

1979 Senate Bill 332

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## CHAPTER 310, Laws of 1979

AN ACT to repeal 59.965 (1) (b) and (2); to renumber 59.965 (3) and (5) (intro.), (a) to (n); to renumber and amend 59.965 (1) (a) and (d) to (g); to amend 32.05 (1), 59.456 (2), 59.965 (1) (intro.) and (c), (2) (intro.), (a) to (e), (f) 1 to 5, 7 and 8, (g), (h) 2 to 8, (k), (L) and (n), as renumbered, (4), (6) to (9) and (10) (a) and 84.09 (7); and to create 59.965 (11) of the statutes, relating to eliminating the county expressway and transportation commission in counties having a population of 500,000 or more and transferring the powers and duties of the commission to the county board.

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

SECTION 1. 32.05 (1) of the statutes is amended to read:

32.05 (1) RELOCATION ORDER. The county board of supervisors (or the county highway committee when so authorized by the board), ~~county expressway and transportation commission~~, city council, village board, sewerage commission governing metropolitan sewerage district created by s. 59.96 or 66.22, secretary of transportation, a commission created by contract under s. 66.30, housing authority under ss. 66.40 to 66.404, redevelopment authority under s. 66.431 or community development authority under s. 66.4325 shall make an order providing for the laying out, relocation and improvement of the public highway, street, alley, storm and sanitary sewers, watercourses, mass transit facilities, airport, or other transportation facilities, housing project or redevelopment project which shall be known as the relocation order. This order shall include a map or plat showing the old and new locations and the lands and interests required. A copy of the order shall, within 20 days after its issue, be filed with the county clerk of the county wherein the lands are located.

SECTION 2. 59.456 (2) of the statutes is amended to read:

59.456 (2) Give advice to the county board, county park commission, county board of public welfare, ~~expressway commission~~ and other boards, commissions, committees, agencies or officers of ~~his~~ the county, when requested, in all civil matters in which the

county or state is interested or relating to the discharge of the official duties of such board or officers; examine all claims against the county for officers', interpreters', witnesses' and jurors' fees in civil actions and examinations, when presented to the county board, and report in writing thereto as to the liability of the county for any and all claims of whatever nature filed against it; and act as legislative counsel for the county board when so authorized by it.

SECTION 3. 59.965 (1) (b) and (2) of the statutes are repealed.

SECTION 4. 59.965 (1) (intro.) and (c) of the statutes are amended to read:

59.965 (1) DEFINITIONS. (intro.) As used in this section, unless the context indicates otherwise, ~~the following terms shall mean:~~

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

SECTION 5. 59.965 (1) (a) and (d) to (g) of the statutes are renumbered 59.965 (1) (b), (f), (d), (a) and (e), respectively, and amended to read:

59.965 (1) (a). ~~"County board" is~~ "Board" means the county board of supervisors of ~~the county wherein such county expressway commission is created in any county having a~~ population of 500,000 or more.

(b) "Expressway" is means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at intersections. "Full<sup>2</sup> control of access" means that the authority to control access is exercised to give preference to through traffic by providing access connections with selected public roads only and by prohibiting crossings at grade or direct private driveway connections. "Partial<sup>2</sup> control of access" means that the authority to control access is exercised to give preference to through traffic to a degree that, in addition to access connections with selected public roads, there may be some crossings at grade and some private driveway connections. ~~The commission board shall have power to determine whether full or partial control of access shall be exercised.~~

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

(e) "Mass transit" includes, without limitation because of enumeration, exclusive or preferential bus lanes if those lanes are limited to abandoned railroad ~~right-of-ways~~ rights-of-way or existing expressways constructed before May 17, 1978, highway control devices, bus passenger loading areas and terminal facilities, including shelters, and fringe and corridor parking facilities to serve bus and other public mass transportation passengers, together with the acquisition, construction, reconstruction and maintenance of lands and facilities for the development, improvement and use of public mass transportation systems for the transportation of passengers.

