

CITY OF MADISON, WISCONSIN

A 2ND SUBSTITUTE ORDINANCE

PRESENTED
REFERRED

February 28, 2017
CCOC; TPC, PBMVC

Recreating Section 3.14, creating Sections 33.55 and 33.56 of the Madison General Ordinances to recreate the Department of Transportation and to create the Transportation Policy and Planning Board and the Transportation Commission.

LEGISTAR #46249

Drafted by: John Strange

Date: July 18, 2017

SPONSORS: Alders DeMarb, Clear,
Kemble, King & Zellers

DRAFTER'S ANALYSIS: This ordinance recreates Sec. 3.14, MGO, establishing a Department of Transportation in the City of Madison. This ordinance also establishes for the City a Transportation Policy and Planning Board and a Transportation Commission. This ordinance will become effective on January 1, 2018.

Once this ordinance becomes effective, the following commissions, committees, and subcommittees currently contained in Madison General Ordinance Sec. 3.14 will cease to exist: Transit and Parking Commission, Pedestrian Bicycle Motor Vehicle Commission, ADA Transit Subcommittee to the Transit and Parking Commission, Parking Council for People with Disabilities, Contracted Services Oversight Subcommittee, Long-Range Transportation Planning Committee, and Joint Transportation Subcommittee. This ordinance assigns the duties that these commissions, committees, and subcommittees currently perform to either the Transportation Policy and Planning Board or the Transportation Commission. For a more detailed drafter's analysis pertaining to this ordinance, please see the attached drafter's memorandum from the Office of the City Attorney.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 3.14 entitled "Department of Transportation" of the Madison General Ordinances is hereby recreated to read as follows:

"3.14 DEPARTMENT OF TRANSPORTATION.

- (1) Purpose. There is hereby created a Department of Transportation for the purpose of managing, operating, controlling, and maintaining the city's transportation system, which consists of the following elements:
 - (a) Bicycles;
 - (b) Bus, truck and rail freight, and motor vehicle traffic;
 - (c) Parking;
 - (d) Pedestrians;
 - (e) Street, curb and right-of-way use;
 - (f) Transit; and
 - (g) Any additional transportation elements as identified by the Common Council by ordinance or resolution.
- (2) Director of Transportation. The Department of Transportation shall be managed and directed by a Director of Transportation, who shall:

Approved as to form:

- (a) Ensure that the city's transportation system operates in a manner that is safe, efficient, affordable, and equitable for all of its users;
 - (b) Ensure that the city's transportation system operates in a manner that is sustainable and responsive to the environmental needs of the city and region;
 - (c) Ensure that each element of the city's transportation system operates as an integrated part of the overall transportation system;
 - (d) Work to eliminate any disparities that people of color and people of low income experience with respect to the city's transportation policies, programs, services, and destinations;
 - (e) Provide annual operational reports to the Transportation Policy and Planning Board and Transportation Commission regarding the operation, management, control, progress towards equity, and maintenance of each element of the City's transportation system;
 - (f) Serve as chief administrative officer and executive secretary of the Transportation Policy and Planning Board;
 - (g) Provide the necessary administrative and staff support services to the Transportation Policy and Planning Board and the Transportation Commission;
 - (h) Work collaboratively with the Transportation Policy and Planning Board and the Director of Planning, Community, and Economic Development on the development of transportation policies and plans, including the transportation element of the city's comprehensive plan;
 - (i) Coordinate the implementation of the transportation policies and plans adopted by the Transportation Policy and Planning Board and the Common Council;
 - (j) Develop and maintain communication with City residents to ensure that the public is aware of the City's transportation policies and plans and progress towards implementation;
 - (k) Work with the City Engineer and Director of Public Works in the planning of highway programs or projects;
 - (l) Work with the Director of Planning, Community, and Economic Development to ensure that the transportation system supports and compliments the city's land use decisions;
 - (m) Work with the Madison Area Transportation Planning Board (MATPB) to ensure that the city's transportation policies and plans are consistent with the regional transportation plan and work to implement city and regional plans so that the city's transportation system continues to effectively and efficiently move people and goods through the Madison region;
 - (n) Work with surrounding local governments to ensure that the City's transportation system allows for the safe and efficient movement of people and goods through the greater Madison region;
 - (o) Work with Federal, State and County governments to coordinate transportation projects or programs and pursue financial aids, grants, and other assistance that would benefit such projects or programs; and
 - (p) Conduct studies as necessary to evaluate present and future transportation needs and make recommendations to the Transportation Policy and Planning Board regarding policies, plans, or projects necessary to ensure the city's transportation system is and will remain able to safely, effectively and efficiently move people and goods throughout Madison and the surrounding region;
 - (q) Supervise the Traffic Engineering, Parking, and Transit Divisions of the Department of Transportation; and
 - (r) Perform other duties as assigned by the Common Council and the Mayor and report to the Mayor for day-to-day administrative purposes.
- (3) Divisions. The Department of Transportation shall consist of the Traffic Engineering Division, the Parking Division, and the Transit Division.
- (a) Traffic Engineering Division.
 - 1. Duties. The Traffic Engineering Division shall be responsible for managing, operating, controlling, and maintaining the city's traffic system, consisting of the transportation elements listed in sub. (1)(a), (b), (d), and (e), above.
 - 2. Management. The Traffic Engineering Division shall be managed by the City Traffic Engineer & Parking Manager, who shall also:

- a. Serve as the City Highway Safety Coordinator;
 - b. Serve as the executive secretary of the Transportation Commission as provided in Sec. 33.56(4); and
 - c. Under the direction of the Director of Transportation, work with the City Transit Manager to ensure the duties outlined in sub. (2) above are fulfilled.
- (b) Transit Division.
1. Duties. The Transit Division shall be responsible for managing, operating, controlling and maintaining the City's transit system, which consists of the transportation element listed in sub. (1)(f) above.
 2. Management. The Transit Division shall be managed by the City Transit Manager, who shall also:
 - a. Serve as the executive secretary of the Transportation Commission as provided in Sec. 33.56(4);
 - b. Serve as executive secretary of the Regional Transit Subcommittee as provided in Sec. 33.55(6)(h); and
 - c. Under the direction of the Director of Transportation, work with the City Traffic Engineer & Parking Manager to ensure the duties outlined in sub. (2) above are fulfilled.
- (c) Parking Division.
1. Duties. The Parking Division shall be responsible for managing, operating, controlling, and maintaining the City's on- and off-street parking system, consisting of the transportation element listed in sub. (1)(c) above.
 2. Management. The Parking Division shall be managed and supervised by the City Traffic Engineer & Parking Manager."

2. Section 33.55 entitled "Transportation Policy and Planning Board" of the Madison General Ordinances is created to read as follows:

"33.55 TRANSPORTATION POLICY AND PLANNING BOARD.

- (1) Organization. A Transportation Policy and Planning Board is hereby created for the City of Madison.
- (2) Purpose. The Common Council recognizes that for the City of Madison to be a safe and healthy place for all of its residents and visitors to live, work, do business, learn, and play, it must develop and maintain a transportation system that is safe, efficient, economical, equitable, and sustainable. The Common Council also recognizes the importance of ensuring that the city's transportation system compliments and is consistent with the city's land use system. Finally, the Common Council recognizes the critical role that the city's transportation system plays in the movement of people and goods throughout the greater Madison region, and that the successful future growth of the city and region depends, in part, on a transportation system that is responsive to the needs of current and future users. The purpose of the Transportation Policy and Planning Board is to consider and address transportation policy and planning issues pertaining to each element of the city's transportation system, including bicycles; bus, freight, and automobile traffic; parking; pedestrians; street, curb and right-of-way use; transit; and other transportation elements as may be identified by the Common Council by ordinance or resolution.
- (3) Board Composition.
 - (a) Members. The Transportation Policy and Planning Board shall have nine (9) voting members to serve without compensation consisting of three (3) members of the Common Council, one (1) Regional Representative (an elected official of a political subdivision that contracts with Metro Transit for transit services), four (4) residents of the City of Madison, one (1) member of the Plan Commission who may be either a Common Council member or resident, and two (2) alternate members who may be either a Common Council member or resident. When appointing members of the Common Council and residents to the Transportation Policy and Planning Board, the Mayor shall give strong consideration to appointing individuals who are also members of the Board of Public Works and Madison Area Transportation Policy Board.

