



## Wisconsin & Southern Railroad L.L.C.

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To: Members of the Wisconsin State Assembly  
Date: February 10, 2016  
Topic: **Protect Wisconsin's Railroad Trespass Law – OPPOSE AB-876**

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The Wisconsin & Southern Railroad (WSOR) is a Wisconsin-based company operating over 600 miles of state-owned railroad corridors in 21 Wisconsin Counties. WSOR serves over 200 Wisconsin businesses and these businesses employ over 35,000 people across the state. WSOR is asking all members of the Wisconsin Legislature to help our industry preserve the safety of the public and our train crews by **OPPOSING AB-876**.

***Roll-back of Railroad Trespass Law Undermines Ongoing Safety Efforts in WI*** - Railroads have dramatically improved safety over the last three decades. However, the most troubling safety problem, trespass fatalities, arises from factors outside railroad control. While railroads have reduced employee casualty rates by 84% since 1980 and derailments have dropped 82% since 1980 to a new low, trespass fatalities are up.

**Death from pedestrian trespassing on railroad tracks rose 21.8%** - across the U.S. in 2014 according to the Federal Railroad Administration Office of Safety.

***Wisconsin Has a Process for Providing Public Access across Railroad Tracks*** - The WI Office of the Commissioner of Railroads has jurisdiction to approve public railroad crossings. Railroads can also enter into agreements to create private crossings.

***Trespassing on Railroad Property is Illegal in Most States*** - 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**. These laws are in place because the railroad-operating environment is an inherently hazardous one for the general public, as found in several recent deaths and injuries over the past couple years right here in Wisconsin.

Taking away private property rights when solutions already exist is an inappropriate and extreme measure. I urge the legislature to oppose AB-876 and join us in preserving the safety of citizens all across our great state.

Sincerely,

Ken Lucht, Director of Government Relations  
Wisconsin & Southern Railroad L.L.C.

## RECENT TRESPASS TRAGEDIES IN WISCONSIN NEWS

### **UPDATE: Authorities identify Mondovi woman killed after being struck by train**

*Posted: Jul 08, 2015 5:06 PM CST*

By Emily Van Ort, Internet Director

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**Alma (WQOW)** - Eighteen-year-old Ashley Symington, of rural Mondovi, died after being hit by a train in Buffalo County Tuesday night.

According to authorities, Symington and a friend were **going fishing**. The friend made it across the tracks, and yelled to Symington to hurry. Authorities said Symington never heard the friend or the train.

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<http://fox11online.com/2014/05/25/oshkosh-police-investigating-train-incident/>

### **Man killed while fishing from train tracks in Oshkosh**

Gabrielle Mays Published: May 25, 2014, 5:31 am Updated: June 25, 2014, 3:57 pm

**Update:** Oshkosh police say the man killed has been identified as Isiah Bowden, 65, of Oshkosh.

OSHKOSH – A 65-year-old Oshkosh man is dead after being hit by a Canadian National train in the area of a popular fishing spot.

"He was sitting on the edge of the rail on a bucket right next to the rail just a little bit too close," said Lt. Don Wilson with the Oshkosh Police Department.

It happened about 9:40 p.m. Saturday near the 1600 block of S. Main Ave.

"All the sudden I heard the loud screech. I've never heard the train stop like that before," said Dan Bennett.

Bennett lives half a mile away from where the accident happened.

"You could actually hear the train cars hitting each other as they stopped and it just totally stopped and we were like, 'wow, that didn't sound very good,'" Bennett said.

That's not the only sound that echoed through the area.

Police said the train operator blew the whistle to try and warn the fisherman sitting near the tracks.

"[The] information right now supports the fact that they did everything they could," Wilson said.

Lt. Wilson said a lot of people fish near the area where the man was stuck. That's because it's on Lake Winnebago. But the area is private property and fishermen aren't supposed to be there.

"It's railroad property because it's so close to the lake but people still go there," Wilson said.

Despite the posted signs, cars park along a dirt road and fishermen can be seen crossing the tracks.

People who fish near the area were surprised to hear about the accident.

"It's pretty sad. It's a pretty sad thing especially since the trains run through here all the time," said Alberta Hearvey.

Wilson said the man sitting near the tracks didn't hear the train coming and wasn't able to move out of the way in time.

"That's the main north-south track that they run through Oshkosh so they do go through there a lot; [it's] very common. It's the only way to get through Oshkosh on that track," Wilson said.

Oshkosh police have not yet released the name of the victim.

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## **Woman struck, killed by train in southeast Wisconsin**

NBC 15

Posted: January 10, 2016

MOUNT PLEASANT, Wis. (AP) -- Police in Mount Pleasant say a woman is dead after she apparently was struck by a train in southeast Wisconsin.

A conductor from Union Pacific Railroad reported just after 2 p.m. Saturday seeing a body next to the train tracks near the SC Johnson Waxdale manufacturing complex in Mount Pleasant

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## **Man on railroad tracks killed by train in Dodge County**

Wisconsin State Journal

Posted: October 8, 2015

A 20-year-old man on railroad tracks in Dodge County was struck and killed Wednesday night by a train heading south.

The fatal crash was reported shortly before 9 p.m. on Canadian National Railroad tracks near Highway 49 and Windhover Road in the town of Lomira, the Dodge County Sheriff's Office said.

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## **In Hinckley, woman trying to outrun train is struck, killed**

Associated Press

Posted: 07/08/2015 10:56:55 AM CDT |

HINCKLEY, Minn. (AP) — Sheriff's authorities say a woman who tried to beat a train across the tracks was struck and killed in Pine County.

Officials say a witness told investigators the woman was running and trying to beat the train before it passed on Main St. in Hinckley about 12:30 a.m. Wednesday.

The sheriff's department says the crossing arms and signals were working properly as the Canadian Pacific train passed. The woman was pronounced dead at the scene.

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## **Eau Claire woman falls from railroad tracks**

*Posted: Jul 01, 2015 4:38 PM CST*

By Bridget Curran

**Eau Claire (WQOW)** - An Eau Claire woman was seriously injured after falling close to 50 feet from a railroad bridge off of Old Wells Road early Wednesday morning.

Authorities are still trying to figure out what the 29-year-old woman was doing on the train tracks, that run across the river on the city's west side. News 18 was told that officers received a call from the train conductor Wednesday around 2:30 a.m. He told authorities he saw the woman on the tracks as he was coming toward her, but was unable to stop. As the train passed her, the conductor told authorities that he saw her jump from the top of the tracks and was hanging onto the bridge beneath them.

When Eau Claire police arrived to the scene, the woman was found lying in the fetal position on rocks and dirt beneath the bridge. Officials believe she fell approximately 50 feet.

"We often see people walking on the tracks, especially on bridges like this," Community Relations Officer Kyle Roder said. "And it's very difficult to enforce, but we want people to understand that there are serious implications. You may not know a train is coming until it's actually there and if you're in the middle of the bridge at that time, it's difficult to get off." Police were able to apply first aid to the woman and ended up transporting her to an ambulance by boat because it would have been too difficult to carry her up the steep embankment. Authorities said the woman is in serious condition and is lucky to be alive.

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