

Assembly Bill 299

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CHAPTER 290

AN ACT to amend 59.965 (2) (c) and (5) (intro. par.); and to repeal and recreate 59.965 (5) (d) 6 and (10) (a) of the statutes, relating to the composition and duties of the expressway commission in counties having a population of 500,000 or more.

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

SECTION 1. 59.965 (2) (c) and (5) (intro. par.) of the statutes are amended to read:

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

commission. The commission shall elect *one of its members vice chairman and one of its members secretary.*

(5) (intro. par.) The commission is charged with the duty and vested with all powers necessary to plan, acquire the right of way for and construct an expressway system in such county and to administer each expressway project until it ~~shall be~~ is certified as completed; ; *to co-ordinate expressway planning by other public agencies to the extent required to insure that an acceptable general plan of expressways to serve the entire county will be achieved; to co-operate with public and private agencies in mass transit 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:

SECTION 2. 59.965 (5) (d) 6 and (10) (a) of the statutes are repealed and recreated to read:

59.965 (5) (d) 6. When the commission has acquired title to lands in fee either for the county or the state, the county may use and develop any portion of said 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 the expressway right of way area in question is either on the federal interstate system or on a state trunk highway, the consent of the state highway commission 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 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 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.

(10) (a) *Same.* Whenever any expressway project has been opened to traffic, the certification of such fact shall be filed with the clerk of the municipality in which such project is located. Such notice shall be filed by the state highway commission in all cases where the construction contract has been awarded by the state highway commission, or by the commission where the construction contract has been awarded by the commission. Thereafter the portion of the expressway system included in such opening shall be operated and maintained by the county, provided that where 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 fence lines and between the 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 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.

Approved September 9, 1965.