

1975 Senate Bill 147

Date published: August 22, 1975

CHAPTER 63, Laws of 1975

AN ACT to repeal and recreate 346.45; and to create 195.285 of the statutes, relating to certain vehicles required to stop at railroad crossings.

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

SECTION 1. 195.285 of the statutes is created to read:

195.285 Exempt railroad crossings. (1) Upon the petition of a railroad corporation, the highway commission, or the governing body of any city, village, town or county asserting that the stopping of vehicles under s. 346.45 at a railroad crossing is hazardous to human life, the public service commission shall hold a hearing on the matter as provided under s. 196.26. Notice of petition shall be served upon the highway commission, which shall be an interested party, and any recommendations it may file with the public service commission regarding the hazardous effect of vehicles stopping at such crossings shall be considered as evidence in the proceedings. Upon the recommendation of the highway commission and concurrence by the public service commission, the petition may be dismissed without holding a hearing. If upon the public hearing the commission determines that it would be in the public interest to exempt vehicles specified in s. 346.45 from stopping at such grade crossing, it may order the public body having jurisdiction over the highway to erect signs, signals, markings or other devices exempting such vehicles from stopping at the crossing.

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

(3) The highway commission shall establish standards for the type of signs, signals, markings or other devices for exempting vehicles from stopping as required under s. 346.45 and their location in relation to the highway and railroad track. The public service commission may upon petition or its own motion, with or without a hearing, order the removal of a sign exempting vehicles from stopping at a crossing.

SECTION 2. 346.45 of the statutes is repealed and recreated to read:

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 bus transporting passengers.

(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).

(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 he 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:

(a) A railroad grade crossing when a police officer or crossing flagman directs traffic to proceed.

(b) A railroad grade crossing when an official traffic control signal permits traffic to proceed.

(c) An abandoned railroad grade crossing with a sign indicating the rail line is abandoned.

(d) A railroad grade crossing which is marked with a sign in accordance with s. 195.285 (3). Such signs shall be erected by the maintaining authority only upon order of the public service commission as set forth in s. 195.285.

(4) The division shall adopt rules for the marking and placarding of vehicles being used to transport hazardous materials which are potentially dangerous to life and property, which rules shall be in accordance with the regulations of the U.S. department of transportation.

SECTION 3. Effective date. This act shall take effect 6 months after publication.
