

1975 Assembly Bill 330

Date published: December 22, 1975

## CHAPTER 135, Laws of 1975

AN ACT to amend 195.28 of the statutes, relating to protecting grade crossings.

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

195.28 of the statutes is amended to read:

**195.28 Protecting grade crossings.** Upon petition of the city council, village board, member of town board, superintendent of highways or by 5 or more freeholders in any town, village or city, or of any railroad corporation to determine whether a public highway and railroad grade crossing ~~is dangerous to human life~~ protects and promotes public safety, the commission may investigate and issue an appropriate order without a public hearing. If the petitioner, railroad or any interested party objects to the order and requests a hearing within 20 days after the date the order is issued, the commission shall proceed as provided in under s. 196.26. Notice of an investigation or hearing shall be served upon the highway commission, which shall be an interested party, and any recommendation it may file with the commission at or prior to the a hearing, if there is one, regarding crossing protection or apportionment of the cost thereof shall be considered as evidence in the proceeding. The commission shall determine whether the existing warning devices at such crossing are adequate, ~~and if the crossing complained of is dangerous to human life, the~~ to protect and promote public safety. If the commission determines, either without or after a hearing, that protection is not adequate, it may order the railroad company to keep a flagman there,

~~or may order the installation of gates, electric at the crossing or to install automatic signals or other suitable safety device at specific locations at such crossing. The commission may order the relocation of existing signals and devices to improve protection at a crossing. Any crossing protection installed or maintained as approved by the commission, whether by order or otherwise, shall be deemed adequate and appropriate protection for such crossing. The cost of such protection shall be apportioned by the commission between the railroad and the state on the basis of benefits received by the railroad and the public, respectively. The public's portion shall be paid by the state from the appropriation in s. 20.395 (4) (qd).~~

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