

CHAPTER 280

AN ACT to amend 66.23 and 66.25 (1) of the statutes, relating to the improvement of that portion of a city or village street, alley or public highway, occupied by the tracks of a railroad.

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

SECTION 1. 66.23 of the statutes is amended to read:

66.23 Whenever the track or tracks of any railroad, operated in whole or in part by steam power, shall be laid upon or along any street, alley or public highway within any city or village, the corporation operating such railroad or railroads shall maintain and improve such portion of the length of the street as is occupied by its tracks; and * * * *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 city, or the village board may by resolution or ordinance determine; provided, * * * that * * * *the* railroad corporation shall not be 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 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 improvement shall exceed the estimated cost of such improvement were the street not occupied by the tracks of the railroad.*

SECTION 2. 66.25 (1) of the statutes is amended to read:

66.25 (1) Whenever any city or village shall order any street, alley or public highway improved, as provided in s. 66.23, and notice shall be served on * * * *the* railroad corporation, as provided in s. 66.24, and * * * *the* railroad corporation shall not elect to construct * * * *the* improvement as therein provided, or having elected to construct * * * *the* improvement, shall fail to construct the same within the time provided in s. 66.24 the city or village shall at once proceed to let a contract for the construction of * * * *the* improvement, and cause * * * *the* street to be improved as theretofore determined, and when * * * *the* improvement shall be completed and accepted by the city or village, the clerk of * * * *the* city or village shall present to the local agent of * * * *the* railroad corporation a statement of the *actual* cost of * * * *the* improvement, and * * * *the* railroad corporation shall within 20 days of such receipt thereof pay to the treasurer of such city or village the amount as shown by such statement of cost presented as aforesaid * * * .

Approved June 21, 1955.