LRB-3002/1 ARG:wlj:rs

2003 ASSEMBLY BILL 513

September 11, 2003 – Introduced by Representatives Bies, Ainsworth, Gronemus, Gunderson, Kestell, Kreibich, F. Lasee, Seratti and Suder, cosponsored by Senator A. Lasee. Referred to Committee on Transportation.

AN ACT to create 86.045 of the statutes; relating to: roadside memorials for traffic accident victims along highways under the jurisdiction of the Department of Transportation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Transportation (DOT) is responsible for maintenance of highway rights-of-way on highways under its jurisdiction (state trunk highways), including operations and activities necessary to protect the safety of users of the highways. Also under current law, DOT may remove or require removal of encroaching structures and objects and unauthorized signs within a highway right-of-way.

This bill prohibits DOT from removing or altering, within one year after a fatal traffic accident, a memorial to an accident victim that is placed within a state trunk highway right-of-way near the location of the accident at the farthest edge of the right-of-way and that is a white cross or post of no greater than specified dimensions.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

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Section 1. 86.045 of the statutes is created to read:

86.045 Memorials to traffic accident victims along state trunk highways. (1) Notwithstanding ss. 80.01 (3), 84.07, 86.03, 86.04, 86.19, and 86.191, the department may not, within one year after a fatal traffic accident, remove or alter, within the right-of-way of a highway under the jurisdiction of the department, any memorial in compliance with sub. (2) that is placed near the location of the accident at the edge of the highway right-of-way farthest from the roadway, as defined in s. 340.01 (54), in the direction of travel where the accident occurred.

(2) Any person may place, as specified in sub. (1), a white cross no more than 20 inches high, 10 inches wide, and 4 inches in beam width or a white post no more than 20 inches high and 5 inches wide for each victim of a fatal traffic accident within one year after the accident. Any person who places a cross or post under this section shall indicate on the cross or post the date of the accident.

14 (END)