

**2013 Assembly Bill 799 (LRB -1936)**

An Act to amend 346.49 (2m) (a), 346.49 (2m) (am), 346.49 (2m) (b), 346.49 (2r) (a), 346.49 (2r) (b) and 346.495 (1) (a); and to create 346.445, 346.49 (2m) (c) and 346.49 (2v) of the statutes; relating to: pedestrians crossing railroad tracks and penalties for violations relating to railroad crossings and providing a penalty. (FE)

**2014**

02-20.	A.	Introduced by Representatives <b>A. Ott, Zepnick, Barca, Bies, Brooks, Ringhand, Ripp and Spiros;</b> cosponsored by Senators <b>Petrowski, Hansen, T. Cullen and Schultz.</b> ....	680
02-20.	A.	Read first time and referred to Committee on Transportation .....	680
02-25.	A.	Public hearing held .....	
02-26.	A.	Assembly Amendment 1 offered by Representative A. Ott ( <b>LRB a1971</b> ) .....	712
03-04.	A.	Executive action taken .....	
03-05.	A.	Fiscal estimate received .....	
03-06.	A.	Fiscal estimate received .....	
03-07.	A.	Report Assembly Amendment 1 adoption recommended by Committee on Transportation, Ayes 13, Noes 1 .....	729
03-07.	A.	Report passage as amended recommended by Committee on Transportation, Ayes 14, Noes 1 .....	729
03-07.	A.	Referred to Committee on Rules .....	729
03-18.	A.	Made a special order of business at 10:11 AM on 3-20-2014 pursuant to Assembly Resolution 28 .....	766
03-20.	A.	Read a second time .....	789
03-20.	A.	Assembly Amendment 1 <b>adopted</b> .....	789
03-20.	A.	Assembly Amendment 2 offered by Representatives Vruwink, A. Ott and Barca ( <b>LRB a2241</b> ) .....	789
03-20.	A.	Assembly Amendment 2 laid on table .....	789
03-20.	A.	Assembly Amendment 3 offered by Representative Vruwink ( <b>LRB a2210</b> ) .....	789
03-20.	A.	Assembly Amendment 3 laid on table .....	789
03-20.	A.	Assembly Amendment 4 offered by Representatives Vruwink, A. Ott and Barca ( <b>LRB a2243</b> ) .....	789
03-20.	A.	Assembly Amendment 4 <b>adopted</b> .....	789
03-20.	A.	Ordered to a third reading .....	789
03-20.	A.	Rules suspended .....	789
03-20.	A.	Read a third time and <b>passed</b> , Ayes 94, Noes 0 .....	789
03-20.	A.	Ordered immediately messaged .....	790
03-21.	S.	Received from Assembly .....	805
03-24.	S.	Read first time and referred to committee on Senate Organization .....	808
03-24.	S.	Available for scheduling .....	
03-31.	S.	Public hearing requirement waived by committee on Senate Organization, pursuant to Senate Rule 18 (1m), Ayes 5, Noes 0 .....	821
03-31.	S.	Placed on calendar 4-1-2014 pursuant to Senate Rule 18(1) .....	822
04-01.	S.	Read a second time .....	
04-01.	S.	Ordered to a third reading .....	
04-01.	S.	Rules suspended .....	
04-01.	S.	Read a third time and <b>concurred in</b> .....	
04-01.	S.	Ordered immediately messaged .....	
04-02.	A.	Received from Senate concurred in .....	818

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**2013**  
**ENROLLED BILL**

13en AB-799

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**ADOPTED DOCUMENTS:**

**Orig**     **Engr**         **SubAmdt**         **13** 1936 / 1

**Amendments to above (if none, write "NONE"):** AA1 — a 1971/1  
AA4 — a 2243/1

**Corrections - show date (if none, write "NONE"):** None

**Topic** rel

4-3-14                      JR Miller  
**Date**                                      **Enrolling Drafter**



## 2013 ASSEMBLY BILL 799

February 20, 2014 – Introduced by Representatives A. OTT, ZEPNICK, BARCA, BIES, BROOKS, RINGHAND, RIPP and SPIROS, cosponsored by Senators PETROWSKI, HANSEN, T. CULLEN and SCHULTZ. Referred to Committee on Transportation.