(f) "Prior expressway project expenditures" ~~are~~ means 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~~ 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 was~~ is created and the transfer of the function to ~~said the~~ the commission ~~has been~~ was effectuated under s. 59.965, 1977 stats., together with any funds so financed in the state treasury under control of the department of transportation to the credit of an expressway project, and any funds which the municipality may, subsequent to the creation of the county expressway commission, transmit under s. 59.965, 1977 stats., and prior to the effective date of this act (1979), transmitted to the department of transportation for credit to an expressway project authorized by the county expressway commission and any funds which the municipality may, subsequent to the effective date of this act (1979),

transmit to the department of transportation for credit to an expressway project authorized by the board.

SECTION 6. 59.965 (3) and (5) (intro.), (a) to (m) and (n) are renumbered 59.965 (2) (n), (intro.), (a) to (m) and (o), respectively, and 59.965 (2) (intro.), (a) to (e), (f) 1 to 5, 7 and 8, (g), (h) 2 to 8, (k), (L) and (n), as renumbered, are amended to read:

59.965 (2) (intro.) POWERS AND DUTIES. ~~The commission~~ In any county having a population of 500,000 or more, the board is charged with the duty and vested with all powers necessary to plan, acquire the ~~right-of-way~~ right-of-way for and construct an expressway system and mass transit facilities in ~~such the~~ the county and to administer each expressway and mass transit project until it is certified as completed; to ~~co-ordinate~~ coordinate planning of expressways and mass transit facilities by other public agencies to the extent required to ~~insure~~ ensure that an acceptable general plan of expressways and mass transit facilities to serve the entire county will be achieved; to ~~co-operate~~ cooperate with public and private agencies in mass transit and expressway applications; ~~all 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~~ and the following powers and duties:

(a) *Plans for expressways.* ~~As soon as possible after its organization, The board shall consider and devise tentatively adopt a general plan of expressways to serve the entire county. Such The 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. The commission board may in its discretion, prior to its presentation of such general plan to the county board as hereinafter provided, by formal action modify such the general plan to meet objections raised by the governing body of any municipality through which a route of such the expressway passes. If the approval of such the governing body is not granted within 60 days from the date of submission, the commission board shall present the general plan to the department of transportation, which shall hold a public hearing on that part of the plan which is located in such municipality. After such the hearing, the department of transportation shall make recommendations to the commission board with reference to the matters objected to by the municipal governing body. Thereafter the commission board shall incorporate such the recommendations in its general plan. When the approval of the necessary local governing bodies has been obtained or the recommendation of the department of transportation has been obtained in lieu thereof, the general plan shall be presented to finally adopted by the county board of such county. The county board upon receipt of such general plan shall promptly consider the same and approve or reject it. If the plan is rejected, the commission shall devise a revised plan with such modifications or changes as to it seem proper, secure the approval thereof by the governing bodies of the municipalities affected or the recommendations of the department of transportation as hereinbefore provided and submit such revised plan to the county board, 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, provided that a deviation of not to exceed 1,000 feet from any expressway route in the approved general plan may in the discretion of the expressway commission be authorized and shall not be an amendment requiring approval by the county board, except that after December 1, 1959, a deviation not to exceed 700 feet may be so authorized without approval by the county board. Thereafter, the board may amend the general plan as it deems proper.~~

(b) (title) *Procedure upon adoption of plan.* ~~When a general plan has been approved by the county board, the commission shall prepare and submit to the county board The board shall adopt tentative expressway project budgets for such the units of the comprehensive plan adopted under par. (a) and in order of construction as the commission board~~

deems proper. Each ~~such~~ budget shall give reasonably detailed estimates of expenditures required to complete ~~such~~ the expressway project and shall also give an estimate of the state and federal aid which will become available for ~~such~~ the project. The ~~county~~ board shall determine the amount of the county's share of the cost of ~~such~~ the project and the financing thereof, either from the authorization of county expressway bonds ~~pursuant to~~ under 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~~ under s. 59.84 (5), 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~~ under s. 59.84 (5). The county board shall adopt expressway project budgets with such changes as it ~~may deem~~ deems 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~~ The board may amend any expressway project budget and may transfer appropriations from one expressway project to another.

