

**1999 DRAFTING REQUEST**

**Bill**

Received: 03/3/99

Received By: nilsepe

Wanted: As time permits

Identical to LRB:

For: Alan Lasee (608) 266-3512

By/Representing: Shari Lord

This file may be shown to any legislator: NO

Drafter: nilsepe

May Contact:

Alt. Drafters:

Subject: **Transportation - highways**

Extra Copies: **ISR, TNF**

**Pre Topic:**

No specific pre topic given

**Topic:**

Maintenance of highways bordering 2 municipalities

**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>
/?	nilsepe 03/11/99	jgeller 03/12/99		_____			
/1			martykr 03/16/99	_____	lrb_docadmin 03/16/99	lrb_docadmin 03/18/99	
				_____	lrb_docadmin 03/16/99		
				_____	lrb_docadmin 03/16/99		

FE Sent For:

*Not Needed*

<END>

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1/?	nilsepe	1 3/12 jlg	km 3/16	7/3 2/27/99			

FE Sent For:

<END>

-2385

**LEGISLATIVE REFERENCE BUREAU**

**BILL REQUEST FORM**

Legal Section, 5<sup>th</sup> Floor, 100 N. Hamilton St.  
(608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.  
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: <i>2-25-99</i>	Legislator or agency requesting this draft: <i>Senator Alan J. Ladd</i>
Name/phone number of person submitting request: <i>Shirley Lord 266-3512</i>	
Persons to contact for questions about this draft (names and phone numbers please):  ..	
Describe the problem, including any helpful examples. How do you want to solve the problem? <i>please review the attached</i>	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

**Requests are confidential unless stated otherwise.**

May we tell others that we are working on this for you?  YES  NO

If yes, anyone who asks?  YES  NO

Any legislator?  YES  NO  ONLY the following persons:

Do you consider this urgent?  YES  NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES  NO If yes, please sign your name here:

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To allow one township to take over maintenance of a bordering (or town line) town road, which is supposed to be maintained or repaired by a neighboring township after such time as it is determined by the "County Highway Commissioner" or their designee that the boundary road is not maintained in a similar manner as the other bordering (or town line) road is maintained by the complaining town board.

Require a 90 day written complaint to the affected township.

Require a written response as to pending repair or other actions to be taken.

Require upon lack of response or lack of action that an application for state road aid can be made after it is determined by the Highway Commissioner or designee that the road is not of equal or better condition than the other one-half of a share town line road.

Reason for the action: Many times a township will ignore fixing a town line road because the only people living on it are in the neighboring township. So if they are going to leave the repair of that road entirely up that the other township then they should be able to get the road aid from the state.



State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2385/8  
PEN...:.....

*Handwritten initials and a circle*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

*gen cat*

1 AN ACT ...; **relating to:** transferring responsibility for maintenance of town line  
2 highway <sup>✓</sup> 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:***

3 SECTION 1. 80.11 (3) of the statutes is amended to read:  
4 80.11 (3) The said supervisors, upon laying out, altering or widening such  
5 highway may determine, in the order, what part of such highway shall be made and  
6 kept in repair by each town, and what share of the damages, if any, shall be paid by

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

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

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

23 81.14 (1) (am) In this section, "town line highway" means a highway that lies  
24 upon the line between two towns, or extending from one town into an adjoining town.

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

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

(END)

*of transportation*



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

LRB-2385/1dn

PEN.....

jlq

March 10, 1999 } new date

Sen. Lasee:

You requested a determination of whether the town line highway was "maintained in a similar manner" as that portion of the highway maintained by the complaining town. Highways might be "maintained in a similar manner" by using similar techniques on a similar schedule, even if one town does a particularly bad job at its maintenance. I substituted "maintained to a similar standard" so that the quality of the maintenance would be compared. Is this OK?

Please read this draft closely to ensure that it meets your intent.

Paul E. Nilsen  
Legislative Attorney  
Phone: (608) 261-6926

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

LRB-2385/1dn  
PEN:jlg:km

March 16, 1999

Sen. Lasee:

You requested a determination of whether the town line highway was "maintained in a similar manner" as that portion of the highway maintained by the complaining town. Highways might be "maintained in a similar manner" by using similar techniques on a similar schedule, even if one town does a particularly bad job at its maintenance. I substituted "maintained to a similar standard" so that the quality of the maintenance would be compared. Is this OK?

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Phone: (608) 261-6926

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU**  
**Legal Section Telephone: 266-3561**  
**5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 3/16/99

**To:** Senator A. Lasee

**Relating to LRB drafting number:** LRB-2385

**Topic**

Maintenance of highways bordering 2 municipalities

**Subject(s)**

Transportation - highways

1. **JACKET** the draft for introduction Sen. Lasee

in the **Senate**  or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Paul E. Nilsen, Legislative Attorney  
Telephone: (608) 261-6926