Legislative Fiscal Bureau
One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: http://legis.wisconsin.gov/lfb

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Rail Crossing Safety Initiatives (Transportation -- Local Transportation Assistance)

[LFB 2023-25 Budget Summary: Page 637, #15]

CURRENT LAW

Under current law, when any street or highway crosses any railroad track at grade, the company owning or operating the railroad shall grade, construct, and maintain in good and safe condition for public travel the portion of such street or highway extending across the track. The Office of the Commissioner of Railroads can also order railroad companies to install signals or other protection devices at a rail crossing if it determines the signal will protect and promote public safety.

The Department of Transportation (DOT) has four appropriations for railroad crossing safety, which were cumulatively provided with $4,175,000 SEG and $3,291,800 FED annually in the 2021-23 biennium. All railroad crossing improvements, which may be the installation of railroad gates, signal lights, or other physical improvements to the crossing, are conducted by the railroad that owns or operates on the track at the crossing. DOT funds are used to reimburse the railroad for the costs of the improvement.

DISCUSSION POINTS

1. In 2022, 40 vehicle collisions occurred at railroad crossings in Wisconsin, resulting in 10 injuries and four deaths. To prevent safety incidents at railroad crossings, DOT works in conjunction with the Office of the Commissioner of Railroads to improve the safety at railroad crossings by requiring railroads to complete improvements at crossings, and providing funding to reimburse the companies for some of these improvements. However, DOT does not operate a program for the installation and maintenance of interconnected railroad crossing signals.

2. Railroad companies are required to install and maintain any rail crossing safety devices, such as flashing lights, bells, and automatic gates, that are located at the site of a crossing. However, interconnected traffic signals that are located on roads nearby the crossing can also play an important role in railroad crossing safety. For example, if there is a highway intersection nearby a rail crossing, traffic stopped at the intersection may back up into the railway crossing, which can trap drivers as a train approaches. An interconnected traffic signal located before the crossing could stop traffic before it reaches the highway intersection near the crossing as a train begins approaching. Interconnected traffic signals could also improve traffic flow. For example, an interconnected signal could stop traffic on roads approaching a crossing as a train passes, while allowing for the continuous flow of traffic on other roads that do not cross the railroad track.

3. Local governments are responsible for the installation and maintenance of any interconnected railroad crossing devices that are located on roads nearby the crossing that are under their jurisdiction. However, the Department indicates that many local governments lack the funds to install and maintain these systems, and may also lack staff with the necessary expertise to inspect existing systems. Assembly Bill 43/Senate Bill 70 would create new SEG and SEG-L appropriations for an interconnected traffic signal and railroad signal systems program, which could fund the planning and installation of interconnected traffic signal and railroad signal systems, and provide $400,000 SEG annually for the new program. The Department indicates that these funds would be used to conduct 25 to 30 inspections of locally-owned interconnected rail crossing signal systems each year, and complete any necessary upgrades to the systems that are identified through the inspections. This would establish an ongoing increase of $400,000 SEG annually for the new program. [Alternative 1]

4. While the bill would create two appropriations for the interconnected railroad crossing program, it would not create accompanying statutory language that defines the scope or operating procedures of the program. In addition, the Department indicates that additional statutory language may be needed to allow for maintenance of interconnected rail crossing systems, alongside the existing language in the bill that allows for planning and installation of the systems, in order to allow the Department to implement the program as intended. The additional statutory language could define the scope and operations of the program as follows: (a) define for an "interconnected traffic signal and railroad signal system" to be a traffic control signal that is interconnected with a train-activated warning system that has the capability to detect the presence of an approaching train; (b) require the Department to administer an interconnected traffic signal and railroad signal systems program to inspect, plan, install, and maintain interconnected traffic signal and railroad systems on local roads in the state and allow the Department to enter into contracts for program activities; (c) require the Department to promulgate rules for the program, including defining the projects that are eligible for program assistance, establishing criteria for selecting projects, which must include projects' projected effect on highway safety outcomes such as vehicle crash incidents, injuries, and property damage, and any other rules necessary to implement the program; and (d) specify that all expenditures under the program be made from the appropriations created under the bill. [Alternative 2]

5. This recommendation would create a new program and responsibility for the Department at a time when the transportation fund has limited available funds and other program demands for those funds. Further, local governments are currently responsible for these facilities, and

making them a safety priority. Denying this recommendation would mean local governments would continue to be responsible for the installation and maintenance of interconnected railroad crossing signal systems, but would not receive financial assistance from the state. This may lead to fewer interconnected railroad systems being installed and maintained in the state, or may cause local governments to reallocate funds from other program efforts in order to prioritize funding for interconnected railroad crossing signal systems installation or for any diagnosis and maintenance on those that fall into disrepair. [Alternative 3]

ALTERNATIVES

1. Provide $400,000 annually to establish a program to plan and install interconnected traffic signal and railroad signal systems. Create a new, continuing SEG appropriation and a new all monies received SEG-L appropriation for the program.

ALT 1	Change to Base
SEG	$800,000

2. In addition to Alternative 1, include the following statutory language for the program: (a) define for an "interconnected traffic signal and railroad signal system" to be a traffic control signal that is interconnected with a train-activated warning system that has the capability to detect the presence of an approaching train; (b) require the Department to administer an interconnected traffic signal and railroad signal systems program to inspect, plan, install, and maintain interconnected traffic signal and railroad systems on local roads in the state and allow the Department to enter into contracts for program activities; (c) require the Department to promulgate rules for the program, including defining the projects that are eligible for program assistance, establishing criteria for selecting projects, which must include projects' projected effect on highway safety outcomes such as vehicle crash incidents, injuries, and property damage, and any other rules necessary to implement the program; and (d) specify that all expenditures under the program be made from the appropriations created under the bill.

3. Take no action.

Prepared by: Peter Mosher