

1985 Senate Bill 234

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1985 Wisconsin Act 187

AN ACT to repeal chapter 193, 66.062, 66.063, 195.05 (7), 197.10 (6), 347.02 (1) (f), 348.05 (2) (g) and (h) and 348.07 (2) (b); to renumber and amend 61.44 (2); and to amend 32.02 (3), 32.03 (2), 32.07 (2), 59.965 (2) (h) 8, 59.968 (4) (intro.), 62.23 (2), 66.064, 66.065 (1), (5) and (6), 66.071 (2) (b), (c) and (e), 66.64 (1), 66.894 (3), 66.94 (1) (i), (16) (a) and (35), 67.01 (9) (g), 67.05 (5) (b), 78.78 (1), 84.05, 86.22, 134.40, 182.018 (1), 191.01 (1), 194.01 (7), 195.02 (1), 195.25 (1), 196.91 (1) (intro.), 197.10 (1) (intro.), (a), (c), (g) and (h) and (2) to (5), 340.01 (35) and (48), 341.05 (6), 341.26 (2) (h), 344.01 (2) (g), 346.91, 347.43 (1), 347.45 (1), 409.105 (1) (n), 409.302 (3) (d) and 941.03 (2) of the statutes, relating to street and interurban railways, electric railways and trackless trolleys.

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

SECTION 1. 32.02 (3) of the statutes is amended to read:

32.02 (3) Any railroad corporation, ~~any street or interurban railway corporation~~, any grantee of a permit to construct a dam to develop hydroelectric energy for sale to the public ~~or for the operation of a street or interurban railway~~, any Wisconsin plank or turnpike road corporation, any drainage corporation, any interstate bridge corporation, or any corporation formed under chapter 288, laws of 1899, for any public purpose authorized by its articles of ~~organization~~ incorporation.

SECTION 2. 32.03 (2) of the statutes is amended to read:

32.03 (2) Any railroad corporation ~~or street or interurban railway corporation~~, or pipeline corporation may acquire by condemnation lands or interest therein which are held and owned by another railroad corporation, ~~street or interurban railway~~ or pipeline corporation. In the case of a railroad corporation, ~~or street or interurban railway corporation~~ no such land shall be taken so as to interfere with the main track of the railroad first established except for crossing, and in the case of a pipeline corporation no such land shall

be taken except for crossing or in such manner as to interfere with or endanger railroad operations.

SECTION 3. 32.07 (2) of the statutes is amended to read:

32.07 (2) The petitioner shall determine necessity if application is by the state or any commission, department, board or other branch of state government or by a city, village, town, county, board, commission, public officer, commission created by contract under s. 66.30, redevelopment authority created under s. 66.431, housing authority created under ss. 66.40 to 66.404 or for the right-of-way of a railroad ~~or a street or interurban railway~~ up to 100 feet in width, for a telegraph, telephone or other electric line, for the right-of-way for a gas pipeline, main or service or for easements for the construction of any elevated structure or subway for railroad, ~~street or interurban railway~~ purposes.

SECTION 4. 59.965 (2) (h) 8 of the statutes is amended to read:

59.965 (2) (h) 8. If a ~~steam or electric~~ railroad track crosses or is crossed by an expressway project, ss. 195.28 to 195.29 shall apply.

SECTION 5. 59.968 (4) (intro.) of the statutes is amended to read:

59.968 (4) (intro.) Acquire a transportation system by purchase, condemnation under s. 32.05 or otherwise and provide funds for the operation and maintenance of such a system. "Transportation system" means all land, shops, structures, equipment, property, franchises and rights of whatever nature required for transportation of passengers or freight within the county, or between counties, including, without limitation, ~~street railways~~, elevated railroads, subways, underground railroads, motor vehicles, ~~trackless trolley buses~~, motor buses and any combination thereof, and any other form of mass transportation. Such acquisition and operation between counties shall be subject to ~~chs. 193 and ch.~~ 194 and whenever the proposed operations between such counties would be competitive with the urban or suburban operations of another existing common carrier of passengers or freight, the county shall coordinate proposed operations with such carrier to eliminate adverse financial impact for such carrier. This coordination may include, but is not limited to, route overlapping, transfers, transfer points, schedule coordination, joint use of facilities, lease of route service and acquisition of route and corollary equipment. If such coordination does not result in mutual agreement, the proposals shall be submitted to the office of the commissioner of transportation for arbitration. The following forms of transportation are excepted from the definition of "transportation system":