- (b) Appointment and Terms of Common Council Members. Common Council members of the Transportation Policy and Planning Board shall be appointed by the Mayor subject to confirmation by the Common Council. Terms for Common Council members shall coincide with their terms on the Common Council. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April or as soon thereafter as the Mayor makes the appointment. In appointing Common Council members to the Transportation Policy and Planning Board, the Mayor shall consider the need for representation of the various geographic areas of the City. Furthermore, at least one Common Council member of the Transportation Policy and Planning Board must also be a member of the Transportation Commission.
- (c) Appointment and Term of Regional Representative. The Regional Representative shall be an elected official of a political subdivision that contracts with Metro Transit for transit services. Political subdivisions that contract with Metro Transit for transit services shall submit nominations for the Regional Representative to the Mayor in each year that an appointment is necessary. From the nominations submitted, the Mayor shall appoint the Regional Representative subject to confirmation by the Common Council. The Regional Representative shall have a two- (2) year term. If the Regional Representative resigns or is not re-elected to his or her elected office before his or her two-year term on the Transportation Policy and Planning Board ends, the Mayor shall appoint a new Regional Representative to complete the two-year term. The same Regional Representative may not serve two consecutive full two-year terms.
- (d) Appointment and Terms of Resident Members. Resident members of the Transportation Policy and Planning Board shall be residents of the City of Madison at the time of appointment and throughout the member's term. Resident members shall be appointed by the Mayor subject to confirmation by the Common Council. Resident members shall have a three- (3) year term. In appointing resident members to the Transportation Policy and Planning Board, the Mayor shall consider the need to appoint individuals with a multi-element perspective who have knowledge of equity issues and the needs of marginalized communities. The Mayor shall also consider individuals with a multi-element perspective who are frequent users of specific elements of the city's transportation system, and, in particular, people of color and people of low income who are frequent users of specific elements of the city's transportation system. Furthermore, at least one resident member of the Transportation Policy and Planning Board must also be a member of the Transportation Commission.
- (e) Appointment, Term and Role of Alternate Members. The alternate members shall be either a Common Council member or resident whose appointment and term shall be the same as described in sub. (b) or (d) above. The alternate member shall act with full power when any other member of the Transportation Policy and Planning Board is absent or is unable to act because of a conflict of interest. The second alternate member shall so act only when the first alternate member is unable or is absent. In addition, alternates may participate in Transportation Policy and Planning Board discussion and serve on subcommittees or as a representative of the Board on other City committees at any time.
- (4) Board Procedures. The Board shall follow the procedures contained in Sec. 33.01, MGO, except that notwithstanding Sec. 33.01(7)(b), MGO, a Common Council member may serve as chairperson, co-chairperson, or vice-chairperson of the Board.
- (5) Executive Secretary. The Director of Transportation shall serve as chief administrative officer and executive secretary of the Transportation Policy and Planning Board and, with the assistance of the Director of Planning, Community & Economic Development, the City Engineer, the City Transit Manager, and the City Traffic Engineer and Parking Manager, shall ensure that the Board has the resources necessary to address the transportation issues the Board considers.
- (6) Powers and Duties. The Transportation Policy and Planning Board shall:
 - (a) Work collaboratively with the Director of Planning, Community, and Economic Development to develop and recommend for adoption by the Common Council the transportation element of the City's comprehensive plan;

