

2009 DRAFTING REQUEST

Bill

Received: 05/14/2009

Received By: emueller

Wanted: As time permits

Identical to LRB:

For: John Steinbrink (608) 266-0455

By/Representing: Erin Pollocoff

This file may be shown to any legislator: NO

Drafter: emueller

May Contact:

Addl. Drafters:

Subject: Transportation - mass trnst/rail
Local Gov't - munis generally

Extra Copies: ARG
MES

Submit via email: YES

Requester's email: Rep.Steinbrink@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notice to railroad commissioner when vacating highways with railroad-highway crossings.

Instructions:

See attached. Companion to 09-2118/1.

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>
/?	emueller 05/19/2009	nnatzke 05/19/2009		_____			
/1			rschluet 05/19/2009	_____	sbasford 05/19/2009	lparisi 05/19/2009	

FE Sent For:

None

<END>

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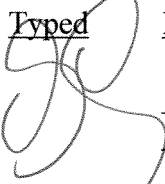

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1	EUM 5/19/09						

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<END>



State of Wisconsin
2009 - 2010 LEGISLATURE

2893/1

LRB-2118/1

EVM:rs

stays

RMNR

2009 BILL

In 5/19/09

SA ✓

1 AN ACT ^{Regen.} 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

BILL

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:

Parisi, Lori

From: Gaston, Geoff
Sent: Tuesday, May 19, 2009 3:12 PM
To: LRB.Legal
Subject: Draft Review: LRB 09-2893/1 Topic: Notice to railroad commissioner when vacating highways with railroad-highway crossings.

Please Jacket LRB 09-2893/1 for the ASSEMBLY.