SECTION 6. 61.44 (2) of the statutes is renumbered 61.44 and amended to read:

61.44 Railroads, dust prevention. The village board may require any ~~street railway, interurban railway, or~~ railroad company, to cause its roadbed within the limits of ~~said the~~ village, to a distance of one foot outside each rail, to be sprinkled with water or to be oiled, in such manner as to prevent dust from arising therefrom.

SECTION 7. 62.23 (2) of the statutes is amended to read:

62.23 (2) FUNCTIONS. It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment bear relation to the development of the municipality provided, however, that in any county where a regional planning department has been established, areas outside the boundaries of a municipality may not be included in the master plan without the consent of the county board of supervisors. The master plan, with the accompanying maps, plats, charts and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, bridges, viaducts, parking areas, tunnels, public places and areas, parks, parkways, playgrounds,

sites for public buildings and structures, airports, pier-head and bulkhead lines, waterways, routes for railroads, ~~street railways~~ and buses, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, the general character, extent and layout of the replanning of blighted districts and slum areas, and a comprehensive zoning plan. The commission may from time to time amend, extend or add to the master plan or carry any part or subject matter into greater detail. The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

SECTION 8. 66.062 of the statutes is repealed.

SECTION 9. 66.063 of the statutes is repealed.

SECTION 10. 66.064 of the statutes is amended to read:

66.064 Joint operation. Any city or village served by any privately owned public utility, ~~street railway, interurban railway,~~ motor bus or other systems of public transportation rendering local service may contract with the owner thereof for the leasing, public operation, joint operation, extension and improvement by the municipality or with funds loaned by the municipality, for the stabilization by municipal guaranty of the return upon or for the purchase by instalments out of earnings or otherwise of that portion of said public utility, ~~street or interurban railway~~ which is operated within such municipality and any territory immediately adjacent and tributary thereto; or for the accomplishment of any object agreed upon between the parties relating to the use, operation, management, value, earnings, purchase, extension, improvement, sale, lease or control of such property. The provisions of s. 66.07 relating to preliminary agreement, approval by the office of the commissioner of transportation or public service commission, and ratification by the electors, shall be applicable to the contracts authorized hereby and said office of the commissioner of transportation or public service commission shall, when any such contract is approved by it and consummated cooperate with the parties in respect to making valuations, appraisals, estimates and other determinations specified in such contract to be made by it.

SECTION 11. 66.065 (1), (5) and (6) of the statutes are amended to read:

66.065 (1) Any town, village or city may construct, acquire or lease any plant and equipment located within or without the municipality, and including interest in or lease of land, for furnishing water, light, heat, or power, to the municipality, or to its inhabi-

tants ~~or for street railway purposes~~; may acquire a controlling portion of the stock of any corporation owning private waterworks or lighting plant and equipment; and may purchase the equity of redemption in a mortgaged or bonded waterworks or lighting system, including the cases where the municipality shall in the franchise have reserved right to purchase. The character or duration of the franchise, permit or grant under which any public utility is operated, shall not affect the power to acquire the same hereunder. Two or more public utilities owned by the same person or corporation, or ~~two~~ 2 or more public utilities subject to the same lien or charge, may be acquired as a single enterprise under any proceeding heretofore begun or hereafter commenced, and the board or council may at any time agree with the owner or owners of any public utility or utilities as to the agreed value thereof, and to contract to purchase or acquire the same hereunder at such value, upon such terms and conditions as may be mutually agreed upon between said board or council and said owner or owners.

