



## Legislation Details (With Text)

<b>File #:</b>	48869	<b>Version:</b>	1	<b>Name:</b>	Opposing the State Prohibiting the Use of Condemnation for Bike and Pedestrian Paths
<b>Type:</b>	Resolution	<b>Status:</b>			Passed
<b>File created:</b>	9/14/2017	<b>In control:</b>			Mayor's Office
<b>On agenda:</b>	9/19/2017	<b>Final action:</b>			9/19/2017
<b>Enactment date:</b>	9/21/2017	<b>Enactment #:</b>			RES-17-00745
<b>Title:</b>	Opposing the State Prohibiting the Use of Condemnation for Bike and Pedestrian Paths.				
<b>Sponsors:</b>	Paul R. Soglin, Sara Eskrich				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>					

Date	Ver.	Action By	Action	Result
9/19/2017	1	COMMON COUNCIL	Adopt Under Suspension of Rules 2.04, 2.05, 2.24, and 2.25	Pass
9/14/2017	1	Mayor's Office	RECOMMEND TO COUNCIL TO ADOPT UNDER SUSPENSION OF RULES 2.04, 2.05, 2.24, & 2.25 - MISC. ITEMS	

### Fiscal Note

No appropriation required.

### Title

Opposing the State Prohibiting the Use of Condemnation for Bike and Pedestrian Paths.

### Body

WHEREAS, dedicated bike lanes, sidewalks and shared use paths are an essential part of a complete transportation system, and are part of what companies and individuals look for in deciding to locate and invest in a community; and

WHEREAS, Amazon's recent RFP for a second headquarters specifically asked cities to identify information about bike lanes and pedestrian access for the proposed site; and

WHEREAS, without sidewalks, bike lanes, and shared use paths, pedestrians, disabled persons, and recreational and commuter cyclists would all have to either share the roadway with vehicles, find alternate means of transportation, or trespass on private property in order to safely travel by means other than a vehicle; and,

WHEREAS, the Joint Finance committee added language to the proposed state budget that would prohibit local and state government from using condemnation to acquire property to "establish or extend" a recreational trail, a bicycle path, a bicycle lane, or a pedestrian walkway; and

WHEREAS, this prohibition would not be limited to recreational uses, but would broadly apply to all pedestrian and bike paths, even those used for transportation, and would even prevent using condemnation to expand the right-of-way to install sidewalks on new and existing streets; and

WHEREAS, given the nature of sidewalks and bike paths, it is necessary for them to run across numerous parcels, and they cannot always be placed on land that is already publically owned; and

WHEREAS, the City routinely exercises its power of condemnation to expand right-of-ways to add bicycle and pedestrian infrastructure in order to improve transportation for all users of the public way, whether in vehicles, on bicycles, on foot or by other means, and without this power it will be difficult, if not impossible, for the City to meet its current and future transportation needs in the City; and

WHEREAS, although condemnation is always a last resort, without that power a single landowner would be able stop paths from connecting, prevent sidewalks, bike paths or bike lanes on a street, or hold out and force the City to pay above the fair market value to acquire property, thereby putting a lone-dissenter in the position to veto an entire project; and

WHEREAS, transportation planning becomes almost impossible if it must be done with only the hope that each and every effected landowner would voluntarily consent to the use of their land for the improvement; and

WHEREAS, if this budget provision goes through, it will have a profoundly negative effect on the ability of all levels of government in Wisconsin to create a comprehensive transportation system, within their municipalities, their region and statewide, and dramatically reduce the number of new or expanded bike lanes, bike paths and sidewalks, and make our state a less attractive place to live and work; and

WHEREAS, this provision was inserted in the budget by an amendment to the budget bill without any explanation or opportunity for public debate, making it possible that this drastic limitation on the government's ability to provide for the transportation needs of the public will become law without any scrutiny.

NOW, THEREFORE, BE IT RESOLVED, that the City of Madison calls on the Legislature to remove this language from the budget, or for the Governor use a line item veto to strike it, and that if this language is still desired, to introduce it as a stand-alone bill subject to public comment and debate.