped on the approach to the proposed crossing.

3 **SECTION 12. Initial applicability.**

4 (1) This act first applies to violations committed on the effective date of this  
5 subsection, but does not preclude the counting of other violations as prior violations  
6 for purposes of revocation of motor vehicle operating privileges or disqualification  
7 from operating a commercial motor vehicle.

8 (END)

**Barman, Mike**

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**From:** Fiocchi, Tim  
**Sent:** Friday, September 02, 2011 2:13 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-1114/1 Topic: Requiring motorists to yield to railroad track equipment.

Please Jacket LRB 11-1114/1 for the ASSEMBLY.