



GAE MAGNAFICI

STATE REPRESENTATIVE • 28th ASSEMBLY DISTRICT

Testimony in Favor of AB 248

Good Morning,

Chairman Plumer and members of the Committee on Transportation. Thank you for holding a hearing on Assembly Bill 248, which allows people to cross railroad tracks on foot.

Wisconsin has a rich history of enjoying the outdoors, and a tourism industry centered on access to natural resources. This bill simply allows hunters and others enjoying the outdoors to cross railroad tracks on foot.

Every day, Wisconsinites illegally cross railroad tracks, many of them unaware of the law. Legalizing their crossings will not open a floodgate, but instead decriminalize behavior most are unaware of being illegal in the first place.

Everyone is aware railroad tracks are dangerous. A crosser has a responsibility to cross them safely as we do in our vehicles every day.

Thank you, and I'm happy to answer any questions.



BROTHERHOOD OF LOCOMOTIVE ENGINEERS & TRAINMEN

A Division of the Rail Conference—International Brotherhood of Teamsters

Wisconsin State Legislative Board – Chairman

Chuck Schulz
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AB248 Committee Testimony

I would like to thank the Committee Members for giving us an opportunity to explain our concerns with Legislation, AB248.

I am Chuck Schulz, with Brotherhood of Locomotive Engineers and Trainmen and the Wisconsin State Legislative Chairman, a division of the Teamsters Rail Conference. In Wisconsin our organization has about 850 active and working individuals in Freight and Passenger Service, including myself.

In the United States a Trespasser on a railroad right-of-way, is struck currently, about every 3 hours by a Train. Resulting in serious life altering injuries such as, disfigurement, amputation, multiple amputations, and the very sad and unfortunate case, fatal. Last year in Wisconsin about 48% of all Trespassers struck, resulted in a fatality. In 2019, 30%, 2018 about 36% and 2017 was 25%.

Over the last Ten (10) years 124 Trespasser Incidents occurred in Wisconsin involving First Responders, Law Enforcement Officers, and Railroad Train Crews Employees. This does not reflect the countless undocumented, near misses and close calls that take place daily, on Wisconsin Railroad Right-of-ways.

This isn't also just limited to Wisconsin, your constituents also operate Freight and Passenger Trains in and out of surrounding States like Illinois, Michigan, Minnesota and Indiana. Last year alone, the state of Illinois had 82 Trespasser Incidents, Michigan 15, Minnesota 11, and Indiana 31. Some of Wisconsin based Train Crews were unfortunately involved in those documented Trespassing Incidents but, will not reflect on numbers in Wisconsin's. That is due to Government Agencies reporting process.

As a working Locomotive Engineer, I was directly involved in a trespassing incident myself. Operating a Freight Train from Green Bay, WI with a destination of Fond du lac, WI, the conductor and I struck a young boy on the Railroad Right-of-way with the lead locomotive. I was informed by First Responders and Law Enforcement Officers; he was most likely killed instantly on impact. To this day, I still run Freight Trains over the very same place, this incident took place.

This may sound insensitive or heartless to some but, Train Crews are not that way at all. We are family men and women in the community, we are your neighbors, hunting and fishing buddies, and sit in a place of worship with you. Myself, I re-live that moment every time I operate a Train over that particular location. There was nothing as a Locomotive Engineer I could have done differently, that would have changed the loss of that family's young boy.

Everyone joins the Railroad Profession of moving essential commodities for the effort of providing for their families but, may have to face this well documented, unfortunate, Industry side effect.

Over the last several decades, Government Agencies, Non-Profit Organizations, US Railroads and Labor Organizations, have been spending millions of dollars, time, and effort pushing a "Safety Agenda" to the general public about the dangers of Railroad Trespassing and Railroad Crossings in Wisconsin, and across United States.

The Federal Railroad Administration has launched programs over the years that are still actively in place, such as;

- "The Community Trespass Prevention Guide" it is a program for local, state and national partnerships aimed at reducing trespassing and its related injuries and deaths.
- "Photography and Selfies" Railroad tracks have become popular locations to shoot wedding photos, graduation pictures and selfies.
- "Recreational Off-Highway Vehicles (ROVs)" The activity poses a major threat to violators' safety and can cause lasting damage to railroad property.

Another one is Operation Lifesaver, which is a non-profit organization formed in 1972. This operates with co-sponsorships by federal, state and local government agencies, highway safety organizations and America's railroad systems and provides public education programs in states across the U.S. Their "Mission", rail safety education and public awareness organization dedicated to saving lives. Their "Vision", To be the recognized leader in providing the public with rail safety education and ending death and injuries due to trespassing and collisions on or near the tracks.

In March, 2014 the "Federal Register / Volume 79 / Number 57/ Rules and Regulations, Finale Rule", was released for public viewing. This release was the direct result of collaboration between the Federal Railroad Administration, US Railroads, and Labor Organizations. In Part 272 – Critical Incidents Stress Plans it states "The purpose of this part is to promote the safety of railroad operations and the health and safety of railroad employees". The Rail Industry clearly needed protocol to address issues like "Trespasser Injuries and Fatalities".

Inclosing, I hope this information is valuable in the Committee discussion making process, and understand our genuine concerns as to why we are against AB248. Again, I would like to thank the Committee Members for their time. As always, I remain

Respectfully,



Chuck Schulz

Chairman

Wisconsin State Legislative Board

**Trains can run on any track, at any time, from either direction.
All day, every day.**

Costs and Effects of Railroad Trespassing:

According to FRA's economic analysis, the benefits of reducing trespassing accidents can be measured in lives saved, injuries reduced, and train delays avoided. This analysis uses data reported to FRA over the five-year period from 2012 to 2016. The 9,363 reported trespassing accidents during this period cost society \$43.2 billion in fatalities and injuries (with an average cost of \$4.6 million per accident) and more than \$56.0 million in travel time delays. These calculations do not include unquantified costs to the economy, such as lost productivity, and society, such as emotional distress.

Unquantified Economic and Societal Costs:


FRA's analysis does not include other costs that trespasser accidents impose on the economy and society. For example, accident response and investigation can delay motorists and their passengers at highway-rail grade crossings. Similarly, commercial trucks carrying freight or providing services can incur delays. Other trains must be held until a trespass accident is cleared. Costs such as wages and expenses of law enforcement personnel who conduct the initial investigations and emergency responders who assist the passengers and trespasser(s) are not quantified. Other unquantified costs include the negative effects on the trespassers and their families and the emotional distress of involved railroad personnel and emergency responders. One railroad representative told FRA that trespasser accidents often affect even the most experienced engineers to the extent they are unable to continue to work. The railroad then has to replace them with less experienced ones. The railroad's labor and training costs rise and safety could be adversely impacted as those more experienced engineers leave the workforce.

(Source - Report to Congress: National Strategy to Prevent Trespassing on Railroad Property - October 2018)

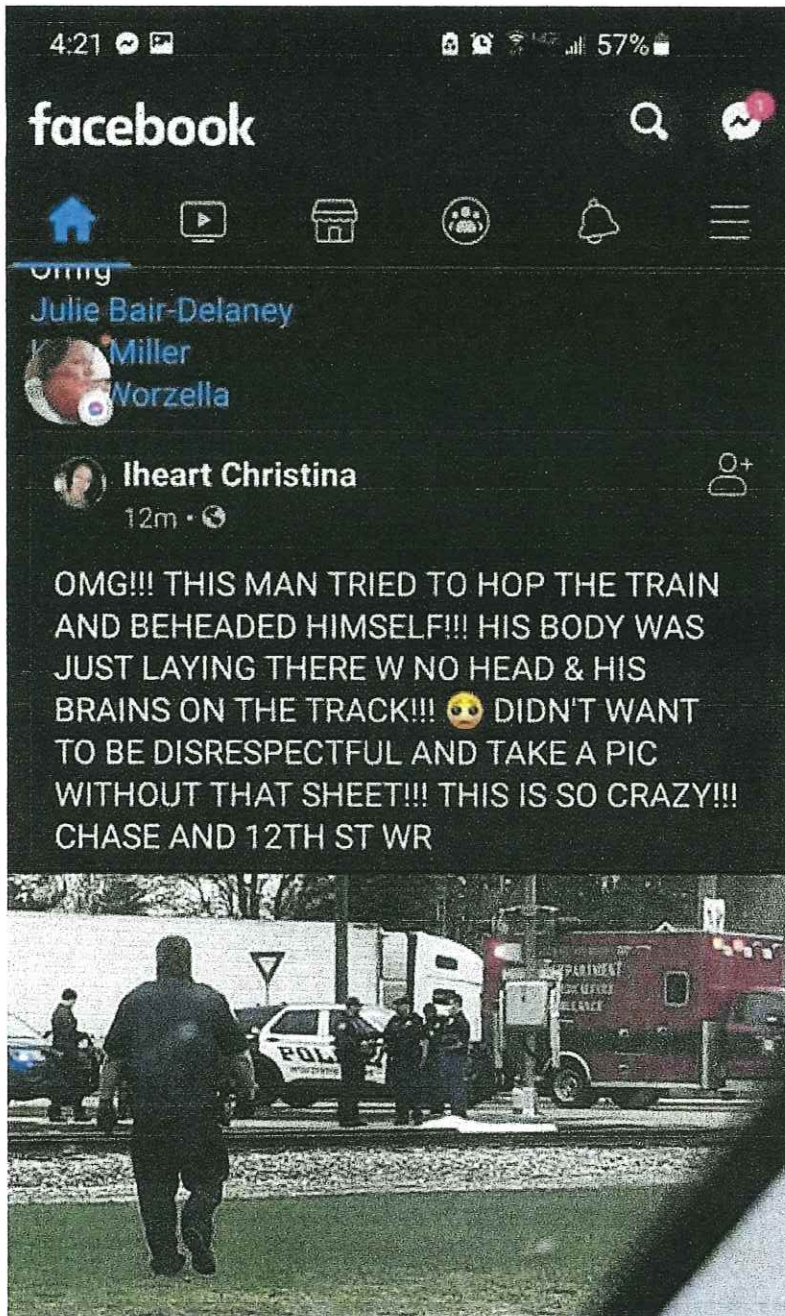
April 12, 2021 – Wisconsin Rapids

TFW LTE

4:58 PM

91% 

m.facebook.com



Source: I don't know these folks, but this came to me last week.



