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**WISCONSIN LEGISLATIVE COUNCIL  
ACT MEMO**

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**2009 Wisconsin Act 107**  
[2009 Assembly Bill 325]

**Notice to Commissioner of  
Railroads of Proposed Vacation of  
Certain Highways**

**CURRENT LAW**

Under current law:

- The common council of a city (*except a first class city*) or a village or town board (hereafter, “governing body”) may discontinue all or a portion of a public way. A proceeding to discontinue a public way may be initiated by a written petition of owners of property fronting on the way or by resolution of the governing body. Upon receipt of a petition or introduction of a resolution, the governing body must provide public notice of the time and place at which the petition or resolution will be considered. The governing body is also required to provide a copy of the petition or resolution to the Secretary of Transportation if the public way that is the subject of the petition or resolution is located within one-quarter mile of a state trunk highway or connecting highway.
- The common council of a *first class city* may discontinue a highway, street, alley, ground, waterway, public walk or other public grounds (public facility) within the corporate limits of the city. A proceeding to discontinue a public facility may be initiated by a petition of all owners of property abutting the public facility or by resolution of the common council. A notice of hearing must be served upon all owners of record of property abutting the public facility subject to the discontinuance proceeding.

**2009 WISCONSIN ACT 107**

Under Act 107, a governing body or the common council of a first class city *must* provide a copy of the petition or resolution to discontinue *to the commissioner of railroads if* there is a railroad highway crossing within the portion of the public way or public facility that is the subject of the petition or resolution to discontinue.

**Effective date:** Wisconsin Act 107 took effect on February 19, 2010.

**Prepared by:** Don Salm, Senior Staff Attorney

March 9, 2010

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This memo provides a brief description of the Act. For more detailed information,  
consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.state.wi.us/>.