

No. 296, S.]

[Published April 24, 1953.

CHAPTER 75.

AN ACT to amend 84.02 (3) (a) of the statutes, relating to discontinuance of state trunk highways in cases of relocation of such a highway more than 5 miles in length and restoration of discontinued portions of state trunk highway 41 to the state trunk highway system.

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

SECTION 1. 84.02 (3) (a) of the statutes is amended to read:

84.02 (3) (a) Changes may be made in the state trunk system from time to time by the commission, if it deems that the public good is best served by making such changes. The commission, in making such changes, may lay out new highways by the procedure under this subsection. Due notice shall be given to the localities concerned of the intention to make changes or discontinuances, and if the change proposes to lay a highway via a new location and the distance along such deviation from the existing location exceeds $2\frac{1}{2}$ miles, then a hearing in or near the region affected by the proposed change shall be held prior to making the change effective. Whenever the commission decides to thus change more than $2\frac{1}{2}$ miles of the system such change shall not be effective until the decision of the commission has been referred to and approved by the county board of each county in which any part of the proposed change is situated. A copy of the decision shall be filed in the office of the clerk of each county in which a change is made or proposed. *Where the distance along the deviation from the existing location exceeds 5 miles the change shall constitute an addition to the state trunk highway system. The pre-existing route shall continue to be a state trunk highway unless the county board of each county in which any part of the relocation lies and the state highway commission mutually agree to its discontinuance as a state trunk highway. Whenever such county board or boards and the state highway commission cannot so agree the state high-*

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way commission shall report the problem to the next ensuing session of the legislature for determination.

SECTION 2. The state highway commission is authorized and directed to restore to the state trunk highway system all portions of former state trunk highway 41 between the city of Milwaukee and a point near the city of Neenah which were discontinued as part of the state trunk highway system pursuant to proceedings initiated by the state highway commission under s. 84.02 (3) (a) of the statutes and which discontinuances become effective upon approvals by the respective county boards of supervisors of Waukesha county November 19, 1946; Washington county November 15, 1946; Dodge county November 13, 1946; Fond du Lac county November 26, 1938 and November 18, 1946 and Winnebago county November 21, 1938.

Approved April 21, 1953.