(5) 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 office of the commissioner of transportation under s. 194.23.

(6) Any street motor bus transportation company operating pursuant to ch. 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 office of the commissioner of transportation in the manner provided for the acquisition of utilities by municipalities under ch. 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 ch. 193, such motor bus facilities shall be acquired only by the acquisition, pursuant to ch. 193, of the transportation system to which they are auxiliary.~~

SECTION 12. 66.071 (2) (b), (c) and (e) of the statutes are amended to read:

66.071 (2) (b) If the city shall have determined to acquire a ~~street railway and an~~ electric plant ~~or either of them~~, or any other public utility in accordance with the provisions of this section, the mayor of such city,

prior to the city taking possession of such property, shall appoint, subject to the confirmation of the council, 7 persons of recognized business experience and standing to act as the board of directors for such utility. Two of such persons shall be appointed for a term of 2 years, 2 for a term of 4 years, 2 for a term of 6 years, and one for a term of 8 years. Thereafter successors shall be appointed in like manner for terms of 10 years each. Any such director may be removed by the mayor with the approval of the council for misconduct in office or for unreasonable absence from meetings of the directors.

(c) The directors so appointed shall have power: ~~To~~ to; employ a manager experienced in the management of ~~street railways and~~ electric plants or other like public utilities and fix his or her compensation and the other terms and conditions of employment and to remove him or her at pleasure, subject to the terms and conditions of his or her employment. ~~To~~; advise and consult with the manager and other employes as to any matter pertaining to maintenance, operation or extension of such utility. ~~To~~; and perform such other duties as ordinarily devolve upon a board of directors of a corporation organized under ch. 180 not inconsistent with this section and the laws governing 1st class cities of the first class. No money shall be raised or authorized to be raised by said board of directors other than from revenues derived from the operation of the utility, except by action of the council.

(e) The council shall fix the compensation, if any, of members of the board of directors and shall have the powers herein conferred upon it and such other powers as it now possesses with reference to ~~street railways~~, electric plants and other public utilities.

SECTION 13. 66.64 (1) of the statutes is amended to read:

66.64 (1) The property of the state, except that held for highway right-of-way purposes or acquired and held for purposes under s. 85.09, and the property of every county, city, village, town, school district, sewerage district or commission, sanitary or water district or commission, or any public board or commission within this state, and of every corporation, company or individual operating any railroad ~~or street railway~~, telegraph, telephone, electric light or power system, or doing any of the business mentioned in ch. 76, and of every other corporation or company whatever, shall be in all respects subject to all special assessments for local improvements. Certificates and improvement bonds therefor may be issued and the lien thereof enforced against such property, except property of the state, in the same manner and to the same extent as the property of individuals. Such assessments shall not extend to the right, easement or franchise to operate or maintain railroads, ~~street railways~~, telegraph, telephone or electric light or power systems in streets, alleys, parks or highways. The amount represented by any certificate or improvement bond issued as aforesaid shall be a debt due personally from such corpora-

tion, company or individual, payable in the case of a certificate when the taxes for the year of its issue are payable, and in the case of a bond according to the terms thereof.

SECTION 14. 66.894 (3) of the statutes is amended to read:

66.894 (3) (title) WATERWAYS. The commission may lay, construct and maintain any part of the sewerage system over, upon or under canals or other waterways ~~and under rights of way of interurban and street or electric railway companies.~~

SECTION 15. 66.94 (1) (i), (16) (a) and (35) of the statutes are amended to read:

66.94 (1) (i) "Transportation system" means all land, shops, structures, equipment, property, franchises and rights of whatever nature required for transportation of passengers for hire, freight and express, except all transportation facilities extending beyond the boundaries of the metropolitan district, and except all express and freight operations not operated in combination with transportation of passengers, including, however, without limitation, ~~street railways,~~ elevated railroads, subways, underground railroads, motor vehicles, ~~trackless trolley buses,~~ motor buses, and any combination thereof, or any other form of mass transportation operation.