April 27, 2021

RE: *Wisconsin TU supports AB 248 – Allowing the Public to Cross Train Tracks*

Members of the Assembly Committee on Transportation:

My name is Mike Kuhr, I live in Monona, where I'm a husband, father, small business owner, and volunteer for Wisconsin Trout Unlimited. I currently serve as our State Council Chair. Trout Unlimited is our Nation's leading cold water conservation organization. Here in Wisconsin, we're home to over 5,800 members and 21 local chapters. I'm here to express our organizations support for AB248, which would allow the public to cross train tracks in order to access public lands on the other side.

Our members value the recreational opportunities provided by Wisconsin's woods and waters. In a typical year, our members will volunteer over 50,000 hours of their time working on local stream restoration projects, angler education and outreach, and coldwater advocacy. We're passionate about fishing in general and trout in particular.

Hunters and anglers spend over \$4 billion dollars annually in Wisconsin. Our outdoor recreation economy is thriving because of targeted investments in public lands and public access. But for the last 15 years, a slight change in the trespassing law has left hunters and anglers on the wrong side of the tracks, wondering if we'll ever be able to legally access the public hunting and fishing grounds on the other side.

Black Earth Creek Fishery Area, the Brule River State Forest, Duncan Creek Fishery Area, Elk Creek Fishery Area, Lodi Spring Creek Fishery Area, Namekagon River, Peshtigo River State Forest, the Pike River, Rowan Creek Fishery Area, Upper Wolf River Fishery Area, and the White River Wildlife Area. This is a bucket list of prime trout fishing destinations throughout the state and they all have public areas that have been made inaccessible due to the change in the trespass law back in 2006.

The Wisconsin Council of Trout Unlimited ("WITU") is a 501(c) 3 non-profit organization which consists of approximately 5,800 volunteer members in 21 chapters in Wisconsin working to ensure that future generations have access to cold, clean, fishable water. In a typical year, WITU and its Chapters report over 50,000 volunteer hours, working on conservation projects, youth education events, and operating veterans service programs at the VA hospitals in Milwaukee, Madison, and Green Bay.



It's time to make the change. Hunters and Anglers are more than capable of safely crossing a set of train tracks to access public lands. Thousands of pedestrians, bicyclists, and motorists directly cross train tracks every day and rarely is there ever an incident.

Wisconsin Trout Unlimited supports this common sense legislation and asks for your support of AB 248 so that we can pass on the legacy of sporting traditions on public lands in Wisconsin for generations to come.

Thank you for your time and for your commitment to public service.

Sincerely,

Mike Kuhr
Wisconsin Trout Unlimited
State Council Chair
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(414) 588-4281

The Wisconsin Council of Trout Unlimited ("WITU") is a 501(c) 3 non-profit organization which consists of approximately 5,800 volunteer members in 21 chapters in Wisconsin working to ensure that future generations have access to cold, clean, fishable water. In a typical year, WITU and its Chapters report over 50,000 volunteer hours, working on conservation projects, youth education events, and operating veterans service programs at the VA hospitals in Milwaukee, Madison, and Green Bay.



4/27/2021

Testimony of Peter Kammer

Opposition to AB 248

Chairman Plumer and members of the Assembly Committee on Transportation, thank you for this opportunity to present the Wisconsin Railroad Association's comments on Assembly Bill 248. The freight railroad industry opposes AB 248 because it is a serious threat to public safety.

No State in US Allows the Public to Cross Tracks Outside of Controlled Crossings

This bill would allow a person, with no restrictions on age or anything else, to cross railroad tracks at any location they wish, without regard to rail traffic or other safety concerns. If passed, Wisconsin would be the only state in the country to allow the public to cross railroad tracks outside of controlled crossings.

Pedestrian Crossing is Leading Cause of Rail-Related Deaths

Trespassing along railroad rights-of-way is the leading cause of rail-related deaths in America. Railroad trespass fatalities are on the rise in Wisconsin and across the U.S. . According to the Federal Railroad Administration during the past decade, pedestrian fatalities, injuries, and incidents with trains exceeded motor vehicle driver fatalities and injuries with trains. Nationally, more than 400 trespass fatalities and nearly as many injuries occur each year. The vast majority of these are preventable.

AB 248 Undermines Federal Safety Efforts

To combat the continual rise in deaths from trespassing, at the end of 2019 the US Department of Transportation's Federal Railroad Administration announced the launch of a new interactive dashboard to help analyze trespass and suicide incidents that occurred on railroad rights-of-way in the United States over the past 10 years. This dashboard allows users to visually interact with trespass and suicide data collected by FRA.

AB 248 Undermines Wisconsin's Safety Efforts

For years Operation Lifesaver volunteers, the Office of the Commissioner of Railroads, WisDOT, all of WI's freight and passenger railroads and state and local law enforcement have invested heavily in public outreach to encourage Wisconsinites to make safe decisions around tracks and trains. This includes Rail Safety Week held every year and Safety Fairs throughout the year.

A Process Already Exists in WI for Public Access

The Wisconsin Office of the Commissioner of Railroads has jurisdiction to approve public railroad crossings. Administrative rules (Wis. Admin. Code Chapter RR 1) govern the procedure. Railroads can also enter into agreements to create private crossings.

Crossing Tracks Is Dangerous

This bill ignores the training and equipment required to work near trains and tracks. Railroad employees are not even allowed to be on or around railroad tracks without training and personal protective equipment. Railroaders understand the potential dangers in railroad rights-of-way and have redundant measures and protocols to ensure the safety of railroad employees. This bill recklessly invites untrained people (and kids) onto private railroad property where frequent trains could be traveling at 50mph. The hard granite ballast makes for very rugged walking conditions if a person is not trained or does not have proper PPE such as ankle high boots. People could easily get injured by simply walking across the tracks at an undesignated location.

Common Causes of Trespasser Casualties

In addition to train speed and challenging topography, many distractions lead to casualties. These include individuals operating loud machinery, like ATV's, UTV's and snowmobiles. There has also been a rise in people wearing headphones or operating smart phones while unaware of their surroundings. These distractions lead to serious injury or even death when trespassing occurs.

Thank you and I am happy to answer any questions you may have.

AB 248 Expected to Increase Pedestrian Casualties

Trespassing along railroad rights-of-way is the leading cause of rail-related deaths in America. Nationally, more than 400 trespass fatalities occur each year, the vast majority of which are preventable. Unfortunately, these numbers are increasing.

Even with current pedestrian safety efforts in place, 7 trespass casualties occurred in 2020 in Wisconsin according to the Federal Railroad Administration (FRA) – this figure does not include suicide.

For years, Operation Lifesaver volunteers, the FRA, the Office of the Commissioner of Railroads, WisDOT, all of Wisconsin's freight and passenger railroads and state and local law enforcement have invested heavily in public outreach to encourage Wisconsinites to make safe decisions around tracks and trains. AB 248 undermines those efforts.

Recent Wisconsin News Stories...

Bicyclist dies after being hit by passing train in La Crosse County

LA CROSSE COUNTY, Wis. (WEAU) *Posted: Dec. 4, 2020*

Man dies after train, bicycle collide in De Pere Sunday morning

DE PERE, Wis. (WBAY) *Posted: Nov. 22, 2020*

Wauwatosa woman dies after being hit by Amtrack train

WAUWATOSA, Wis. (CBS 58) *Posted: June 12, 2020*

Those Who Hunt and Fish in Wisconsin are NOT Immune...

Pedestrian hit, killed by train

BUFFALO COUNTY (WQOW) *Posted: July 18, 2020, McKenna Alexander*

“According to officials, the initial investigation showed Sanden and a family member were *preparing to go fishing* when Sanden began to carry fishing gear across the tracks.”

Authorities identify Mondovi woman killed after being struck by train

ALMA (WQOW) *Posted: Jul 08, 2015 Emily Van Ort, Internet Director*

“According to authorities, Symington and a friend were *going fishing*.”

Man killed while *fishing* from train tracks in Oshkosh

OSHKOSH *Posted: May 25, 2014, 5:31am Gabrielle Mays*



BUILDING AMERICA®



April 27, 2021

To: Chair and honorable members of the Assembly Committee on Transportation

Re: Wisconsin Assembly Bill 248 – Pedestrians Crossing Railroads

Union Pacific Railroad opposes any change to current law which would undermine safety and put the public at risk. As such, we respectfully request you **vote against Assembly Bill 248** which will allow pedestrians to cross railroad tracks anywhere.

Safety is Union Pacific's highest priority. In fact, Union Pacific and all railroads have dramatically improved safety over the last three decades. However, trespass-related fatalities have increased. According to the Federal Railroad Administration's Office of Safety, death from pedestrian trespassing on railroad tracks rose 21.8% across the United States in 2014.

To put this in perspective, a person or vehicle is hit by a train about every three hours in the United States. Between 2014 and 2019, Union Pacific alone experienced 8 trespasser injuries and 10 trespasser fatalities on Union Pacific property in the state of Wisconsin. Repealing or relaxing this statute could bring unintended consequences of increasing rail trespassing incidents and is regressive to positive rail safety efforts taken to date.

The Federal Railroad Administration, the Wisconsin Office of the Commissioner of Railroads (OCR), the Wisconsin Department of Transportation, freight railroads, state and local law enforcement, and groups like Operation Lifesaver invest heavily in public outreach to encourage Wisconsinites to make safe decision around tracks and trains.

Wisconsin has a Process for Providing Public Access Across Railroad Tracks

The Wisconsin OCR has jurisdiction to approve public railroad crossings. Administrative rules (Wis. Admin. Code Chapter RR1) govern this procedure. Railroads can also enter into agreements to create private crossings. Taking away private property rights when a process for crossing railroad tracks already exists is an inappropriate and extreme measure which undermines safety.

Trespass is the leading cause of Rail-related Deaths in America

Trespassing on private railroad property is illegal in 39 states and the District of Columbia. Despite these laws, **trespass is the leading cause of rail-related deaths in America**. Repealing or relaxing Wisconsin's railroad trespass law will put the safety of Wisconsin citizens at risk and is the wrong message to send. Union Pacific urges the Legislature to oppose all efforts to repeal Wisconsin's railroad trespass law and help keep the public and our employees safe.

Please protect Wisconsin's residents by maintaining the railroad trespass law - **vote "No" on AB 248**.