1 **AN ACT to amend** 346.49 (2m) (a), 346.49 (2m) (am), 346.49 (2m) (b), 346.49 (2r)  
2 (a), 346.49 (2r) (b) and 346.495 (1) (a); and **to create** 346.445, 346.49 (2m) (c)  
3 and 346.49 (2v) of the statutes; **relating to:** pedestrians crossing railroad  
4 tracks and penalties for violations relating to railroad crossings and providing  
5 a penalty.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the operator of a vehicle may not drive on or across a railroad crossing while: 1) any traffic officer or railroad employee signals to stop; 2) any warning device signals to stop, subject to an exception; or 3) any railroad train occupies the crossing or approaches so closely to the crossing as to constitute a hazard of collision, if the crossing is posted with a crossbuck sign. In addition, the operator of a vehicle may not drive through, around, or under any crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed. A person who violates any of these prohibitions may be required to forfeit not more than \$1,000, except the maximum forfeiture for a bicyclist or operator of an electric personal assistive mobility device is \$40.

Current law also requires the operator of certain vehicles, including school buses, motor buses, and vehicles that are transporting certain hazardous substances, with limited exceptions, to stop within 50 feet but not less than 15 feet from the nearest track and take certain precautions before proceeding. An operator who fails to comply with this requirement may be required to forfeit not less than \$60 nor more than \$600.

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Current law also imposes, with exceptions, liability on the owner of a vehicle that is observed violating either of the railroad crossing provisions. The penalty imposed on the owner under this provision is the same as the penalty for the underlying railroad crossing violation.

Current law also provides that a railroad crossing improvement assessment be imposed on any person found to have violated traffic laws relating to railroad crossings. The amount of the assessment is equal to 50 percent of the amount of the forfeiture that is imposed upon conviction. The money collected from the assessment must be used to fund railroad crossing protection improvements, such as automatic signals or other warning devices, and their maintenance.

This bill creates limitations on the use of railroad crossings and on crossing railroad tracks by pedestrians. Under this bill, a pedestrian may not enter or cross a railroad crossing while: 1) any traffic officer or railroad employee signals to stop; 2) any warning device signals to stop, subject to an exception; or 3) any railroad train occupies the crossing or approaches so closely to the crossing as to constitute a hazard of collision, if the crossing is posted with a crossbuck sign. The bill also prohibits a pedestrian from crossing through, around, over, or under a crossing gate or barrier at a railroad crossing while the gate or barrier is closed or is being opened or closed or a railroad train while the train occupies a railroad crossing. A person who violates any of the provisions related to pedestrians crossing railroad crossings or railroad tracks may be required to forfeit not less than \$100 nor more than \$250 for the first offense and not less than \$225 nor more than \$750 for the second or subsequent conviction within three years. A person who violates any of these provisions is also subject to the railroad crossing improvement assessment.

This bill also increases the penalty for railroad crossing violations committed by a bicyclist or operator of an electric personal assistive mobility device to not less than \$100 nor more than \$250 for the first offense and not less than \$225 nor more than \$750 for the second or subsequent conviction within three years. The bill also triples minimum and maximum penalties for second or subsequent convictions committed within three years for other railroad crossing violations and requires that a court require a person convicted of a railroad crossing violation participate in certain driver safety education.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

*INS. AA4-1*

*INS. AA4-2*

1 **SECTION 1.** 346.445 of the statutes is created to read:

2 **346.445 Limitations on pedestrians crossing railroad tracks.** (1) No  
3 pedestrian may enter or cross a railroad crossing under any of the following  
4 circumstances:

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1 (a) While a traffic officer or railroad employee signals to stop.

2 (b) While a warning device signals to stop, except that if the pedestrian after  
3 stopping and investigating finds that no railroad train or railroad track equipment  
4 is approaching, the pedestrian may proceed.