(c) *Acceptance of gifts.* ~~To~~ The board may accept, in the name of the county, grants, conveyances and devises of land, improvements thereon and any and all interests whatsoever therein and bequests and donations of money to be used for expressway purposes.

(d) *Acquisition of lands and interests therein.* 1. ~~To~~ The board may acquire in the name of the county or in the name of the state when so directed by the department of transportation, ~~after the county board has adopted an expressways project budget, or in advance thereof with the general approval of the county board as hereinafter provided,~~ by donation, purchase, condemnation or otherwise, such lands, including any improvements thereon, and any interests, easements, franchises, rights and privileges in or pertaining to lands, of whatever nature and by whomsoever owned, as the ~~commission~~ board deems are necessary and required for expressway purposes, and to dispose of the same. ~~The board may use of expressway lands for the location or relocation of any facility for mass transportation, including private or public utilities, is authorized when so determined by the expressway commission and approved by the county board.~~ The ~~commission~~ board may purchase or accept donation of remnants of tracts or parcels of land remaining at the time or after it has acquired by condemnation or after or coincident with its acquisition by purchase or donation portions of such tracts or parcels for expressway purposes where in the judgment of the ~~commission~~ board such action would assist in rendering just compensation to a ~~land owner~~ landowner, a part of whose lands are required for expressway purposes, and would serve to minimize the over-all cost of such necessary taking by the public. The county may dispose of such remnants. No lands or interest of any kind therein acquired as ~~hereinabove~~ provided in this paragraph shall be disposed of by the county without the consent of the ~~commission~~ board, and all moneys received for any such lands, improvements thereon or interests of any kind therein, so disposed of, shall be credited to the land acquisition account as an abatement of expense. No lands acquired by the ~~commission~~ board, as provided in this subsection, in the name of or in trust for the state, shall be disposed of by the county without prior approval of the state, and the proceeds of ~~such~~ the sale shall be remitted to the state or retained and used for expressway purposes when so directed by the department of transportation.

2. ~~The commission~~ After the general plan of expressways has been adopted, the board may also, for specific approved highway projects or otherwise, ~~with the general approval of the county board once given and after the general plan of expressways has been adopted by the county board, as the same may be amended,~~ acquire lands and interests therein of the nature and in the manner specified in this paragraph for the ~~right-of-way~~ right-of-way of ~~such~~ the expressways in advance of the time of the adoption of an expressway project budget including ~~such~~ the lands and interests. Such power may be exercised when in the

judgment of the commission board the public interest will be served and economy effected by forestalling development of such the lands which will entail greater acquisition costs at a later date. Upon such acquisition the commission board may improve, use, maintain or lease such the lands until the same are required for expressway construction. It is recognized that there may necessarily be a period of time between the acquisition of needed lands for ~~right-of-way~~ right-of-way and the commencement of actual site clearance and construction, but such fact shall not minimize the public purpose of such the acquisition. The owners of such the lands at the time of such the acquisition shall have the first right to enter into lease thereof with the county acting ~~by the commission~~ until such the lands are needed for expressway construction. Any lands so leased for more than one year shall be subject to general property taxation during the term of the lease. All rentals shall be credited to the project or to the expressway land acquisition account. ~~On request of the commission, the county~~ The board shall may provide out of funds acquired by bond issue or otherwise a land acquisition fund ~~in an amount specified by the commission from time to time, but~~ not in excess of \$5,000,000 of expendable funds at any one time, to be used primarily for the acquisition of lands, improvements thereon and interests therein as specified in this subsection prior to the approval of the specific expressway project for which such the lands or interests will be required. ~~Such~~ The fund shall be adjusted to reflect acquisition costs for lands and interests therein thereafter incorporated in specific approved expressway projects by transferring both the appropriations and the acquisition costs therefor to the proper expressway improvement expenditures account.

3. When an expressways project for which lands, improvements thereon and any or all interests therein have been paid for from any expressway land acquisition fund or account becomes activated, ~~upon request of the commission and subject to the approval of the county by the board, the department of transportation is authorized to~~ may reimburse the expressway land acquisition fund by allocation of funds which may be made available under any state or federal statute to reimburse prior disbursements from such the land acquisition fund to acquire ~~said the~~ the lands, improvements thereon or interests therein or appurtenant thereto. All state or federal funds thus received shall be used for expressway purposes.