Sincerely,

Brian Daniell

Special Agent in Charge – Chicago Division

Coalition of Wisconsin Sporting Organizations for Public Access

Fact Sheet Regarding AB 248---Crossing Railroad Tracks

1. Historically, hunters, anglers and trappers were able to freely cross railroad tracks on public land or tracks to access public lands for hunting, fishing and trapping.
2. This access was codified in WI STAT section 192.32 (1) (c) which provides an exemption to trespass for any person walking directly across any railroad tracks or right-of-way of any railroad.
3. A large legislative bill changing railroad laws was enacted and became law in 2006. Subsection 29 of that law, 2005 Act 179 merely stated: "192.32 (1) (c) of the statutes is repealed". The language of the bill did not say that it was removing the ability of sporting individuals to directly cross railroad tracks and no part of the bill's history did it discuss the impact the bill would have on the use of public lands in this state, including its use for hunting, fishing and trapping.
4. The Department of Natural Resources has documented that the impact of this law has eliminated 124 traditional crossings formerly used by hunters, anglers and trappers for access to 150 miles of the Upper Mississippi River National Wildlife and Fish Refuge.
5. But this is far from just a Mississippi River issue. The Department of Natural Resources has documented that 121 DNR properties, including wildlife area, fishery areas, state parks, state forests and state natural areas are bisected by railroads. In order not to be in violation of the railroad trespass law, an individual walking across the property and coming to the railroad track, must walk out to the nearest road and walk back along the track in order to continue to use the property. Picture a situation where a hunter has shot a deer and, in order to track or retrieve the deer, they may have to walk, at times, miles to pursue or reduce to possession the deer.
6. Not included in number 5, there are uncounted federal and county forest parcels and other public lands that have railroad tracks bisecting them.
7. There are state properties such as the Swan Lake Wildlife Area in Columbia County where a railroad track crosses the property and actually landlocks a portion of the property because of the deletion of the exemption to the railroad trespass law in 2006.
8. Many of you are aware of Wisconsin's highly popular Devils Lake State Park which has over one million visitors from both within and outside the state. There is an active railroad track that runs immediately adjacent and parallel to the eastern side of the lake. A highly conservative estimate would be that at least 100,000 park visitors a year cross that railroad track in locations that would be in violation of WI Stat section 192.32 (1).

9. The Wisconsin Natural Resources Board on January 25, 2017 adopted a formal resolution indicating that the aforementioned 2005 Act 179 “restricted access to thousands of acres of public land in Wisconsin to hunters, anglers, trappers and nature observers...” and formally encouraged “...the Wisconsin Legislature and Governor to work to find a solution to provide access to public lands across railroad tracks.”
10. The following organizations support AB 248: Wisconsin Wildlife Federation, Safari Club, Wisconsin Conservation Congress, La Crosse County Alliance, Wisconsin Bear Hunters Association, Buffalo County Conservation Alliance, Backcountry Hunters and Anglers, Trout Unlimited, Wisconsin Bow Hunters Association, Trout Unlimited, Ducks Unlimited, Wisconsin Waterfowl Association, Wisconsin Trappers Association, Alma Rod and Gun Club, Mondovi Conservation Alliance and a growing number of sporting organizations.
11. **Section 895. 52, WI STAT, entitled: “Recreational activities; limitation of property owners’ liability”, provides railroads immunity from liability for sportsmen and women crossing their tracks for hunting, fishing and trapping.**

Recent History of Railroad Trespass Law

Wisconsin Statutes 2003

192.32 Trespassing on railroad.

(1) No person, other than a licensee, authorized newspaper reporter or person connected with or employed upon the railroad, may walk, loiter or be upon or along the track of any railroad. The provisions of this subsection shall not be construed to do any of the following:

(a) To interfere with the lawful use of a public highway by any person.

(b) To prevent any person from driving across any railroad from one part of that person's land to another part thereof.

(c) To prevent any person from walking directly across the tracks or right-of-way of any railroad.

(d) To interfere with the use of the right-of-way or track by any person in connection with, either directly or indirectly, the shipping, loading or unloading of freight, seeking employment, the investigation or securing of evidence with respect to any accident or wreck or in conducting or transacting any other business for or with the railroad.

(e) To interfere with the entry of any employee during or on account of labor disputes by employees.

192.32(2) (2) Each railroad corporation shall post notices containing substantially the provisions and penalties of this section, in one or more conspicuous places in or about each railroad station.

2005 Act 179-----SECTION 29. **192.32 (1) (c) of the statutes is repealed**

Current Law:

192.32 Trespassing on railroad.

(1) No person, other than a licensee, authorized newspaper reporter or person connected with or employed upon the railroad, may walk, loiter or be upon or along the track of any railroad. The provisions of this subsection shall not be construed to do any of the following:

(a) To interfere with the lawful use of a public highway by any person.

(b) To prevent any person from driving across any railroad from one part of that person's land to another part thereof.

(d) To interfere with the use of the right-of-way or track by any person in connection with, either directly or indirectly, the shipping, loading or unloading of freight, seeking employment, the investigation or securing of evidence with respect to any accident or wreck or in conducting or transacting any other business for or with the railroad.

(e) To interfere with the entry of any employee during or on account of labor disputes by employees.

192.32(2) (2) Each railroad corporation shall post notices containing substantially the provisions and penalties of this section, in one or more conspicuous places in or about each railroad station.

La Crosse County Conservation Alliance

Restore Public Access Comments by Marc A Schultz La Crosse County Conservation Alliance

Natural Resources Board Wednesday December 14 2016

I am Marc A Schultz Chairman of the La Crosse County Conservations Alliance. In 2006 state law was changed without sportsmen's input making the direct crossing of railroad tracks illegal except at designated road crossings. For the Mississippi River this means hunters, anglers, hikers, bird watchers, trappers, photographers and even river management agency staff can no longer access large portions of public land and water on foot. Ever since the railroads were built, it was legal to step across the railroad right of way to get to the river. The BNSF railroad tracks parallel the river bottoms almost the entire length of the Mississippi River in Wisconsin (150 MILES). Department of Natural Resources staff have identified on the attached maps 124 traditional crossings of the tracks which are no longer useable to sportsmen and women. The railroad tracks have become a wall to the public who have traditionally accessed the river and bottom lands on foot, particularly in small river communities.

The Lake Onalaska Protection and Rehabilitation District of which I am a board member did a lake user survey in 2011 to see what was important to lake users. Lake Onalaska which is part of Pool 7 was created by Lock and Dam 7 in 1937. Pool 7 contains 18000 acres of public land and water and Lake Onalaska is nearly 7000 of those acres. The top issue for lake users was access. In fact when you talk to river rats up and down the river access is their number one concern also. There are nine similarly sized river pools located along the Wisconsin border of the river and a majority of the land and water within those pools are in Wisconsin.

The railroad company has proposed the construction of a handful of additional dedicated crossings to address the access issue. Those will not replace the 1e4 traditional sites uses for hunting, fishing and trapping. This alternative will leave many scores of miles of the Mississippi inaccessible from a practical standpoint.

The railroads cite the potential for railroad deaths as the reason for this blocked access. A review of the record indicates however that only one hunter, angler or trapper in anyone's memory was killed by a train crossing the track. In the meantime there is a permanent loss of access to the River by tens of thousands of Wisconsin hunting, fishing and trapping license buyers.

In river communities both large and small the traditions, culture, economy and history have evolved with the right to step across railroad right of way to access the public domain. People along the river and tourists who come to those river communities expect to be able to use their public domain.

The river resources are managed by DNR wildlife and fishery biologists for all the people in the state. Their work is funded by our license dollars. The sportsmen and women of this state need the Natural Resources Board and the DNR Secretary to stand with us in asking the Governor and the Legislature to change the law and allow hunters, anglers and trappers to make direct crossings of railroad tracks to access the important fish and wildlife resources of the Mississippi River.

George Meyer with the Wisconsin Wildlife Federation will present next the impact that the railroad crossing law change has throughout the rest of the state.

Thank you for your opportunity to testify here today.

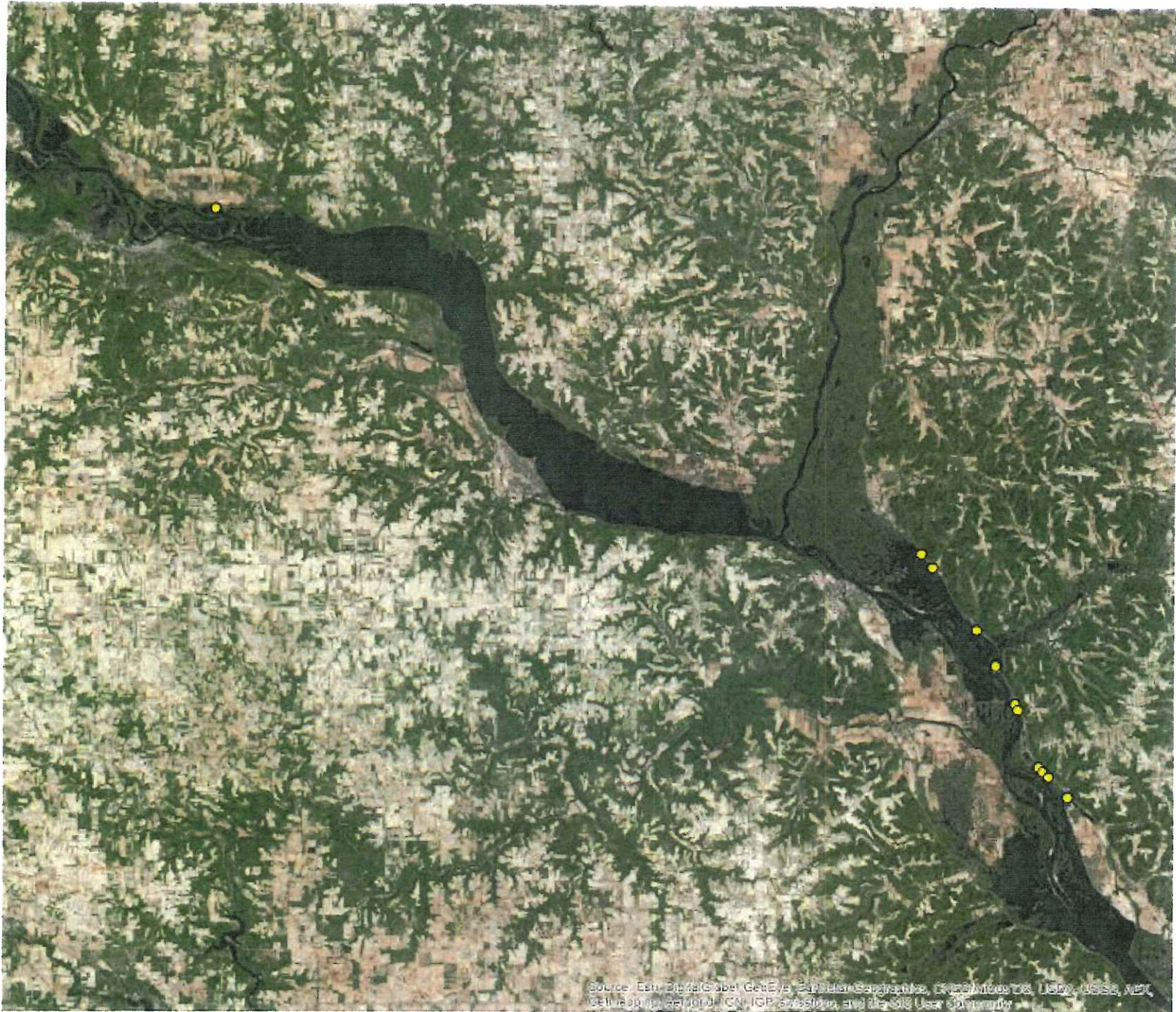
Walk-in angling spots that require railroad tracks to be crossed to recreate on public waters

Disclaimer: This doesn't represent all of the spots where a controlled crossing would be required to maintain public sportsmen access. This is merely a list of areas that would need to be addressed first.