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

8 **(2)** No pedestrian may cross through, around, over, or under any crossing gate  
9 or barrier at a railroad crossing while the gate or barrier is closed or is being opened  
10 or closed.

11 **(3)** No pedestrian may cross through or around or climb over or under a railroad  
12 train or railroad track equipment while the railroad train or railroad track  
13 equipment occupies a railroad crossing.

14 **SECTION 2.** 346.49 (2m) (a) of the statutes is amended to read:

15 346.49 **(2m)** (a) Unless otherwise provided in par. (b), any person violating s.  
16 346.44 may be required to forfeit not more than \$1,000 for the first offense and not  
17 more than \$3,000 for the 2nd or subsequent conviction within 3 years.

18 **SECTION 3.** 346.49 (2m) (am) of the statutes is amended to read:

19 346.49 **(2m)** (am) Any person violating s. 346.45 shall forfeit not less than \$60  
20 nor more than \$600 for the first offense and not less than \$180 nor more than \$1,800  
21 for the 2nd or subsequent conviction within 3 years.

22 **SECTION 4.** 346.49 (2m) (b) of the statutes is amended to read:

23 346.49 **(2m)** (b) Any operator of a bicycle or electric personal assistive mobility  
24 device violating s. 346.44 may be required to forfeit not less than \$100 nor more than

1 \$40 \$250 for the first offense and not less than \$225 nor more than \$750 for the 2nd  
2 or subsequent conviction within 3 years.

3 SECTION 5. 346.49 (2m) (c) of the statutes is created to read:

4 346.49 (2m) (c) Any person violating s. 346.445 may be required to forfeit not  
5 less than \$100 nor more than \$250 for the first offense and not less than \$225 nor  
6 more than \$750 for the 2nd or subsequent conviction within 3 years.

7 SECTION 6. 346.49 (2r) (a) of the statutes is amended to read:

8 346.49 (2r) (a) A vehicle owner or other person found liable under s. 346.452  
9 with respect to a violation of s. 346.44 may be required to forfeit not more than \$1,000  
10 for the first offense and not more than \$3,000 for the 2nd or subsequent conviction  
11 within 3 years, except that, if the vehicle involved in the violation was a bicycle, the  
12 bicycle owner or other person may be required to forfeit not less than \$100 nor more  
13 than \$40 \$250 for the first offense and not less than \$225 nor more than \$750 for the  
14 2nd or subsequent conviction within 3 years.

15 SECTION 7. 346.49 (2r) (b) of the statutes is amended to read:

16 346.49 (2r) (b) A vehicle owner or other person found liable under s. 346.452  
17 with respect to a violation of s. 346.45 shall forfeit not less than \$60 nor more than  
18 \$600 for the first conviction and not less than \$180 nor more than \$1,800 for the 2nd  
19 or subsequent conviction within 3 years.

20 SECTION 8. 346.49 (2v) of the statutes is created to read:

21 346.49 (2v) The court shall order a person subject to sub. (2m) (a) or (b) to  
22 participate in driver safety education and satisfactorily complete a written  
23 examination on railroad safety.

24 SECTION 9. 346.495 (1) (a) of the statutes is amended to read:





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRBa1971/1  
EVM:sac:rs

**ASSEMBLY AMENDMENT 1,  
TO ASSEMBLY BILL 799**

February 26, 2014 – Offered by Representative A. Ott.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 4, line 20: delete lines 20 to 23.

3 (END)





**ASSEMBLY AMENDMENT 4,  
TO ASSEMBLY BILL 799**

March 20, 2014 – Offered by Representatives VRUWINK, A. OTT and BARCA.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 “**SECTION 1g.** 192.29 (6) of the statutes is created to read:

4 192.29 (6) CONTACT INFORMATION AT PRIVATE CROSSINGS. A railroad company  
5 shall make a notice containing a telephone number at which a person may contact  
6 the company available to private landowners at each private traveled grade crossing  
7 at the request of the private landowner. The notice shall be large enough to be visible  
8 from the crossing.”

9 **2.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1m**”.

10 (END)

AA4-1

AA4-2