

Senate Bill 528

Published
December 30, 1965.

CHAPTER 476

AN ACT to amend 84.05 of the statutes, relating to construction and maintenance of railroad crossing improvements.

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

84.05 of the statutes is amended to read:

84.05 On a highway which the commission has authority to construct and which crosses a railroad or street railway, if the commission determines that the construction or reconstruction of a grade separation or the rearrangement or elimination of a grade crossing or other rearrangement of the highway or tracks is necessary in the interest of public safety or for convenience of public travel, the commission shall make a plan of the construction proposed and an estimate of the cost thereof, including the cost of needed right of way; and shall endeavor to make an arrangement with all persons concerned as to all matters involved in the plan, including the portion of the cost of the contemplated work which the persons shall defray. If the commission is unable to contract with the persons concerned as to the distribution and payment of the cost of the work *or the maintenance thereof*, the commission shall lay the matter before the public service commission, and the public service commission shall review the proceedings and hold a hearing thereon in accordance with ss. 195.28 and 195.29, and shall fix the portion of the cost *of the construction and of the maintenance* which is to be paid by the persons or corporations concerned, and the portion of the cost, if any, to be paid by the public, which portion shall be paid from the highway construction fund. The public service commission shall determine the benefits, if any, which will inure to other highways, and apportion and charge to the units of government responsible for the construction of such other highways a fair portion of the cost.

Approved December 15, 1965.