(16) (a) *Purchase of equipment.* The authority shall have power to purchase equipment such as cars, ~~trackless trolleys~~ and motor buses, and may execute agreements, leases and equipment trust certificates in the form customarily used in such cases appropriate to effect such purchase and may dispose of such equipment trust certificates. All money required to be paid by the authority under the provisions of such agreements, leases and certificates shall be payable solely from the revenue or income to be derived from the transportation system and from grants and loans as provided in sub. (18). Payment for such equipment, or rentals therefor, may be made in instalments, and the deferred instalments may be evidenced by equipment trust certificates payable solely from such revenue or income, and it may be provided that title to such equipment shall not vest in the authority until the equipment trust certificates are paid.

(35) CLAIMS AGAINST AUTHORITY FOR PERSONAL INJURIES, DEATHS OR PROPERTY DAMAGES. Civil actions to enforce claims against the authority for personal injuries, wrongful deaths or property damages may be commenced and prosecuted ~~upon the same terms and conditions and in the same manner as such actions are commenced and prosecuted against street railway companies which are in private ownership.~~

SECTION 16. 67.01 (9) (g) of the statutes is amended to read:

67.01 (9) (g) To revenue bonds and revenue bond anticipation notes issued for the purpose of purchasing, acquiring, constructing, extending, adding to or improving public utilities, ~~including street railways,~~ pursuant to ss. 66.06 to 66.078, nor to refunding

bonds authorized pursuant to s. 66.066 (2) (b), nor to public improvement bonds authorized under s. 66.059.

SECTION 17. 67.05 (5) (b) of the statutes is amended to read:

67.05 (5) (b) No city or village may issue any bonds for any purposes other than for waterworks, lighting works, gas works, bridges, street lighting, street improvements, street improvement funding, hospitals, airports, harbor improvements, river improvements, breakwaters and protection piers, sewerage, garbage disposal, rubbish or refuse disposal, any combination of sewage, garbage or refuse or rubbish disposal, parks and public grounds, swimming pools and band shells thereon, veterans housing projects, ~~street railway property,~~ or paying the municipality's portion of the cost of abolishing grade crossings, for the construction of police facilities and combined fire and police safety buildings, for the purchase of sites for engine houses, for fire engines and other equipment of the fire department, for construction of engine houses, and for pumps, water mains, reservoirs and all other reasonable facilities for fire protection apparatus or equipment for fire protection, for parking lots or other parking facilities, for school purposes, for libraries, for buildings for the housing of machinery and equipment, for acquiring and developing sites for industry and commerce as will expand the municipal tax base, for financing the cost of low-interest mortgage loans under s. 66.38, for providing financial assistance to blight elimination, slum clearance, community development, redevelopment and urban renewal programs and projects under ss. 66.405 to 66.425, 66.43, 66.431, 66.4325, 66.435 and 66.46, university of Wisconsin system centers, or for refunding any of the bonds issued for any of these purposes, or for bonds issued to refund securities originally issued under s. 66.066, until the proposition for their issue for the special purpose thereof has been submitted to the electors of the city or village and adopted by a majority vote. If the common council of any city or the village board of any village declares its purpose to raise money by issuing bonds for any purpose other than those above specified, it shall direct by resolution, which shall be recorded at length in the record of its proceedings, the clerk to call a special election for the purpose of submitting the question of bonding to the city or village electors. The elections shall be noticed, conducted, canvassed and the result declared as provided in this subsection, except that the notice of the special election and the ballot used at the election need not include a copy of the resolution. The notice shall contain a statement of the purpose and the amount of the bonds proposed to be issued. If a number of electors of a city or village equal to at least 15% of the votes cast for governor at the last general election in their city or village sign and file a petition with the city or village clerk requesting submission of the resolution, the city or village may not issue bonds for financ-

ing the cost of low-interest mortgage loans under s. 66.38 without calling a special election to submit the question of bonding to the city or village electors for their approval.

