

N. 1060, A.]

[Published July 8, 1911.]

CHAPTER 590.

AN ACT to repeal section 1797—12k of the statutes, and to create a new section to be designated 1797—12k, of the statutes, relating to bridges connecting highways upon which railroads are constructed.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 1797—12k of the statutes is repealed.

SECTION 2. There is added to the statutes a new section to be designated and read: Section 1797—12k. Whenever a complaint is lodged with the railroad commission by the common council of any city, the village board of any village, a member of a town board, or a supervisor of highways, or by five or more freeholders and taxpayers in any town, or five or more freeholders of the county in which such bridge is located, and who are users of such bridge or railway, to the effect that a bridge erected over a stream intersecting a public highway or highways upon which a railway is constructed and operated, is unsafe and dangerous to travelers over such highway or highways or bridge or railroad, and that public safety requires the alteration, the repair or reconstruction of such bridge, or the substitution of another bridge therefor, it shall be the duty of the said commission to give notice to the party or parties in interest, other than the petitioners, of the filing of such complaint, and to furnish a copy of the same to the party or parties in interest other than the petitioners, and to order a hearing thereon, in the manner provided for hearings in section 1797—12, and after such hearing the commission shall determine what alteration or repair or reconstruction of such bridge, and the approaches thereto, shall be made, or if it shall determine that public safety requires the substitution of a new bridge, it shall determine the character, manner of construction and location of such bridge and the approaches thereto. The commission shall fix the proportion of the cost and expense of such alteration, repair, reconstruction or substitution of a new bridge, including the damage to any person whose land is taken, and the special damage which the owner of any land adjoining the approaches to said bridge shall sustain by reason of such alteration, repair, reconstruction or substitution of a new bridge, to be paid by the railroad company and the city, village or town in interest. The commission may, in the absence of any petition therefor, when in their opinion public safety requires the alteration, repair or reconstruction of any such bridge or the substitution of another bridge therefor, after notice and hearing, as

provided in section 1797 12, proceed in like manner as upon a complaint duly filed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved July 7, 1911.

No. 1066, A.]

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CHAPTER 591.

AN ACT to create section 1604m of the statutes, to dispense with requirements or restrictions contained in franchises, licenses or permits heretofore granted for the construction or maintenance of dams in those cases where the railroad commission shall determine such requirements or conditions unnecessary to navigability or the public safety.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 1604m. If the franchise, license or permit under which any dam has heretofore been authorized to be, or has been constructed or maintained, shall require the construction or maintenance in such dam or in connection therewith of any slide, chute, lock, canal, boat hoist, sluice way, marine railway or other device for aiding or protecting navigation or the public safety, or shall contain any restriction upon the height of such dam, the railroad commission of Wisconsin shall, upon application of the grantee of such franchise, his or its personal representatives, successors or assigns, and upon thirty days' notice in writing to the grantee, and to any person or corporation claiming under the grantee, and after public hearing, determine whether such requirements or restrictions, or any of them, have ceased to be necessary, or are unnecessary, to aid or protect the navigability of the water in which such dam was authorized to be constructed or maintained, or to protect the public safety, and if upon such investigation the railroad commission shall determine that any of such requirements or restrictions have thus ceased to be necessary, or are unnecessary, it shall make a finding to such effect, and thereupon the requirements and restrictions so found to be unnecessary shall be dispensed with until such time as the railroad commission may, upon investigation had, require such restrictions and requirements to be replaced.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved July 7, 1911.