

**CHAPTER 673**

AN ACT to create 59.965 and 67.04 (1) (v) of the statutes, relating to the planning, financing, construction, operation, maintenance and administration of expressways in counties having a population of 500,000 or more.

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

SECTION 1. 59.965 of the statutes is created to read:

59.965 EXPRESSWAYS IN POPULOUS COUNTIES. (1) DEFINITIONS. As used in this section, unless the context indicates otherwise, the following terms shall mean:

(a) "Expressway" is a highway with full control of access and with no highway crossings at grade and includes the land, roadways and structures necessary to permit access to, over or under such expressway. It also includes the necessary relocating and reconstructing of all utility and railroad services disrupted in the construction of such expressway.

(b) "Commission" is the county expressway commission created by this section.

(c) "Expressway project" is an integral portion of the expressway that may be put to public use independently of other expressway projects.

(d) "Prior expressway project expenditures" are obligations incurred and expenditures financed from funds obtained from local tax levy sources, or from the proceeds of the sale of bonds, by a municipality in the county for the acquisition and clearing of the right of way and construction of expressway projects which are incomplete and have not been substantially put to public use at the time the county expressway commission is created and the transfer of the function to said commission has been effectuated, together with any funds so financed in the state treasury under control of the state highway commission to the credit of an expressway project, and any funds which the municipality may, subsequent to the creation of the county expressway commission, transmit to the state highway commission for credit to an expressway project authorized by the county expressway commission.

(e) "Expressway project budget" is the plan of financial operation embodying an estimate of proposed expenditures for the expressway project and the proposed means of financing them.

(f) "County board" is the county board of supervisors of the county wherein such county expressway commission is created.

(2) COUNTY EXPRESSWAY COMMISSION. (a) *Creation; appointment of commissioners.* In any county having a population of 500,000 or more, there is hereby created a county expressway commission which shall function as a part of the county government. Such commission shall consist of 5 members, and shall be appointed by the governor. The first appointees shall serve for terms of 1, 2, 3, 4 and 5 years, respectively. Thereafter each member shall be appointed for terms of 5 years each and until their successors are appointed and qualified. All appointees shall be and remain residents of such county. Appointments to fill vacancies and for terms after the initial terms shall be made in the same manner as provided in this paragraph. Certification of such appointments shall be filed with the county clerk.

(b) *Oath of office; expenses.* Each commissioner shall take and file the official oath and shall receive no salary, but shall be reimbursed his actual and necessary expenses in the performance of his duties.

(c) *Organization.* A majority of the commissioners shall constitute a quorum for the transaction of business. As soon as the commissioners first appointed under this subsection enter upon the duties of their office, they shall organize by electing one of their members chairman, who shall be removable at pleasure by the commissioners. The chairman shall preside over all meetings of the commission and shall perform such other duties as are imposed upon him by this section or may be assigned to him by the commission. The commission shall elect one of its members secretary.

(3) *Meetings; reports.* The commission shall hold meetings for the transaction of business. All such meetings shall be open to the public. The commission shall prepare annually a report of its official transactions and expenditures and shall mail such statement to the governor, to the mayor of the largest city in such county and to the chairman of the county board of such county, and to the chief executive head of the governing boards of all cities, towns and villages in such county.

(4) *Transfer of prior expressway studies and reports.* Upon the organization of such commission, the governmental authorities of the largest city in such county shall transfer and deliver to the commission the original or certified copy of all maps and engineering

studies and reports pertaining to an expressways system in such city and county, together with all contracts pertaining to the creation and construction of such expressways. Upon demand by the commission the city with the approval of the common council shall execute and deliver to such county quitclaim deeds of all lands acquired or dedicated or owned by the city and needed for the purpose of right of way for such expressways, provided the cost thereof was included in the determination of prior expressway expenditures.

(5) *Powers and duties.* The commission is charged with the duty and vested with all powers necessary to plan, acquire the right of way for and construct an expressway system in such county and to administer each expressway project until it shall be certified as completed, subject to the general supervision of the county board except as hereinafter provided, including without limitation by reason of enumeration, the power to contract. In the exercise of the foregoing duties and powers, the commission shall:

(a) *Plans for expressways.* As soon as possible after its organization, consider and devise a general plan of expressways to serve the entire county. Such plan shall be presented to the governing body of each municipality through which a part of the expressway system is routed for its consideration and approval. If such approval is not granted within 60 days from the date of submission, the commission shall present the general plan to the state highway commission, which shall hold a public hearing on that part of the plan which is located in such municipality. After such hearing, the state highway commission shall make recommendations to the commission with reference to the matters objected to by the municipal governing body. Thereafter the commission shall incorporate such recommendations in its general plan. When the approval of the necessary local governing bodies has been obtained or the recommendation of the state highway commission has been obtained in lieu thereof, the general plan shall be presented to the county board of such county. The county board upon receipt of such general plan shall promptly consider the same and approve or reject such plan. If the plan be rejected, the commission shall submit a revised plan with such modifications or changes as to it seem proper, and thereupon the county board shall again consider and approve or reject such plan. This procedure shall continue until some general plan has been approved by the county board. Thereafter, upon request of the commission, such general plan may be amended by the county board in conformity with such request.

(b) *Procedure upon approval of plan.* When a general plan has been approved by the county board, the commission shall prepare and submit to the county board tentative expressway project budgets for such units of the comprehensive plan and in order of construction as the commission deems proper. Each such budget shall give reasonably detailed estimates of expenditures required to complete such expressway project and shall also give an estimate of the state and federal aid which will become available for such project. The county board shall determine the amount of the county's share of the cost of such project and the financing thereof, either from the authorization of county expressway bonds pursuant to s. 67.04 (1) (v), or by determining the amounts to be included in the budgets during the construction years, or by transfer from unappropriated surplus pursuant to s. 59.84 (7), or by any combination of the foregoing. When the county board determines that county funds for an expressway project shall be financed in whole or in part from current budgets, the county auditor shall include such amounts in the proper proposed budget pursuant to s. 59.84 (3). The county board shall adopt expressway project budgets with such changes as it may deem proper. When so adopted, the county contribution to the expressway project shall constitute a legal appropriation and shall be expendable to the extent that expressway bonds have been authorized or money otherwise provided. At the request of the commission, the county board may amend any expressway project budget and may transfer appropriations from one expressway project to another.

(c) *Acceptance of gifts.* To accept, in the name of the county, grants, conveyances and devices of land, and bequests and donations of money to be used for expressway purposes.

(d) *Acquisition of lands.* To acquire in the name of the county, after the county board has adopted an expressways project budget, by donation, purchase, combination or otherwise, such tracts of land, including all improvements thereon, as it deems are necessary and required for expressway purposes; but no land so acquired shall be disposed of by the county without the consent of the commission, and all moneys received for any such lands or any materials or improvements thereon, so disposed of, shall be credited to the proper expressway project as an abatement of expense. The commission may also, with the general approval of the county board and after the general plan of expressways has been adopted by the county board, as the same may be amended from time to time, acquire lands for the right of way of such expressways from time to time and upon such acquisition may maintain and rent out lands and improvements in such tract so acquired until the same are needed for actual expressway construction purposes. The owners of

such lands at the time of such acquisition shall have the first right to enter into lease with the county until the lands are needed by the county for actual construction purposes. All rentals shall become part of the expressway funds. The commission in acquiring the right of way for expressway projects may acquire such right of way in fee simple or by easement for highway purposes as it may by order determine, and in the acquisition of such land and improvements, the commission, acting in the name of the county or the state or state highway commission, as the needs of the particular project may require, may proceed under ch. 32 or ss. 83.07, 83.08 and 84.09, and when proceeding under said sections, the commission shall have the same powers and duties as are vested by said statutes in the county highway committee or the state highway commission and the commission or the land owner or his mortgagee shall have the same right of appeal as is granted by said sections.

(e) *Contracts.* To construct and administer projects under its jurisdiction, to contract in the name of the county with the state highway commission as may be necessary under state and federal statutes to secure state and federal aid on expressway projects.

(f) *Rules and regulations.* The commission shall have power to make all rules and regulations concerning its work.

(6) REIMBURSEMENT FOR PRIOR EXPRESSWAY FINANCING. Municipalities shall be reimbursed for prior expressway project expenditures. Any expressway projects under construction at the time the commission is created and the transfer of functions to the commission has been effectuated shall be completed by the commission. Such municipalities shall be reimbursed for such prior expressway expenditures and obligation incurred for the cost of right of way acquisition and clearance, construction engineering, and actual construction to the extent of such municipalities' contribution from tax levy or bond funds. Each such municipality shall calculate such contribution and certify same with full data to the commission. It shall then be subject to consideration, audit and approval by the commission. Upon such approval, reimbursement shall be effected on a 10-year instalment basis by levying a tax against all the municipalities of the county on an equalized valuation basis, and offsetting the amount thereof to the municipalities entitled to reimbursement.

