City of Madison

Meeting Minutes - Approved

TRANSIT AND PARKING COMMISSION

PLEASE NOTE: This meeting can be viewed in a live webcast of Madison City Channel at www.madisoncitychannel.com.

Wednesday, February 11, 2015	**5:00 PM**	**215 Martin Luther King, Jr. Blvd.**
		Room 260, Madison Municipal Building
		(After 6 PM, use Doty St. entrance.)

Please note: Items are reported in Agenda order.

A.   CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:00 PM.

Present: 9 -   Lucas Dailey; Chris Schmidt; Anita Weier; David E. Tolmie; Wayne Bigelow; Gary L. Poulson; Margaret Bergamini; Ann E. Kovich and Kenneth Golden

Excused: 1 -   Kate D. Lloyd

Please note: Dailey arrived after 5 PM, during Mayor Soglin's comments on Item F.2.. Also, please note the Commission has one vacancy in the position of Second Alternate.

B.   APPROVAL OF MINUTES

A motion was made by Bergamini, seconded by Schmidt, to Approve the Minutes of the January 14, 2015 meeting. The motion passed by voice vote/other.

C.   PUBLIC APPEARANCES

Registrant Melanie Foxcroft requested public forums to discuss the changes in Appendix B in the Transit Development Plan, which had been given inadequate public notice. Though the changes had been discussed in committees, they had not gone out to the larger community. Specific sets of changes were being presented to smaller audiences in the community, but she was requesting four community forums to discuss all the changes in Appendix B, which were substantial. Most bus routes were being changed one way or another, and Foxcroft felt this warranted community input.

Please note: The meeting proceeded to Agenda Item F.2.

37293   Registration Slip-Melanie Foxcroft

D.   DISCLOSURES AND RECUSALS-None.

E.   TRANSIT AND PARKING QUARTERLY REPORTS

E.1.   37173   Parking: January 2015 Activity Report, December 2014
                           Revenue-Expense-Occupancy Reports - TPC 02.11.15

Interim Parking Operations Manager Bill Putnam highlighted the following items:
● Because of his interim status, the Utility was not making any big changes in direction right now.
● However, 2014 was the Utility's highest grossing and net income year ever, indicating that the policies that had been implemented had been effective in increasing their customer base and serving the public.
● The Council had passed the resolution for staff to develop RFPs for another Judge Doyle Square project.

Schmidt/Bigelow made a motion to receive the report. The motion passed by voice vote/other.

E.2.   37174   Metro: 2014 Year-End Performance Indicators, Financials,
                           Rider-Revenue-Fare Type Report, Customer Feedback and Hybrid Stats -
                           TPC 02.11.15

Metro Transit General Manager Chuck Kamp noted the following:
● Fixed route ridership has increased by 3.3%, and they had hit 15.223 million rides for the first time in history.
● Paratransit ridership was up 2.8%, to 268K rides.
● Financially, they continued to project adding to their contingency funds. They had some cost overruns, but increased passenger revenue and a good revenue situation overall.
● One of their charts now included peer analysis with systems across the U.S. Metro compared favorably on these.

In the interests of time, Bergamini asked that they go over the Year-End financials in greater detail, at a later meeting. Kovich/Weier made a motion to receive the report. The motion passed by voice vote/other.

F.   NEW BUSINESS ITEMS

F.1.   36697   SUBSTITUTE-Directing the Department of Planning and Community and
                           Economic Development to conduct a one or two year collaborative effort to
                           implement many of the recommendations in the 2012 adopted Downtown
                           Plan, and to take an expanded and more detailed look at a number of issues
                           associated with State Street, the Capitol Square, and adjacent areas

Bill Fruhling of the Planning Department discussed the resolution.
● It directed staff to undertake a comprehensive 1- to 2-year study and create a plan for State Street, the Capitol Square, and surrounding areas (generally about a block off of those streets).
● Items to be considered in the Plan: Physical design and character; programming issues and how public spaces and streets were being used; business uses; and transportation issues, inc. bus access (vis a vis the TMP and the BRT study, how State Street, the Square and Outer Loop fit into those plans), bike lanes, parking, way-finding, taxis, deliveries and automobile parking and access.
● A number of issues kept coming up individually, but they really couldn't effectively address one without considering some other effect it might have.

• With changes going on Downtown and on/close to State Street, with all the residential units being built, they wanted to ensure that the core of the Downtown would be in a really solid position moving forward.
• It was yet to be determined whether a special committee would be formed to oversee this. But they wanted to get the proposal before the referral bodies to let them know this was coming and to see what they thought about the comprehensiveness of this effort.
• When they got to point of going over transit and parking issues, they would come back to the TPC.
• Should a committee be formed, reps of various boards/commissions would be included. A staff team from different agencies would be involved in the process, and the Commission would be plugged in that way as well.

Golden asked that intercity bus be included in their considerations about buses, because of some discussion about using Lake Street ramp reconstruction for intercity bus. A motion was made by Kovich, seconded by Weier, to Return to Lead with the Recommendation for Approval to the PLAN COMMISSION. The motion passed by voice vote/other.

F.2.	34016	A SUBSTITUTE Amending Sections 11.06(2)(a)2.,11.06(3), (4)(a) & (b), (5)(a), (7)(a), creating Sec. 11.06(7)(b), renumbering Secs. 11.06(7)(b) through (m) to Sec. 11.06(7)(c) through (7)(n), creating Sec. 11.06(7)(e)3., renumbering Secs. 11.06(7)(e)3. and 4. to Secs. 11.06(7)(e)4. and 5., amending Secs. 11.06(7)(f)1., 5. and 6., (8), (9), (10)(a)2., creating Sec. 11.06(10)(c), renumbering Secs. 10.06(10)(c) through (g) to Secs. 11.06(10)(d) through (h), amending Secs. 11.06(10)(d)1. and (10)(f) of the Madison General Ordinances to permit the business of and outline the licensing requirements for Transportation Network Companies operating in the City of Madison.

[Please note: Mayor Paul Soglin presented comments on this item, immediately after Agenda Item C.]

Mayor Soglin made the following remarks:
• Decisions had to be made about the taxi industry in the City, as to whether we would allow companies to operate that wholesale violated the law and had a business model that was built on exploitation; even though these companies – Uber and Lyft – would say they opened up employment opportunities and service to neighborhoods. But we were talking about Madison, WI, not Boston, Paris or Kansas City.
• The City of Madison had regulated the taxi industry for decades, and it had worked out quite nicely. The City didn't have a medallion system, which artificially drove up the price for a permit to drive a cab to $200K-$600K. The City did not control prices. That was left to the companies themselves.
• Historically, government stepped in to regulate telephone and electric utilities, to require that their services be offered statewide, not just to wealthy communities. It was not just about a company's ability to geographically make a profit in certain areas; it was about the overall good of the community in terms of service and price. Sometimes this meant extending service down a road at a considerable price, to a small town or village or an isolated farm.
• By requiring companies to provide service statewide, the entire state economy benefited.
• He was not interested in a system designed to provide maximum service on a few isolated days/hours of the year/week, leaving large areas of the

community uncovered and allowing surge pricing.
● **The City asked for reasonable regulations; for example, that vehicles be clearly marked and defined. The reason for this was to avoid situations, like those documented in other cities in which Uber/Lyft operated, where unscrupulous drivers went into areas with high demand and identified passengers; and unsuspecting passengers got into vehicles that were not even Uber/Lyft, and found themselves taken for a ride.**
● **The City regulated drivers by insisting on background checks, which was critical. Given incidents in other communities, with drivers who drove while intoxicated or assaulted their passengers in disputes, it was clear we needed to have reliable background investigations of drivers and to have people responsible for their management and supervision. This was especially true if we had drivers coming in from other communities to service Madison.**
● **The technology was an app. Was it worth 20%? The industry itself was transitioning to using similar apps. Eventually, multiple cab companies would likely start using the same app and offering the same convenience as the Uber app provided. But its value was not 20%.**
● **The City did not regulate fares, except to require that they be uniform in terms of time or day and in terms of geography. Folks leaving a concert in San Francisco last year, reported paying $400-500 to get to their destinations within the 45-sq. mile city (smaller than Madison). A rider in Manhattan paid $150 to go two miles in a snowstorm. There were many accounts across the country last Halloween, of rides costing $200-300 for trips that should have cost $20-30.**
● **On Friday and Saturday nights here in Madison, a significant number of Uber vehicles can be seen circulating on State Street and the Square. But they are nowhere to be found on the Southwest side or the Northeast side. That was because of the cherry-picking, which should be our largest concern. Surge-pricing was evidence that the TNCs were there to provide service at a certain time/day and and would raise prices, without regard to the needs of the public.**
● **If Uber/Lyft continued these practices, the existing cab companies here in Madison that operated 24/7 would go out of business. Not in defense of the existing companies but in the defense of the public, after Uber/Lyft crushed the existing companies and had a monopoly, everyone would be subject to surge-pricing whenever these companies chose.**
● **He himself drove cab for a number of years, and since that time, the market had not changed. Here in Madison, 80% of a cabbie's money was made 20% of the time. He drove all week so he could have a cab available to serve the public in peak times and days, such as football weekends, Friday and Saturday nights, days before/after vacations, and Bankers' convention. The rest of the time, he didn't make any money. Some summer nights during the week, he took in less than $8; but on the Sunday after Spring break, he took in $200+. That was the way the local market worked.**
● **The question was: Would a cab be available to riders who needed a ride at 8 AM on Sunday (to go to a religious service), or 11 AM on Tuesday (to go shopping or to a med appointment)?**
● **Unlike like most businesses, Uber/Lyft were not investing millions of dollars into a factory that would build something; they were investing their millions into undermining markets, to drive out competition and be the last ones standing.**
● **As for the Uber/Lyft drivers, 80% might look good to them. However, they had to pay for maintenance on their vehicles. And the stop and go of cab-driving was really hard on vehicles. Tires and suspension took a beating. In 2-4 years,**