4. The commission board, in acquiring lands, improvements thereon and interests therein and appurtenant thereto as ~~hereinaabove specified~~ provided in this subsection, may acquire the same in fee simple or by easement for highway purposes as it may by order determine. In any such acquisition, the commission board may, and shall when requested by the department of transportation, act in the name of the state as the agent of the department of transportation and in other cases shall act in the name of the county. The commission board in making such the acquisition may proceed under ch. 32.

5. Whenever, prior to actual expressway project construction, a saving is shown to be probable in the cost of constructing a proposed new municipal or ~~privately-owned~~ privately owned public utility (which, if presently installed in a public way in a proposed normal manner, would ultimately be interfered with by expressway construction) by initially constructing such the municipal or ~~privately-owned~~ privately owned public utility in other than a normal manner to accommodate future expressway construction, ~~the commission may, after receiving county board approval, and~~ in order to effect savings by avoiding reconstruction and relocating at a later date, the board may contract with the municipal government or utility company involved for the construction of the public utility in such other than normal manner and to pay to it the portion of the cost of such the special construction in excess of the cost if constructed in the proposed normal manner. Funds for such purpose may be taken from the land acquisition fund authorized in subd. 2.

6. When the commission board has acquired title to lands in fee either for the county or the state, the county may use and develop any portion of ~~said the~~ the lands not directly needed for expressway-roadway purposes and which do not interfere with the primary

expressway purpose, and without exclusion because of enumeration the power to use the subsoil beneath the ground, the ground level area or air space above the ground, for parking, storage or building purposes subject to municipal land use zoning regulations except as to parking, ~~provided that where~~ but if the expressway ~~right-of-way~~ right-of-way area ~~in question~~ is either on the federal interstate system or on a state trunk highway, the consent of the department of transportation to such development and use shall be obtained prior to construction or initiation of such use, and the state shall receive a share of the rentals or sale price derived from such use in the proportion that the amount of federal or state funds used in the purchase of the site bears to the total cost of the land and improvement which is the subject of ~~such~~ the sale or rental. Such sharing shall not be made until the county has been reimbursed for all sums expended by it, in the developments ~~herein above~~ referred to in this paragraph, and such sharing shall terminate when the fair proportion of the federal and state funds allocable to the purchase of the area so developed has been reimbursed.

(e) ~~Contracts.~~ The board may construct and administer projects under its jurisdiction, to and may contract in the name of the county with the department of transportation as may be necessary under state and federal statutes to secure state and federal aid on expressway projects.

(f) 1. Whenever the ~~commission board~~ commission board determines that it is necessary for the proper construction of an expressway project that streets or alleys ~~shall~~ be vacated in whole or in part, or be dead-ended at the expressway ~~right-of-way~~ right-of-way line; that existing streets or alleys be relocated; that new streets or alleys be laid out and opened; that accessory streets or ramps to serve as approaches to the expressway be constructed; that existing streets leading to or off from expressway ramps be designated as one-way streets for such reasonable distance as is necessary for the proper operation of the facility; that the grade of existing streets be changed or that the traveled portion of existing streets be widened and improved so as to facilitate entrance to the expressway, it shall formulate a tentative order evidencing such requirement and file a certified copy thereof with the clerk of each town, city or village affected by ~~such~~ the tentative order for consideration thereof by the governing body of ~~such~~ the town, city or village.

2. The governing body or ~~such~~ the committee ~~thereof as which~~ the governing body designates shall hold a public hearing in considering ~~such~~ the tentative order and shall publish in the county a class 2 notice, under ch. 985, of such hearing.

3. If ~~such~~ the tentative order is not approved within 90 days from the date of ~~such~~ the filing, the ~~commission board~~ commission board shall present the tentative order to the transportation commission, which shall hold a public hearing thereon, of which hearing the municipality in question shall be given notice. The transportation commission shall have jurisdiction to pass upon the necessity and reasonableness of the proposed tentative order, and it may approve, modify and approve or disapprove ~~of the order, and its.~~ The commission's decision thereon shall be final, with no review allowed under ch. 227.