- (b) Consider, develop, and adopt transportation policies and plans for all elements of the City's transportation system that are consistent with the purpose set forth in sub. (2) above;
 - (c) Work to eliminate any disparities that people of color experience and people of low income experience with respect to the City's transportation policies, programs, services and destinations;
 - (d) Make recommendations to the Common Council regarding proposed ordinances related to all elements of the City's transportation system;
 - (e) Make recommendations to the Common Council regarding the proposed budgets of each division of the Department of Transportation;
 - (f) Provide annual reports to the Common Council listing any transportation policies or plans that have been adopted by the Board in the previous year;
 - (g) Recommend that the Common Council establish a Regional Transit Subcommittee made up of contracting partners with the City of Madison for the provision of transit service. The purpose of this subcommittee is to provide the Board with a regional perspective on transit policy, service, and related issues. The composition of the subcommittee and other organizing details shall be stated in the ordinance authorizing the creation of the subcommittee. The City Transit Manager shall be responsible for staffing this subcommittee and ensuring that it meets jointly with the Board at least one time per year;
 - (h) Recommend that the Common Council establish a Disabled Parking Council of at least seven (7) members, on an ad hoc basis, pursuant to Wis. Stat. § 346.50(3m), if any proposed ordinance imposes a 3-hour or less limitation on parking of a motor vehicle used by a physically disabled person; and
- (7) Appeal. The mayor, any alderperson, or any resident member of the Transportation Policy and Planning Board may appeal to the Common Council the decision of the Transportation Policy and Planning Board to adopt a transportation policy or plan. The appellant(s) shall file a petition of appeal with the City Clerk within thirty (30) days of a final decision adopting a transportation policy or plan. The petition shall state the decision being appealed, the reasons for appeal, and the relief being requested. Once the petition is filed, the City Clerk shall set the appeal for a public hearing on the next Council agenda that is at least seven (7) days after receipt of the appeal. After a public hearing, the Common Council may, by favorable two-thirds (2/3) vote of its members, reverse or modify the decision of the Transportation Policy and Planning Board with or without conditions, or refer the matter back to the Transportation Policy and Planning Board with or without instructions, if it finds that the decision is inconsistent with the transportation element of the Comprehensive Plan or is contrary to the public health, safety or welfare."

3. Section 33.56 entitled "Transportation Commission" of the Madison General Ordinances is created to read as follows:

"33.56 TRANSPORTATION COMMISSION.

- (1) Organization. A Transportation Commission is hereby created for the City of Madison.
- (2) Purpose. The purpose of the Transportation Commission is to decide the transportation issues listed in sub (5) below in a manner that is consistent with the transportation policies and plans adopted by the Transportation Policy and Planning Board or the Common Council.
- (3) Commission Composition.
 - (a) Members. The Transportation Commission shall have nine (9) voting members to serve without compensation consisting of two (2) members of the Common Council, seven (7) residents of the City of Madison, and two (2) alternate residents of the City of Madison. Each member of the Commission must be capable of and committed to holding a multi-element, system-wide perspective on transportation issues. Moreover, one (1) Common Council or resident member must be knowledgeable of equity issues and the needs of marginalized communities; one (1) Common Council or resident member must be knowledgeable of issues facing people with disabilities; one (1) Common Council or resident member must be knowledgeable of issues facing users of the city's on- and off-street parking system; one (1) Common Council or resident member must use the bicycle as his or her primary mode of transportation in the city; one (1) Common Council or resident member must use walking as his or

her primary mode of transportation in the city is walking; and one (1) Common Council or resident member whose primary mode of transportation in the city is transit. For any remaining resident appointments, preference should be given to appointing people of color and people of low income; one (1) additional member whose primary mode of transportation in the city is the bicycle; and one (1) additional member whose primary mode of transportation in the city is transit. Finally, at least one Common Council member and one resident member must also be a member of the Transportation Policy and Planning Board.

