



2009 SENATE BILL 224

June 2, 2009 – Introduced by Senators HOLPERIN, LEHMAN, MILLER, PLALE, KREITLOW, HANSEN and TAYLOR, cosponsored by Representatives STEINBRINK, PETROWSKI, TURNER and MOLEPSKE JR.. Referred to Committee on Transportation, Tourism, Forestry, and Natural Resources.

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

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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:

