



# City of Madison

City of Madison  
Madison, WI 53703  
[www.cityofmadison.com](http://www.cityofmadison.com)

## Meeting Minutes - Draft ADA TRANSIT SUBCOMMITTEE TO THE TRANSIT AND PARKING COMM

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Monday, December 19, 2016

5:15 PM

210 Martin Luther King, Jr. Blvd  
Room 103A (Clerk's Conference Room)

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### 1. CALL TO ORDER / ROLL CALL

Staff: Nancy Senn, Crystal Martin, Karen Darcy

Guests: Doug Hunt (Dane County)

The meeting was called to order at 5:17 PM by Chair DuRocher.

**Present:** 5 - Barbara Harrington-McKinney; Kenneth Golden; Betty Hicks; Mary E. Jacobs and Carl D. DuRocher

**Excused:** 1 - Susan M. De Vos

### 2. APPROVAL OF MINUTES

Mr. Durocher asked for a motion for approval of minutes; Mr. Golden moved approval; Ms. Jacobs seconded.

Discussion: Mr. Golden noted that the interpretation in the minutes regarding leave attended may not reflect what he had intended. He never thought Metro should be left holding the bag. However, he'll leave it at that. Minutes approved by voice vote/other.

### 3. PUBLIC APPEARANCES - (Members of the public are allowed three minutes to make a presentation on an item which they would ADATS to consider at future meeting.)

There were no members of the public in attendance.

### 4. DISCLOSURES AND RECUSALS

There were no disclosures or recusals.

### 5. Annual Statment of Interests - Due January 2, 2017

Mr. Durocher spoke with the City Clerk's office this afternoon, this can be updated online.

### 6. Appeals Committee

Mr. Durocher: We are going to set up a committee for an Eligibility Appeal. There is a chance that the meeting would not happen, depending on the situation with this particular client. Ms. Senn: Ordinarily what would happen is we'd be provided with names of individuals who are interested in serving on the committee. It would be helpful if any committee members are interested to

share that information with me. Mr. Durocher: So, we have Mr. Golden, Ms. Jacobs, and myself as possible members for this committee. Mr. Golden: What if members aren't qualified to determine medical issues? Ms. Martin: This committee is designed to address eligibility process, not actual conditions.

7. Alternates to Subcommittee

Mr. Durocher: Alternates to subcommittee would be helpful, due to difficulty attaining a quorum. Vacancies have existed for a while that have not been filled. Should we consider an ordinance change to add alternates? The alternate could be a more "general" category. Recently a driver for a sub-contractor was interested in an opening. However, he did not fit into any of the current categories. We could set up new criteria for a new opening, for example, a paratransit driver. Ms. McKinney: I had a constituent who wanted to be on the committee, but wasn't eligible, due to the description of the opening slots. I've seen a lot of items that have come across other committees (Board of Estimates; Education) that should be referred to this committee, but we just haven't had quorum, so this committee was unable to meet. This is critically important. Mr. Golden: Three thoughts. The Council has this committee that is reviewing the set of ordinances, and the last I heard is that this committee was eliminated. A lot of committees have been eliminated, not just this one. They might have gotten this wrong. They are revamping transportation. This should be taken into account before we try to fix something that may potentially be eliminated. Ms. Martin: Do you know the time line on that? Mr. Golden: There is no time line. Secondly, the specificity of the slots make having alternates a challenge. The reason alternates exist in the first place is they are a quorum trick. They participate, but only vote when a quorum is needed. This brings me to my third point. These slots were created so long ago. Everyone was nervous about ADA just being formed. There was a concern this committee would hurt people. We wanted to be sure everyone had representation. If I had my druthers, I'd start from beginning and create new slot criteria. Make the committee advisory to the Mayor's Office, and let them make the appointments. The Council could have a role in affirming the choices. This should create more flexibility, due to difficulty attaining quorums. We should have a committee of 7, with 2 alternates. Mr. Durocher: You want to jump from one alternate to two alternates? Mr. Golden: Yes. Ms. Martin: When Jesse Kaysen was chair of the committee, we went through and revamped the categories/slots, with multiple criteria, creating some more variety and "general" seats. There is now TORC (Transportation Ordinance Review Committee), and they are addressing all types of transportation committees. It's helpful to have that voice for ALL meetings, not just one type of committee. This would be more impactful all along the decision-making process. If this process is going to evolve, these types of changes are necessary for proper representation. That's just my take on it. Mr. Durocher: This brings up an idea of an overarching issue, the function of this committee could be subsumed into the TPC. The other side of this is that the TPC would never be able to focus as intently on the issues that our committee does. If this committee is eliminated, it's important to relay this info to TORC. Mr. Golden: When ADA was created, there was just one committee (TPC/ped/bike), chaired by Ann Faulkner, along with myself, Rob Kennedy, and the "required one member," someone with a disability. Back then, the Transportation Commission had better sensitivity and knowledge of the issues we are addressing. This committee has far greater knowledge and expertise than the current TPC members. This has resulted in the TPC having less knowledge. Things are being voted on with limited

discussion and knowledge. That's ironic. Ms. McKinney: Concerned that when she saw four items before the Board of Estimates of transportation issues, they were not previously discussed in our committee. They had no input from this committee. How can we start asking if our committee will be dissolved? We should not adopt a wait-and-see attitude, because it may be too late, and we could be absorbed by other committees, who have less knowledge. We need to know where we stand as a committee. Mr. Durocher: To reiterate, Ms. McKinney would like TORC to address this issue. Mr. Golden: I'm ambivalent. There are a number of approaches that seem logical to me. It's not my place to make the decision as to whether or not the committee be dissolved, it should be up to people with disabilities. Jim Cobb strongly advocated against the previous committee (Commission on People with Disabilities), citing they didn't understand the issues. There may be other ways of creating a fair committee or group. Says the population who is affected should be the ones to ask how they want to be represented. Mr. Durocher: Do we want to advocate for keeping this committee going? Or, do we want to have TORC make recommendations, and have an intermittent ad hoc committee? Ms. Jacobs: I agree with Ms. McKinney, we need to do something now to deal with the issues that we're currently addressing. I agree we need to find an alternate (or two). Mr. Golden: I would ask our Alder to create an ordinance to add two alternates that could fill in any of the other positions in our committee, and refer this to the TPC. On the council floor, the TORC members would probably refer it there. It might get some of the issues here better attention, or it could kill it. Regardless, it would probably take at least three months for a decision. Mr. Golden: Makes a motion to create two alternate spots to fill any existing/vacant spots. Mr. Durocher: Agrees, and says one or both could be a driver. Ms. Martin: Thinking down the road, with regard to MCO's, may end up having to negotiate with that alternate. This is something to consider. Any other comments on this motion? Ms. Martin: Good form would be to give a heads-up to the TPC Chair, Gary Paulson. Ms. Senn: Read back the ordinance proposal: Ask our Alder to advance an ordinance change to specify two alternate positions, to fill any vacant spots currently defined in the ordinance, with one or both of the spots being a driver, current or past. Seconded by Ms. Jacobs. No further discussion. Passed by voice/vote.

8. [45472](#) Service Request - Out of Service Area

Attachments: [DOT Final Rule Reasonable Modifications 2015 \(2\).pdf](#)

Mr. Golden: Move to table. Seconded by Ms. Jacobs. No further discussion. Passed by voice/vote.

9. [45473](#) Leave Attended - Informational

Attachments: [draft Lv Attended Services Violation 12-15-16 \(2\).pdf](#)

Mr. Golden: Why is this informational? Ms. Senn: The item has been brought before the TPC, in part due to the lack of ability of this committee to meet. TPC wanted to give us one more shot in August, but that didn't happen. In October, because there hadn't been action, TPC was to take up the issue. However, in October days before the TPC meeting, ADATS ended up discussing at length. Concern about which committee was addressing the issue led to a

discussion with chairs Gary Poulson and Carl Durocher and refinements to the draft. This is the version that will go back to TPC to discuss. Ms. Martin: This has been on the ADATS agenda for over a year. Last summer when the committee was not meeting, Ms. Senn had spoken with Mr. Durocher about taking it to TPC. At that point, TPC had already taken it up, but a LOT of activity happened at our meeting. TPC met the very next day. This is what prompted a meeting with chairs, Mr. Poulson and Mr. Durocher, along with Mr. Golden. The result is that TPC wants final comments from our committee for their Jan meeting. Ms. McKinney: We had a lengthy discussion around this topic, as indicated by the previous minutes, and I am concerned, as it appears to me, that those discussions did not move forward. Why did we invest so much time? Jacobs: I agree with Ms. McKinney that I also thought we came to different conclusion with the violations, that the agency would be responsible for the cost. That was my understanding. Mr. Golden: We didn't take any action or vote on this before it went to TPC. There is no document from the discussion for us to vote on. This isn't the right process. He thinks TPC will ask why we didn't take any action on this. Ms. Senn: The October meeting should have been informational only given direction from TPC. I should have stopped the progression of that discussion to clarify. Mr. Golden: It's not your job to "stop" any discussion. You can advise us, but the committee decides the agenda. We didn't tell staff to do anything. We didn't make any motion. There was no action item for tonight, where it should have been. This issue is not ready for TPC. Ms. Martin: That is the problem. This committee didn't meet for a very long time. TPC has the minutes, and with the discussion with Mr. Paulson, Mr. Durocher and yourself, this is why it was referred to TPC as a proposal to act on it. Mr. Golden: With all due respect to parliamentary procedure, that is (unintelligible). Ms. Martin: I've been working on this particular issue for about 5 years now. You'll have to forgive my frustration on this issue. I apologize for that. We are trying to move this issue to the next step. Mr. Golden: I came onto this committee in June, and this was already a mature issue. I appreciate that the quorum problems, but anytime there is urgency, we find a way to pass it. From a content standpoint, this item isn't burning down the house. TPC would be out of order taking it on. This version places the burden on the consumer. Our prior discussion indicated that consumers are not capable of dealing with the situation when it happens. Who is really at fault, is the provider. The process is defective, and the content is not reflective. We can't take any action on this document, because it's informational only. Ms. Hicks: I need to leave at 6:30 pm. Mr. Durocher: At that time, there will no longer be quorum. Ms. Jacobs: I thought our last discussion was going to be presented to TPC. Ms. Martin: to ask TPC to refer this back to us. I don't see any alternative. [QUORUM ENDS].

10. [45471](#)

Reports

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Attachments: [Para Indicators Oct2016.pdf](#)

11. Other Transit Related Announcements

12. **ADJOURNMENT**