Mississippi River Fisheries Biologists were asked to identify areas where sportsmen and sportswomen cross railroad tracks to fish. It was left to the individual fisheries biologists to determine these areas where public access to shore fishing opportunities would no longer be allowed due to loss of access. In total, 124 such areas were identified in WI waters (Mississippi River only). This might well be the largest loss of public access to public waters in the history of the state. If anyone else is aware of a larger or similar magnitude loss of public access to public waters I would be interested in citing it for this document.

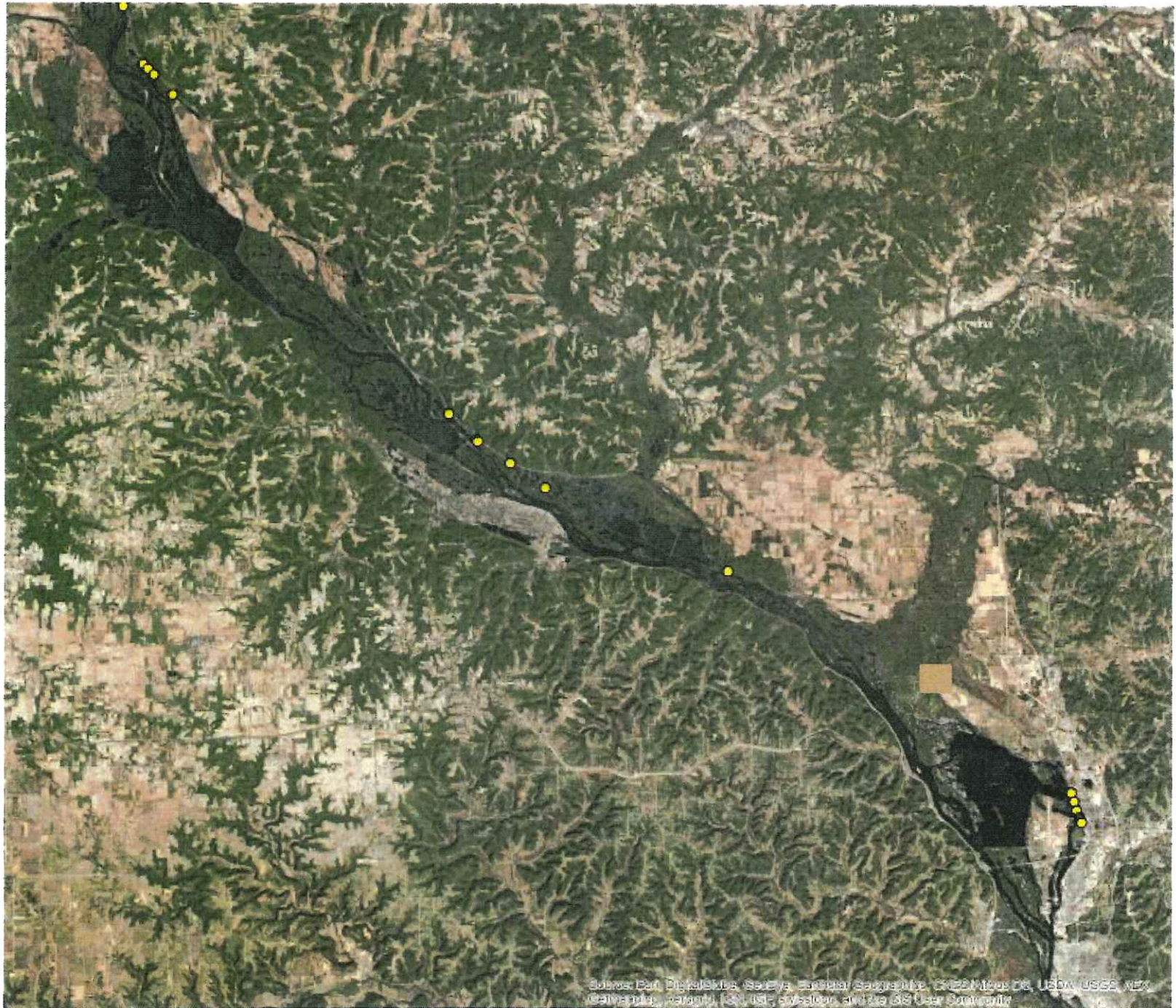
It is important to note that loss of access was listed identified as the #1 issue of concern in a recent survey among residents living on or near Lake Onalaska.

Pools 4 and 5
(no crossings identified in Pool 3)



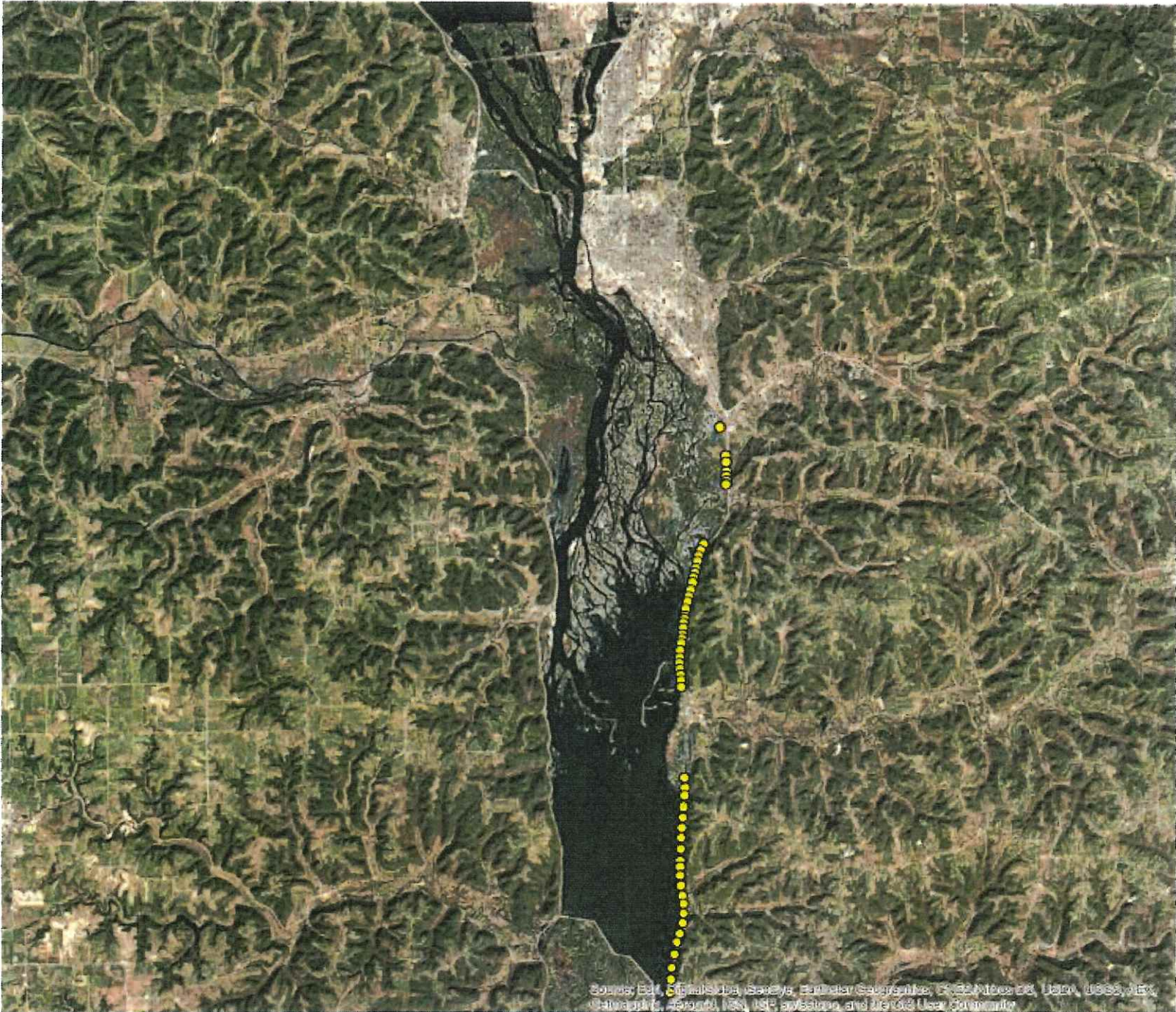
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero
GRID, IGN, IGP, swisstopo, and the GIS User Community