- (b) Appointment and Terms of Common Council Members. Common Council members of the Transportation Commission shall be appointed by the Mayor subject to confirmation by the Common Council. Terms for Common Council members shall coincide with their terms on the Common Council. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April or as soon thereafter as the Mayor makes the appointment.
- (c) Appointment and Terms of Resident Members and Alternate Resident Members. Resident Members and Alternate Resident Members of the Transportation Commission shall be residents of the City of Madison at the time of appointment and throughout the Member's term. Resident Members and Alternate Resident Members shall be appointed by the Mayor subject to confirmation by the Common Council, and shall have a term of three (3) years.
- (d) Role of Alternate Members. The first alternate member shall act with full power when any other member of the Transportation Commission is absent or is unable to act because of a conflict of interest. The second alternate member shall so act only when the first alternate refuses or is absent or when more than one member of the commission is so unable or is absent. In addition, alternates may participate in Transportation Commission discussion and serve on subcommittees or as commission representative on other City boards, commissions, or committees at any time.
- (4) Executive Secretary. The Director of Transportation shall designate either the City Transit Manager or the City Traffic Engineer & Parking Manager to serve as executive secretary of the Transportation Commission. Each designation shall last for two years at which point the Director of Transportation shall consider alternating the appointment to the other division manager.
- (5) Powers and Duties. The Transportation Commission shall decide the transportation issues listed below in a manner that is consistent with the transportation policies and plans adopted by the Transportation Policy and Planning Board and the Common Council:
 - (a) Transit.
 1. Transit service standards;
 2. Transit fares;
 3. Transit route additions, extensions or contractions;
 4. Transit changes in schedules and hours of service;
 5. Rules necessary to ensure safety for bus passengers;
 6. Regional transit contracts (services and pass programs);
 7. Bus routes and stops;
 8. Charter service, taxis, limousines, courtesy cars, hotel buses, jitney services hire-and-drive service, ride-sharing, car-sharing, transportation network companies, subscription bus service, park and ride facilities, and any other issues pertaining to the operation of the City's transit and services;
 9. Transit for people with disabilities; and
 10. Other items referred by the Common Council, Transportation Policy and Planning Board, or Director of Transportation.
 - (b) Parking.
 1. Off-street parking rates;
 2. Provide recommendations to the Common Council regarding on-street parking rates.
 3. Rules necessary to ensure safe and proper operation of parking facilities;
 4. Revenue collection technology and systems; and
 5. Other items referred by the Common Council, Transportation Policy and Planning Board, or Director of Transportation.

(c) Pedestrian, Bicycle, and Motor Vehicle.

1. Pedestrian and bicycle safety, enforcement, and facility maintenance programs;
2. School crossings;
3. Safety programs and projects;
4. Traffic signals;
5. Crossing guard assignments;
6. Traffic calming;
7. Provide recommendations to the Board of Public Works regarding right-of-way use and geometric design on arterial and collector street projects;
8. Development Review; and
9. Other items referred by the Common Council, Transportation Policy and Planning Board, or Director of Transportation.

- (6) Appeal. The Mayor, any alderperson, or any member of the Transportation Commission may appeal to the Common Council any final decision of the Transportation Commission related to one of the items listed in sub. (5) above. For purposes of this ordinance, final decisions do not include recommendations made to the Transportation Policy and Planning Board or Common Council. For any appeal, the appellant(s) shall file a petition of appeal with the City Clerk within ten (10) days of the Transportation Commission's final decision. The petition shall state the decision being appealed, the reasons for appeal, and the relief being requested. Once the petition is filed, the City Clerk shall set the appeal for a public hearing on the next Council agenda that is at least seven (7) days after receipt of the appeal. After a public hearing, the Common Council may, by favorable two-thirds (2/3) vote of its members, reverse or modify the decision of the Transportation Commission with or without conditions, or refer the matter back to the Transportation Commission with or without instructions, if it finds that the decision is inconsistent with the transportation element of the Comprehensive Plan, is inconsistent with any transportation policy or plan adopted by the Transportation Policy and Planning Board, or is contrary to the public health, safety or welfare."

4. This ordinance will become effective on January 1, 2018.