

Senate Bill 474

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CHAPTER 339, LAWS OF 1967

AN ACT to amend 32.05 (intro.) and (1), 59.695 (title), (1) (b), (2) (title) and (a) and (5) (intro.), 66.061 (2) (a) and (b), 66.064, 66.066 (1), 66.94 (1) (d) and (2) and 67.04 (2) (g); and to create 59.965 (5) (n) and 66.061 (2) (d) of the statutes, relating to expressways in populous counties and to eminent domain.

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

SECTION 1. 32.05 (intro.) and (1) of the statutes are amended to read:

32.05 (intro.) This section does not apply to town highways created or altered under ch. 80 except as to jury trials on appeals under ss. 80.24 and 80.25, nor to proceedings in cities of the 1st class under chapter 275, laws of 1931, as amended (Kline Law). In cities of the 1st class, condemnation for housing under ss. 66.40 to 66.404, or for urban renewal under s. 66.431 may proceed under this section or under s. 32.06 at the option of the condemning authority. All other condemnation of property for public alleys, streets, highways, airports, *mass transit facilities* or storm sewers and sanitary sewers of watercourses shall proceed as follows:

(1) The state highway commission, turnpike commission, county board of supervisors (or the county highway committee when so authorized by said board), county expressway *and transportation* commission, city council, village board, sewerage commission governing metropolitan sewerage district created by s. 59.96 or s. 66.20, state aeronautics commission, a commission created by contract under s. 66.30, housing authority under ss. 66.40 to 66.404 or redevelopment authority under s. 66.431 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, 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. 59.965 (title), (1) (b), (2) (a) and (5) (intro.) of the statutes are amended to read:

59.965 EXPRESSWAYS AND MASS TRANSIT FACILITIES IN POPULOUS COUNTIES. (1) (b) "Commission" is the county expressway *and transportation* commission created by this section.

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

(5) (intro.) The commission is charged with the duty and vested with all powers necessary to plan, acquire the right of way for and con-

struct an expressway system *and mass transit facilities* in such county and to administer each expressway *and mass transit* project until it is certified as completed; to co-ordinate ~~expressway~~ *planning of expressways and mass transit facilities* by other public agencies to the extent required to insure that an acceptable general plan of expressways *and mass transit facilities* to serve the entire county will be achieved; to co-operate 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:

SECTION 3. 59.965 (5) (n) of the statutes is created to read:

59.965 (5) (n) The provisions of pars. (a) to (m) also apply insofar as applicable to the exercise of the powers and duties of the commission in the planning and construction of mass transit facilities.

SECTION 4. 66.061 (2) (a) and (b) of the statutes are amended to read:

66.061 (2) (a) Cities and villages may contract for furnishing light, heat ~~or~~, water, *motor bus or other systems of public transportation* to the municipality or to the inhabitants thereof for a period of no more than 30 years or for an indeterminate period if the prices ~~shall be~~ *are* subject to adjustment at intervals of not greater than 5 years. The commission shall have jurisdiction relative to the rates and service to any city or village where light, heat ~~or~~, water ~~is~~, *motor bus or other systems of public transportation are* furnished to such city or village under any contract or arrangement, to the same extent that it has jurisdiction where such service is furnished directly to the public.

(b) When a village or city has contracted for water ~~or~~, lighting service, *motor bus or other systems of public transportation* to the municipality the cost may be raised by tax levy. In making payment to the owner of the utility a sum equal to the amount due the city from such owner for taxes or special assessments may be deducted.

SECTION 5. 66.061 (2) (d) of the statutes is created to read:

66.061 (2) (d) When any privately-owned motor bus or public transportation system in a city or village fails to provide service for a period in excess of 30 days, and the owner or stockholders of the said privately-owned motor bus or public transportation system have announced an intention to abandon service, the governing body of the affected municipality may without referendum furnish or contract for the furnishing of other motor bus or public transportation service to the municipality and its inhabitants and to the users of the defaulting prior service for a period of not more than one year. This section shall not authorize a municipality to hire, directly or indirectly, any strikebreaker or other person for the purpose of replacing employes of said motor bus or public transportation system engaged in a strike.

SECTION 6. 66.064 of the statutes is amended to read:

66.064 Any city or village served by any privately owned public utility, street railway ~~or~~, 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 public service commission, and ratification by the electors, shall be applicable to the contracts authorized hereby and said public service commission shall, when any such contract is approved by it and consummated co-operate with the parties in respect to making valuations, appraisals, estimates and other determinations specified in such contract to be made by it.

SECTION 7. 66.066 (1) of the statutes is amended to read:

66.066 (1) Any town, village, city, commission created by contract under s. 66.30, or power district may, by action of its governing body, provide for purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a public utility, *motor bus or other systems of public transportation* from the general fund, or from the proceeds of municipal bonds, mortgage bonds or mortgage certificates. The term municipality as used in this section includes power districts, municipal water districts and commissions created by contract under s. 66.30. Any indebtedness created pursuant to subs. (2) to (4) shall not be considered an indebtedness of such municipality, and shall not be included in arriving at the constitutional debt limitation.

SECTION 8. 66.94 (1) (d) and (2) of the statutes are amended to read:

66.94 (1) (d) "Metropolitan district" or "district" embraces all the territory in any county having a population of ~~500,000~~ 125,000 or more and in those cities, villages and towns located in counties immediately adjacent thereto having a population of less than ~~500,000~~ 125,000, through or into which a transportation system extends from such county.

(2) There is hereby *authorized to be* created in each county having a population of ~~500,000~~ 125,000 or more a political subdivision, body politic and corporate of the state, under the name of "Metropolitan Transit Authority" which shall exercise the powers conferred by this section within the metropolitan district of which such county is a part.

SECTION 9. 67.04 (2) (g) of the statutes is amended to read:

67.04 (2) (g) To purchase or acquire any public utility ~~or any~~, street railway, *motor bus or other systems of public transportation* when it deems it necessary or desirable to raise the money for either of those purposes in the course of such acquisition, by proceedings had under ss. 193.33 to 193.46, or under ss. 196.01 to 197.10; but this paragraph shall not be construed as an amendment of any said sections nor as impairing, altering or affecting the powers of the public service commission in any such proceeding.

Approved January 19, 1968.