Pool 5A to Pool 7

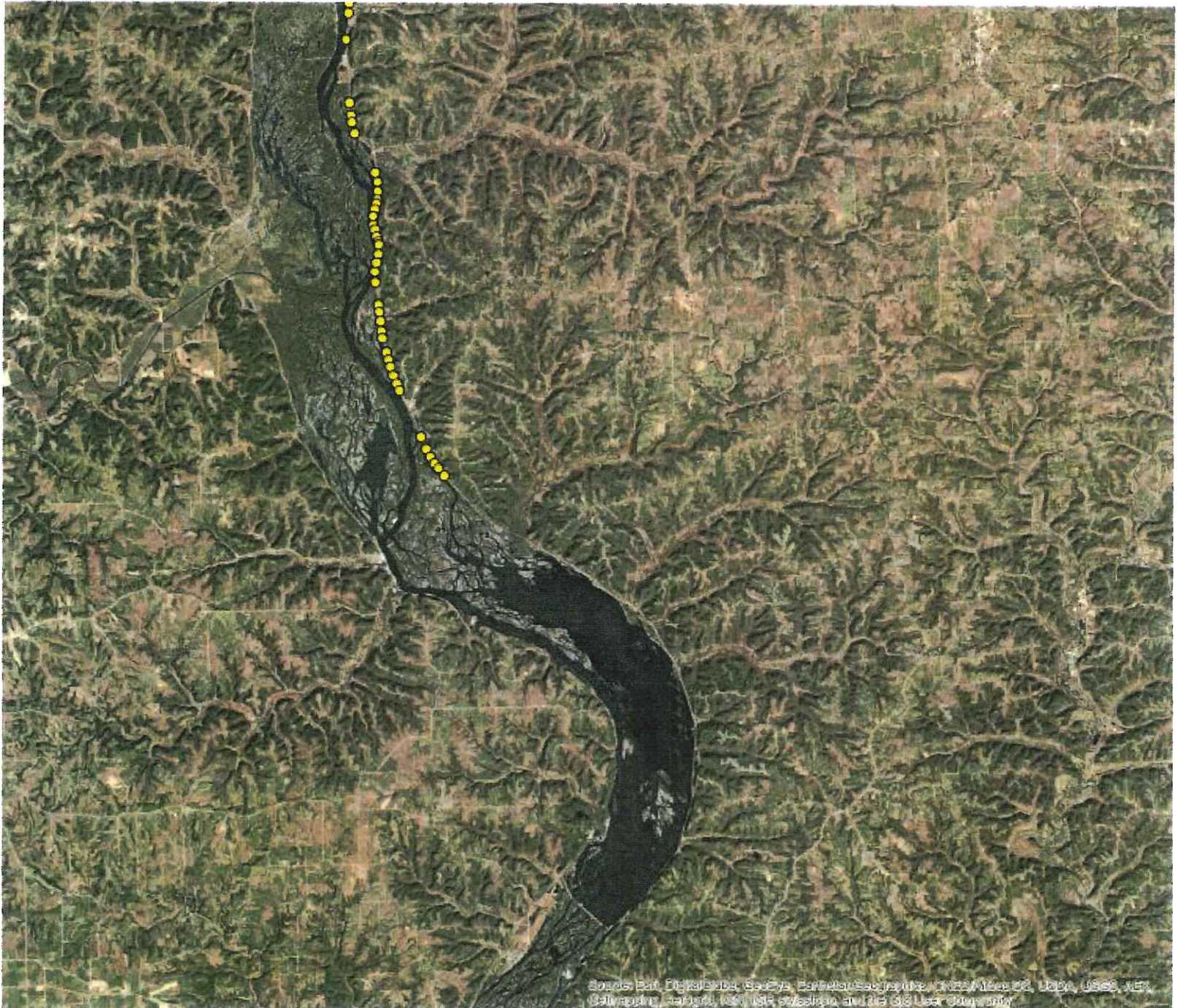


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, Esri, SwireSat, and the GIS User Community

Pool 8



Pool 9



Source: Esri, DigitalGlobe, GeoEye, Earthstar (Earthstar), CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, USF, Esri, SwireVision, and USDA (Airphoto)



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WWF Testimony in Support of AB 876

First Vice President:

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Chairman Kleefisch, Members of the Assembly Committee on Criminal Justice and Public Safety, thank you for the opportunity to testify today on behalf of the Wisconsin Wildlife Federation in strong support of Assembly Bill 876 which restores the right of hunters, anglers and trappers to directly cross railroad tracks for the purpose of hunting, fishing and trapping in Wisconsin. We would especially like to thank Representative Nerison for his introduction of AB 876. The Federation along with the La Crosse County Conservation Alliance has been working with Rep. Nerison for several months on this bill. The bill is very important to the 195 hunting, fishing and trapping clubs that are members of the Wisconsin Wildlife Federation.

Second Vice President:

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The right of sportsmen and women to directly cross railroad tracks to pursue fish and game was removed by 2005 Wisconsin Act 179. I have attached the law before and after Act 179. This one line change was buried in a larger bill regulating railroads. There was no indication to legislators or hunters, anglers and trappers on the wide ranging implications of removing one line from the railroad statutes.

Treasurer:

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The significance of the change has become evident as a result of railroad enforcement of the trespass law on the railroad tracks that run along 230 miles of the Mississippi River. This has cut off thousands of hunters, anglers and trappers from traditional and safe direct crossings of the railroad tracks to hunt, fish and trap on the River. To any one's historical knowledge, there never has been an accident involving a hunter, angler and trapper crossing a railroad track in the State of Wisconsin.

Secretary:

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Moreover, the Federation has been concerned about the full ramifications of the railroad trespass law throughout the state beyond the Mississippi River problem. So the Federation requested the Department of Natural Resources to compile a list of all DNR properties that have railroad tracks crossing their lands. I have attached the list sent to us by the DNR. There are 121 DNR properties that are bisected by railroad tracks including state wildlife areas, fishery areas, forests, natural areas, public accesses and state parks. It should also be noted that this does not include railroad crossings on Federal lands such as US Fish and Wildlife Service refuges and National Forests, county forest lands and scores of other public properties owned by local units of government.

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georgemeyer@tds.net

Business Manager:

Kim Lang
1540 W. James St., Suite 500
Columbus, WI 53925
920-623-9975
kim@wiwf.org

Now let's look at the specific problems associated with hunting on DNR wildlife areas that have railroads crossing the property. Say you are deer hunting on such a property and shoot a deer. It takes off and runs a hundred yards but collapses on the other side of a railroad track.

Under current railroad trespass law you have to hike to the nearest public road and then hike back to where the deer lies. Attached is a map of the Navarino Wildlife Area. If you look at the area in the center of the property, I have noted a hunter on one side of the tracks and a dead deer on the other side of the tracks. Under current law, that hunter, in order to avoid violating the railroad trespass law, would have to make a minimum of a two mile hike to bag his or her deer which may have been only 50 yards away across the railroad track.

Another situation that can occur if you are pheasant hunting and your dog takes off across a railroad track. Once again you may have to hike out to the nearest road crossing and then hike back to retrieve your dog.

There is another serious problem caused by this law and that is that there are portions of DNR properties that are isolated from any lawful public access by railroad tracks. I have attached a map of the Swan Lake Wildlife Area in Columbia County. Towards the bottom I have circled an area of that wildlife area that is totally isolated from access by a railroad track and private property. Not only is the isolated area worthless for hunting, if your deer crosses the track it becomes very difficult if not impossible to retrieve it.

Here is another example of how the railroad trespass law adversely affects the public value of 121 DNR owned properties. Many of you have been to Devils Lake State Park. It is one of the two most popular Wisconsin state parks with over a million visitors each year. I have attached a map of that property. I have circled an area on the east shore of the lake in which a red line indicates a railroad line. Having visited that area scores of times, I am confident in saying that a minimum of 100,000 people a year cross that railroad track every year. I suspect that few of them understand that they are violating the railroad trespass law.

These are just some of the problems caused by the passage of 2005 Wisconsin Act 179. The Federation respectfully requests that you pass Assembly Bill 876. Please remember that there have been no reported accidents by hunters, anglers and trappers crossing railroad tracks in Wisconsin. Remember, to anyone's knowledge there has never been an accident involving a hunter, angler or trapper directly crossing a railroad track in Wisconsin

Submitted by George Meyer, Executive Director, Wisconsin Wildlife Federation
February 10, 2016

List of DNR Properties Bisected by Railroad**Tracks** (121)

ALLENTON WILDLIFE AREA
AMNICON FALLS STATE PARK
BEAVER BROOK WILDLIFE AREA
BEVERLY LAKE FISHERY AREA
BLACK EARTH CREEK FISHERY AREA
BLACK RIVER PUBLIC ACCESS
BLACK RIVER STATE FOREST
BOG BROOK WILDLIFE AREA
BOWLER STATION
BRILLION WILDLIFE AREA
BROWNTOWN-CADIZ SPRINGS STATE RECREATION AREA
BRULE RIVER STATE FOREST
BURLINGTON TO KANSASVILLE STATE TRAIL
C.D. (BUZZ) BESADNY FISH AND WILDLIFE AREA
CAPITOL SPRINGS CENTENNIAL STATE PARK AND RECREATION AREA
CASTLE MARSH FISHERY AREA
CENTRAL WISCONSIN GRASSLAND CONSERVATION AREA
CHEROKEE MARSH FISHERY AREA
CHIWAUKEE PRAIRIE-CAROL BEACH NATURAL AREA
COLLINS MARSH WILDLIFE AREA
COPPER FALLS STATE PARK
DARWIN ROAD FACILITY
DELLS OF THE WISCONSIN RIVER NATURAL AREA
DEVILS LAKE STATE PARK-IANSR
DOUGLAS COUNTY WILDLIFE AREA
DUNCAN CREEK FISHERY AREA
ELK CREEK FISHERY AREA
EVANSVILLE WILDLIFE AREA
EVERGREEN RIVER FISHERY AREA
EXTENSIVE WL HABITAT
F G WILSON STATE FOREST NURSERY
FOREST LEGACY PROGRAM
FOX RIVER PUBLIC ACCESS
GIFT LANDS
GLACIAL HABITAT RESTORATION
GLACIAL HERITAGE AREA RIVER-BASED CNSVN AREA - PUBLIC ACCESS

GORDONS BAY LANDING PUBLIC ACCESS
GREEN BAY WEST SHORES WILDLIFE AREA
HAVENWOODS FOREST PRESERVE AND NATURE CENTER
HAYWARD NURSERY
HERITAGE HILL STATE PARK
HONEY CREEK WILDLIFE AREA
HORICON WILDLIFE AREA
ICE AGE TRAIL
KETTLE MORaine STATE FOREST-SOUTHERN UNIT
KIEL MARSH WILDLIFE AREA
LA BUDDE CREEK FISHERY AREA
LACROSSE MARSH NATURAL RESOURCE
LAKE KEGONSA STATE PARK
LAKE PEPIN WILDLIFE AREA
LIMA MARSH - STORRS LAKE WILDLIFE AREA
LODI SPRING CREEK FISHERY AREA
LOWER WISCONSIN STATE RIVERWAY
LOWER WOLF RIVER BOTTOMLANDS NATURAL RESOURCE AREA
LUP GRANTS
MACK WILDLIFE AREA
MEAD WILDLIFE AREA
MENOMINEE RIVER STATE PARK & RECREATION AREA
MERRICK STATE PARK
MILL BLUFF STATE PARK-IANSR
NATURAL AREA - DEDICATION
NAVARINO WILDLIFE AREA
NELSON DEWEY STATE PARK
NEW AUBURN WILDLIFE AREA
NICOLET STATE TRAIL
NORTH BRANCH MILWAUKEE RIVER WILDLIFE AND FARM HERITAGE
AREA
NORTH COUNTRY NAT'L SCENIC TRAIL
OLYMPIC ICE RINK
PAUL OLSON WILDLIFE AREA
PERROT STATE PARK
PERSHING WILDLIFE AREA
PESHTIGO RIVER STATE FOREST
PIERCE CO ISLANDS WILDLIFE AREA
PIKE WILD RIVER
PINE ISLAND WILDLIFE AREA
RAT RIVER WILDLIFE AREA
REM-AREAS-MULLET RIVER
REM-BEAVER DAM LAKE
REM-ELK CREEK