(7) AGREEMENTS FOR USE OF FEDERAL AID TO RETIRE MATURITIES. The state highway commission and any county having a population of 500,000 or more are authorized to enter into an agreement providing that when the proceeds of bonds issued by such county are expended in the improvement of a portion of the federal aid highway system as a part of the comprehensive expressway system in such a county, and are so expended under the provisions of ch. 84, and in compliance with section 5 of the federal aid highway act of 1950, or acts amendatory of or supplementary to such section, and regulations applicable thereto, such sum of money derived from federal aid for highways which may be authorized by the congress and apportioned to this state for the fiscal year ending June 30, 1969, and for any subsequent fiscal year as shall be stipulated in the aforesaid agreement may be applied to aid in retirement of annual maturities of the principal indebtedness of such bonds, and that to the extent that such federal aid can be claimed and received by the state for such purpose, it will upon receipt be paid to the county. Any money so paid shall be deposited by the county in the sinking fund provided for the retirement of the bond issue of which such bonds formed a part.

(8) AGREEMENTS FOR STATE AID TO RETIRE MATURITIES. The state highway commission is authorized to enter into a contract with a county containing a population of 500,000 or more providing that, to the extent that the proceeds of bonds issued by such county are expended under the provisions of ch. 84 in the improvement of state trunk highways or connecting streets, in addition to the agreed county share of such improvement and for which the county has not been or will not be reimbursed with federal funds, such sum as may be approved by the state highway commission in the fiscal year ending June 30, 1969, and in any subsequent fiscal year, will be paid to such county to aid in retirement of the annual maturities of the principal indebtedness of such bonds from funds appropriated and available to the commission for the improvement of state trunk highways or connecting streets. Payments may be made pursuant to such agreement, before or after the bonds mature, from funds appropriated and available to the commission for the improvement of state trunk highways or connecting streets after making provision for adequate maintenance and traffic service, but this section or such agreement shall not constitute a commitment on the part of this state or the county to provide such funds. Any money so paid shall be deposited by such county in its sinking fund created for the purpose of payment of the bond issue of which such bonds formed a part.

(9) STAFF. (a) *Other departments and officers.* The staff of the county highway department, under the direction of the county highway commissioner, shall perform all technical work required by the commission. Any municipality having an expressway staff

shall, upon request of the commission, and upon approval by the county board, transfer such staff to the county, and such agents and employes of such municipal staff shall thereupon become integrated into county civil service in the county highway department. The commission with the approval of the county board may hire upon a contract basis such expert consultant services as it may deem necessary to assist the commission in the planning of the expressway system.

(b) *Commission rooms and equipment.* The county board shall provide suitable offices where the maps, plans, documents, and records of the commission shall be kept, subject to public inspection at all reasonable hours and under such reasonable regulations as the commission may prescribe.

(10) MAINTENANCE AND OPERATION. (a) *Same.* Whenever any expressway project has been completed, the commission shall file a certification of such fact with the county clerk and with the state highway commission, and thereafter the portion of the comprehensive expressway included in such project shall be operated and maintained by the county, provided that where any such expressway project shall form a part of the state trunk highway system, the state shall be liable for the maintenance thereof, and provided that the municipality in which such expressway is located shall maintain the pavement and the municipal utilities on any street passing over or under such expressway when such project is completed.

(b) *Policing of expressways.* Expressways shall be policed by the police department of the municipalities in which expressways are located.

SECTION 2. 67.04 (1) (v) of the statutes is created to read:

67.04 (1) (v) In counties having a population of 500,000 or more, to acquire lands and improvements thereon by purchase, condemnation or otherwise for the necessary right of way for expressways, and to provide for the construction or reconstruction of a comprehensive expressway system. For the purposes of this paragraph the term "expressways" means a highway with full control of access and with no highway crossings at grade, and includes the land, roadways and structures necessary to permit access to, over and under such expressway. It also includes the necessary work of relocating and reconstructing of all utility and railroad service disrupted in the construction of such expressway. The provisions of s. 67.10 (4) shall not apply to any bond issue authorized and sold under this paragraph. Such bond issues shall be exempt from the requirements in s. 67.11 (1) (Fifth), that not less than 5 per cent of the original indebtedness shall be annually deposited in the sinking fund. Such bonds may be issued without a referendum. All outstanding bonds for expressway purposes, together with other outstanding indebtedness of such county, shall not exceed 5 per cent of the assessed value of taxable property therein.

Approved November 25, 1953.

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