these drivers would find out what the (true) price was. But then, maybe Uber would offer them a loan to buy them a new vehicle, creating a sort of serfdom. Drivers would have to keep driving to pay off their note. This would be the future of the 50,000 vets if they were to take Uber up on their offer, to drive and get a new vehicle.
● Also, he wondered if the Uber/Lyft drivers knew that in Wisconsin, car sellers incurred a $1,000 fine for not reporting that their vehicle was used as a cab.
● Orgs/unions of Uber drivers around the country were fighting back.
● Uber had just changed the pricing and the split for the drivers in DC. They were finding that to compete in some markets, they had to cut back on what the drivers were paid.
● Insurance for Uber/Lyft drivers was the biggest smoke screen. Uber/Lyft provided coverage the moment the app told the driver they had a passenger whom they accepted. The driver then drove to pick up the passenger, provided the ride, and dropped off the passenger. At this point, the insurance terminated. So as the drivers pull away, if they have an accident, they have no commercial insurance.
● The TNCs would not accept the City rules re: uniform pricing (i.e., no surge pricing), or requirements for insurance certification for coverage from the time a vehicle left the garage until it returned to the garage. Worst of all, they had a business model which said: Screw you, we don't need your stinking laws. We're going into every city in the U.S. to operate, and lie to the people that we're not a cab company because we invented a new name. We don't have to obey any of your ordinances for taxi cabs, or even those for regular vehicles.
● The City had put together proposals to accommodate the new technology. But that wasn't what this was about. It was about a business model built on disrespect, violation of the law, exploitation, and creating a monopoly.
● The City had an obligation to its citizens to ensure health and safety every step of the way, inc. inspection of vehicles, background checks on drivers; and to ensure that the operators of taxi companies were viable, so we didn't have drivers working for companies that refused passengers with wheel chairs, or put guide dogs in the trunk.

Soglin responded to questions.
● An incident in San Francisco involved an Uber driver who ran into some pedestrians and killed a child. Uber took the position that they were not liable because when the vehicle was in motion, it was not on a call.
● Another situation involved a driver who smashed up his $30K vehicle. Uber said that since he wasn't on a call, they won't cover it. His personal insurance said he was acting as a taxi cab, and there was an exclusion for commercial vehicles.
● When Uber couldn't get their way with various municipalities, they attempted to get the local regulations preempted by State legislation. They had been successful in a couple of states.
● The City was prepared for that, and if an attempt were made, they hoped enough legislators could be persuaded to be rational about this. Even if the State did preempt, a good case could be made that this was a local issue and that regulations should not be uniform throughout the state.
● Simply comparing Madison to other progressive places like Oregon or Washington, who had done certain things, and being recognized as a progressive community didn't mean the content was there. He felt he knew more about the taxi industry and the questions of equity in it than most government officials in those areas. While he would defer to anyone who had

experience driving a cab and working in the industry, just putting that stamp of approval on it, didn't make it right.

[Please note: The meeting returned to Agenda Item E.1. at this point. Following Agenda Items E.1., E.2. and F.1., the group continued with this item.]

Poulson asked Metro Paratransit Program Manager Crystal Martin to comment on the issue of serving the senior/disabled community with taxicabs. (Please see handout attached.) Martin described how the transportation network worked in the community.
● Metro contracted out about 80% of the paratransit trips that were performed annually. To have an effective and competive bidding process, a healthy group of transportation providers were needed, whether they were taxi providers or companies that specialized and were licensed by the TPC.
● The network was needed to fulfill not only the City requirements but also to fulfill County's contract requirements through its Human Services Department, and to provide service to different agencies with people in managed care programs, for hospitals, clinics, and other social service agencies. All these groups sought to use the transportation network whether it was through Metro or the many private providers in the community.
● These other providers were important not only to supplement regular service, but also to provide service when City service was not available: holidays, or 2nd and 3rd shifts; on short notice; for customers who might not be eligible for county or city programs and have the ability to support other choices; for travel beyond the Metro service area or which crossed geo-political boundaries. The private providers and the network filled in those gaps.
● Also, there were limitations on the services provided by governmental entities, not only in terms of service hours and service area, but also in terms of waiting time and levels of driver assistance; i.e. ambulance service, or drivers who could throw the meter and spend the time it took for someone to maneuver from point of origin to the vehicle.
● Though sometimes overlooked, this service was critical for senior/disabled populations (inc. those outside the service area or political boundaries) to be able to participate in the community inc. meetings like this.
● 24/7 service was an important aspect in maintaining a healthy network. It set a level playing field for all companies to have to meet a baseline of coverage. It can be more expensive to provide service in the wee hours when not a lot of revenue was coming in, or on Sundays or holidays. Just as the Commission looked at ridership and levels/days of service when it had limited budgets, so would these companies if not for a 24/7 requirement. We probably wouldn't be able to get a cab on Sunday or holiday because there'd be no incentive to be on the road.
● Possible issues on the State level if the Legislature were to look at regulating this statewide would be Workers Comp, Unemployment Insurance, and fuel tax refunds for public transportation vehicles. She would look into the question of whether TNC drivers would be eligible for mileage reimbursement for tax purposes under provisions for volunteer driver programs.

Poulson called registrants to the table to speak.

Christina Ballard, Fordem Avenue, 53704, representing Cab Drivers for Madison Safety and Union Cab: 700+ Madison cabbies were being heavily affected by

this; TNCs can afford to abide with reg's, and if they were allowed to continue to cherry-pick and flood the streets with untested drivers, they would become the norm; and brick and mortar companies would be gone. This was also a class issue, because the people in the taxi industry were seen as underclass, and because Uber/Lyft did not cover certain low-income neighborhoods, which would lead to further isolation and segregation of these neighborhoods.

Steve Holtzman, Glen Highway, 53705, an Uber driver: Could be a class issue since his riders had smart phones and credit cards. But his riders said they loved Uber and the cab model was not working. They couldn't rely on cabs. With Uber they could see when the vehicle would arrive, usually in minutes. Trying to fit Uber into the cab model may lower service. Re: cherry-picking, Uber drivers didn't know where the rider was going. Riders had the driver's license plate and picture, so it wasn't true that maverick drivers could snare somebody. He picked up riders south of the Beltline and everywhere, because drivers were graded on how many calls they accepted. He feared something restrictive would be done to fit them into the cab model. Initially met with concerns about regs, food carts had become very successful in the city. If they followed the Mayor, then the State was likely to step in.

Tom Melms, Woodward Drive, 53704, representing Badger Cab Co (written statement attached): Had they proposed the new business model being presented by the TNCs – no licensing and fees, no permitted background checks, no 24/7, drivers drive when/where they want, no need to serve people w/o smart phone and credit card, increased rates w/ high demand, no Workers Comp or sales tax – they would have been laughed out of the room. Cab service in Madison would suffer if Uber/Lyft could operate with a different set of rules. 24/7 service, prices and safety would no longer be standard. How would other regulated industries react if their licenses/fees had no meaning? Nothing is stopping Uber/Lyft from entering the market if they follow licensing and regs. The taxi ordinances were created for a reason: to protect consumers and drivers, to improve operating conditions and provide better public service. Without the regs, price-gouging could be endless, service would be erratic, and safety would be questionable, leading to anarchy and chaos.

Santiago Rosas, Madison, 53704, Uber driver: His purpose was to serve the community. He disagreed with the term "exploitation"; neither the community nor the riders were exploited. Riders always knew what they were paying, even during surging, and could choose to ride/not. Re: underserved areas, he picked up riders everywhere, and this could be tracked. Re: the telephone company, it became a monopoly, which was disbanded. Existing cab companies had not diversified and wanted to blame Uber. Why then did riders all over the community ask for their services? He recalled issues with cab companies, inc. smoking, drugs, problems with drivers. The Uber driver in San Francisco could have been any driver. The witch hunt with Uber was unfair. He was open to some regs. Uber was innovative with new technology – the future of transportation. He challenged the cab companies to come up with an app. Re: safety, a Green Cab driver was recently held up at knife point; Uber drivers didn't exchange money. He hoped Uber would be given a fair shot.

Bigelow said that his Subcommittee heard from Lyft that they didn't cover south of the Beltline, because it wasn't part of their GPS; once they had enough drivers willing to pick up south of the Beltline, they would expand it. It

wasn't about where riders were dropped off; it was where riders were picked up. Rosas said he also drove for Lyft, and he picked up people south of the Beltline; they just needed a smart phone and a credit card.

Bigelow said the issue with the driver in San Francisco was how the insurance worked. Cabs had coverage at all times; but once an Uber/Lyft driver dropped off the rider, they had only their own insurance. Rosas said he was open to some regulation or amendment as they saw fit.

Justin LaPlante, Black Bird Lane, 53704, a former cab driver now representing Ride Safe Madison: He had screen captures from Uber from September through January that empirically showed Uber didn't service certain areas of the city. Re: surge-pricing, Uber designated to the drivers that the isthmus and college area was where they could make $23. This was just to get into the vehicle; some fares ran as high as $80. In New Delhi, Uber was now applying for a taxi license as a taxi company, with very stringent rules that controlled pricing and required insurance. Uber had no concrete insurance even when a passenger was in a vehicle: A man injured in an Uber vehicle was not covered because the driver had not informed his own insurance provider. Section 5. [Disclaimers; Limitation of Liability; Indemnity] of Uber's service term agreement for drivers and passengers, basically invalidated any insurance that Uber said they had. (https://www.uber.com/legal/usa/terms/) This left it to drivers alone to get an expensive concrete insurance policy to cover incidentals, damages and commercial activity, which if asked, none of the Uber drivers would have. He asked that the TPC act in the best interest of the community for transportation. Uber represented a lot of discrimination and potential damage to the community.

Golden asked LaPlante which areas he meant when he referred to south of the Beltline. LaPlante said he was referring to several areas of the city that were poor, underdeveloped, primarily minority communities. Golden noted that those without a credit card and smart phone couldn't access the system; but even with them, certain areas were not served. LaPlante said that public domain apps were being released for smart phones that wouldn't require a credit card. Re: the Green Cab theft, Green Cab had cameras in their vehicles, while Uber/Lyft did not, which was ironic given they were technology companies.

Anna Everson, E. Dayton, 53703: She worked for a tech company. The Mayor's comments were either hyperbole or flagrant lies. She had gotten rides to/from the Dunn's Marsh and Allied Drive, rides in the middle of the day to appointments, and rides with her large dog. This was not about competition/ monopoly, since she and her peers were not using cab companies before. Her generation lived in a world of digital speeds and instant gratification and preferred not to wait indefinitely for a cab; which was why Uber/Lyft worked for them. Uber/Lyft were not perfectly reliable either; but when unavailable/a long wait/surge pricing, she knew within seconds of opening the app. She knew where her driver was at all times, could call/text with a click, and paid with her phone. This was how commerce worked now. For tech companies to keep growing in Madison, these services were expected. Uber/Lyft provided a transparency that no local companies could touch. The app being developed by Green Cab probably wouldn't have happened without competition from Uber/Lyft. How would people know about these benefits if they didn't use a

ride-sharing service or own a smart phone? Who was making the decisions here: the cab companies with the biggest financial stake? Was it the government's role to preserve private companies with outdated business models, or should people be able to decide in favor of innovation? If there were conflicts with City ordinances, then modernize them to secure Madison's economic future. The first time he traveled to Madison, the CEO of her company was frustrated by the wait he had at the airport. The next time he came, he used Uber, and tweeted about it. Who knows how many other CEOs saw the tweet and how it would affect their decision to locate their businesses here?

Rebecca Krantz, Jefferson Street, 53711, was not available to speak.

Sam Katz, Erin Street, 53715: This was a good debate to have. Having a physical disability (though not one that required a wheel chair), buses were not an option, so he took cabs everywhere. Before Uber/Lyft came to town, he sometimes could not go certain places because it took 30-60 minutes to get a cab. The day before, after being loyal to Union Cab, he was trying to get back home in a snow storm. He first called Union and then Badger, both with 24/7 dispatch lines. Both calls either disconnected or went dead. So he opened the Uber app, and waited a while. Then a ride became available in 14 minutes. Asked if he was willing to pay 2.5 surge pricing, he took the ride and paid a $13.65 fare back to his house. He arrived safely.

Don Morton, N. Thompson, 53714, Uber driver: He drove 6 AM to Noon, and took people to church on Sunday. He went south, north, Allied Drive, Vera Court and Darbo. It depended on whether somebody had a smart phone and credit card. It wasn't about class, it was about mobile technology, which was where we were headed. That was why Uber was here. It wasn't onerous. The Mayor wanted to put too much weight on Uber. This was not 1965 when he drove cab. Things had changed; this was a different future. He thought the way Uber came in and just started up, stuck in people's craw. Maybe they could compromise, esp. on the insurance.

Christian Borchardt, Sun Prairie, 53590: Uber/Lyft served the entire Dane County area. They didn't deny service. Uber drivers were rated and had to maintain a certain rating based on levels of service, clean car, etc. Uber tracked where drivers were; and provided insurance coverage when passengers were in the car. If Uber left Madison, UW students would suffer. With this service, students didn't need to have a vehicle to go shopping or get to a mall; they could get a ride quickly. If they called a cab, their wait could be 45-60 minutes. With Uber, waits averaged 15 minutes. Being hearing impaired, he'd rather not talk on a phone, and preferred to use the app. Rather than waiting without knowing when a cab would arrive, he could see where his Uber driver was and when he would be picked up.

J. Caleb Haugen, Sun Prairie, 53590, Uber/Lyft driver: Now working in software, he had a diverse history, inc. experience as DMV examiner and trainer, and as a commercial bus, truck and limo driver. Uber's superior customer service inc. their rapid response times, was neither exploitation nor luxury. It contributed to public safety by making good decisions easier. When an intoxicated passenger was forced to wait 45 minutes, and still couldn't see the cab, they might make an unsafe decision to walk or to drive. When using

the Uber app, riders had info instantly: they saw the car approaching, and how long before it arrived. Uber's cashless system was not only convenient, but also safe for passengers and for drivers. Riders could pay with Pay Pal, not just with credit cards. A cashless system also relieved the police burden, by eliminating fare-skipping and robberies; and discouraged off-book fares. Follow-up in the taxi industry was sketchy. Uber's rating system improved customer service. Refusing to take a guide dog would be grounds for being banned by Uber/Lyft. Passengers had the same recourse as regular taxi riders: to call on the Police, the courts or even the Commission should it choose to legitimize this business model.

Carla Jacobs, Public Policy Associate for Uber, W. Mifflin: The proposals aimed to regulate TNCs inc. Uber, and provide high standards for safety in Madison. Uber supported the overall goal of the ordinances to create a safe environment, but opposed the approach taken in both proposals. Neither proposal (Soglin's or Resnick's) would create a framework under which Uber could continue to operate. However, some small changes could make things workable. 1) Allow background checks to be conducted by a third party. Municipalities, hospitals, schools used them successfully. The process used by Uber (approved by two dozen municipalities and states) reviewed federal, multi-state and county criminal checks, DMV records and screened against the national sex offender database. 2) Make a slight change to the insurance requirements, to allow a TNCs insurance provider to be included as an eligible provider. Neither proposal allowed for the insurance coverage Uber had; which was provided by a surplus lines provider, James River Insurance, with an A- rating from A. M. Best. Uber's insurance policies were developed with a ride-share model in place, provided $1 million of liability and left no gaps in coverage. 3) Remove the requirement that prohibits dynamic pricing (aka surge pricing). Uber used this at busy times with peak demands (New Year's and after major sporting events), to encourage more drivers on the road to help meet user demand. Dynamic pricing was used by hotels, restaurants, airlines, florists. During these periods, riders had to type in the price multiple to confirm that they accepted the higher fare, and could opt to be notified when prices dropped. Users could also estimate the fare before requesting a ride, by entering pick/drop off locations. 4) Remove the mandate to provide 24-hour service. Drivers were serving residents 24 hours a day. Uber monitored this, and had data to show this; the map (attached) showed average ETA to all parts of the city. But inherent in the model was that drivers were independent contractors who created their own schedules. Uber cannot mandate driver schedules and would not be able to operate under this provision. The proposals before them reflected a flawed understanding of how Uber worked. The changes she suggested would maintain a high level of safety, but would also provide residents additional transportation options and ways to make a living that they've relied on since Uber came to Madison.

Bigelow said that the Subcommittee had looked at insurance with regard to the period when the app was on/off, and wondered if this had anything to do with what Jacobs said about insurance. Jacobs said they were two different issues. She was talking about the type of provider that provided Uber's insurance, because as the proposals stood, they would not allow a surplus lines provider. A surplus lines provider was a type of insurance provider that allowed for new technologies; and covered things new to use, or were hard to quantify the risk.

Bigelow asked if they were an insurance provider or not, and whether they were covered by insurance laws in Wisconsin or not. Jacobs said that by definition, they were not authorized by any state, but they were eligible in any state. All the ordinances that were in place (elsewhere) and had insurance requirements for Uber, had allowed this as an option.

Though not quite sure he understood what she was saying about Madison's ordinance, Bigelow then asked whether there was coverage from the point when a driver turned on the app to the point they took a ride call. Jacobs said there was no gap in coverage regardless of whether a driver did not have the app, had the app on or had a driver [sic?] in the car. There were no gaps throughout that entire timeline. Bigelow wondered when this had changed with Uber, because four months before, this was not true, per documentation the Subcommittee had received. Jacobs said their policy had been the same longer than four months.

Noting these insurance questions, Bigelow referred to the accident in San Francisco, where Uber had said that because there was no ride accepted at that time, they were not liable and their insurance company was not liable. Jacobs replied that in that instance, the driver's own policy (was). Bigelow noted that this would indicate that Uber's policy did not cover the point between when the driver turned on the app and actually took a ride. Jacobs said that Uber required drivers to have an insurance policy. In the period when the app was on, but a ride was accepted, if a driver's insurance paid for an incident, then that's what the situation would be. If the driver's insurance declined, then Uber had an insurance policy in place that would cover it. So either the driver's personal would cover, or if not, Uber's would cover.

Golden wondered that if the insurance company was not licensed in Wisconsin, how would we know that they were not just collecting fees; but then when they got a $2 million claim, they could say, sorry, we don't have $2 million. The victim/injured party would then be claiming against a bankrupt entity. Jacobs said that though the surplus lines provider was not licensed, they were very heavily regulated by the State. The license was one category; but there were high standards set by the State that they complied with. Golden asked if they were required to have assets, sufficient to pay for actuarially expected incidents. Jacobs said that often, states had a list of eligible surplus lines providers.

Based on his experience, Golden said that even if a person had good, personal automobile insurance with high liability, and Uber covered them for a certain parenthesis when they had a passenger, and something happened during the period the app was on and the driver was going to a ride for commercial purposes, and they made a claim to their insurance company, he knew for a fact that their insurance would reject the claim. For all intents and purposes, that person would be uninsured for that period of time, and similarly for an injured member of the public, perhaps a pedestrian who might be hit. Even for a legitimate claim, there would be no insurance. Jacobs said, in that period, if an individual's policy would not accept the claim, Uber's policy would. Uber's policy was specifically in place for the ride-sharing industry, and designed to cover claims in those periods. Golden said (it sounded like) Uber's insurance was kind of a back-up: they went to the other insurance first, and if they paid,

Uber was off the hook. If they didn't pay, Uber was on the hook. Jacobs said, regardless, there was no gap.

Kovich asked Jacobs about her earlier comments related to Uber requirements for drivers to have the correct type of insurance. Jacobs said drivers had to have a personal policy in place in order to go through their process to become a driver. Kovich said this was different than what they had heard in the past; because they had heard of instances where the correct insurance was not in place, and then the company did not back it up. The understanding was that a person had to have the correct type of insurance, and if they didn't, then the back-up policy did not work. Jacobs said it would have to be an auto liability coverage that met State requirements. Kovich asked if this would be for commercial uses. Jacobs said that Uber's requirement for drivers was that a driver must have an individual policy that met State minimums. Bigelow said the minimum in Wisconsin was $25K (not $1 million). Kovich said that they had uncertain information; different information from what the Subcommittee had. Jacobs said she would be happy to provide the actual policies Uber had, so members could review them.

Weier said that, according to a December NY Times article, an Uber driver had been convicted of reckless driving in Florida, and arrested in San Francisco in the death of a six-year old girl, charged with misdemeanor vehicular manslaughter. In another incident, an Uber driver convicted of assaulting a passenger in San Francisco was previously convicted of a felony drug charge, which should have disqualified him from working for Uber under its own procedures.

Weier wondered what Uber's background checks consisted of. Jacobs said Uber partnered with a third-party company that conducted the background checks and did a state, county and federal screen for anywhere the person had lived for the previous seven years. They did a Social Security trace so they had the identity of the person, and to see where the person had lived. The checks that they used were courthouse records. People from the third-party company went directly to the courthouse to obtain those records. Weier asked if there were fingerprint checks. Jacobs said they did not use these because fingerprint checks relied on a database that had to be updated by people submitting the court records to the database. So instead of relying on the database, they went directly to the source of those records. Weier mentioned that there was also a rape in India, but that was a different country.

Brad Mastenbrook, Stoughton, 53589, an Uber driver: Started driving for Uber in May, after using the service in Philadelphia and liking it. It came down to service: They arrived within minutes, had polite drivers and clean cars. The service was what drew him. It was a great part-time job, upon which many people relied. For him and other drivers, it was their own personal business, in which they took a lot of pride. He wanted to provide the best service possible. From talking to people, anyone who has ever used Uber, loved Uber. It was a better system: quick, safe, and drivers cared about their riders (not always the same experience with regular taxi drivers).

Golden asked Mastenbrook where he waited when he didn't have a rider. Mastenbrook said it depended on the time of day and where his last ride was. If his last ride was on S. Park, he would probably sit at S. Park and W. Wash. to wait for a ride. His average wait time was two minutes. For 5-10% of his

rides, it took more than five minutes to reach his next rider.

Jason Glomp, Fordem Avenue, 53704, representing Union Cab (written statement and news article attached): Uber recently received a $41 billion valuation. Given that traditional taxi industry has small margins, he wondered how the TNCs became so successful so quickly. They had done so by passing the costs on to the driver: fuel, maintenance, payroll taxes, insurance and regulatory costs of running a public utility. The reg process in Madison was straightforward. However Uber/Lyft had been lobbying the city to reduce the basic requirements, inc. MPD background checks, being photographed and fingerprinted. In India, Uber was forced to add a panic button to their app, after a driver raped a woman. The driver had previously faced rape charges before being allowed to drive for Uber. With all their money, it was hard to understand why Uber couldn't comply with the regs to meet the basic requirements to protect citizens. At Union Cab, they shared Madison's values, and aimed to be a valued asset and resource for the community. Glomp asked that the Alternate version be adopted.

When asked how he felt about surge pricing if it were legalized, Glomp said he found it reprehensible. He didn't support it as a member of the community, and wouldn't support Union Cab doing it. If barriers weren't put up to surge pricing, it would become the norm, and price gouging would be what the people of Madison would have to get used to.

Tolmie asked Glomp what he thought about being able to rate passengers, and deny them after they've gotten a certain rating. Tolmie's understanding was that taxi companies couldn't say no. Glomp said they had come to TPC to ask for certain regs to deny service to passengers (or at least require pre-payment), in such situations as the passenger was being verbally abusive, was incredibly intoxicated, didn't have a destination, called from a closed business, instances where the driver would be endangered by the customer. Glomp felt that riders and passengers rating each other could have some consequences, where ratings could be based on disability, ethnicity, gender (Ex. rating a disabled passenger lower because they took longer, or not wanting a female driver).

Bergamini said that some questions had been raised about driver safety, with the suggestion from Uber that TNCs were safer because there was no cash involved. Had all the disputes between passengers and drivers been about cash? Glomp said no; often drivers dealt with intoxicated riders. Along with being robbed, he had been punched in the back of the head because a guy didn't like Glomp's conversation. Re: what companies did to protect drivers, they asked where the rider was going (with rare exceptions), and they had a "panic" button connected to the dispatch office, whereby the police would be contacted.

Tolmie said that the Uber model of a providing a photo of the driver and license plate info would not be useful to him. Tolmie asked if taxi drivers were given special training for disabled passengers. Glomp said all three proposals called for background checks by the City, and for City-sponsored sensitivity training, which taught drivers how to assist and identify visually impaired people and people in wheelchairs, and how to handle service animals.

David Rossing, Elizabeth Street, 53703, a Union Cab driver: He drove mostly

nights, supporting his family, as a professional driver and trainer. He urged members to support the Alternate (Mayor's version), which created an even playing field for all taxis, while retaining the high standards for safety, service and pricing that had helped Madison be a great regional destination; vs. Resnick's proposal, which amounted to devaluing human life, requiring a tiny fraction of the insurance coverage currently required. Uber/Lyft had ignored the rule of law, and why would we expect anything different in the future. Consider that the Koch Bros.' Americans for Prosperity had recently gotten behind TNCs here in Madison, which might explain the number of people at the meeting; their ads had been ubiquitous. Rossing believed the Koch Bros. were behind this because they knew this paradigm would usher in yet more reduction of the state, and other policies to block such things as compulsory insurance, regulations, many protections that had developed since the 19th century. TNCs represented an experiment in the dismantling of social provisions, redistribution of wealth upwards, replacement of stable jobs with flexible precarious ones, ruthlessly privatizing profits while externalizing maximum cost and risk. Taxi driver training was extensive inc. 3-4 days of on-the-road defensive driving classes, sensitivity training, rigorous re-evaluation/follow-up training; vs. a very short video for TNC applicants. Unlike TNCs, taxi drivers could not legally discriminate. Like food deserts, we would soon have transit deserts. He asked that ordinary people be protected from another business that profited from the risk it could avoid and place on others. For a functioning society, a strong regulatory arm was needed.

Mike Dentice, Lisa Ann Drive, 53718, a Badger Cab driver: He started driving 12 years ago, and thought he would drive only until he figured out what he was going to do with his life – a common theme among drivers and staff. But then he realized he wanted to work in the taxi industry, to make sure people got where they needed to go safely. He was here not only to represent himself, but also to represent the gentleman he picked up at 2 AM to go to Oscar Mayer five days/week, the Latino seniors who wanted to meet for Bingo and computer classes at Warner Park, the woman who worked at Bell Labs with a reservation for a ride at 4 AM that guaranteed she got to work on time, the mother on Allied Drive who couldn't walk to get groceries. Most of these people either didn't have a smart phone or a credit card. But they did rely on Madison taxis to get them where they needed to go, safely and conveniently. He wasn't sure where the 45-minute window was coming from; on Fri/Sat nights, anyone downtown had a 10-minute wait. If taxis were to flood the Isthmus every day of the week, they could respond within 10 minutes, any day of the week. But if they were to do this, they wouldn't be able to serve anyone on Allied Drive, or Fordem, or anywhere else. Perhaps by serving the entire city, a person in one part of the city would have to wait a bit longer. But taxis served the general good, helping anyone who needed a ride.

Tolmie asked about scheduling a ride and what window of time a rider might expect. Dentice said Badger was a shared-ride service, with more variables, so they didn't guarantee exact times. Generally, when a rider set a time, they would give them a window of 15 minutes before to 15 minutes after. During periods of higher demand, they would advise people to allow a bigger window, perhaps 30 minutes.

Former TPC Chair Carl Durocher, Williamson Street, 53703: When Sue Baumann was Mayor, an ad hoc committee conducted an extensive study of

the taxi cab ordinance, and found that compared to most places, Madison had a minimal cab regs. They left the regs in place. The study was prompted by one more potential rogue operators, who wanted to work outside of the ordinance and cherry-pick, which jeopardized the financial viability of existing cab companies. The ordinances were there to protect the public not to protect the business model. Uber/Lyft came forward as a bunch of rogue cab drivers, trying to do what was attempted by one or two drivers several years ago. That these drivers can be requested through an app was just one technological step ahead of the previous rogue operators, who proposed to have no central office, just a cell phone for dispatching. All three proposals were in-depth and thought out. If the TPC supported any of them and it got adopted by the Council, per a letter from Lyft, they wouldn't be able to operate under those regs. This shouldn't be taken as a threat. All they were being asked to do was to uphold the same performance standards as existing companies. The Lyft letter saying they wouldn't operate if they had to perform under the same standards, said it all.

Paul Bittorf, Business Manager for Union Cab: This issue had been front and center ever since Uber/Lyft showed up in town. Mayor Soglin was correct in all his statements. They had been researching why there couldn't be a fair playing field. Why did Uber/Lyft ignore the regs calling them outdated/inadequate, while Green Cab was able to open only a few years ago under the ordinances and establish a company? Uber/Lyft had tens of millions of dollars in their marketing budgets, far more than Union's annual budget of $7 million. Why couldn't they adhere to current regs without the need for ordinance changes and simply establish a legitimate legal company here, with insurance that required no compromises? Bittorf handled insurance for Union Cab. Without commercial auto insurance, as a commercial service provider, TNCs ran the risk of voiding any coverage because it was based on a person's personal auto liability. That's what happened in S.F. Why not just call themselves taxi cabs, instead of making up strange terms like "community volunteers"? It was blatantly obvious they were operating as gypsy taxi cabs, and damaging local companies. This extraction economy (taking out of local economy and not putting back) would drive local companies out of business. Union's call counts had dropped, with 15% less volume than last year. Lack of enforcement by the City on this issue was damaging local businesses. With the TNCs offering hundreds of new jobs, the 270 jobs at Union were threatened. This was an issue that threatened local control by a multi-national corporation throwing around billions of dollars. Union Cab had developed an app and online ordering, and a new dispatch service. But people could still call and talk to a human being, esp. when they had a concern. Without regs that created a fair and balanced business structure, we risked opening up the city and all its industries to this same extraction model.

Bittorf said that public safety, insurance coverage, service requirements, and all that taxis were able to do now, were at issue. Union Cab offered the only 24-hour wheelchair service to the city, which was now threatened, if Union couldn't afford to keep that service up. The city could lose that service. TNCs were not going to take the accounts they now served. He also hoped that all the TNC drivers at the meeting were ready for the law suit, when they had their big event, a fatal injury accident, and their own insurance was on the line. Were they ready to take that on, personally? They would have no recourse. Uber's terms of service were very clear: everything was put on the

transportation provider, meaning the driver.

Adam Chern, School Street, 53703, a Union Cab driver (written statement attached): His concerns centered on non-Madison TNC drivers entering the Madison market. TNCs were international networks for connecting passengers with unlicensed taxi drivers using their own vehicles. He had seen how a glut of TNC drivers in Milwaukee had pushed out-of-town drivers into Madison, esp. during surge events. TNC driver compensation was tied to revenue, encouraging driving when/where demand (and prices) was highest. The possibility of earning up to 8 times the normal fare attracted out-of-town drivers. An entire sub-culture of TNC drivers shared tips on how to maximize earnings, inc. turning off an app until a surge situation occurred. Chern had seen TNC drivers stop in illegal and unsafe spots on State Street. The Police Dept. could count on local drivers to work with them to report criminal or inappropriate behavior, vs. unaccountable drivers with no connection to the community. The cherry-picking of part-time TNC drivers would also destroy full-time taxi jobs. The TNCs will all destroy the transportation infrastructure that provided 24/7 service at an affordable and predictable cost. All drivers for-hire should be locally licensed and background-checked, and have well-marked vehicles with posted rates. People might be enjoying the TNCs now, but the social costs would fall on the community later, as would the insurance costs and 60¢/mile vehicle operating cost fall on the TNC drivers over time. When asked, Chern said he had seen TNC drivers loading/unloading on State Street and waiting where passengers were frequent, not usually at cab stands.

Nick Anderson, Uber General Manager for Wisconsin: Uber was not opposed to regulation. They supported regulations that supported consumer choice and safety. He had attended many TPC and Taxi Subcommittee meetings, and was available as a resource to answer questions. In response for some issues that had come up, he wanted to clarify a few items.
• Dynamic pricing was an algorithm based on supply and demand. When there was an influx of demand and not enough vehicles on the road, dynamic pricing went into effect, which kept existing drivers on the road longer and provided incentive to others to come onto the system. This could be enhanced by proactively messaging out to partners, to tell them there was a football game or some special event.
• Re: the addressable market and impact on existing operations, Milwaukee had had a cap on taxi permits for a long time: 320 permits = one per 1,600 residents. Typical cities had one per 400-500 residents. After Uber came, Milwaukee removed the cap on taxi medallions, and also opened it up to Uber and TNCs. Now the city had 900+ taxis, plus Uber and Lyft. Taxi drivers were still making money. It expanded the addressable market. People didn't take this transportation option before because they didn't think it was realistic; they might get downtown but wonder how they'd get back home; so they drove. Uber and ride-sharing brought more choices to the table.
• Re: insurance and app on/off, the point was that from the moment the driver logged into the app to the point the driver turned off the app, there was coverage. Every driver and every rider was covered, for every single trip that happened on Uber.
• Wis. State Statutes definition: "Surplus lines insurance is placed with unauthorized insurers through surplus lines agents." Surplus lines agents were registered with the State. Surplus lines were a technicality of the type of

insurance product that was available. It was authorized through the State through the surplus lines agents, licensed to place insurance through Sec. 628.042 Wis. Stats. This was a complex issue, and Uber would be happy to follow up with an insurance expert on a call with anyone on the Commission, to provide more detail about what was surplus insurance.
• The key was to remember that it was a $1 million insurance policy; every rider, every driver was covered during the trip.

Golden asked if there were any limit to surge pricing. Anderson said dynamic pricing was an algorithm based on how many people were opening the app; the heaviest demand he had seen in Wisconsin was 2.5 to 3X. The average multiple for dynamic pricing in Madison was 1.5X, with the highest in Madison at 3X. As far as third parties, they were covered as well. Uber had $1 million commercial liability insurance, so anything a liability insurance policy covered, the $1 million that Uber provided also covered that: the driver, rider, damage to other vehicles, people, property; anything that fell under liability insurance was covered.

Not yet clear about the kind of insurance being described, Golden heard that the surplus lines agent was somehow authorized. Golden wondered if the underlying company that was taking on the risk, was governed by the Office of the Commissioner of Insurance. Anderson said the company, James River (JRVR), was governed by Sec. 628.042. Golden asked if the "deep pocket" was governed by the State. Anderson said it was.

Golden said he recalled hearing someone say they could turn the app off to get to a better location; say on a basketball game night, a driver could turn the app off during the game and go away. That would be a legitimate reason to turn the app off. But what if a driver delivered someone to Hilldale and they wanted to get back to the central city where the action was, could they turn the app off so they wouldn't show up and go there? Can the driver turn the app on/off repeatedly during an evening?

Anderson said that when a rider opened the app, based on GPS, the request went to the closest available driver partner. So if a driver was online in the suburbs, that request would go there. Golden asked what happened if the driver chose to turn the app off because they thought there would be a surge somewhere else. Anderson said they tracked and had corrective measures for that. They could see anytime someone turned off and logged on; and if that happened, they could end the partnership with that driver.

Schmidt asked if the algorithm had a maximum for the multiplier for dynamic pricing; if the algorithm had a maximum value encoded in it that it could not go above. Anderson said there was not a maximum value.

Referring to the map handed out earlier by Jacobs, Golden said he thought it was BS. He couldn't imagine that Uber drivers were distributed all over the city. The colors suggested a 5- to 10-minute arrival time everywhere; but it took him 12 minutes to get downtown from the near west side if there were no traffic and he hit every light, and Madison was a lot larger than where he lived. It was also likely that their operations peaked when traffic peaked. The idea that Uber could get to so many places in five minutes, suggested that there was always a vehicle available nearby; or maybe it only happened once in a

certain area, while in another location it happened a hundred times. It was hard to tell by the map; and he questioned the validity of it.

Anderson said Uber created economic opportunity for people all over the city and neighboring communities. The drivers in the room came from all over the city. While they waited, drivers hung out all over the place. Driver partners might be going to Target for groceries, when they got a request from someone at Target. A driver might be at home and get a request from a neighbor five blocks away.

In checking his phone, Golden noted there was no Uber drivers on the east side at all; just one on the south side, one west, and maybe four downtown. If anyone asked for a ride on the east side, it would not be five minutes. And the current time of day was not an atypical time. Anderson said the map reflected the average pick-up times for each one-kilometer zones in the month the data was taken.

Schmidt said that the map didn't include the requests that didn't make a connection, because it only averaged when somebody actually made a connection. Anderson said studies had been conducted in other cities (like Chicago) that looked at neighborhoods that were classified as underserved, and found average wait times, percent pick-up, ratings by drivers of passenger did not vary based on demographics, gender, age, and where they were picked up. Schmidt said that percent pick-up would probably be the number that would interest the Commission most. The map didn't tell the % of attempts to get a ride, (that) didn't get a ride.

Bergamini asked what period of time/dates did the data in the map cover. Anderson said the map was based on data from June or July. Bergamini asked if they had ride counts for that month, because without a volume or time period attached, for all she knew the map could represent a 5-minute period. Poulson suggested that Uber might want to add this information to the map, as it moved to the Council, where these same questions would come up. Anderson said the map was re-run for January but it was not yet available.

Tolmie revisited the scenarios where a driver might decide to turn the app off when far outside of town, and drive downtown where they suddenly reappeared; vs. when a driver was going grocery shopping, and they might turn the app off while in Target, and turn it back on afterwards. How would Uber know the difference between someone who was simply shopping and someone who was cherry-picking? Anderson said they could run statistical data, and could sense patterns when people logged off and logged back on, and when the next trip was a surge trip. When Uber caught repeated patterns, the system caught that and they ended the partnership. The team in Wisconsin routinely ran those reports.

Charlie Hoffmann, Bowen Court, 53715: A UW Junior who supported Uber, he was shocked to hear that the Council was considering passing legislation that would essentially ban applications like Uber/Lyft from operating in Madison. He had always been excited to come to school in Madison, because it had always been at the forefront of innovation and had served as model of public policy for other cities. Banning apps like Uber/Lyft would send us in the wrong direction, and would be a direct assault on the student population that made

the city so unique. Students had voiced broad support for these apps for many reasons: 1) Uber/Lyft made Madison a safer city, esp. at night. Walking home alone whether sober/intoxicated could put students in a situation where they felt uncomfortable or unsafe. These services provided another option for students to get home safely. 2) Uber/Lyft offered accountability that taxi services did not. He had recently taken an Uber, which he felt took him on a longer route than normal, costing more than he would have expected. Afterward, he emailed Customer Service explaining the situation, and they corrected his payment. This sort of service did not even remotely exist with the cab companies. He hoped the Council would come to an agreement that would allow Uber/Lyft to successfully exist in Madison.