4. If ~~such~~ the tentative order is approved by the governing body of the municipality affected, or if it is approved or modified and approved by the transportation commission, the ~~county expressway commission board~~ county expressway commission board may thereafter issue a final order identical with the original tentative order as ~~the same may be~~ modified by the transportation commission's decision. A certified copy of ~~such~~ the final order shall be filed with the clerk of the town, village or city affected. Notice of the making of ~~such~~ the order shall be published in the county as a class 1 notice, under ch. 985.

5. The governing body of ~~such~~ the town, village or city shall, within 30 days after ~~such~~ the filing, take the necessary action to comply with ~~such~~ the order and in so doing shall not be limited by the objections of any abutting owner, and ~~the provisions of s. 80.32 (4)~~ shall not be applicable to any vacation or discontinuance required by ~~such~~ the order and any such town, village or city may act upon the initiative of its governing body without the

necessity of obtaining the consent of any abutting owners, notwithstanding ~~any provisions of chs. 60, 61, 62 and 66 and s. 80.32 (4) and any and all other provisions of law to the contrary.~~

7. The plans, specifications, proposed contracts and the appraisal of damages, if any, caused to abutting owners by compliance with such the order shall be subject to approval by the commission board prior to the commencement of any work under such the order but such requirement for approval of such the order shall not affect the abutting property owners' rights of appeal from the determination of damages by the commissioner of public works of the city or by any other authorized person or body.

8. The cost of performing such work as may be required by any order of the commission board under this subsection, including damages granted for changes of legally established grade or necessary acquisition of lands, shall be paid by the county from expressway funds as an item of the particular expressway project budget upon presentation of vouchers which have been approved for payment by the governing body of such the town, village or city and the commission board. If the payment made by the county has been increased by reason of the town, city or village requesting an expenditure in excess of replacement or termination costs, the said town, village or city shall reimburse the county for such the excess cost. Said The reimbursement shall be credited by the county to abatement of the respective expense for which it was received.

(g) *Relocation of municipal utilities.* 1. The commission board, subject to approval by the public service commission after public hearing to all interested parties in such cases in which the public service commission would have jurisdiction, may by order require any town, village or city through which an expressway project is to be constructed to remove, relocate and replace in kind or with equal facilities, or if the town, village or city shall so request by enlarged facilities, any sewer, street lighting or other like utility service the location of which interferes with construction of an expressway project, ~~provided that in the event of such request. If enlarged facilities are requested~~ the town, village or city shall bear that part of the cost of such the improvement which exceeds the cost of the replacement of the existing facility in kind or with equal materials or facilities, ~~provided further that the commission. However the board shall bear such the excess cost where the installation of such the enlarged facility is caused by designed construction and use of the expressway. A certified copy of such the order shall be filed with the clerk of each town, village or city affected and upon such the filing each such town, village or city shall within 30 days thereafter take the necessary action to comply with such the order, provided that all. All plans, specifications and contracts for any of such the work shall be subject to approval by the commission. In any event, when board. When the work under specific contracts has been completed and approved by the governing body of such the town, village or city and the commission, the same shall be paid by board, the county shall pay for the work~~ from expressway funds as an item of the particular expressway project budget. If the payments made by the county exceed the replacement costs and such the additional cost was incurred at the specific request of the town, village or city, the said town, village or city shall reimburse the county therefor. Said The reimbursement shall be credited by the county as an abatement of the respective expenses for which it is received. If deemed feasible and desirable by the commission board any work provided for in this paragraph may be performed by commission forces the board or directly by contract, ~~in which event. In such cases the town, village or city in which such the work is performed shall afford the co-operation necessary and required by cooperate with the commission board.~~

2. With respect to any water utility of any city, town or village which utility, in addition to providing water for human consumption, performs governmental functions in the way of providing water for fire protection, sewerage operation, street sanitation, park bathing pools and the like, the commission board shall have the same powers and be subject to the same obligations as are provided in subd. 1, ~~provided that. However, water storage tanks, water pumping stations and water reservoirs shall not be included in any~~

~~order of the commission and~~ may be removed, relocated and replaced by the board only with the consent and approval of the city, town or village owning and operating such the facilities.

