

2009 DRAFTING REQUEST

Bill

Received: **02/12/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Holperin (608) 266-2509**

By/Representing: **Liz Novak**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - mass trnst/rail**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Holperin@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Vacating highways with railroad-highway crossings

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 02/18/2009			_____			
/P1	emueller 03/24/2009	nnatzke 03/25/2009	rschluet 03/25/2009	_____	lparisi 03/25/2009		
/P2	emueller 04/16/2009	nnatzke 04/27/2009	phenry 04/28/2009	_____	sbasford 04/28/2009		
/1	emueller	nnatzke	rschluet	_____	sbasford	sbasford	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/12/2009	05/12/2009	05/12/2009 _____		05/12/2009	05/12/2009	

FE Sent For: *none*

<END>

2009 DRAFTING REQUEST

Bill

Received: **02/12/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Holperin (608) 266-2509**

By/Representing: **Liz Novak**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

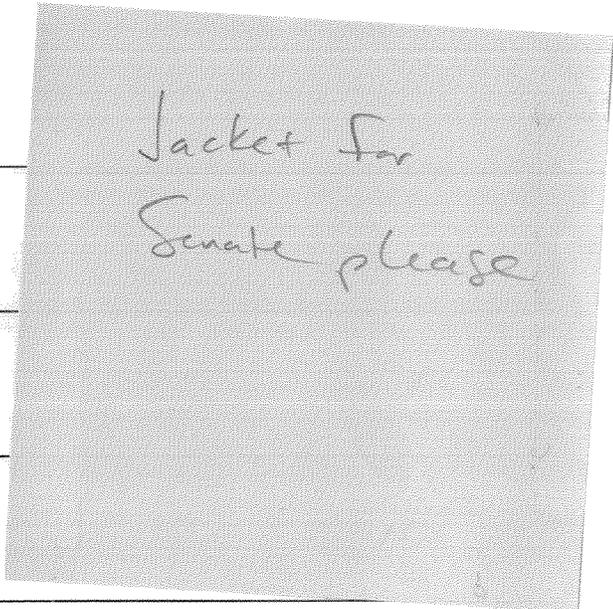
Subject: **Transportation - mass trnst/rail**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Holperin@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**



Pre Topic:

No specific pre topic given

Topic:

Vacating highways with railroad-highway crossings

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 02/18/2009			_____			
/P1	emueller 03/24/2009	nnatzke 03/25/2009	rschluet 03/25/2009	_____	lparisi 03/25/2009		
/P2	emueller 04/16/2009	nnatzke 04/27/2009	phenry 04/28/2009	_____	sbasford 04/28/2009		

1/1
 em
 5/12/09
 1 nwn
 5/12

FE Sent For:

<END>

2009 DRAFTING REQUEST

Bill

Received: **02/12/2009**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Jim Holperin (608) 266-2509**

By/Representing: **Liz Novak**

This file may be shown to any legislator: **NO**

Drafter: **emueller**

May Contact:

Addl. Drafters:

Subject: **Transportation - mass trnst/rail**

Extra Copies: **ARG**

Submit via email: **YES**

Requester's email: **Sen.Holperin@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Vacating highways with railroad-highway crossings

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
--------------	----------------	-----------------	--------------	----------------	------------------	-----------------	-----------------

/?	agary 02/18/2009			_____			
----	---------------------	--	--	-------	--	--	--

/P1	emueller 03/24/2009	nmatzke 03/25/2009	rschluet 03/25/2009	<u>4/28</u>	lparisi 03/25/2009		
-----	------------------------	-----------------------	------------------------	-------------	-----------------------	--	--

1/P2 *sum 4/16/09* /P2 *nwm 4/27*
FE Sent For:

4/28
ph
<END>

2009 DRAFTING REQUEST

Bill

Received: 02/12/2009

Received By: agary

Wanted: As time permits

Identical to LRB:

For: Jim Holperin (608) 266-2509

By/Representing: Liz Novak

This file may be shown to any legislator: NO

Drafter: emueller

May Contact:

Addl. Drafters:

Subject: Transportation - mass trnst/rail

Extra Copies: ARG

Submit via email: YES

Requester's email: Sen.Holperin@legis.wisconsin.gov

Carbon copy (CC:) to: aaron.gary@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Vacating highways with railroad-highway crossings

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	agary 02/18/2009 emueller	/PI nwn 3/25		_____	_____	_____	_____
/PI	EUM 3/24/09		3259	_____	_____	_____	_____

FE Sent For:

<END>

Gary, Aaron

From: Novak, Elizabeth
Sent: Thursday, February 12, 2009 3:16 PM
To: Gary, Aaron
Subject: FW: OCR Legislation request
Attachments: Proposed language... changes to Chapter 66 & 82.doc

Aaron,

Attached is the language I received from the Commissioner of Railroads.