Weier wondered why Hoffmann would say the proposals would ban the TNCs, since they would not do that. Hoffmann said that the services would not be able to operate as they currently operated. Weier asked if he thought this was true because one of the proposals wouldn't allow surge pricing. Hoffmann said no; it was because the proposals would not allow them to operate with a business model that had been accepted and had been successful in many other cities across the country. He was not associated with Uber in any way. The past weekend, he had taken Uber home on Friday night, and a cab home on Saturday night. He had no problem with the taxi companies; but when it was 2 AM and he was trying to get home, he usually got a busy signal. But if he contacted Uber, he got a cab in five minutes. It was this efficiency model that his generation appreciated, and was something they had come to expect from all sorts of businesses.

Bigelow noted that there was a difference between banning something, and requiring somebody to follow regulations, which all utilities did in Wisconsin and in most states. Wisconsin regulated utilities and cabs were considered transportation utilities in the state. Hoffmann said the TNCs were not taxi companies, they were an app that connected a rider with someone who could drive; and they were based around that application. Kovich said she disagreed; they were providing a ride, and she didn't see the difference.

Jim Cozzi, Fitchburg, 53711, an Uber driver: He had over a 1,000 rides in with the ride-sharing services. He had polled his riders about what they liked about the service and what they didn't like about the cab service. Drivers were requested by the app, and often, it would take 15-20 minutes regardless of where a person was. But sometimes he surprised people because he was there in 30 seconds. The app brought the closest driver and the highest-rated driver to the request. It was a very efficient way to use transportation for the riders. Students on Campus liked them because they were so much cheaper than the cab companies. There was a lot of disinformation. It amazed him how many people were ignorant. He applauded some of the alders who took rides with him; he got five stars from them. One said don't tell the Mayor. He used it repeatedly and he loved it. Any of the Commissioners were welcome to download the app and take a ride, and experience it before they passed judgment thru lack of information. Cherry-picking, level playing field – it was a great way to deliver a service at an affordable price. It was Economics 101, supply and demand, when it came to surge pricing. They were very safe. Re: background checks, if there was a DUI on his record, he was rejected. He didn't drink but he stayed out later than he should, because he felt responsible about getting students home safely. He was out until 4 AM in a snowstorm the

previous week. He also enjoyed the social experience. Channel 27 had an expose, "Who's driving you?" that was not about Uber/Lyft being unsafe, but about the cab companies being unsafe: DUIs and pedophiles that had flown under the radar of background checks. He enjoyed what he did, and economically, he passed the bucks around. This was good for the economy; and he didn't see a lot of jobs for people. For unemployed and underemployed, this work offered an opportunity. In his best week, as a part-timer, he received $900, which went into the economy.

When asked, Cozzi said he had told his insurance company before he started driving. He asked his agent if was covered if he drove as a ride-share. The agent said yes; they had to cover him, they could not deny him. They could drop him after that, if they didn't like the fact, which they could do after an accident or a claim, an option they had anyway. Because Cozzi initiated the call to the agent, the agent said they had to cover him. His rate didn't change. He didn't have a commercial policy. When asked if Cozzi told the agent he would be making money, Cozzi said he didn't get into the details, but he did tell them he would be driving for Uber, a ride-share, and asked if he would be covered if he got into an accident. The agent said by law, they had to cover him; but after that, they could deny him access to the policy, or raise his premiums, etc.

Cozzi usually hung out at Fish Hatchery and the Beltline. He could get requests for West Towne, the east side or Middleton, and easily access the freeway from there. He could easily get anywhere in town in 15 minutes; Verona in 20. He didn't want to share the name of his insurance company or agent.

Kevin Nurmi, Cambridge, 53523, a Union Cab Access Taxi Service driver: They were unafraid of fair competition. With their new app, they would have all of the bells and whistles the TNCs had. But they were a local institution that had been around a long time. He made a living wage and got health insurance from Union Cab. He paid his bills with his job. These were real jobs for people who lived here. He felt there was room for Ubers to exist, but they needed to play by the same rules. They could win that. Eighty percent of their calls were serviced within 15 minutes. They had a thorough complaint process: Complaints went thru a complaints administrator and an ops team, who reviewed it and got back to customers to tell them how it was disposed of. They were highly accountable, if the public had any concerns about their service. The previous night, Nurmi was approached by a very intoxicated man coming out of Legends with keys in his hand, who gave him an address. Nurmi calculated the ride to be $14, and the man had only $11. Nurmi gave the man a safe ride home. Apart from the issue of revenue, Nurmi said he didn't want the guy on the road. This was what the traditional cab companies would do. He supported Mayor Soglin's Alternate. If this wasn't passed, they would eventually be out of business, because they operated on very thin margins.

Alex Holland, State Street, 53703: A UW Senior, he hoped the Commission would create a proposal that allowed Uber to operate effectively side-by-side with the cab companies. With talk about safety concerns, Uber brought this to the table. An important safety concern for students was drunk driving, and having to walk home at 2 AM. Madison was lucky because of the way the Campus was set up; there was much less of a need to drive from the bars back home. But it was still a big city, which was why transportation was still needed.

He worried about friends who drank and traveled between the Stadium and State Street because there wasn't enough transportation at 2 AM on Friday/Saturdays. When he called the cab companies, often it was a 40-60 minutes wait, while with Uber, it was 10-15 minutes. Also, people felt safer when they could see when the Uber driver would arrive, and could walk out of the bar right then, instead of waiting and wondering. Holland was also impressed by who the Uber drivers were, because just like the cab drivers, they were good people, trying to make a living too. Also, Uber drivers were going out on their own, without the backing of a whole cab company. They were sole proprietors in many specific ways.

Haali Touray, Blossom Lane, 53716, an Uber driver: He had been driving for Uber for four months, and he loved it. Beside the economic gain – making a living for himself, he had a lot of pride in what he did because he felt people were satisfied with the service he provided. He felt wanted as a driver. The previous day he picked up student who had left something at their dorm that they needed for class. Within four minutes he picked her up, took her to the dorm, waited until she returned and took her back to her class. The rider said she would have never made it without Uber. In another instance, a rider wanted to go to airport. She had called a taxi company, waited 10 minutes and then called him. They had almost made it to airport when her phone rang; it was the taxi saying it was outside. Uber helped prevent drunk driving, taking people safely home from classes, etc. in the quickest possible manner. He worked at a full time job, and drove for Uber part-time after work helping out people. When asked, Touray said he had not notified his insurance company that he was driving for Uber, because he didn't think he needed to; he was already covered by Uber. When the app was on and he was available for service, he usually hung out at his place, or just off E. Washington about a half mile from the Capitol.

Poulson read three written statements:

Frank Mattingly, Myrtle Street, 53704: I support Mayor Soglin's Alternate proposal.

Jennifer Feyerherm, Windflower Way, 53711: I am here to urge committee members to ensure a level playing field for all taxi companies in Madison. Any new entrants to the taxi business must be held to the same standards and be required to comply with the same rules as existing companies. Otherwise, they will have an unfair competitive advantage and Madison residents will suffer. All companies must be held to the same safety standards, be required to serve all areas of the city, be required to provide service all hours of every day, and serve individuals with disabilities per the ADA. To allow companies such as Uber and Lyft to operate under less stringent rules and regulations will penalize current companies that comply with rules and pay higher costs of doing business to do so.

Joan Kemble, School Road, 53704: Opposed to big unregulated "ride-sharing".

Members asked questions and made comments. Asst. City Attorney Adriana Peguero and TE Transportation Operations Analyst Keith Pollock were available to respond.
• (Schmidt) Did they have info at this point to know if the surplus lines provider

was regulated properly? (Pollock) Under current ordinance, the insurance had to be $1 million primary insurance coverage. Uber and Lyft had that. They talked about it being a secondary policy that came in when the individual driver's policy didn't cover. However, if an accident occurred when the driver had the app was on but had no passenger, the coverage was at a lower level; it was not at the million dollar level that Uber and Lyft talked about as the gold standard.

• (Bigelow) After suddenly wondering if the TNCs had insurance at all, it sounded like their insurance was good and they do pay? (Peguero) She was confused also by the first Uber rep's comment that with the language in the draft proposal, their policy would not comply. Her question would be, was this because their provider, James River, was not licensed with the State? City Risk Manager Eric Veum provided the language re: licensing, and would be a good person to ask.

• (Schmidt) This raised an issue that may or may not be covered in the ordinances, and was probably not something they could answer now.

• (Golden) Was this kind of insurance company licensed in the State to provide insurance; and did it have sufficient equity to pay a claim if a claim was made (as assured by State licensing)? He didn't care about the agent.

• (Golden) In his experience with adult foster care for pay in a person's home, not only did the person's home owner's insurance not cover some of the risk associated with being a foster care provider, but when the insurance companies found out the home was being used for foster care, many cancelled the policy. So when he heard a driver say they hadn't informed their insurance company, he wondered what that insurance company might do. They might want to tell the drivers that they had sort of a series of insurances: If driving for Uber, one insurance covered; and if they were on their own, a different insurance covered. But they needed to know how this worked and make sure that they were covered.

• (Kovich) The Subcommittee had spent a lot of time discussing insurance, and this issue of a surplus line provider never came up. So it was a new issue, and she agreed with what had been said, that they needed answers about this. She felt they were almost misinformed because that info was never brought up; and they made decisions and recommendations without having this information.

