

No. 493, A.]

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CHAPTER 501.

AN ACT to amend 66.06 (8) (d) and 193.01 (1) and to create 66.06 (8) (e), (f) and (g) of the statutes, relating to the acquisition and operation of bus transportation systems by municipalities.

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

SECTION 1. 66.06 (8) (d) of the statutes is amended to read:
66.06 (8) (d) Referendum elections under this subsection shall not be held oftener than once a year, *except that a referendum so held for the acquisition, lease, or construction of any of the types of property enumerated in paragraph (a) shall not bar the holding of one referendum in the same year for the acquisition and operation of a bus transportation system by the municipality.*

SECTION 2. 66.06 (8) (e), (f) and (g) of the statutes are created to read:

66.06 (8) (e). Any city or village may by action of its governing body and with a referendum vote provide, acquire, own, operate or engage in a municipal bus transportation system where no existing bus, rail, trackless trolley or other local transportation system exists in such city or village. Any city or village in which there exists any local transportation system by similar action and referendum vote may acquire, own, operate or engage in the operation of a municipal bus transportation system upon acquiring the local transportation system by voluntary agreement with the owners thereof, or pursuant to law, or upon securing a certificate from the public service commission pursuant to section 194.23 that public convenience and necessity requires the acquisition and operation of such bus transportation system by the municipality.

(f) Any street motor bus transportation company operating pursuant to the provisions of chapter 194 shall by the acceptance of authority under such chapter be deemed to have consented to a purchase of its property actually used and useful for the convenience of the public by the municipality in which the major part of such property is situated or operated for compensation under terms and conditions determined by the public service commission in the manner provided for the acquisition of utilities by municipalities under chapter 197; provided that if such motor bus transportation facilities are operated as auxiliary

to street railway or trackless trolley facilities operated pursuant to franchise granted under the provisions of chapter 193, such motor bus facilities shall be acquired only by the acquisition, pursuant to chapter 193, of the transportation system to which they are auxiliary.

(g) Any city or village providing or acquiring a motor bus transportation system under the provisions of this subsection may finance such construction or purchase in any manner now authorized in respect of the construction or purchase of a public utility.

SECTION 3. 193.01 (1) of the statutes is amended to read:

193.01 (1) Corporations for constructing, maintaining and operating street railways may be formed under chapter 180, and shall have powers and be governed accordingly. Any municipality or county may grant to such corporation, under whatever law formed, or to any person who has the right to operate street railways, the use, upon such terms as it shall determine, of any streets, parkways or bridges within its limits for the purpose of laying tracks and running cars thereon, or of running cars without tracks by overhead trolley, *and auxiliary vehicles operated by internal combustion engines*, for the carriage of freight and passengers, to be propelled by such power as shall be agreed on, with all necessary curves, turnouts, switches and other conveniences. Every such road shall be constructed upon the most approved plan and be subject to such reasonable rules and regulations and the payment of such license fees as the grantor may by ordinance, from time to time, prescribe. Transportation systems employing overhead trolley structures for the propulsion of cars without tracks shall be deemed railroads subject to the provisions of chapter 195. The cars used for the operation of any such trackless trolley system shall not be deemed motor vehicles within the meaning of chapter 85 and chapter 194; provided, that no such car shall be hereafter operated unless the same is completely equipped with pneumatic tires; that the speed of such car shall not exceed that at which motor vehicles may be lawfully operated in the same area and that the maximum width of any such trackless trolley car shall not exceed 8 feet 8 inches nor shall its overall length exceed 40 feet unless a greater length or breadth is expressly ordered by the public service commission with the consent of the municipality.

Approved July 9, 1943.