SECTION 18. 78.78 (1) of the statutes is amended to read:

78.78 (1) Every agent or employe of every railroad company, ~~street, suburban or interurban railroad company,~~ pipeline company, motor truck or motor tank car company, water transportation company, and every other common carrier transporting motor fuel, general aviation fuel or special fuel, either in interstate or intrastate commerce, which originates at or is destined to a point in this state, and every person transporting motor fuel, general aviation fuel or special fuel interstate, which transportation originates at or is destined to a point in this state, who has the custody of books and records showing the transportation, shall report all the transportation to the department on forms prescribed and furnished by it. This subsection shall not apply to local distribution of motor fuel by persons in bordering states licensed by the department under s. 78.09 (2) (a) for motor fuel distributed by them into the local trading area specified or to persons in this state similarly licensed by a bordering state for comparable purposes.

SECTION 19. 84.05 of the statutes is amended to read:

84.05 Railroad crossing improvements. On a highway which the department has authority to construct and which crosses a railroad ~~or street railway~~, if the department determines that the construction or reconstruction of a grade separation or the rearrangement or elimination of a grade crossing or other rearrangement of the highway or tracks is necessary in the interest of public safety or for convenience of public travel, the department shall make a plan of the construction proposed and an estimate of the cost thereof, including the cost of needed ~~right-of-way~~ right-of-way; and shall endeavor to make an arrangement with all persons concerned as to all matters involved in the plan, including the portion of the cost of the contemplated work which the persons shall defray. If the department is unable to contract with the persons concerned as to the distribution and payment of the cost of the work or the maintenance thereof, the department shall lay the matter before the office of the commissioner of transportation, and the office of the commissioner of transportation shall review the proceedings and hold a hearing thereon in accordance with ss. 195.28 and 195.29, and shall fix the portion of the cost of the construction and of the maintenance which is to be paid by the persons or corporations concerned, and the portion of the cost, if any, to be paid by the public, which portion shall be paid from the ~~highway construction~~ transportation fund. The office of the commissioner of transportation shall determine the benefits, if any, which will inure to other highways, and apportion and charge to the units of government

responsible for the construction of such other highways a fair portion of the cost.

SECTION 20. 86.22 of the statutes is amended to read:

86.22 Interstate railroad bridges must have convenient approaches. Each corporation incorporated under the laws of this state and granted a franchise or permit by the U.S. congress to construct, maintain and operate a railroad bridge and provide for the passage of ~~pedestrians, wagons~~ persons and vehicles and ~~all kinds of street railway and motor cars~~ across the waters forming a boundary line between this and any other state and to forever maintain the bridge in accessible and serviceable condition, shall construct or cause to be constructed, approaches making the bridge accessible and serviceable for the use of ~~pedestrians, wagons,~~ persons and vehicles and ~~all kinds of street railway and motor cars~~ as a connection between this state and the state connected therewith by the bridge, so that the bridge shall be accessible and serviceable to ~~pedestrians, wagons~~ persons and vehicles and ~~all kinds of street railway and motor cars~~ at the time such bridge is used for railroad service, and if any such corporation fails or refuses to comply with this section within one year from the time the bridge is used for railroad service the charter of the corporation granted by this state shall thereupon be forfeited, as a result of the failure or refusal to comply with this section, without any further action whatever and the corporation shall forthwith discontinue the transaction or operation of its business in this state.

