



1997 SENATE BILL 489

March 4, 1998 - Introduced by Senators ROESSLER, FITZGERALD, ROSENZWEIG, BURKE, GEORGE and BRESKE, cosponsored by Representatives HAHN, OLSEN, FREESE, DOBYNS, REYNOLDS, URBAN, M. LEHMAN, PLALE, WOOD, HASENOHRL, MUSSER, OWENS, LORGE, MURAT, GUNDERSON, BAUMGART and GRONEMUS. Referred to Committee on Labor, Transportation and Financial Institutions.

1 **AN ACT to amend** 20.395 (2) (gv), 195.28 (2) and 195.28 (4); and **to create** 20.395
2 (2) (gf), 195.28 (2m) and 195.28 (5) of the statutes; **relating to:** funding for
3 railroad crossing protection improvements and making an appropriation.

Analysis by the Legislative Reference Bureau

Current law permits the office of the commissioner of railroads (office), upon petition of the department of transportation (DOT), a local authority or other interested party, to issue an order requiring the installation of automatic signals or other warning devices to improve public safety at a railroad crossing. From the transportation fund, DOT pays for the cost of installing the signals or other warning devices and reimburses the railroad company or railroad historical society that maintains the signals or other warning devices for 50% of the annual maintenance costs, as determined by the office.

This bill provides \$6,000,000 from the general fund to pay the cost of installing signals or other warning devices that have been ordered installed by the office but have not been installed because of insufficient funding from the transportation fund. DOT is required to allocate this funding from the general fund based on a priority ranking submitted to DOT by the commissioner of railroads. Reimbursement of 50% of maintenance costs from the transportation fund applies to these signals and other warning devices.

SENATE BILL 489

1 **SECTION 5.** 195.28 (2m) of the statutes is created to read:

2 195.28 **(2m)** PRIORITY RANKING OF CERTAIN DEVICES; COSTS. Not later than the
3 first day of the 4th month beginning after the effective date of this subsection
4 [revisor inserts date], the commissioner of railroads shall submit to the department
5 a priority ranking of any signals or other crossing protection devices that were
6 ordered, before the effective date of this subsection [revisor inserts date], installed
7 under sub. (1) and for which no moneys have been expended or encumbered for such
8 installation by the department before the effective date of this subsection [revisor
9 inserts date]. The cost of any such signals or other crossing protection devices and
10 the cost of installing such devices specified in the priority ranking by the
11 commissioner of railroads shall be paid by the department from the appropriation
12 under s. 20.395 (2) (gf). The department shall allocate funding from the
13 appropriation under s. 20.395 (2) (gf) for the cost of crossing protection devices in the
14 order that they appear on the priority ranking submitted to the department under
15 this subsection.

16 **SECTION 6.** 195.28 (4) of the statutes is amended to read:

17 195.28 **(4)** PREVIOUS OFFICE ORDERS. Subsection (3) applies to maintenance costs
18 for all crossing protection devices, including those crossing protection devices subject
19 to sub. (2m), regardless of any prior order of the office apportioning maintenance
20 costs.

21 **SECTION 7.** 195.28 (5) of the statutes is created to read:

22 195.28 **(5)** DEADLINE EXTENSION. Notwithstanding s. 195.06, if an order of the
23 office under sub. (1) specifies a deadline for the installation of a crossing protection
24 device under sub. (1), the commissioner of railroads may extend the deadline for
25 installation of the crossing protection device.

