LRB-4863/1 TNF:kmg:ijs

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 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.

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

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

1 **Section 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert $\mathbf{2}$ the following amounts for the purposes indicated: 3 1997-98 1998-99 4 20.395 Transportation, department of 5 (2)LOCAL TRANSPORTATION ASSISTANCE 6 Railroad crossing improvement, (gf)7 GPR \mathbf{C} 6.000.000 state funds -0-8 **Section 2.** 20.395 (2) (gf) of the statutes is created to read: 9 20.395 (2) (gf) Railroad crossing improvement, state funds. As a continuing 10 appropriation, from the general fund, the amounts in the schedule to pay the costs for railroad crossing protection improvements under s. 195.28 (2m). 11 12 **SECTION 3.** 20.395 (2) (gv) of the statutes is amended to read: 13 20.395 (2) (gv) Railroad crossing improvement, local funds. All moneys 14 received from any local unit of government for railroad crossing protection 15 improvements under s. 195.28 (2), for such purposes. 16 **Section 4.** 195.28 (2) of the statutes is amended to read: 17 195.28 (2) Installation costs. The Except as provided in sub. (2m), the cost 18 of any signal or other crossing protection device which is ordered installed under sub. 19 (1) and the cost of installing any such device shall be paid by the department from 20 the appropriations under s. 20.395 (2) (gr) and (gx).

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Section 5. 195.28 (2m) of the statutes is created to read:

195.28 (2m) Priority ranking of certain devices; costs. Not later than the first day of the 4th month beginning after the effective date of this subsection [revisor inserts date], the commissioner of railroads shall submit to the department a priority ranking of any signals or other crossing protection devices that were ordered, before the effective date of this subsection [revisor inserts date], installed under sub. (1) and for which no moneys have been expended or encumbered for such installation by the department before the effective date of this subsection [revisor inserts date]. The cost of any such signals or other crossing protection devices and the cost of installing such devices specified in the priority ranking by the commissioner of railroads shall be paid by the department from the appropriation under s. 20.395 (2) (gf). The department shall allocate funding from the appropriation under s. 20.395 (2) (gf) for the cost of crossing protection devices in the order that they appear on the priority ranking submitted to the department under this subsection.

Section 6. 195.28 (4) of the statutes is amended to read:

195.28 (4) Previous office orders. Subsection (3) applies to maintenance costs for all crossing protection devices, including those crossing protection devices subject to sub. (2m), regardless of any prior order of the office apportioning maintenance costs.

Section 7. 195.28 (5) of the statutes is created to read:

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

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SECTION 8. Nonstatutory provisions.

- (1) RAILROAD GRADE CROSSING STUDY. By November 15, 1998, the department of transportation and office of the commissioner of railroads shall jointly prepare and submit to the governor and the joint committee on finance a study on funding the installation and maintenance of railroad crossing protection devices ordered installed by the office. The study shall include all of the following:
- (a) A plan identifying how the department proposes to fund in the 1999–2001 fiscal biennium the cost of railroad crossing protection devices that, before the submittal date of the plan, were ordered installed by the office under section 195.28 (1) of the statutes and for which funds have not been expended or encumbered by the department before the submittal date of the plan, with an emphasis on reducing the number of unfunded railroad crossing protection devices ordered installed by the office under section 195.28 (1) of the statutes.
- (b) A plan identifying how the department proposes to fully fund the state share of maintenance costs for railroad crossing protection devices under section 195.28 (3) of the statutes.
- (c) A recommendation on a methodology for determining the appropriate crossing protection devices to be installed and used at railroad grade crossings. The methodology may use factors included in the accident prediction formula of the U.S. department of transportation. The methodology may also include minimum requirements for the opening, closing, grade separation and installation of railroad crossing protection devices, and appropriate analytical models to measure improvements in highway safety at railroad grade crossings.