REM-HAUER CREEK
REM-MISSISSIPPI RIVER PUBLIC ACC
REM-NAMEKAGON RIVER
REM-S BRANCH TREMPEALEAU RIVER
REM-THORNAPPLE RIVER
RHINELANDER STATION
ROCKY ARBOR STATE PARK
ROWAN CREEK FISHERY AREA
RUSH CREEK NATURAL AREA
SANDHILL WILDLIFE AREA
SAUK PRAIRIE RECREATION AREA
SCATTERED FOREST LANDS
SCATTERED FOREST LANDS-ALL REGIONS
SCATTERED WILDLIFE
SHAW MARSH WILDLIFE AREA
ST CROIX ISLANDS WILDLIFE AREA
ST. LOUIS RIVER STREAM BANK AREA
STATEWIDE HABITAT AREAS
STATEWIDE NATURAL AREA
STATEWIDE PUBLIC ACCESS
STATEWIDE WILDLIFE HABITAT
STREAM BANK EASEMENT PROGRAM
STREAM BANK PROTECTION FEE PROGRAM
SWAN LAKE WILDLIFE AREA
TANK CREEK FISHERY AREA
THERESA WILDLIFE AREA
TIFFANY WILDLIFE AREA
TOMAHAWK HEADQUARTERS
TREMPEALEAU LAKES FISHERY AREA
TURTLE CREEK WILDLIFE AREA
UPPER FOX RIVER PUBLIC ACCESS
UPPER NEENAH FISHERY AREA
UPPER WAUBESA FISHERY AREA
UPPER WOLF RIVER FISHERY AREA
VERNON WILDLIFE AREA
WATERLOO - MUD LAKE WILDLIFE AREA
WAUSAUKEE STATION
WEIRGOR SPRINGS WILDLIFE AREA
WHALEN CREEK FISHERY AREA
WHITE RIVER WILDLIFE AREA-ASHLAND
WHITMAN DAM WILDLIFE AREA
WOLF RIVER FISHERY AREA
WYALUSING STATE PARK

LOWER WOLF RIVER BOTTOMLANDS NRA
 NAVARINO WILDLIFE AREA

SHAWANO & WAUPACA CO



PLEASE RESPECT LANDOWNERS' RIGHTS AND
 OBSERVE ALL PROPERTY POSTINGS

See map legend for the activities allowed on the property
 or contact the DNR Service Center for more property
 information.

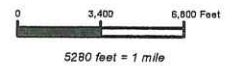
For more information:
 PROPERTY MANAGER
 C/O SHAWANO RANGER STATION
 647 LAKELAND RD.
 SHAWANO, WI 54166
 715-526-4226

DNR Managed Land

- Open DNR Wildlife Land
- Other DNR Land

Easement Use

- Hunting and Fishing
- Fishing Only
- Hunting Only
- Open, No Hunting or Fishing
- Seasonally Closed
- Ice Age Trail
- State Trail
- Boat Access - Ramp
- Boat Access - Carry In
- Parking Area



The data shown on this map have been obtained from various sources, and are of varying age, reliability and resolution. This map is not intended to be used for navigation, nor is this map an authoritative source of information about legal land ownership or public access. Users of this map should confirm the ownership of land through other means in order to avoid trespassing. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map.

Wisconsin Department of Natural Resources

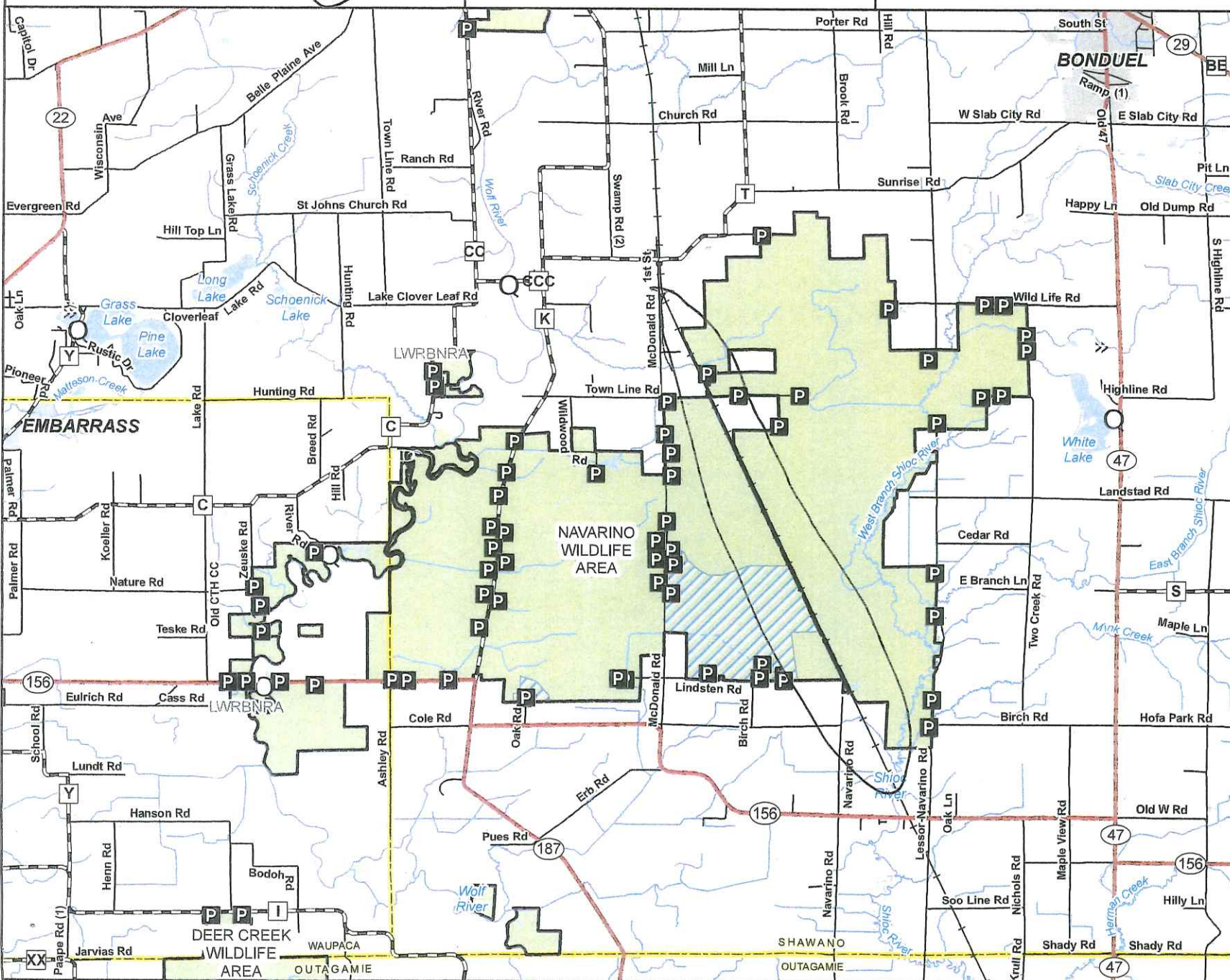


Featured property funded in part by
 Knowles-Nelson Stewardship Fund

WM-8110 taf

Last Revision Date: September 18, 2015

dnr.wi.gov



SWAN LAKE WILDLIFE AREA

COLUMBIA COUNTY



16

PLEASE RESPECT LANDOWNERS' RIGHTS AND OBSERVE ALL PROPERTY POSTINGS

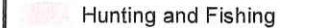
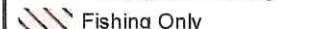
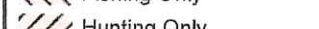
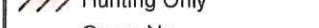
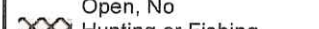
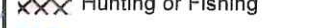
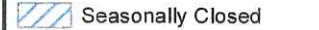

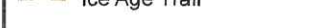
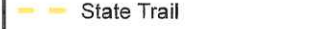

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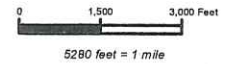
For more information:
PROPERTY MANAGER
C/O DNR
N3344 STEBBINS RD
POYNETTE, WI 53955-9708
608-635-8123

DNR Managed Land

-  Open DNR Wildlife Land
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Easement Use

-  Hunting and Fishing
-  Fishing Only
-  Hunting Only
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-  Boat Access - Carry In
-  Parking Area



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Wisconsin Department of Natural Resources

