

No. 193, S.

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**CHAPTER 156**

AN ACT to create 66.941 of the statutes, relating to the creation of a transit right of way authority.

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

66.941 of the statutes is created to read:

**66.941 TRANSIT RIGHT OF WAY AUTHORITY.** (1) **AUTHORITY CREATED.** There is created a transit right of way authority which is herein referred to as the "authority."

(2) **STATUS.** The authority hereby created is deemed a political subdivision, body politic and corporate entity of the state and its official name shall be the "Transit Right of Way Authority" which shall exercise only those powers conferred by this section.

(3) **TRANSIT SYSTEM.** The purpose of the authority is to hold title to parcels of land comprising a right of way which can be used for mass transit operations; however, the authority has no power to operate any mass transit system.

(4) **ORIGINAL EXERCISE OF POWERS.** The authority is vested with the following powers:

(a) To acquire, by purchase or otherwise, existing rights of way which have been used for mass transit purposes, in such instances where the operations of mass transit have either been terminated or abandoned after January 1, 1960, pursuant to order of a regulatory agency. The authority shall hold such right of way for mass transit use or for uses directly related thereto as determined by the members of the authority board or as provided for by an enactment of the legislature.

(b) The authority shall be operated through a board which shall meet from time to time as determined necessary by its chairman.

(c) The authority may cause to be made such plans for the use of any right of way which it acquires as it deems most appropriate and effective.

(d) The authority may acquire such right of way in any municipality or area within any county of the state if such right of way will have an ultimate use as a part of a continuous right of way for mass transit purposes.

(e) The authority may sue and be sued in its corporate name, and it may hold title to real estate or appurtenances with respect thereto. The authority may adopt a corporate seal and change the seal at pleasure. The principal office of said authority shall be located at the state capital.

(f) The authority may acquire property by condemnation pursuant to ch. 32, and to sell, lease, transfer or convey any property or rights when such property is not entirely useful to the purposes for which the authority functions. The authority may exchange property held by it for other property when it determines that such property will be useful for its objectives. When exercising the powers of condemnation the authority shall have the same power as that provided under s. 66.94 (13).

(g) The authority may grant easements or license agreements to all public utilities upon terms that are reasonable and just for the use of its property by such public utilities. If the authority and a public utility cannot agree upon the terms and conditions of such grants, either party may petition the public service commission for a final determination of such terms and conditions.

(5) **POWER TO BORROW MONEY.** The authority may borrow money for the purpose of acquiring any transit right of way and it may issue notes or bonds or other obligations of indebtedness in carrying out such powers. It may issue revenue bonds under s. 66.066.

(6) **BOARD MEMBERS.** The authority shall be administered by a board consisting of 9 members to be known as the transit right of way board, composed of the mayors of the cities of Milwaukee, Racine and Kenosha; the county executive of Milwaukee county, the chairmen of the county boards of Racine and Kenosha counties; the director of the state department of resource development; and the chairman of the highway commission who shall serve only as long as they hold the office designated herein and his successor shall automatically become a member of the authority board. In addition to these members the governor shall appoint a citizen member whose ability and qualification shall be in keeping with the responsibilities of membership on the board. Such member shall serve for a period of 3 years from the date of his appointment and shall be eligible to succeed himself. Within 30 days after the effective date of this section (1963) the governor shall appoint the citizen member of the board and shall designate a chairman from among the members of the board and the chairman shall thereafter promptly call an initial meeting of the board for the pur-

poses of its organization. No member of the board shall be paid any salary, fee or compensation for his services except that such member may be reimbursed for actual and necessary expenses incurred in the performance of his duties.

(7) HIGHWAY COMMISSION. The state highway commission is authorized to expend such sums out of its funds as it determines to be appropriate for the purchase of rights of way of abandoned interurban railway or railroad property and shall hold such property for future highways or access to highways. If any such acquired land is in excess of that needed for highway purposes, the highway commission may convey the same to the authority on the basis of its fair market value. The highway commission may cooperate with the transit right of way board in such manner as may be within its legal powers in order to carry out the purposes of this section.

(8) CONTRIBUTIONS BY GOVERNMENTAL SUBDIVISIONS. Any municipality through its local legislative body or county board is authorized to appropriate funds to the authority for the purpose of financially assisting the authority in the purchase of the rights of way. The expenditure of funds in such a manner is deemed a public purpose. Any governmental agency having made a contribution to the purchase of any right of way shall receive an appropriate allocation from the funds which are derived by the authority from the sale or other disposition of such right of way lands in consideration of its contribution.

(9) ACQUISITIONS OF RIGHTS OF WAY BY GOVERNMENTAL SUBDIVISIONS. Any municipality or county may purchase any part of a right of way of an abandoned interurban railway or railroad with its own public funds and may hold title to such lands in its own name. It may arrange with the authority to make such lands available to the authority if the right of way is to be used for mass transit purposes. If a municipality or county purchases any land that may be needed for future mass transit rights of way, such municipality or county shall first offer such lands for purchase to the authority prior to making any other disposition thereof.

(10) TRANSFER OF LANDS. If any person or corporate entity proposes to the authority that a mass transit system will be operated upon a part or all of the right of way held by the authority, the authority may sell or convey such right of way so held under such terms and conditions as may be satisfactory to the authority.

(11) TERMINATION OF AUTHORITY. The legislature may terminate the authority whenever it determines to do so and shall thereupon make provision for the transfer or disposition of any lands held by such authority.

Approved July 1, 1963.

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