• (Bergamini) Assuming that they would be going back to the Risk Manager, she had some hypothetical questions to be answered. 1) What happens once a passenger exits a vehicle? The driver had the app off, and the driver runs over the former passenger's foot. Who covers this? How do we exactly determine that the ride has concluded, the app is off, and Uber does not have any liability? 2) Same thing whether sitting and waiting for a ride, or waiting for a passenger while they run inside a store, and the vehicle's not moving? 3) Same thing when they're parked taking a break? Is it only the driver's insurance, or does Uber have any liability? 4) Also any liability in terms of injury to the driver by the passenger?

• (Peguero) The companies would have to answer that. The Mayor's Alternate required $1 million across the board, anytime drivers were using the app or otherwise intending to pick up a ride. So if someone exited the vehicle and the app was off, at that point, under any version, there was no coverage. Alder Resnick's version parsed the coverage out depending on whether the app was on and whether a passenger was actually in the vehicle. This was a big discussion at the Subcommittee, because this came from the companies in terms of what they already provided. The other issues hadn't come up at all.

She would talk to Veum, but the companies could probably answer those questions too.

Weier/Tolmie made a motion to approve the Mayor's Alternate, which was unanimously recommended by EOC, of which she was a member. Bigelow/Kovich offered a friendly substitute motion to approve the Mayor's version as altered by the recommendations of the Subcommittee. Weier said she would consider that friendly.

Although he appreciated the motions as a statement of what they wanted to look at, Golden was confused because he thought they needed information that they wouldn't be able to get immediately, and thought the item might be referred. Also, he wanted to go over the chart comparing the Substitute, the Alternate, and the Subcommittee's recommendations to discuss some of the issues there. He had a couple of different ideas involving public notification about things that weren't covered by the proposals. He thought the Subcommittee had done a marvelous job.

Bigelow offered some general comments.
• The five members of Subcommittee agreed with the regulations the City currently had, because they believed the regulations protected the public. He wanted to emphasize that it was the public they were concerned about.
• Perhaps unlike the Mayor, protecting the drivers of Uber/Lyft was not so much their major concern. If you were a contractor in a free market, you might have problems potentially, but they were your problem, not the City's.
• The City's responsibility was to protect the public in a public utility function, which was providing transportation to individuals in the city of Madison.
• When they looked at Uber/Lyft, they cared less about their business model. That was not their concern; their concern was the residents of Madison. A public service provided by whatever business model was irrelevant to their concerns. They simply wanted to protect the public.
• It was clear as they went through the process that Madison had no concern with competition. Any cab company could throw as many cabs and drivers on the road, as they wanted. The issue was not competition; it was about public service, protection of the public and reasonable regulation.
• Speaking for himself, by the time they completed their work, he could have cared less about technology and apps. One company had it; everybody was going to have it in a year or two. So it wasn't that relevant. Their only concern was making sure it could be used. Under all the proposals, they could be used.
• Re: insurance, the reason they weren't concerned with the questions Bergamini asked, was simply that they agreed with the Mayor: It was up to the service provider (not the individual), i.e., the company, to provide the same level of insurance as other taxi cab companies.
• The Subcommittee agreed with the Mayor's proposal: When the app was on, the company was liable; when the app was off, the company was not liable.
• They had never heard anything about the regulatory issue and the type of insurance mentioned tonight. His gut instinct was that it was probably a language issue that the Council could deal with, perhaps by changing a definition.
• The bigger issues were: Was it a million dollars, and when did the million dollars hit? And whether it was either "app on" or "ride on"?

Not disagreeing with Bigelow, Golden thought it important to make sure that

the Uber driver's insurance company was aware of what was happening. If we wanted to protect the public, the driver's insurance might be cancelled and a third party might be left high and dry because the policy was cancelled. We wanted to protect the public from a driver's decision to be an Uber driver that might have impacts on a situation with a third party when the driver was not operating as an Uber driver. The app might be off, but because the driver was driving for Uber, the insurance company might cancel the policy and refuse to pay claim. The third party might be hurt by the fact the driver had been driving for money. His solution would be to require evidence that the driver's insurance company was informed that the driver was driving for hire; to make sure the insurance company wouldn't cancel them for their non-Uber drives as a direct result of their Uber driving.

To follow up on Bergamini's example of driving over a person's foot, Tolmie wondered how it would be determined whether the app was on or whether the app was off at the time the injury occurred, esp. if it happened within a minute or so. And how would we be able to prove it? Bergamini said she had seen that exact thing happen. For many years, she reviewed collisions for one of the taxi companies. An attorney had gotten out of the vehicle, and the driver was leaving and looking over their left shoulder to merge into traffic. The attorney realized he had left something on the back seat, and because the windows were open, he unthinkingly reached into the vehicle just as the driver was taking off. The driver drove over his foot. Luckily, he was not injured, and the story was more humorous than tragic. However, she had many examples like this, of instances of ambiguity. Was the vehicle in service or not in service (10-7 or not)? She had seen collisions with unoccupied vehicles. Did the driver put that vehicle in park or not?

Bergamini said she used apps all the time. Did she always remember to turn the app off when she went home at night? Maybe/maybe not. If she drove for Uber and she forgot to turn her app off, and she had a single vehicle collision, would Uber cover it?

Poulson asked Pollock about this. Pollock said his understanding was that if the driver didn't have a passenger in the vehicle, the driver was on his own insurance policy. Bergamini added that in the example of the injured foot, the taxi company's insurance covered it.

Weier said this was one area where she disagreed with the Subcommittee and agreed with the Alternate: to require TNCs to maintain the same $1 million per accident insurance currently required for taxis under current law. Relative to personal insurance, Kovich said that under their special TNC requirements, the Subcommittee would require the TNCs to provide a list of potential risks to the TNC drivers that they might not be aware of, inc. that personal insurance policy might not cover an accident because they were using their vehicle for commercial purposes. (See page 2 of the chart.)

Poulson said the Commission would not be amending the Resnick or the Soglin work products. He liked the way the Subcommittee handled it, by listing their recommendations vs. rather than trying to provide a list of amendments.

Dailey said he had a couple of recommendations that could potentially be among those from the TPC.

- **The app was part of technological change that had enabled some business models to emerge. Everyone would have it shortly; but right now, the playing field wasn't level.**
- **The costs to provide the service were due to the regulation. For example, TNCs didn't have to provide 24/7 service, and as a result, that cost was reduced from fares.**
- **He differed a bit philosophically with the Mayor. Instead of raising the regs for TNCs, we should lower the regs on taxi companies. A lot of the regs were forcing a private company to provide a public service as a utility.**
- **It would be better for all consumers and all Madisonians if that cost were borne by the City, instead of taxi company users.**
- **Right now that marginal cost to operate was passed on to taxi customers, and it had been noted many times that the hardest hit economically relied on taxis to get around.**
- **Ostensibly this was a regressive fee we were imposing on the people less able to bear it.**
- **He would propose eliminating some of the requirements from the regs and instead offer a contract to a company that was willing to provide them as a service. Essentially the City would pay the increased fee, and through open bidding, and some company (probably an existing company) would provide the service for the term of the contract. This would lower the cost to consumers, and be borne by the City.**
- **He would propose a sunset clause on some of the regs to provide some time to pursue this.**

Poulson said sunset clauses could certainly be added during the legislative process. When the Subcommittee was created, he had hoped they would hear from the taxi companies about what the existing regs were doing to them, and maybe offer suggestions for that, rather than fighting a war against the new taxi service.

Bigelow said the Subcommittee specifically did not deal with the issue of people with special needs using taxi services, because things were going on and larger changes may be needed to the whole ordinance. Right now, Union Cab was the only company doing it. Under federal guidelines, accessible service had to be provided. As long as Union was doing, they were covered. If Union chose not to do it alone anymore, the City may have to change the way it did business. In Minnesota, every TNC had to provide $10K/year to help pay for special needs transportation. Or we could require that for every 10 cabs, one would have to be provided for special needs people. The Subcommittee didn't touch this because it was a really big issue.

Bigelow said he wasn't sure what Dailey was proposing. Dailey said that some of the regs re: coverage (hours and areas of operation) created an operational cost for taxi companies. The companies weren't more expensive because they're poorly run, it was because they had to comply with more regs. If the City needed a guarantee of that coverage, because it didn't trust that it would occur naturally in the market, then it could put out an RFP to provide that level of service.

Golden asked that if anyone had any proposals that would require research that they say so, so the Commission could get done at the next meeting. Re: Dailey's idea, currently the cab companies paid fees to pay for the licensing

program. If the City decided to deregulate the cab companies and take on the responsibility, there would be a fiscal note to the City. Either we would have to put it on the cab company fees (which would defeat Dailey's intent), or we would have to raise taxes. Nothing was free. The City would have to find some way to pay for it. Dailey added, if there was a cost to it.

After discussion about how to proceed, Schmidt/Golden made a motion to refer the item to the next TPC meeting, in order to get more info about insurance and to digest all the info they had been given. Poulson noted that there was a motion on the floor. Bigelow proposed recessing the item to the next meeting instead of referring, because they had already taken public testimony. Following discussion about this procedure, Poulson said the motion to recess the item to the March meeting was in order, and called for a vote. The motion passed with the following vote: Ayes – Bergamini, Schmidt, Golden, Dailey, Tolmie, Bigelow, Kovich. No – Weier.

Please note: A Roll Call is shown here to reflect that Kovich excused herself at this point in the meeting, at 8:25 PM.

Present: 8 - Lucas Dailey; Chris Schmidt; Anita Weier; David E. Tolmie; Wayne Bigelow; Gary L. Poulson; Margaret Bergamini and Kenneth Golden

Excused: 2 - Ann E. Kovich and Kate D. Lloyd

F.3.   37175   Metro: Request to hold a public hearing in March regarding proposed service changes including added service to the new UW Hospital-East facility - TPC 02.11.15

Kamp said the hearing related to starting service to the UW Hospital-East in late May/early June. Normally, Metro had service changes in late August. But UW Hospital employees were scheduled to start in the spring, so they wanted to start the bus service in time for these employees. This was a request to hold a hearing in March. Schmidt/Dailey made to motion to the approve the request. The motion passed by voice vote/other. [Please note: Golden was out of the room when this vote was taken, and returned after the recess.] At Bergamini's request, Poulson called for a short recess at 8:37 PM.