SECTION 21. 134.40 of the statutes is amended to read:

134.40 Injury to wires by removal of building, etc. Any person having the right so to do who shall wilfully remove or change any building or other structure or any timber, standing or fallen, to which any telegraph, telephone, ~~electric railway~~, electric light or electric power lines or wires are in any manner attached, or cause the same to be done, which shall destroy, disturb or injure the wires, poles or other property of any telegraph, telephone, ~~electric railway~~, electric light or electric power company transacting business in this state, without first giving to such company, at its office nearest to such place of injury, at least 24 hours' previous notice thereof, shall be ~~punished by imprisonment in the county jail~~ imprisoned not more than 30 days or by fine fined not exceeding more than \$50. And any person who shall unlawfully break down, interrupt or remove any telegraph, telephone, ~~electric railway~~, electric light or electric power line or wire or destroy, disturb, interfere with or injure the wires, poles or other property of any telegraph, telephone, ~~electric railway~~, electric light or electric power company in this state shall be ~~punished by imprisonment in the county jail~~ imprisoned not more than 3 months or by fine fined not exceeding more than \$100.

SECTION 22. 182.018 (1) of the statutes is amended to read:

182.018 (1) All wires strung over any railroad prior to August 1, 1949, shall be tied to insulators fastened to double cross-arms attached to a pole at each side of the crossing. The poles if of wood shall not be less than 6 inches in diameter at the top (if of other materials at least the equivalent strength thereof), set not less than 5 feet in the ground, securely guyed, and, unless the railroad ~~right-of-way~~ right-of-way is over 100 feet in width, shall be set not more than 100 feet apart. The cross-arms shall be attached to the poles by machine bolts, and braced by at least one iron brace from each cross-arm to the pole. All wires shall be maintained not less than 25 feet above the rails, ~~except street railway trolley wires, which shall be maintained not less than 22 feet above the rails.~~

SECTION 23. 191.01 (1) of the statutes is amended to read:

191.01 (1) SCOPE OF THIS CHAPTER. ~~The provisions of this This chapter shall apply applies~~ to all railroads ~~except street and interurban railroads in cities.~~

SECTION 24. Chapter 193 of the statutes is repealed.

SECTION 25. 194.01 (7) of the statutes is amended to read:

194.01 (7) "Motor vehicle" means any automobile, truck, trailer, semitrailer, tractor, motor bus or any self-propelled or motor driven vehicle, except a motorcycle, moped, motor bicycle or a vehicle operated on rails, ~~or trackless trolley car.~~

SECTION 26. 195.02 (1) of the statutes is amended to read:

195.02 (1) In this chapter, unless a different meaning is manifest: "Railroad" means and embraces all corporations, companies, individuals, associations, their lessees, trustees or receivers that own, operate, manage or control any railroad or part of a railroad as a common carrier in this state, or cars, or other equipment used thereon, or bridges, terminals or sidetracks, used in connection therewith, whether owned by such railroad or otherwise, ~~and all street and interurban railway companies.~~

SECTION 27. 195.05 (7) of the statutes is repealed.

SECTION 28. 195.25 (1) of the statutes is amended to read:

195.25 (1) No ~~steam~~ railroad company shall operate any train that is not equipped with at least one medical emergency case with suitable equipment which shall be at all times kept in a definitely fixed, convenient and accessible place on such trains.

SECTION 29. 196.91 (1) (intro.) of the statutes is amended to read:

196.91 (1) (intro.) Except as provided under s. 196.92 (3) (c), every domestic corporation lawfully engaged in the business of producing, transmitting, delivering or furnishing heat, light, water, or power, ~~or street or interurban electric railway service to or for~~

the public may acquire, for the purpose of developing power and generating energy for public use in the business:

SECTION 30. 197.10 (1) (intro.), (a), (c), (g) and (h) and (2) to (5) of the statutes are amended to read:

197.10 (1) (intro.) Any 1st class ~~city of the first class~~, however incorporated, may enter into contract, upon any terms not repugnant to the constitution of this state, with the owner or owners of any ~~street railway, interurban railway or~~ public utility, as defined in s. 196.01, except utilities for the operation of telephone or telegraph lines, operated in whole or in part within the corporate limits of said city, for any or all of the following purposes:

(a) To provide for the leasing, public operation or joint operation of any part or all of the properties of such public utility, ~~street railway or interurban railway,~~ by said city.

