

No. 603, S.]

[Published June 25, 1949.

**CHAPTER 319.**

AN ACT to repeal and recreate 192.31 of the statutes, relating to telltales over railroads.

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

192.31 of the statutes is repealed and recreated to read:

192.31 TELLTALES OVER RAILROADS. (1) Every railroad corporation shall maintain suitable telltales wherever any overhead structure or any part thereof is less than 22 feet above the top of rail.

(2) The commission may determine the materials for and the construction and placing of such telltales.

(3) After July 1, 1949, no overhead structure shall be constructed or reconstructed, not including ordinary repairs necessary for maintenance, which shall have a vertical clearance of less than 22 feet above the top of rail, except as provided in subsection (4).

(4) Upon finding that any such structure will not imperil life or limb, and that the public interest requires or permits such structure to be constructed or reconstructed otherwise than as permitted by subsection (3), the commission may exempt such structure from such provision. Such findings shall be made only upon written application, setting forth fully the grounds therefor and shall be made only after public hearing. The findings and order granting exemption shall be in writing and contain complete provisions and requirements as to the vertical clearance to be maintained in such construction or reconstruction. Such structure shall be constructed or reconstructed only in compliance with such order.

(5) Prior to July 1, in each year every corporation operating a railroad within the state shall file with the commission a verified statement showing the location of every such bridge or other structure over any of its tracks at a height of less than 22 feet above the top of rail, together with a statement showing whether or not the provisions of this section have been fully complied with.

(6) An employe of a railroad corporation who is injured by or because of the existence of any bridge, or other structure over, above or across any of the tracks of said railroad at a height less than that provided in this section, which has not been protected by telltales, shall not be considered to have assumed the risk of such injury, although he continues in the employ of such corporation after the existence of such unguarded structure has been brought to his knowledge.

Approved June 22, 1949.