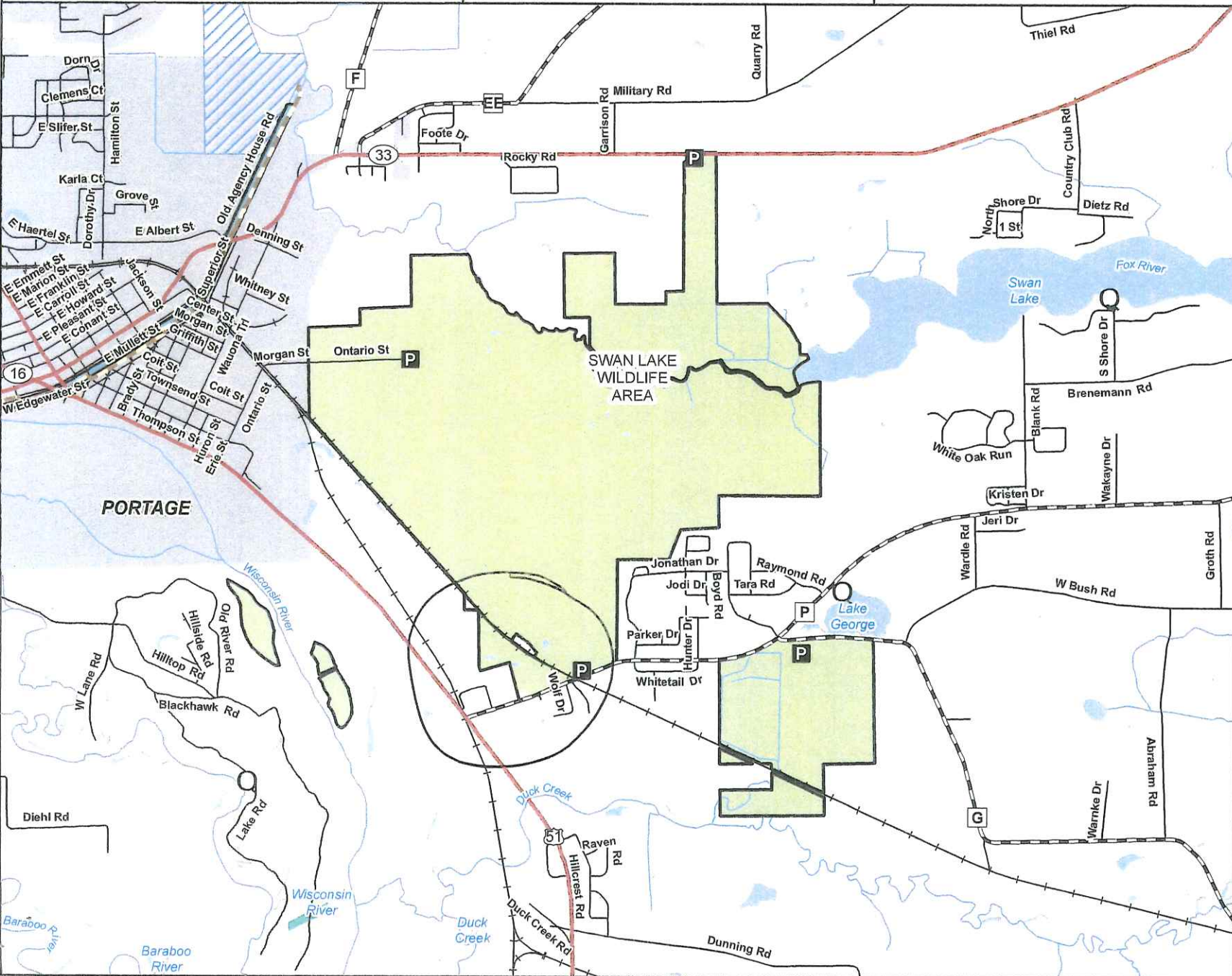


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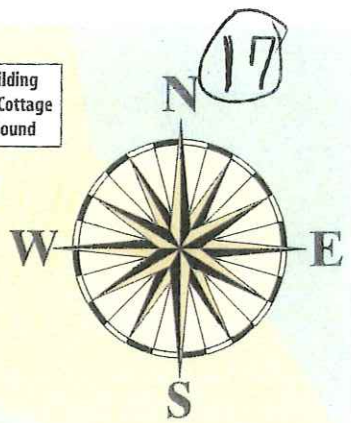
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Last Revision Date: September 18, 2015

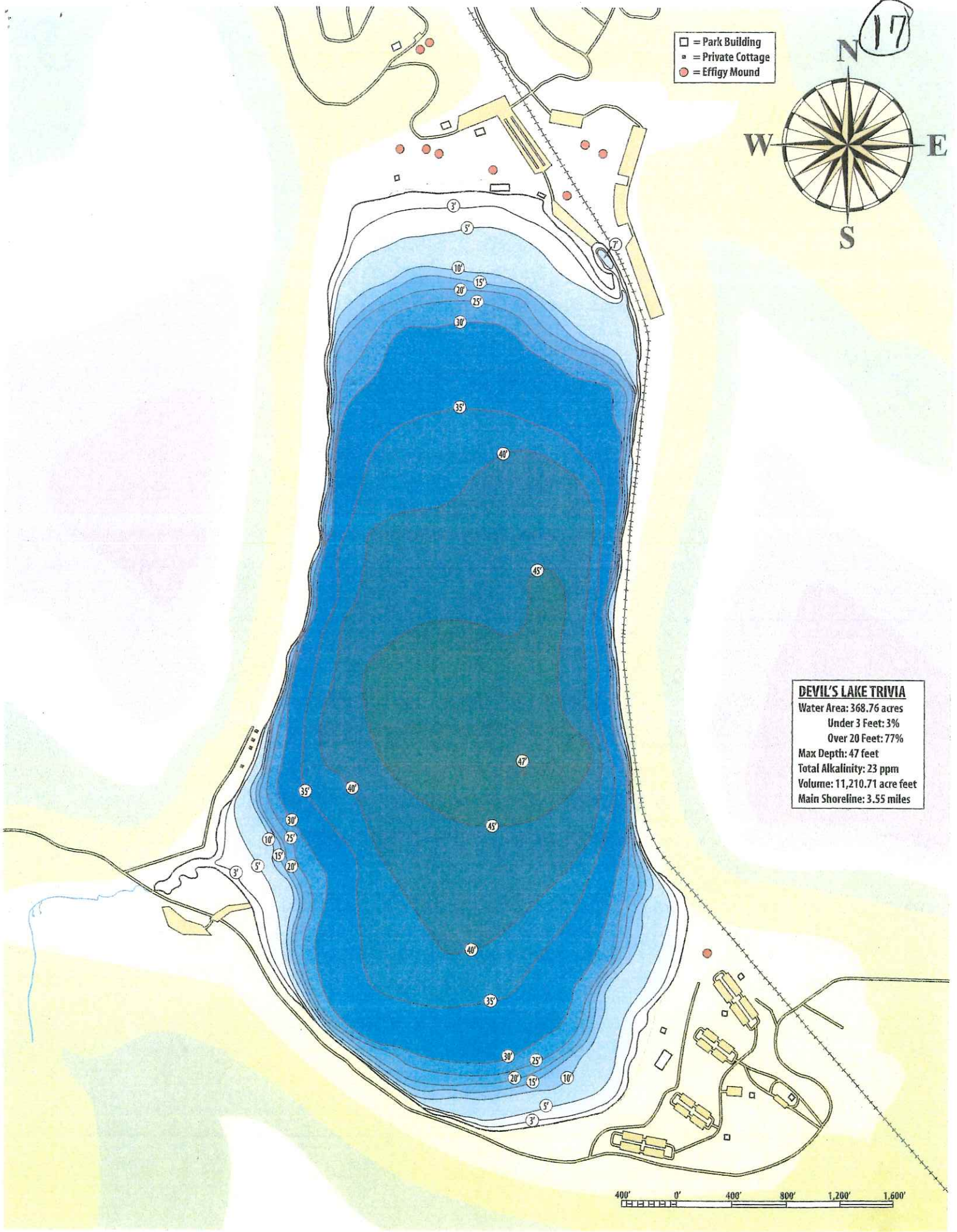
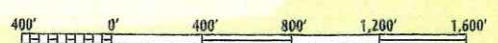
dnr.wi.gov



- = Park Building
- = Private Cottage
- = Effigy Mound



DEVIL'S LAKE TRIVIA
 Water Area: 368.76 acres
 Under 3 Feet: 3%
 Over 20 Feet: 77%
 Max Depth: 47 feet
 Total Alkalinity: 23 ppm
 Volume: 11,210.71 acre feet
 Main Shoreline: 3.55 miles



State of Wisconsin
Natural Resources Board

RESOLUTION

WHEREAS, in Wisconsin prior to 2005 Act 179, the public could legally walk directly across railroad tracks outside of designated road crossings;

WHEREAS, 2005 Act 179 prohibited walking directly across railroad tracks except at designated road crossings;

WHEREAS, 2005 Act 179 significantly restricted access to thousands of acres of public land in Wisconsin to hunters, anglers, trappers and nature observers;

WHEREAS, concerned citizens and groups utilizing these public lands in Wisconsin have appeared before the Natural Resource Board requesting Board support to help restore statutory authority existing prior to the passage of 2005 Act 179;

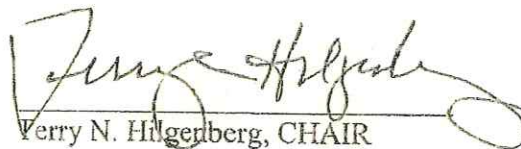
WHEREAS, the Natural Resources Board is a partner with the Wisconsin Legislature and Governor in the development of natural resource policy in the state, to manage public's resources for all citizens to use and enjoy, and provide opportunity for enjoyment through landownership and access.

NOW, THEREFORE BE IT RESOLVED, by the Natural Resources Board, that this Board formally encourages the Wisconsin Legislature and Governor to work to find a solution to provide access to public lands across railroad tracks.

Approved this 25th day of January 2017 by the Natural Resources Board at its meeting in Madison, Wisconsin.



NATURAL RESOURCES BOARD


Jerry N. Hilgerberg, CHAIR



Wisconsin Mississippi River Parkway Commission



All American Road

April 25, 2021

RE: WI Mississippi River Parkway Commission Support of Assembly Bill 248

ALLOW PEDESTRIAN CROSSING OF RAILROADS

The Wisconsin Mississippi River Parkway Commission (WIMRPC) urges passing of AB 248 to allow pedestrian crossing of railroad tracks.

Historically, hunters and trappers were able to freely cross railroad tracks on public land or tracks to access public lands for hunting, fishing and trapping.

Recreational users of the Wisconsin All American Great River Road National Scenic Byway have historically been able to freely cross railroad tracks on public land or right-of-way for recreational purposes.

Birders have been allowed to freely cross railroad tracks on public lands to access public lands for their scientific and recreational birding activities.

Citizens and travelers along the Wisconsin Great River Road have utilized public lands for recreational purposes that included pedestrian access to public lands by crossing of railroad tracks. Citizens are the tax paying units that fund these public lands and the current situation of denying access needs to be corrected. Efforts by former legislators who recognize the economic benefit and recreational benefit to allowing access have been appreciated and supported. The WI MRPC

The Wisconsin Mississippi River Parkway Commission has spoken out in 2005, 2012, 2013, 2015, 2017 and now again to support correcting the current situation and allowing pedestrian crossing of railroad tracks or right-of-way.

Sherry Quamme, Chairperson
Wisconsin Mississippi River Parkway Commission
WI All American Great River Road National Scenic Byway
Home Office: 608-734-9077
Cell: 920-210-4560
Email: squamme43@gmail.com
Mailing address: 14767 Eagle Ridge Road, Ferryville, WI 54628

Voted Prettiest Drive: Ultimate Summer Road Trip In The United States

410 Veterans Memorial Drive • La Crosse, WI 54601 • www.wigreatriverroad.com • 800-658-9424

Buffalo County Conservation Alliance

April 21, 2021

Representative Jon Plumer
Assembly Committee on Transportation -Chair
Room 317 North, State Capitol
Madison, WI 53708

Representative John Spiros
Assembly Committee on Transportation - Vice-Chair
Room 2112 North, State Capitol
Madison, WI 53708

Re: AB248 relating to citizens' right to cross railroad right-of-way

Dear Representative Plumer, Representative Spiros, and Transportation Committee Members:

The repressed right of public land access due intimidation by railroad security officers is a distressing tragedy. The public's right to legally step across railroad right-of-way has never been a safety issue. Records are evidence that accidental pedestrian fatalities on railroads occur at dedicated legal crossings. And that near zero accidents can be attributed to people stepping directly across the railroad right-of-ways. Anglers, hunters, birders, trappers, photographers, hikers, cross country skiers, resort owners, business leaders, tourism leaders, local government officials, agency staff, sheriffs, district attorneys, and judges have expressed concern over the loss of long held right to access. This right has been an integral part of public access since the initial building of the railroads.