(c) To determine and fix by the terms of such contract the value of the properties of such utility, ~~street railway, or interurban railway~~ to be used as a basis for the computation and distribution of earnings, rates, and rate of return to the owner or owners of such public utility, ~~street railway, or interurban railway.~~

(g) To provide for the purchase by the city of mortgage or revenue bonds issued by such public utility, ~~street railway or interurban railway.~~

(h) To provide for the submission of matters of difference arising between the parties to the ~~office of the commissioner of transportation or~~ public service commission or to a board of arbitrators as the parties may agree.

(2) Such contract when adopted by the common council of said city and accepted by the owner or owners of such public utility, ~~street railway, or interurban railway~~ shall be submitted to the ~~office of the commissioner of transportation or~~ public service commission for its approval and upon such approval the same shall be submitted in such manner as the common council shall determine to a vote of the electors of such city at the next regular municipal election or at a special election called for that purpose, and such contract shall not become binding upon such city until approved by a majority vote of the qualified electors of such city voting thereon. No bonds shall in any case be issued by said city under the contract or contracts mentioned in sub. (1), until the proposition of their issue shall have been submitted to the people of such city and adopted by a majority of the electors voting thereon.

(3) It shall be the duty of the ~~office of the commissioner of transportation or~~ public service commission upon request joined in by both parties to any such contract to advise and cooperate with them in the making of audits, estimates, and other determinations of fact which will aid the parties in reaching an agreement or in the operation of the property under such agreement.

(4) Insofar as the use, operation, service, management, control, sale, lease, purchase, extension, improvement, rates, value or earnings of the properties of the public utility, ~~street railway or interurban railway~~ or provisions looking toward the ultimate acquisition of the same are made subject to the terms of any contract provided for in sub. (1), and so long as said contract remains in force, the following sections ~~and parts of sections~~ of the statutes shall be inapplicable to the same, to wit: ss. ~~193.37, 193.38, 193.39, 193.40, 193.41, 193.42, 193.43, 193.44, 195.05, 195.10, 196.02 (1), and (2), 196.05, 196.09, 196.10, 196.11, 196.15, 196.16, 196.19 (6), 196.20, 196.21, 196.22, 196.26, 196.28, 196.30, 196.37, 196.39, 196.40, 196.58, 196.70, 197.01 (2) to (4), 197.02, 197.03, 197.04, 197.05, 197.06, 197.08 and 197.09~~; provided, that nothing in any contract made hereunder shall operate to prevent an appeal to the public service commission ~~or the office of the commissioner of transportation~~, by any person, ~~firm or corporation~~ other than a party to said contract, upon any complaint alleging that any rate, fare, charge or classification, or any joint rate, or any regulation, act or practice ~~whatsoever affecting the transportation of persons or property~~, or relating to the production, transmission, delivery or furnishing of gas, heat, light or power, or any service in connection therewith, ~~are~~ is unjustly discriminatory, or that any such service is inadequate or cannot be obtained. Upon said appeal the commission ~~or the office~~ shall, as provided by law, determine and by order fix a rate, fare, charge, classification, joint rate or regulation, act or practice or service to be imposed, observed or followed in the future in lieu of that found to be unjustly discriminatory or inadequate.

(5) Nothing in this section shall operate to deprive the ~~office of the commissioner of transportation or public service commission~~ of its jurisdiction over service, rates and other matters, as provided in chs. ~~195 to 196 and 197~~, outside of the limits of said 1st class city of the first class. If any complaint or investigation before ~~the office or the commission~~ as to service, rates or other matters arising outside of any such city necessarily shall involve any contract authorized in sub. (1), or any specifications, rules, regulations or acts in its conduct or administration such city shall be made a party to such proceeding and to the extent that such contract or its administration shall be determined by ~~the office or the commission~~ to be unreasonable or unjustly discriminatory as regards any person or municipality outside of such city, the same shall be changed to conform to the rates, service or regulations provided by ~~the office or the commission~~ outside of such city.

