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## DAVID BRANDEMUEHL

State Representative  
49th Assembly District

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TESTIMONY ON ASSEMBLY BILL 986  
February 2, 1994

*WT Co. Comment*

Thank you Chairperson Turner and committee members for the opportunity to offer my support for Assembly Bill 986 relating to private railroad crossings.

This legislation requires the Department of Transportation (DOT) to fund the rebuilding of any private rail road crossing where a line rehabilitation occurs, retroactive to the 1992-93 fiscal year.

The DOT has been reluctant to fund rebuilding of private rail road crossings despite a 1908 Wisconsin Supreme Court decision.

The court decision held that the right to a "farm crossing" under this section of statutes is not limited to adjoining lands used solely for agricultural purposes, but extends to such crossings that are necessary to enable owners of adjoining land to reach and work their properties.

Currently, highway rehabilitation projects require DOT to fund the rebuilding of private property access roads. This bill extends that provision and requires DOT to pay for a private road crossing when a rail line is rehabilitated. I ask for your support in passing the bill.

1) this is retroactive

2) covers 6 private pensions

3) fiscal note 92-93

14,527.34

11,622 ~~state~~

2,905 local ~~state~~

→ cliff 1992 paid

passed assembly

AB 986 Companion bill passed

assembly transportation 12-0

in rules

1 AN ACT relating to construction of a private road crossing and making an  
2 appropriation.

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Analysis by the Legislative Reference Bureau

This bill provides funding for construction of a private road crossing across railroad tracks of the Wisconsin river rail transit commission (commission) in the town of Muscoda in Grant county if the private road crossing user obtains a permit for the crossing from the commission. The permit must provide that the commission shall, at the user's sole cost and expense, maintain, repair and renew the crossing.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. NONSTATUTORY PROVISIONS; TRANSPORTATION. (1) PRIVATE  
4 ROAD CROSSING. From the appropriation under section 20.395 (2) (bq) of  
5 the statutes, the department of transportation shall expend not more than  
6 \$2,500 in fiscal year 1993-94 to fund the construction of a private road  
7 crossing across the tracks of the Wisconsin river rail transit commission  
8 near mile post 197.4 located in the town of Muscoda in Grant county, if  
9 the private road crossing user obtains a private road crossing permit from  
10 the Wisconsin river rail transit commission. The permit shall provide  
11 that the Wisconsin river rail transit commission shall, at the user's sole  
12 cost and expense, maintain, repair and renew the private road crossing.



1 AN ACT relating to construction of private road crossings and making an  
2 appropriation.

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Analysis by the Legislative Reference Bureau

This bill provides funding to reimburse private road crossing users for costs incurred by the users to finance the construction of 4 private road crossings across railroad tracks of the Wisconsin river rail transit commission (commission) in Grant county.

The bill also provides funding for construction of a private road crossing across railroad tracks of the commission in the town of Muscoda in Grant county if the private road crossing user obtains a permit for the crossing from the commission. The permit must provide that the commission shall, at the user's sole cost and expense, maintain, repair and renew the crossing.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

3 SECTION 1. NONSTATUTORY PROVISIONS; TRANSPORTATION. (1) PRIVATE  
4 ROAD CROSSING. (a) From the appropriation under section 20.395 (2) (bq)  
5 of the statutes, the department of transportation shall expend not more  
6 than \$2,500 in fiscal year 1993-94 to fund the construction of a private  
7 road crossing across the tracks of the Wisconsin river rail transit  
8 commission near mile post 197.4 located in the town of Muscoda in Grant  
9 county, if the private road crossing user obtains a private road crossing  
10 permit from the Wisconsin river rail transit commission. The permit shall

1 provide that the Wisconsin river rail transit commission shall, at the  
2 user's sole cost and expense, maintain, repair and renew the private road  
3 crossing.

4 (b) From the appropriation under section 20.395 (2) (bq) of the  
5 statutes, the department of transportation shall expend not more than  
6 \$5,600 in fiscal year 1993-94 to reimburse private road crossing users for  
7 costs incurred by the users during the 1992-93 fiscal year in financing  
8 the construction of a private road crossing across the tracks of the  
9 Wisconsin river rail transit commission near each of the following mile  
10 posts in Grant county:

- 11 1. Mile post 191.29 located in the village of Avoca.
- 12 2. Mile post 197.31 located in the village of Blue River.
- 13 3. Mile post 197.43 located in the town of Muscoda.
- 14 4. Mile post 197.58 located in the town of Muscoda.

15 SECTION 2. APPROPRIATION CHANGES; TRANSPORTATION. (1) PRIVATE ROAD  
16 CROSSING. In the schedule under section 20.005 (3) of the statutes for  
17 the appropriation to the department of transportation under section 20.395  
18 (2) (bq) of the statutes, as affected by the acts of 1993, the dollar  
19 amount is increased by \$8,100 for fiscal year 1993-94 to fund the private  
20 road crossings specified under SECTION 1 of this act.

21 (End)