Let me know if there are any questions.

Thanks much!

Elizabeth Novak
Office of Senator Jim Holperin
State Capitol, 409 South
(608)266-2509

From: Piliouras, Elizabeth RR [mailto:Elizabeth.Piliouras@psc.state.wi.us]
Sent: Thursday, February 12, 2009 3:04 PM
To: Novak, Elizabeth
Subject: OCR Legislation request

LRB should double check the county highway statutes too to make sure they're not forgotten about.

Thanks Liz!

Beth Piliouras
Agency Liaison
Office of the Commissioner of Railroads
608-266-0276

02/12/2009



Office of the Commissioner of Railroads

610 N. Whitney Way
P.O. Box 8968
Madison, WI 53708-8968

Roger Breske, Commissioner

Tel: (608) 266-0276
Fax: (608) 261-8220
TTY (608) 267-1479
Website: ocr.wi.gov

February 11, 2009

RE: Requested Legislative Proposal from OCR
§§66.1003(8), 82.10(4)(a), Wis. Stats.

Contact person: Beth Piliouras, Agency Liaison
266-0276

Proposed Language:

66.1003 (8)(am)



(am) Upon receiving a petition under sub. (2) or (3) or upon the introduction of a resolution under sub. (4), the city, village, town, or county shall deliver a copy of the petition or resolution to the commissioner of railroads, if a public rail-highway crossing is located within the limits of the proposed vacation of the public way or unpaved alley that is the subject of the petition or resolution is located within one-quarter mile of...

82.10(4)(a)6.



5. The commissioner of railroads, if a public rail-highway crossing is located within limits of the proposed vacation of the highway that is the subject of the application or resolution is located within one-quarter mile of...

Plain Language Explanation:

Under current law (Chapters 66 and 82) most cities, villages, and towns are required to notify the Secretary of Transportation if the board intends to vacate a road within a quarter-mile of a state trunk highway or connecting highway.

A recent issue came up where a city vacated a road several years ago, but OCR just found out about it.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2118/P1dn
EVM:nwn:rs

ATTN: Elizabeth Novak

Some highway discontinuances by county boards will be covered without any additional treatment by the cross-reference to s. 66.1003, stats., in s. 236.445, stats. No other statute appears to clearly permit the discontinuance of a road by a county board. Section 83.025, stats., allows a county board to delete a road from the county highway system. This, however, appears to merely revert the road to the underlying municipality.

Please note, s. 66.1003, stats., does not cover the common council of a 1st class city (presently only Milwaukee). You may wish to consider whether some treatment of s. 62.73, stats., is necessary for your purposes. Also, s. March 25, 2009 59.84 (2) (f), stats., provides a special procedure for the discontinuance of streets impeding Milwaukee County expressways. Please let me know if you would like to make any changes.

Eric V. Mueller
Legislative Attorney
Phone: (608) 261-7032
E-mail: eric.mueller@legis.wisconsin.gov

Mueller, Eric

From: Novak, Elizabeth
Sent: Thursday, March 26, 2009 3:15 PM
To: Mueller, Eric
Subject: FW: Draft request

Thanks for all your help! See below for changes to LRB 2118.

Elizabeth Novak
Office of Senator Jim Holperin
State Capitol, 409 South
(608)266-2509
elizabeth.novak@legis.wisconsin.gov

From: Piliouras, Elizabeth RR [mailto:Elizabeth.Piliouras@psc.state.wi.us]
Sent: Thursday, March 26, 2009 3:03 PM
To: Novak, Elizabeth
Cc: Wood, Doug - PSC
Subject: RE: Draft request

Thanks for the draft!

1. We understand and are fine with the county procedure as it stands in the draft (as a cross-reference under Chapter 66 procedures)
2. Yes, please add OCR as a recipient of vacation notices under 62.73; but not 59.84.
 - a. Our attorney noticed that DOT is not listed as a recipient under 62.73. I've asked Chris Klein whether the DOT would like to be included in *Roger's* request to Senator Holperin. I'm waiting to hear back from Chris. Would Senator Holperin be okay with including the DOT under this section?
3. Regarding the reference to s. 340.01 (47), the definition of a railroad crossing:
 - a. s. 195.30 defines the words "railroad crossing" as the crossing of two railroad tracks.
 - b. In the railroad industry, "Railroad Crossing" is generally accepted as above, the crossing of two tracks. "Railway-Highway Crossing" or "Rail-Highway Crossing" is generally accepted to mean the intersection of tracks and a highway.
 - c. But "rail/way-highway crossing" is not defined in the statutes and this bill draft is aimed at local government, not the railroad industry.
 - d. Therefore, I do not have a better statutory reference for you to use. Leaving s. 195.30 will still work in the bill, but if you want to work on defining a rail-highway crossing, let me know.

