

1999 SENATE BILL 130

April 21, 1999 – Introduced by Senators A. LASEE and RUDE, cosponsored by Representatives F. LASEE, GOETSCH, HUTCHISON, HAHN, HASENOHRL and BRANDEMUEHL. Referred to Committee on Insurance, Tourism, Transportation and Corrections.

1 **AN ACT to renumber** 81.14 (1); **to amend** 80.11 (3); and **to create** 81.14 (1) (am)
2 and 81.14 (1) (b) of the statutes; **relating to:** transferring responsibility for
3 maintenance of town line highway to an adjoining town.

Analysis by the Legislative Reference Bureau

Current law allows towns to fix their respective liabilities for constructing and maintaining highways that lie upon the line between two towns, or extending from one town into an adjoining town (“town line highway”).

This bill allows the town that is not responsible for the maintenance of a town line highway to become responsible for the maintenance of the town line highway if the town that is supposed to maintain the town line highway is not maintaining it to the same standard as the other town. The amount of each town’s highway mileage considered for distribution of state highway aids is adjusted to reflect the transfer.

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

4 **SECTION 1.** 80.11 (3) of the statutes is amended to read:
5 80.11 (3) The said supervisors, upon laying out, altering or widening such
6 highway may determine, in the order, what part of such highway shall be made and

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1 kept in repair by each town, and what share of the damages, if any, shall be paid by
2 each; and each town shall have all the rights and be subject to the liabilities in
3 relation to the part of such highway to be made or repaired by it as if it were wholly
4 located in such town. If no such apportionment shall have been made in the order
5 laying out, altering or widening such highway or any part thereof; or if such highway
6 or any part thereof shall have had its origin in user; or if in the judgment of said
7 supervisors circumstances have so altered since the last previous apportionment or
8 reapportionment of such highway or any part thereof as to render the same
9 inequitable or impracticable, a majority of the supervisors of each town, meeting
10 together, may make such order apportioning or reapportioning such highway or any
11 part thereof as they may deem advisable, which order shall be filed as hereinbefore
12 provided. When so made such order shall be of the same force and effect as an order
13 made in connection with the original laying out of such highway. Any written order
14 or agreement before August 27, 1947 made by a majority of the supervisors of each
15 town concerned, acting together, apportioning or reapportioning a town line highway
16 is hereby validated and shall be of the same force and effect as though made after said
17 date. Where flowage crosses and covers a portion of a town line road, then that part
18 of such order which previously fixed their respective liabilities shall be deemed
19 vacated. If a town fails to maintain a highway apportioned to it under this
20 subsection, the town board or freeholders of the adjoining town may seek
21 reapportionment of the highway under s. 81.14 (1).

22 **SECTION 2.** 81.14 (1) of the statutes is renumbered 81.14 (1) (ar).

23 **SECTION 3.** 81.14 (1) (am) of the statutes is created to read:

24 81.14 (1) (am) In this section, “town line highway” means a highway that lies
25 upon the line between two towns, or extending from one town into an adjoining town.

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1 **SECTION 4.** 81.14 (1) (b) of the statutes is created to read:

2 81.14 (1) (b) Any town board may petition the county highway committee for
3 a determination that an adjoining town has failed to maintain a town line highway
4 apportioned to it under s. 80.11 (3) to a standard equivalent to the portion of the town
5 line highway maintained by the petitioning town. If the town line highway lies upon
6 county lines, the petition may be made to the county highway committee of either
7 county. If the county highway committee determines that the adjoining town has
8 failed to maintain a town line highway to a standard equivalent to that portion of the
9 town line highway maintained by the petitioning town, the county highway
10 committee shall provide written notice of that determination to both towns, together
11 with a request for the adjoining town to repair the portion of the town line highway
12 apportioned to it to a standard equivalent to the portion of the town line highway
13 maintained by the petitioning town and a schedule for completing the repairs. If the
14 town does not respond within 90 days after receiving the notice and request for
15 repairs, responds with a repair plan that the county highway committee determines
16 is inadequate or fails to complete any repair as proposed in its plan, the county
17 highway committee may reapportion the inadequately maintained portion of the
18 town line highway to the petitioning town for maintenance purposes only. The
19 county highway committee shall provide written notice of any reapportionment
20 under this paragraph to both towns and to the department of transportation. Upon
21 receiving a notice of reapportionment under this paragraph, each town shall amend
22 its plat filed under s. 86.302 (1) to reflect the order.

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(END)