

# Safe Routes program starts strong

## Safe Routes workshops scheduled

Wisconsin Safe Routes to School and TIC have collaborated on a workshop for communities and districts hoping to implement SRTS strategies and/or apply for a grant in the next round. The workshop is scheduled from October 15 to 25 at the following locations.

October 15	Waukesha
October 19	DePere
October 23	Wausau
October 24	Rice Lake
October 25	Tomah

Curriculum covers the assessment process, identifies resources for implementing improvements and examines projects funded in 2007. For more information and to register, go to <http://tic.engr.wisc.edu/Workshops/index.lasso>.

## Helpful links

Wisconsin's Safe Routes to School website with links to applications, a toolkit for getting started on a plan and helpful survey tools to use in assessments.

[www.dot.wisconsin.gov/localgov/aid/saferoutes.htm](http://www.dot.wisconsin.gov/localgov/aid/saferoutes.htm)

**HEALTHY AND SAFE**, whatever it takes. Wisconsin's Safe Routes to School (SRTS) program generated lots of interest from communities across the state during its inaugural grant-making round earlier this year. In July, SRTS announced grants totaling nearly \$4 million awarded to 47 cities, towns, villages and school districts.

Renee Callaway, who coordinates the program for WisDOT, reports SRTS started strong with 162 applications from a broad mix of urban and rural communities. "Everyone is concerned about children getting to school safely and looking for ways to encourage them at a young age to stay healthy and fit."

The federally funded initiative targets infrastructure and program improvements to create and promote safer walking and bicycling routes to school for children grades K-8.

With applications for the next round of SRTS grants available in January, Callaway says a review of funded projects highlights what local officials are doing to increase traveling safety and reduce congestion around schools. Grant proposals also outlined efforts to improve air quality and educate the community-at-large on pedestrian safety.

Examples of infrastructure and non-infrastructure projects funded through SRTS in 2007 include:

- Install sidewalks along local roads near schools where rapid growth produces more traffic and greater the safety issues
- Build multi-use trails along school routes to accommodate pedestrian and bicycle traffic; reduce the number of intersections to cross
- Construct traffic calming measures, like curb extensions and traffic circles, near schools
- Update or add signage and pavement markings near schools
- Develop or expand programs in bicycle and pedestrian safety
- Create Safe Routes coordinator positions to raise awareness and work with area communities to implement improvements

Callaway says SRTS emphasizes a planning and assessment step in the programs it funds. "That's where the changes start, as the groups affected come together to discuss and identify what they see as barriers to safety," she notes. "When parents, schools, local governments, law enforcement start talking, the results enlighten the whole process and make it more likely the plan will be a good one."

Applications for the 2008 grant period become available in January. Callaway suggests, however, there is no need to wait for SRTS funding to implement simple improvements. The program exists, in part, to make things happen. But, she adds, communities can tap into SRTS resources any time for help creating routes to school that are pedestrian friendly and safe. ■



**TOP** An SRTS group in Eau Claire hosted a bike rodeo for kids and parents to encourage bicycling to school. **CENTER** Poster art from a Middleton school project sends the SRTS message.

**BOTTOM** Bump outs at crosswalks to improve pedestrian safety are a feature of SRTS programs.

# Legal rights and responsibilities on local roads

## **AUTHORITY OVER LOCAL**

roads requires that local governments recognize their legal rights and responsibilities as governed by state statute. Other articles in this issue of *CROSSROADS* examine relocation, permits and policies related to utility facilities. In this piece, we recap guidelines on two local road topics as outlined by Carol Nawrocki, legal counsel with the Wisconsin Towns Association. We revisit her recommendations on how to determine right-of-way width and keep it free of hazards.

## **Establishing right-of-way width**

Wisconsin law (Wis. Stat. 82.18) generally presumes a right-of-way of 66 feet. When not specified by highway order as in the case of a new road or one acquired after 10-years maintenance, as stated in Wis. Stat. 82.31(a), the 66-foot rule applies. Details of rights-of-way for roadways acquired by deed or acceptance of a plat may vary, but should appear in those legal documents filed with the register of deeds.

Nawrocki notes that evidence of an ancient fence line, trees growing close to the road, natural barriers like bluffs, and other existing conditions can overcome the presumption of a standard width. In case of a dispute, she says local governments have recourse to litigation. They also can purchase additional right-of-way by deed or accept a petition to widen the road and pay damages under Wis. Stat. 82.10-14.

## **Removing hazard-causing structures or objects**

Local governments have an obligation to seek removal of any structure or object that encroaches on the highway right-of-way. These include cement planters, stone retaining walls, junk cars, bricked-in mail boxes or other structure or object placed in the right-of-way by a landowner or occupant that is seen to pose a clear hazard to traffic. Failure to have the structure or object removed makes the authority potentially liable for damages or injuries that occur if the object is struck.

If approaching the property owner or occupant and explaining the need to move a structure or object for safety reasons does not work, the local government can send a notice requesting removal under Wis. Stat. 86.04. This gives residents 30 days to comply or deny the encroachment. If they fail to do either, a fine of \$1 per day begins to accrue and local officials may go to circuit court to recover the penalty. If successful in court, the local government receives a judgment ordering the owner/occupant, or defendant to remove the item within a certain time period. If the defendant disregards the order, local officials have the right to remove the encroachment and recover costs accordingly.

When an owner/occupant denies the encroachment in writing, local officials may take circuit court action to remove it.

Nawrocki further advises town officials that when a structure or object in the right-of-way poses an immediate threat to the public safety and requires emergency action, they do not have statutory authority to remove it or a clear right to recover costs. In such a case, local officials should consider closing the road temporarily, or installing signs, lighted barricades



*Driveway headwall close to the road presents a risk to motorists and liability for local governments.*

or other markings around the object to protect motorists. She suggests acting with caution and consulting legal advisors before moving an item under such circumstances.

It is worth noting that trees, shrubs or vegetation that present a hazard in the right-of-way fall outside the definition used above of *structure* or *object*. Local governments have the authority, by law, to remove, cut or trim these hazards to ensure safe use of the highway with or without notifying the property owner. ■

*In case of a dispute, local governments have recourse to litigation.*

Link to Wisconsin Towns Association website with sample town ordinances, fact sheets on town government issues and other useful information.

[www.wisctowns.com/](http://www.wisctowns.com/)

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