(h) 2. Whenever the ~~commission board~~ proposes to ~~submit~~ consider adoption of an expressway project ~~to the county board for its approval~~, it shall give notice thereof to each privately owned public utility or other person affected by such the project indicating in such the notice the action which it desires such the utility or person to take, and such the utility or person shall within 90 days after receipt of such the notice furnish to the ~~commission board~~ its plan to comply with such the request.

3. When the utility, pursuant to the ~~commission's board's~~ order, proceeds with the work in a manner satisfactory to the ~~commission board~~, the county ~~by the commission~~ shall pay the utility from expressways funds upon monthly estimates of work performed and submitted for payment by the utility, two-thirds of the net cost incurred by the utility in performing such the work, after deducting reasonable and fair credits for items salvaged, for any betterments made at the option of the company and for the value as carried on the utility's books, of the used life of a facility retired from use if the service life of the new facility will extend beyond the expectancy of the one removed. The county shall not be liable to pay any value whatever for utility facilities where use of the same has been abandoned for reasons other than the construction or proposed construction of an expressway project even though the installation is intact.

4. The ~~commission board~~ and any utility required to accommodate, relocate or remove a utility facility described in subd. 1 may by agreement provide for the respective amounts of the cost to be borne by each so as to resolve any dispute as to the allowance of charges and credits as ~~hereinabove~~ set forth in this paragraph. When such the agreement has been concluded, the county ~~by the commission~~ shall pay out of expressway funds its share of such the cost upon monthly estimates of work performed and submitted for payment by the utility.

5. If the ~~commission board~~ and any privately owned public utility are unable to agree as to the division of such the costs, either may appeal to the public service commission, which body shall determine the proper amounts of reimbursement according to the provisions expressed in this paragraph. Either party may have a review of the public service commission's decision in the manner provided in ch. 227. If it ~~be~~ is determined upon such review that the county has paid more than two-thirds of the net cost of compliance by a utility with the ~~commission's board's~~ order, any overage shall be reimbursed to the county by the utility.

6. No such appeal shall delay construction of the expressway project ~~nor~~ or compliance by the privately owned public utilities with the orders of the ~~expressway commission~~, provided that such compliance board. Compliance shall not prejudice the rights of either the ~~commission board~~ or the utilities in any pending appeal.

7. If any person refuses to comply with an order of the ~~commission board~~ as promulgated ~~in accordance with~~ under this paragraph, the ~~commission board~~ may have a writ of assistance from the circuit court to compel compliance, and such the person shall be liable for all damages caused to the ~~commission board~~ by such the delay.

8. ~~Whenever any~~ If a steam or electric railroad tracks shall cross or be track crosses or ~~is~~ crossed by an expressway project, ss. 195.28 to 195.291 shall be applicable apply.

(k) *Building permits on lands in expressway routes.* Each town, village or city through which a route of the approved expressway plan, as amended from time to time, shall pass, shall be given a formal notice of such the route and a map thereof. Thereafter, when an owner of land within the ~~right-of-way~~ right-of-way of an expressway indicated on such the map shall ~~make application~~ applies for a building permit affecting such lands, final action on such the application shall be deferred for a reasonable time not exceeding



60 days and the municipality shall within 5 days after receipt of ~~such~~ the application notify the ~~commission board~~ thereof.

(L) *Forces to construct expressway projects.* The ~~commission board~~ may in its discretion use its own forces to construct expressway projects in whole or in part or may ~~with the approval of the county board~~ use county highway forces for such purposes.

(n) *Meetings; reports.* The ~~commission board~~ shall hold meetings for the transaction of business. ~~All under this section and all~~ such meetings shall be open to the public. The ~~commission board~~ shall prepare annually a report of its official transactions and expenditures under this section and shall mail ~~such~~ the statement to the governor, to the mayor of the largest city in ~~such~~ the 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~~ the county.