SECTION 31. 197.10 (6) of the statutes is repealed.

SECTION 32. 340.01 (35) and (48) of the statutes are amended to read:

340.01 (35) "Motor vehicle" means a vehicle which is self-propelled, ~~including a trackless trolley bus~~, except that a snowmobile shall only be considered a

motor vehicle for purposes made specifically applicable by statute.

(48) "Railroad train" means every device ~~except a streetcar~~, with or without engine or motor and whether or not coupled to other similar devices, operated upon rails for the transporting of persons or property.

SECTION 33. 341.05 (6) of the statutes is amended to read:

341.05 (6) Is operated exclusively upon stationary rails or tracks ~~or propelled by the use of electricity obtained from overhead trolley structures~~; or

SECTION 34. 341.26 (2) (h) of the statutes is amended to read:

341.26 (2) (h) A motor vehicle used for the urban mass transportation of passengers as defined in s. 71.18 (2) (a) ~~or operated as auxiliary to or as part of a street railway system~~.

SECTION 35. 344.01 (2) (g) of the statutes is amended to read:

344.01 (2) (g) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except vehicles used exclusively upon stationary rails or tracks ~~or vehicles propelled by use of electricity obtained from overhead trolley structures~~.

SECTION 36. 346.91 of the statutes is amended to read:

346.91 Crossing fire hose. No person without the consent of the fire department official in command ~~shall~~ may drive a vehicle over any unprotected hose of a fire department when such hose is laid down on any street, ~~or private driveway or streetcar track~~ to be used at any fire or alarm of fire.

SECTION 37. 347.02 (1) (f) of the statutes is repealed.

SECTION 38. 347.43 (1) of the statutes is amended to read:

347.43 (1) No person ~~shall~~ may operate upon a highway any ~~trackless trolley bus manufactured after January 1, 1952, or any other~~ motor vehicle manufactured after January 1, 1936, unless such ~~trackless trolley bus or~~ motor vehicle is equipped with safety glass wherever glass is used thereon in partitions, doors, windows or windshields.

SECTION 39. 347.45 (1) of the statutes is amended to read:

347.45 (1) All automobiles, motor trucks, motor buses, ~~trackless trolley buses~~, truck tractors, trailers, semitrailers and mobile homes when operated upon a highway shall be completely equipped with tires inflated with compressed air and all other motor vehicles when operated on a highway shall be equipped with tires of rubber or of some material or construction of equal resiliency. No person ~~shall~~ may operate on a highway any motor vehicle, trailer, semitrailer or mobile home having any metal tire in contact with the roadway, except that tire chains of reasonable propor-

tions may be used when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid, and except as provided in sub. (2) (c).

SECTION 40. 348.05 (2) (g) and (h) of the statutes are repealed.

SECTION 41. 348.07 (2) (b) of the statutes is repealed.

SECTION 42. 409.105 (1) (n) of the statutes is amended to read:

409.105 (1) (n) "Transmitting utility" means any person primarily engaged in the railroad, ~~street railway or trolley bus~~ business, the electric or electronics communications transmission business, the transmission of goods by pipeline, or the transmission or the

production and transmission of electricity, steam, gas or water, or the provision of sewer service.

SECTION 43. 409.302 (3) (d) of the statutes is amended to read:

409.302 (3) (d) Sections 182.025, and 190.11, ~~193.22~~ and other statutes providing for central filing.

SECTION 44. 941.03 (2) of the statutes is amended to read:

941.03 (2) In this section, "highway" means any public way or thoroughfare, including bridges thereon, any roadways commonly used for vehicular traffic, whether public or private, any railroad, ~~including street and interurban railways,~~ and any navigable waterway or airport.

SECTION 45. **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
85.01 (7)	193.01	193.01, 1983 stats