How's that for a simple reply?

Beth

From: Novak, Elizabeth [mailto:Elizabeth.Novak@legis.wisconsin.gov]
Sent: Wednesday, March 25, 2009 3:12 PM
To: Piliouras, Elizabeth RR
Subject: Draft request

Beth,

3/26/2009

Attached is a copy of the draft of notification to OCR of vacated roads. Let me know how it looks and if you need any changes.

Thanks much.

Liz

Elizabeth Novak
Office of Senator Jim Holperin
State Capitol, 409 South
(608)266-2509



1P2

Inserts

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 9/16/08

SAV

→ regen

1 AN ACT *to renumber and amend* 66.1003 (8) (a); and *to create* 66.1003 (8) (a)
2 2. and 82.10 (4) (a) 6. of the statutes; **relating to:** notice of proposed vacation
3 of certain highways. *public facilities*

Insert Analysis

Analysis by the Legislative Reference Bureau

Under current law, the common council of a city, except a first class city, or a village or town board (governing body) may discontinue all or a portion of a public way. A proceeding to initiate the discontinuance of a public way may be initiated by a written petition of owners of property fronting on the way or by resolution of the governing body. Upon receipt of a petition or introduction of a resolution, the governing body must provide public notice of the time and place at which the petition or resolution will be considered. The governing body is also required to provide a copy of the petition or resolution to the secretary of transportation if the public way that is the subject of the petition or resolution is located within one-quarter mile of a state trunk highway or connecting highway.

Under this bill, a governing body would also be required to provide a copy of the petition or resolution to the commissioner of railroads if there is a railroad crossing within the portion of the public way that is the subject of the petition or resolution.

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

or... common council of a first class city

Insert 2-1 →

1 SECTION 1. 66.1003 (8) (a) of the statutes is renumbered 66.1003 (8) (a) (intro.)

2 and amended to read:

3 66.1003 (8) (a) (intro.) Upon receiving a petition under sub. (2) or (3) or upon
4 the introduction of a resolution under sub. (4), the city, village, town, or county shall
5 deliver a copy of the petition or resolution to ~~the~~ all of the following:

6 1. The secretary of transportation, if the public way or unpaved alley that is the
7 subject of the petition or resolution is located within one-quarter mile of a state
8 trunk highway or connecting highway. ✓

9 SECTION 2. 66.1003 (8) (a) 2. of the statutes is created to read:

10 66.1003 (8) (a) 2. The commissioner of railroads, if there is a railroad crossing,
11 as defined in s. 340.01 (47), within the portion of the public way that is the subject
12 of the petition or resolution. ✓

13 SECTION 3. 82.10 (4) (a) 6. of the statutes is created to read:

14 82.10 (4) (a) 6. The commissioner of railroads, if there is a railroad crossing,
15 as defined in s. 340.01 (47), within the portion of the highway that is the subject of
16 the application or resolution. ✓

17 (END)

railroad highway crossing

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2118/P2ins
EVM:nwn:rs

1 INSERT Analysis

Under current law, the common council of a city, except a first class city, or a village or town board (governing body) may discontinue all or a portion of a public way. A proceeding to discontinue a public way may be initiated by a written petition of owners of property fronting on the way or by resolution of the governing body. Upon receipt of a petition or introduction of a resolution, the governing body must provide public notice of the time and place at which the petition or resolution will be considered. The governing body is also required to provide a copy of the petition or resolution to the secretary of transportation if the public way that is the subject of the petition or resolution is located within one-quarter mile of a state trunk highway or connecting highway.

Also under current law, the common council of a first class city may discontinue a highway, street, alley, ground, waterway, public walk or other public grounds (public facility) within the corporate limits of the city. A proceeding to discontinue a public facility may be initiated by a petition of all owners of property abutting the public facility or by resolution of the common council. A notice of hearing must be served upon all owners of record of property abutting the public facility subject to the discontinuance proceeding.