SECTION 7. 59.965 (4), (6) to (9) and (10) (a) of the statutes are amended to read:

59.965 (4) TRANSFER OF PRIOR EXPRESSWAY STUDIES AND REPORTS. ~~Upon the organization of such commission,~~ The county expressway and transportation commission created under s. 59.965 (2), 1977 stats., and the governmental authorities of the largest city in ~~such~~ the county shall transfer and deliver to the ~~commission board~~ the original or certified copy of all maps and engineering studies and reports pertaining to an expressways system in ~~such~~ the city and county, together with all contracts pertaining to the creation and construction of ~~such~~ expressways. Upon demand by the ~~commission board~~ the largest city in the county with the approval of the common council shall execute and deliver to ~~such~~ the county quitclaim deeds of all lands acquired or dedicated or owned by the city and needed for the purpose of ~~right-of-way~~ right-of-way for ~~such~~ the expressways, ~~provided if~~ the cost thereof was included in the determination of prior expressway expenditures.

(6) REIMBURSEMENT FOR PRIOR EXPRESSWAY FINANCING. Municipalities shall be reimbursed for prior expressway project expenditures. Any expressway projects under construction at the time the county expressway and transportation commission is was created and the transfer of functions to the commission ~~has been was~~ effectuated under s. 59.965, 1977 stats., shall be completed by the ~~commission board~~. Such municipalities shall be reimbursed for ~~such~~ prior expressway expenditures and obligation incurred for the cost of ~~right-of-way~~ right-of-way acquisition and clearance, construction engineering, and actual construction to the extent of ~~such~~ the municipalities' contribution from tax levy or bond funds. Each such municipality shall calculate ~~such~~ its contribution and certify ~~same~~ the contribution with full data to the ~~commission board~~. It shall then be subject to consideration, audit and approval by the ~~commission~~. ~~Upon such approval board.~~ If approved by the board, reimbursement shall be ~~effected~~ made 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 department of transportation and any county having a population of 500,000 or more ~~are authorized to~~ may enter into an agreement providing that when the proceeds of bonds issued by ~~such~~ the 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~~ the 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~~ the sum of money derived from federal aid for highways which may be authorized by the congress and apportioned to this state for any 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~~ the bonds formed a part.

(8) AGREEMENTS FOR STATE AID TO RETIRE MATURITIES. The department of transportation ~~is authorized to~~ may 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~~ the county are expended under ~~the provisions of~~ ch. 84 in the improvement of state trunk highways or connecting highways, in addition to the agreed county share of ~~such~~ the 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 department of transportation in any fiscal year will be paid to ~~such~~ the county to aid in retirement of the annual maturities of the principal indebtedness of ~~such~~ the bonds from funds appropriated and available to the department of transportation for the improvement of state trunk highways or connecting highways. Payments may be made pursuant to ~~such~~ the agreement, before or after the bonds mature, from funds appropriated and available to the department of transportation for the improvement of state trunk highways or connecting highways after making provision for adequate maintenance and traffic service, but this section or ~~such~~ the agreement shall not constitute a commitment on the part of this state or the county to provide ~~such~~ the funds. Any money so paid shall be deposited by ~~such~~ the county in its sinking fund created for the purpose of payment of the bond issue of which ~~such~~ the 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 board~~. Any municipality having an expressway staff shall, upon request of ~~the commission~~, and upon approval by the county board, transfer ~~such~~ the staff to the county, and ~~such~~ the agents and employes of ~~such~~ the 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~~ deems necessary to assist ~~the commission~~ in the planning of the expressway system.

