

1977 Assembly Bill 329

Date published: August 2, 1977

CHAPTER 72, Laws of 1977

AN ACT to amend 66.694 (1), 66.696 and 86.12 of the statutes, relating to construction, maintenance and repair of railroad crossings over streets and highways.

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

SECTION 1. 66.694 (1) of the statutes is amended to read:

66.694 (1) ~~Whenever~~ If any city or village in this state ~~shall cause~~ causes any street, alley or public highway within its corporate limits to be improved by grading, curbing, paving or otherwise improving the same, where the cost of such improvement, or a part thereof, ~~shall be~~ is assessed against abutting property, and such street, alley or public highway is crossed by the track or tracks of any railroad, ~~operated in whole or in part by steam power,~~ and engaged as a common carrier, the common council or board of public works of such city, or the trustees of such village shall at any time after the completion and acceptance of such improvement by the municipality, cause to be filed with the local agent of the railroad corporation operating such railroad, a statement showing the amount chargeable to such railroad corporation for such improvement, which shall be an amount equal to the cost of constructing ~~said the~~ the improvement along ~~said the~~ the street, alley or public highway immediately in front of and abutting its ~~right-of-way~~ right-of-way on each side of ~~said the~~ the street, alley or public highway, based upon the price per square yard, lineal foot or other unit of value used in determining the total cost of ~~said the~~ the improvement.

SECTION 2. 66.696 of the statutes is amended to read:

66.696 Improvement of streets by abutting railroad company. ~~Whenever~~ If the track or tracks of any railroad, ~~operated in whole or in part by steam power,~~ are laid upon or along any street, alley or public highway within any city or village, the corporation operating ~~such the~~ the railroad or railroads shall maintain and improve such portion of the length of the street as is occupied by its tracks; ~~and the,~~ The railroad corporation shall grade, pave or otherwise improve such street or portion thereof in such manner and with such materials as the common council of ~~such the~~ the city, or the

village board may by resolution or ordinance determine; ~~provided, that the.~~ The railroad corporation ~~shall not be~~ is not required to pave or improve that portion of the street, alley or public highway occupied by it with different material or in a different manner from that in which the remainder of the street is paved or improved; ~~provided that the.~~ The railroad corporation shall be liable to pay for paving, grading or otherwise improving a street only to the extent that the actual cost of ~~such the~~ improvement ~~shall exceed~~ exceeds the estimated cost of ~~such the~~ improvement were the street not occupied by the tracks of the railroad.

SECTION 3. 86.12 of the statutes is amended to read:

86.12 Highway railroad grade crossings; construction and repair. ~~It shall be the duty of all steam~~ All railroad companies owning or operating tracks crossing streets or highways at grade ~~to shall~~ keep the surface of the crossings between the tracks and rails and extending 4 feet on either side of the outside rails, in good condition and repair for highway travel; ~~the.~~ The common council, the village board, or town board of the municipality in which the crossing is located, may by resolution require any such railroad company to pave, plank, repair, change or otherwise improve ~~such the~~ crossings, as the needs require, ~~and the.~~ The clerk of ~~such the~~ city, village or town shall cause to be served upon the local agent of ~~such the~~ railroad company a copy of ~~such the~~ resolution; ~~and if.~~ If the railroad company ~~shall fail~~ fails for 30 days thereafter to comply with ~~such the~~ resolution, the city, village or town may pave, plank, repair, change or otherwise improve ~~such the~~ crossing as designated by ~~said the~~ resolution, and may recover the reasonable cost thereof from the railroad company in the manner ~~provided in~~ under s. 66.695. The duty imposed upon railroad companies, and the remedy given by this section, ~~shall be~~ are in addition to other duties and remedies, and ~~shall~~ may not be construed to repeal any other duties or remedies.