Under this bill, a governing body or the common council of a first class city ^{must} is required to provide a copy of the petition or resolution to discontinue to the commissioner of railroads if there is a railroad highway crossing within the portion of the public way or public facility that is the subject of the petition or resolution to discontinue.

2

3 INSERT 2-1

4 **SECTION 1.** ^{√^} 62.73 (1m) of the statutes is created to read:

5 62.73 (**1m**) Upon receiving a petition under this section or upon introduction
6 of a resolution under this section, the common council shall deliver a copy of the
7 petition or resolution to the commissioner of railroads if there is a railroad highway
8 crossing within the public facilities proposed to be vacated.

Mueller, Eric

From: Basford, Sarah
Sent: Tuesday, May 12, 2009 10:08 AM
To: Mueller, Eric
Subject: FW: Draft review: LRB 09-2118/P2 Topic: Vacating highways with railroad-highway crossings

This will need to be drafted to a /1 for me to jacket it. Thanks.

Sarah Basford

Program Assistant
Legislative Reference Bureau
1 East Main, Suite 200
(608) 266-3561
sarah.basford@legis.wisconsin.gov

From: Meinholz, Susan
Sent: Tuesday, May 12, 2009 9:33 AM
To: Basford, Sarah
Subject: RE: Draft review: LRB 09-2118/P2 Topic: Vacating highways with railroad-highway crossings

Can you please jacket this for the Senate? (I didn't have the usual buttons available to click for some reason.)

From: Basford, Sarah
Sent: Tuesday, April 28, 2009 7:56 AM
To: Sen.Holperin
Subject: Draft review: LRB 09-2118/P2 Topic: Vacating highways with railroad-highway crossings

Following is the PDF version of draft LRB 09-2118/P2.



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In 5/12/09

RMR

No changes

SAJ

Regen.

1 **AN ACT to renumber and amend** 66.1003 (8) (a); and **to create** 62.73 (1m),
2 66.1003 (8) (a) 2. and 82.10 (4) (a) 6. of the statutes; **relating to:** notice of
3 proposed vacation of certain highways.

Analysis by the Legislative Reference Bureau

Under current law, the common council of a city, except a first class city, or a village or town board (governing body) may discontinue all or a portion of a public way. A proceeding to discontinue a public way may be initiated by a written petition of owners of property fronting on the way or by resolution of the governing body. Upon receipt of a petition or introduction of a resolution, the governing body must provide public notice of the time and place at which the petition or resolution will be considered. The governing body is also required to provide a copy of the petition or resolution to the secretary of transportation if the public way that is the subject of the petition or resolution is located within one-quarter mile of a state trunk highway or connecting highway.

Also under current law, the common council of a first class city may discontinue a highway, street, alley, ground, waterway, public walk or other public grounds (public facility) within the corporate limits of the city. A proceeding to discontinue a public facility may be initiated by a petition of all owners of property abutting the public facility or by resolution of the common council. A notice of hearing must be served upon all owners of record of property abutting the public facility subject to the discontinuance proceeding.

Under this bill, a governing body or the common council of a first class city must provide a copy of the petition or resolution to discontinue to the commissioner of

railroads if there is a railroad highway crossing within the portion of the public way or public facility that is the subject of the petition or resolution to discontinue.

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

1 **SECTION 1.** [✓] 62.73 (1m) of the statutes is created to read:

2 62.73 (1m) Upon receiving a petition under this section or upon introduction
3 of a resolution under this section, the common council shall deliver a copy of the
4 petition or resolution to the commissioner of railroads if there is a railroad highway
5 crossing within the public facilities proposed to be vacated.

6 **SECTION 2.** [✓] 66.1003 (8) (a) of the statutes is renumbered 66.1003 (8) (a) (intro.)
7 and amended to read:

8 66.1003 (8) (a) (intro.) Upon receiving a petition under sub. (2) or (3) or upon
9 the introduction of a resolution under sub. (4), the city, village, town, or county shall
10 deliver a copy of the petition or resolution to ~~the~~ all of the following:

11 1. The secretary of transportation, if the public way or unpaved alley that is the
12 subject of the petition or resolution is located within one-quarter mile of a state
13 trunk highway or connecting highway.

14 **SECTION 3.** [✓] 66.1003 (8) (a) 2. of the statutes is created to read:

15 66.1003 (8) (a) 2. The commissioner of railroads, if there is a railroad highway
16 crossing within the portion of the public way that is the subject of the petition or
17 resolution.

18 **SECTION 4.** [✓] 82.10 (4) (a) 6. of the statutes is created to read:

