

No. 118, S.

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CHAPTER 358

AN ACT to amend 195.28 of the statutes, relating to apportioning the cost of grade crossing safety devices.

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

SECTION 1. 195.28 of the statutes is amended to read:

195.28 Upon petition of the city council, village board, member of town board, superintendent of highways or by 5 or more freeholders in any town, village or city, or of any railroad corporation to determine whether a public highway and railroad grade crossing is dangerous to human life, the commission shall proceed * * * as provided in s. 196.26. Notice of hearing shall be served upon the highway commission, which shall be an interested party, and any recommendation it may file with the public service commission at or prior to the hearing regarding crossing protection or apportionment of the cost thereof shall be considered as evidence in the proceeding. The commission shall determine whether the existing warning devices at such crossing are adequate, and if the crossing complained of is dangerous to human life, the commission may order the railroad company to keep a flagman there, or may order the installation of gates, electric signals or other suitable safety device at such crossing. The cost of such protection, excluding the cost of maintenance or flagmen, shall be apportioned *by the commission* between the railroad and the state on the basis of benefits received by the railroad and the public, respectively * * *. The public's portion * * * shall be paid by the state from the appropriation * * * in s. 20.420 (79). In no case shall the state's share exceed * * * 70 per cent of the cost.

SECTION 2. This bill is declared to be an emergency appropriation bill in accordance with section 16.47 (2) of the statutes.

Approved September 20, 1963.