

1973 Assembly Bill 94

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CHAPTER 63 , Laws of 1973

AN ACT to amend 194.05 (1); and to create 59.968 (4) to (8), 59.969, 63.03 (1) (x) and 67.04 (1) (aa) of the statutes, relating to county acquisition of transportation systems.

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

SECTION 1. 59.968 (4) to (8) of the statutes are created to read:

59.968 (4) 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 for hire within the county, or contiguous or cornering counties, including, without limitation, street railways, elevated railroads, subways, underground railroads, motor vehicles, trackless trolley busses, motor busses and any combination thereof, and any other form of mass transportation. Such acquisition and operation within contiguous or cornering counties shall be subject to chs. 193 and 194 and whenever the proposed operations into or within such contiguous or cornering counties would be competitive with the urban or suburban operations of another existing common carrier of passengers, 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 public service commission for arbitration. The following forms of transportation are excepted from the definition of "transportation system":

(a) Taxicabs.

(b) School bus transportation businesses or systems engaged primarily in the transportation of children to or from school, and which are subject to the regulatory jurisdiction of the department of transportation and the department of public instruction.

(c) Charter or contract operations to, from or between points outside the county or contiguous or cornering counties.

(5) Acquire all of the capital stock of a corporation owning and operating a transportation system.

(6) Use any public road or street or highway for the transportation of passengers for hire without obtaining a permit or license from any city, village or town for the

operation of a transportation system within such municipality but such use shall be subject to approval by the public service commission.

(7) Upon the acquisition of a transportation system:

(a) Operate and maintain it or lease it to any operator or contract for its use by any operator.

(b) Contract for superintendence of the system with any organization which has personnel with the experience and skill necessary.

(c) Delegate responsibility for the operation and maintenance of the system to any appropriate administrative officer, board or commission of the county notwithstanding s. 59.965 or any other section of the statutes.

(8) Subsections (4) to (7) shall only apply if a county board by a two-thirds vote of its membership so authorizes.

SECTION 2. 59.969 of the statutes is created to read:

59.969 County obligations to employes of county mass transportation systems.

(1) Any county board acquiring a transportation system under s. 59.968 (4) shall assume all the employer's obligations under any contract between the employes and management of the system.

(2) Any county board acquiring, constructing, controlling or operating a transportation system under s. 59.968 (4) shall negotiate an agreement protecting the interests of employes affected by the acquisition, construction, control or operation. Such agreements shall include, but are not limited to, provisions for:

(a) The preservation of rights, privileges and benefits under any existing collective bargaining agreement or other agreement.

(b) The preservation of rights and benefits under any existing pension plans covering prior service, and continued participation in social security.

(c) The continuation of collective bargaining rights.

(d) The protection of individual employes against a worsening of their positions with respect to their employment to the extent provided by section 13 (c) of the urban mass transportation act, as amended (49 U.S.C. 1609 (c)).

(e) Assurances of employment to employes of such transportation systems and priority of reemployment of employes terminated or laid off.

(f) Assurances of first opportunity of employment in order of seniority to employes of any nonacquired system, affected by any new, competitive or supplemental public transportation system, in any unfilled nonsupervisory positions for which they can qualify after a reasonable training period.

(g) Paid training or retraining programs.

(h) Signed written labor agreements.

(3) Any agreement under sub. (2) may include provisions for the submission of labor disputes to final and binding arbitration by an impartial umpire or board of arbitration acceptable to the parties.

(4) In all negotiations under this section, the county executive if such office exists shall be a member of the county negotiating body.

SECTION 3. 63.03 (1) (x) of the statutes is created to read:

63.03 (1) (x) Employees engaged in the operation of a public transportation system.

SECTION 4. 67.04 (1) (aa) of the statutes is created to read:

67.04 (1) (aa) To acquire a transportation system by purchase, condemnation or otherwise and to provide funds for the operation and maintenance of such a system and to acquire all of the capital stock of a corporation owning and operating a transportation system. For purposes of this paragraph, "transportation system" has the meaning denoted in s. 59.968 (4). Such bond issue shall be exempt from further sum sinking fund requirements under s. 67.11 (1) (e). Such bonds may be issued without a referendum.

SECTION 5. 194.05 (1) of the statutes is amended to read:

194.05 (1) This chapter shall not apply to motor vehicles owned by the United States, any state, or any political subdivision thereof, except in the case of transportation systems acquired and operated in contiguous or cornering counties under s. 59.968 (4).
