



**WISCONSIN LEGISLATIVE AUDIT BUREAU
LETTER OF TRANSMITTAL**

July 28, 1999

**Senator Gary R. George and
Representative Carol Kelso, Co-chairpersons
Joint Legislative Audit Committee
State Capitol
Madison, Wisconsin 53702**

Dear Senator George and Representative Kelso:

In response to recent legislative inquiries, we have reviewed the administration and funding of the State's railroad crossing safety program. We had previously reviewed the railroad crossing safety program and reported our results in a January 29, 1996 letter report. We have updated selected information from that report and reviewed the State's use of federal funds for railroad crossing safety.

As of July 1999, Wisconsin has 7,999 railroad crossings. However, the State's primary safety concern is the 4,406 crossings that intersect with public roads at grade level. Responsibility for safety at crossings is shared by the Office of the Commissioner of Railroads and the Wisconsin Department of Transportation. Both identify safety projects and fund them, but only the Commissioner has the authority to order safety improvements.

Although the number of accidents involving motor vehicles at railroad crossings has decreased from 165 in 1994 to 88 in 1998, safety concerns continue to be raised, in part because a number of safety projects that have been ordered for completion by the Commissioner of Railroads have not yet been funded. One list of pending projects maintained by the Office includes 165 warning device projects, with an estimated cost of \$14.0 million to complete, that will use all of the federal funding expected to be available to the Office through September 30, 2005. The other list includes 29 projects, with an estimated cost of \$2.4 million. The Commissioner has not yet determined when these projects will be funded.

On its own initiative, the Department also identifies railroad crossing safety projects for the federal funds it controls. In fiscal year 1998-99, the Department received federal approval to obligate \$6.0 million from federal railroad crossing safety funds for two large bridge projects. While these projects qualify for federal railroad crossing safety funding, they will make less funding available for more common railroad crossing safety projects, such as installing lights or gates at crossings.

The interplay between the federal and state appropriation process is complex, and some flexibility is needed to ensure the State receives the maximum amount of federal funding available. However, if the Legislature is concerned about the current project-selection process, it may wish to play a more active role in determining the use of federal funding for the railroad crossing safety program. To do this, it will need more complete information on the funding available and the Department's plans to use that funding.

Enclosed is a more complete discussion of our findings with regard to the railroad crossing safety program. We appreciate the courtesy and cooperation extended to us by staff of the Department of Transportation and the Office of the Commissioner of Railroads.

Respectfully submitted,

**Janice Mueller
State Auditor**

JM/JK/ao

**cc: Senator Judith Robson
 Senator Brian Burke
 Senator Peggy Rosenzweig
 Senator Mary Lazich
 Senator Robert Cowles

 Charles Thompson, Secretary
 Department of Transportation

 Rodney Kreunen, Commissioner
 Office of the Commissioner of Railroads**

**Representative Stephen Nass
Representative John Gard
Representative Robert Ziegelbauer
Representative David Cullen**

[letter report, PDF file \(27KB\)](#)