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

(10) (a) (title) *Maintenance and operation.* Whenever any expressway project ~~has been~~ is opened to traffic, the certification of such fact shall be filed with the clerk of the municipality in which ~~such~~ the project is located. ~~Such~~ The notice shall be filed by the department of transportation in all cases where the construction contract has been awarded by the department of transportation, or by the ~~commission board~~ where the construction contract has been awarded by the ~~commission board~~. Thereafter the portion of the expressway system included in such opening shall be operated and maintained by the county, ~~provided that where~~ but if any ~~such~~ expressway project is selected and designated as a state trunk or interstate highway that portion of the expressway shall be maintained by the state. The maintenance responsibility of the county or state shall include all areas within the ~~right-of-way~~ right-of-way fence lines and between the ~~right-of-way~~ right-of-way fence lines and the curb lines of adjacent streets, except that connecting ramps constructed as a part of the expressway system shall be included in such maintenance to the near curb lines of the street with which they connect. All areas not specifically included within these described limits shall be maintained by the municipality in which ~~such~~ the expressway is located, except that the state or county shall maintain the structural parts of bridges carrying local traffic over the expressway, including generally the footings, piers, columns, abutments and structural girders.

**SECTION 8.** 59.965 (11) of the statutes is created to read:

59.965 (11) **DESIGNATED STANDING COMMITTEE.** The board may designate a standing committee to perform all of the duties and to exercise all of the powers of the board under this section, except those powers and duties in sub. (2) (a) and (b). All actions of the standing committee under this section may be modified and shall be approved or disapproved by the board.

**SECTION 9.** 84.09 (7) of the statutes is amended to read:

84.09 (7) When transportation funds or federal aid are involved in financing an expressway project pursuant to under s. 59.965, the department, proceeding under the general authority in this section, may order that all or certain parts of the required land or interests therein shall be acquired by the county ~~expressway commission~~ board or its designated standing committee. When so ordered, the ~~expressway commission~~ county board or its designated standing committee and the department shall appraise and agree on the maximum price, including all damages recoverable in condemnation proceedings, considered reasonable for the lands or interests to be so acquired. The ~~expressway commission~~ county board or its designated standing committee shall endeavor to obtain easements or title in fee simple by conveyance of the lands or interests required, to the county or the state as grantee, all as directed in the department's order. The instrument of conveyance shall be subject to approval by the department, and shall be recorded in the office of the register of deeds and filed with the department. If the needed lands or interests therein cannot be purchased expeditiously within the agreed appraised price, the ~~expressway commission~~ county board or its designated standing committee may acquire them by condemnation under ch. 32, but any award by the ~~expressway commission~~ county board or its designated standing committee in excess of the agreed appraisal price shall be subject to review by the department. For the purposes and in the manner provided in s. 59.965 ~~(5)~~ (2) (d) 1, when so directed in the department's order, the ~~expressway commission~~ county board or its designated standing committee may acquire remnants, and with the approval of the department the ~~expressway commission~~ county board may dispose of remnants and may improve, use, maintain or lease lands and interests acquired and held in trust for the state until they are actually needed for expressway construction. The net proceeds of ~~such~~ the sales or rentals shall be remitted to the state or retained and used for expressway purposes when so directed by the department.

**SECTION 10. Name change.** Wherever the term "commission" appears in the following sections of the statutes, as renumbered by this act, the term "board" is substituted: 59.965 (2) (f) 6, (h) 1, (i), (m) and (o).

**SECTION 11. Program responsibilities.** (1) **OFFICE OF THE GOVERNOR.** In the list of program responsibilities enumerated for the office of the governor in section 14.011 (intro.) of the statutes, reference to section "59.965" is deleted.

(2) **TRANSPORTATION COMMISSION.** In the list of program responsibilities enumerated for the transportation commission in section 15.461 (1) of the statutes, reference to section "59.965 (2) (f)" is inserted.

(3) **PUBLIC SERVICE COMMISSION.** In the list of program responsibilities enumerated for the public service commission in section 15.791 of the statutes, reference to section "59.965 (5) (g) and (h)" is deleted and reference to section "59.965 (2) (g) and (h)" is inserted.

**SECTION 12. Cross reference changes.** In the sections of the statutes listed in Column A, the cross references shown in Column B are changed to the cross references shown in Column C:

A	B	C
Statute Sections	Old Cross References	New Cross References
59.965 (2) (o), as renumbered	59.965 (5) (a) to (m)	59.965 (2) (a) to (n)
67.04 (1) (v)	59.965 (1) (a)	59.965 (1) (b)

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70.11 (2)

59.965 (5) (d)

59.965 (2) (d)

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