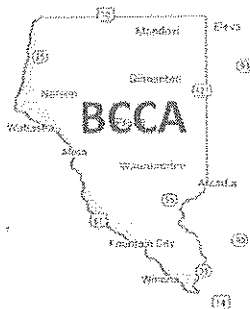
Striped public access is a heartbreaking loss throughout Wisconsin but especially so for citizens whom live and recreate along the Mississippi River. Without safety risk to themselves or others, citizens here have routinely stepped across rail tracks to access our grandest river and wildlife refuge. Of the handful of train/pedestrian accidents which have occurred over decades, none stand as example where different outcome can be suggested if the current inappropriate law was in effect earlier. Complications of depression and substance abuse are more to blame, not recreational access to public land via direct crossing of rails.

Railroad special interests may be powerful and persuasive, but elected leaders have an obligation to protect such basic yet highly valued interests of common citizens. We ask that our legislators re-establish access rights during the 2021 legislative session. Thank you for supporting AB248 and a restored portion of Wisconsin's quality of life.

For conservation and outdoor heritage,

Wes Domine
Buffalo County Conservation Alliance – President
S2870 Waumandee Creek Rd
Fountain City, WI 54629
608-687-3230

Visit [BCCA](#) on Facebook

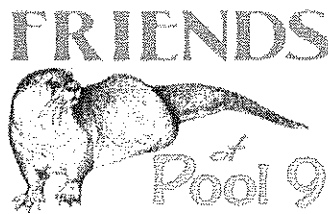


The BCCA strives to stay acquainted with current natural resource management and science through collaboration with the WI DNR, Buffalo County Conservation Departments, Buffalo County CDAC, local conservation/rod and gun clubs, and other conservation sources.

The BCCA supports public participation in formation of laws, rules, and policies which affect natural resource species, habitats, and harvest. Influence stemming from the BCCA shall be generated with intention of supporting viewpoints of member Clubs; optimizing health and habitat benefit for natural resources over the long-term; and with commitment to preserving public access and right to harvest game resources.

Officers

Alex Galema
President
John Verdon
Vice President
Larry Quamme
Secretary &
Treasurer



Friends of Pool 9 • PO Box 455 • Lansing, IA 52151

www.facebook.com/friendsofpool9organization
www.friendsofpool9.org 920-948-2245 email: fop9sec@gmail.com

Directors

Jerry Boardman
Mandi Boardman
Mike Conway
Sue English
Bob Henkel
Joe Mazanec
John Mitchell
Kevin Quillin
Bruce Re Voir
Blake Schoh
Darus Spingler
Darrin Thran
Lisa Welsh
Al Wuennecke

April 25, 2021

Dear Members of the Wisconsin Assembly Transportation Committee:

Re: AB-248

The Friends of Pool 9 – Upper Miss Refuge, Inc. is a nonprofit organization with over 800 members. We operate with a formal Friends Partnership Agreement with the U.S. Fish & Wildlife Service of the federal Department of the Interior, as established by Congress. The upper Mississippi River National Wildlife and Fish Refuge is a 261-mile-long area encompassing 240,000 acres of the river floodplain area supporting habitats critical to mammals, waterfowl, songbirds and raptors, amphibians and reptiles. The Mississippi River Pool 9 is located between the lock and dams from Genoa (lock 8) to Lynxville, Wisconsin (lock 9). Recent counts established 229 eagle nests on the shorelines of the pool 9. The refuge and the river have 119 fish species supporting a strong recreational fishery. The goals of our group are to conserve the cultural and natural resources and to foster wise public use and enjoyment of the river. We exist to conserve natural habitats and the wildlife and fish populations with several annual projects. We work with youth in our area to educate them on the wonders and the opportunities to use the refuge. Our corporate office is in Lansing, Iowa but our membership comes from Iowa, Wisconsin and Minnesota where we border Pool 9.

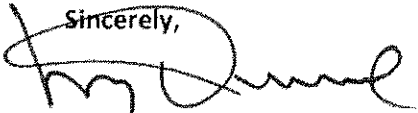
As you know, this fantastic natural area has led to major tourism activities with thousands of hunters and fishing enthusiasts in all four seasons. Communities along the river and refuge have come to rely on these people to support the local economies. During recent years the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife have been granted millions of dollars to recreate islands and to restore habitats for animals and fish in many areas and a major effort has and is occurring in Pool 9 of the river.

Unfortunately, the BNSF railroad tracks lie between State Highway 35 and the public lands for the entire 31 miles of Pool 9 as well as many miles North and South of our pool. In 2005, in a quiet fashion, the Wisconsin Legislature and Governor repealed the right of people to cross the BNSF tracks, in order to get to the public lands for fishing, hunting, and trapping. Soon after, BNSF security/police started patrolling the tracks and begin to warn people that citations would be given to anyone crossing to get to the river. An outcry developed and hearings were held in our area and a provision was written into the state budget to correct this situation but was vetoed at the Governor's signing ceremony.

The economy in our area has been hurt, lodging owners have suffered, taverns and eating places have been impacted and then COVID-19 hit. In a matter of weeks, outdoor activities increased and people sought to engage in outdoor things including fishing and hunting and boating. However, on the Wisconsin side of all 31 miles along Pool 9, there is no place to cross and enjoy the river and the recreational opportunities. Just two weeks ago, fisherman, seeking to fish for perch, were being stopped and warned and threatened with citations when they attempted to cross the tracks at the Rush Creek trail lot just North of Ferryville, Wisconsin by a BNSF security/police officer.

The Friends of Pool 9, with seventeen Board of Directors, on behalf of over 800 members and thousands of people seeking recreational enjoyment, appeal to you as committee members to correct and restore the right to directly cross railroad tracks to reach public lands. Thanks for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Quamme". The signature is written in a cursive style with a large, looping initial "L".

Larry Quamme
Board of Directors
Secretary/Treasurer
Friends of Pool 9



Mondovi Conservation Club

www.mondoviconservationclub.org

April 25, 2021

Representative Jon Plumer
Assembly Committee on Transportation -Chair
Room 317 North, State Capitol
Madison, WI 53708

Representative John Spiros
Assembly Committee on Transportation - Vice-Chair
Room 2112 North, State Capitol
Madison, WI 53708

Re: AB248 relating to citizens' right to cross railroad right-of-way

Dear Representative Plumer, Representative Spiros, and Transportation Committee Members:

We are urging you to pass AB248 to restore citizens right to cross the railroad right of way.

Historically, hunters, anglers and trappers were able to freely cross railroad tracks on public land or tracks to access public lands for hunting, fishing and trapping until 2005 Act 179 removed that ability. The impact of that law eliminated:

- 124 traditional crossings that were used by hunters, anglers and trappers for access for 150 miles to the Upper Mississippi River National Wildlife and Fish Refuge.
- Access to 121 DNR properties, including wildlife area, fishery areas, state parks, state forests and state natural areas which are bisected by railroads.
- Public access to an uncounted number federal and county forest parcels and other public lands that have railroad tracks bisecting them.

The intimidation by railroad security officers to restrict a citizen's right to cross a railroad right of way is unnecessary and misfortunate. The public's right to legally step across railroad right-of-way has never been a safety issue. The public's right has been an integral part of public access since the railroads were built.

Section 895. 52, WI STAT, entitled: "Recreational activities; limitation of property owners' liability", provides railroads immunity from liability for sportsmen and women crossing their tracks for hunting, fishing and trapping, birding, photography, hiking and recreating in our beautiful natural areas.

We ask that your, our representatives, re-establish access rights during the 2021 legislative session and support AB248 which will restore Wisconsin citizen's right to legally cross railroad right of ways to access public recreating opportunities.

Thank you for your support of AB248.

Sincerely,

Mondovi Conservation Club Board of Directors

Board of Directors

Officers

Krista Nygard
President

Andy Sandburg
Vice President

Terri Roehrig
Treasurer

Angie Michlig
Secretary

Board Members

Rick Brantner

Dave Engstrom

Terry Pittman

Al Urness

Rich Bauer

Krista Nygaard
Membership Coord.

W450 Youth Road
PO Box 44
Mondovi, WI 54755



WISCONSIN WATERFOWL ASSOCIATION

RESTORATION EDUCATION LEGISLATION

Wisconsin Waterfowl Association

April 25, 2021

Bruce Ross
Executive Director

Kelcy Boettcher
Administrative Services

Rob Monette
Regional Director

Tom Seibert
Class A Raffle Specialist

Peter Ziegler
Habitat Restoration Partners

Assembly Transportation Committee
Wisconsin State Assembly
Madison, WI

SUBJ: Support for Assembly Bill 248

To the Representatives of the Assembly Transportation Committee

Board of Directors

Bruce Urban
Board President

Todd Schaller
Vice President

Russell Olson
Treasurer

David Elwing
Secretary

Ian Bartelmez

Mike Depies

Andy Ducato

George Ermert

Dennis Fleischer

Jim Freck

Joe Gonyo

Patrick Smith

This letter conveys the support of the Wisconsin Waterfowl Association for AB 248. Many of our over 6,000 members--and even more waterfowlers who are not members--hunt waterfowl along the Mississippi River and have a vested interest in the outcome of this bill. Save for the prohibition on crossing tracks, large swaths of otherwise open riverbank and other lands are available on which to pursue the sporting interests of these outdoors men and women.

Safety and liability concerns are understandable and convenient arguments against this bill. But people are not likely to be deterred when faced by such inconvenient and unenforceable prohibitions, and incur the liability associated with recreational immunity. These are issues that can and should be addressed in a pragmatic approach that reflects the full value of access to these lands and waters to the people of Wisconsin

Sincerely,

Bruce Ross

Bruce Ross
Executive Director

CC:

Rep.Plumer
Rep.Thiesfeldt
Rep.Callahan
Rep.Ortiz-Velez

Rep.Spiros
Rep.Skowronski
Rep.Rozar
Rep.Shelton

Rep.Vorpgel
Rep.Ramthun
Rep.Considine

Rep.Sanfelippo
Rep.Rob.Brooks
Rep.MooreOmokunde
Rep.Snodgrass

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