F.4.   37176   Metro: Recommendation regarding bus stop consolidation on Jenifer Street - TPC 02.11.15

[The meeting resumed at 8:40 PM.] Kamp said the reconstruction of Jenifer Street had recently been delayed to 2016. However, Metro did recommend that the bus stop decision move forward. The Transit Development Plan (TDP) identified several corridors where it recommended consolidating stops. Currently on Jenifer moving eastbound, stops were located on every block, at Spaight, Livingston, Patterson, Brearly, Ingersoll, Few and Baldwin. These were heavily used stops, and this had been a tough decision, as the TDP recommended balancing the issue of coverage and the issue of reliability, in terms of making transfers at the all the Transfer Points, since the routes on Jenifer served all of them.

Kamp noted that Metro's original recommendation was to move the stops to every other block. Based on input at several meetings, Metro had modified their recommendation to maintain the stop at Brearly, where the Wil-Mar Center was located. They had some data on how they were saving some time on Johnson/Gorham, following bus stop consolidation there in 2014. Staff was

available to discuss the data and public outreach. Kamp shared the "Bubble Map" with members, and noted that stops along Jenifer had fairly sizable red dots.

Poulson called registrants to speak.

Susan DeVos, Midvale Blvd., 53705 (written statement attached): She asked that bus stop elimination be reconsidered in the older, more dense areas of Madison. These areas were TODs; and taking away stops promoted more sprawl. Madison should be looking at ways to increase density within the city limits, rather than creating areas on the periphery for low income, senior and disabled people. The Long Range Plan was cited as the basis for eliminating stops in order to speed up travel. However, the Plan also stated that expansion of Metro service should only be done if it did not harm existing service; and adding new service on the periphery should not be at the expense of existing routes.

Laurie Wermter, Williamson Street, 53703 (written statement attached): She opposed removing stops on Jenifer Street. The stops served Willy Street businesses and one of the densest residential areas in the city. The neighborhood was the sort of TOD the city wanted. The stops were not only heavily used by residents, but also by visitors from all over the city who enjoyed what the area offered. The TDP itself said that its guidelines were not meant to be rigid; and that consolidation should include substantial public outreach and data collection/analysis, which was not the case here. She did credit Metro for changing their original proposal and deciding to retain the Brearly stop. But the Few Street stop was also vital to many community organizations and businesses. And people had settled in the neighborhood because of the bus stops, thinking they could "age in place". Using paratransit service was not a convenient option for all seniors and disabled. Not opposed to removal of all stops everywhere, Wermter opposed removing them based on an arbitrary distance between stops, without consideration for these other issues.

Melanie Foxcroft, Lakeland Avenue, 53704 (written statement attached): She was a frequent rider on buses traveling along Jenifer Street. She seconded Wermter's comments re: outreach and data collection; and didn't think Metro had done sufficient analysis of what was at each of the stops, because it was clear they served substantial numbers of disabled people. She cited the info in her statement about the ADA requiring mass transportation for elderly/handicapped that they can effectively utilize, be assured. Removing these bus stops went contrary to this. Also, Metro's paratransit service was not considered mass transit under the federal definition, and steering riders away from mass transit toward paratransit as an alternative might be a violation of federal law. The TDP seemed to prioritize faster trip times over all other transit goals. But transit was a public service, not designed to compete with private vehicles for speed; and to expect buses to adhere to a sped-up schedule was not realistic esp. with a large number of elderly/disabled using the system. Shaving a bit of time from each trip wasn't worth making service less convenient for many long-established riders. It would make private vehicles more attractive as an alternative. Her statement contained info about current bus stop spacing standards by land use. Metro and the TDP might be a little behind what other systems were doing.

Christina Lor, representing the Tenant Resource Center (TRC), Director of the Social Justice Center, Williamson Street, 53703: When a student and resident of Audre Lorde Co-op, she and her roommates had used the Few and Jenifer Street bus stop frequently to get to the Willy St. Co-op and the TRC. Her main concern today was the TRC clients who were low-income or disabled people, who used the buses, and who may not be as literate as those present. She would have to draw a map for some clients for them to walk a block away; and the extra block would be hard for disabled clients. A new tenant at the TRC was "Sanctuary", which provided storage for individuals who were homeless, many of whom used the "Bubbles" laundary on E. Washington and used buses to transport their clothes there. W-2 workers also utilized the bus stop on Jenifer/Few.

Michael Soref, Rutledge Court, 53703, representing the Marquette Neighborhood Assn. (MNA statement attached): The MNA opposed eliminating stops on Jenifer Street, based on input from public meetings and the recommendations of MNA's Traffic Committee. Per the MNA statement, transit provided vital links, and residents of the neighborhood had used Metro for years. While appreciating scheduling conflicts, they hoped Metro would rethink this. Also, the neighborhood had just lost a bus stop at Baldwin and Williamson.

Yvonne Schwinge, S. Franklin Street, 53703 (written statement attached): She opposed closing bus stops on Jenifer St. corridor. She rode the Routes 3 and 7 frequently, and often had to make connections at the Transfer Points. So she understood the need for buses to arrive on time at the TPs. However removing the stops would limit access, and make the service more inconsistent and unreliable. Also people made decisions on where to live and work based on current routes/stops. She questioned whether eliminating these stops would make these routes faster, and made several suggestions for other ways to better accomplish this.

Former District 2 Alder Brenda Konkel, N. Hancock, 53703: For years, residents of her district had fought against removing bus stops on Johnson/Gorham. What she had heard was that residents had moved to the area because of a bus stop. And for some folks with physical conditions, walking an extra block did make a difference. If they decided to remove the stops, she asked that they wait a lease cycle, so that people with those kinds of needs could find a new place to live; so those most impacted would have more time to consider other options.

District 6 Alder Marsha Rummel: Appreciating that they were weighing the global with the local, she did oppose the elimination of the stops as proposed. She also appreciated that Metro staff (Drew Beck and Tim Sobota) had come to the January meeting about the reconstruction of Jenifer Street, which was attended by many people who noted that they had gotten off a bus at Brearly Street, where Wil-Mar was located. She was glad that Metro had decided to put that stop back in. In a straw poll of 75 people there, an overwhelming majority favored retaining all the stops. She understood how seconds and minutes could really make a difference (for drivers to go to the restroom, for example), and we wanted good working conditions for staff along with getting riders to places on time. But in terms of desired percentages for housing

density and infill, this population exceeded the percentage. The neighborhood had choice riders and every day riders who really relied on their service. So in weighing the customer vs. geography, they had to keep in mind the customer. And a dozen local businesses also really relied on these stops. One involved citizen observed that it took longer to walk to a stop further away; that person preferred to wait on a bus than to wait outside. There were trade-offs, inc. ridership growth, convenience of service and reliability. She didn't envy them the difficult decisions they had to make. One item that came up at the reconstruction meeting was "bulb-outs", which extended the whole length of the loading zone area into the parking lane. The bus would load/unload in the drive lane, so they didn't have to wait to get back into traffic. But neighbors wondered about the impact of this on bike riders: Would they be squeezed into the lane of oncoming traffic? What about timed stops, like at Ingersoll, where shift changes occurred, where wait time might be 5-10 minutes? This may be traffic calming writ large, but what about aggressive drivers who would want to speed around the buses? She asked that they think about the ridership generators, business and org's located nearby.

When asked, Rummel described the discussion about how wide Jenifer Street would be after reconstruction. The street was currently 40 feet wide, larger than typical. The project proposed narrowing the street to 38 feet; which added to the neighbors' confusion about how bulb-outs would work. There was no clear consensus.

Poulson read written statements of registrants.

Carl Durocher, Williamson Street, 53703: Oppose.

Tim Wong, Jackson Street, 53704: Oppose. I oppose eliminating any and all bus stops in the near-downtown neighborhoods, inc. Jenifer Street. I believe eliminating these stops will reduce ridership and lead to eventual dismantling of the Madison bus system, something our evolution-denying governor would be happy to aid and abet. It's a bad move. Don't do it!

Aaron Berry, S. Few Street, 53703: I am opposed to removal of any bus stops from Jenifer Street between Baldwin and Livingston. I have emailed some alternate idea to the group/committee, which can contact me at my email (shown on registration slip).

Julie Spears, S. Few Street, 53703: Wished to speak, but no longer present.

Jon Hain, Williamson Street, 53703, representing Mother Fool's Coffeehouse: Oppose. Please keep all the Jenifer Street bus stops.

Poulson noted that Hain had left a petition [attached], signed by 15 representative of businesses and non-profits in the Willy Street Neighborhood, who requested that the plan to remove bus stops on Jenifer and Livingston, Brearly, and Few Streets, be reconsidered. Employees, customers and clients used these stops and removing them would have an adverse effect on the neighborhood. They asked that other solutions be considered.

Marianne Morton, Exec. Director of Commonwealth Development, sent a letter [attached] opposing the elimination of bus stop on Jenifer Street. Her

organization had worked for 35 years to preserve the vitality of Madison neighborhoods, inc. the Wil-Mar neighborhood, with a dense residential area, a vibrant shopping district on Williamson Street, and a growing employment center in the Capitol East District. A key to a healthy neighborhood was easy access to alternative transportation modes, inc. bike and ped routes and buses. As development increased the density in the area, alternative transportation would become even more important.

Staff answered questions.
● Staff believed the removal of these stops was not in violation of ADA for a number of reasons. Though they hadn't called the FTA yet, the ADA drew a 3/4 of a mile window around all fixed routes. When this issue was initially debated in 1991, distances of 1/4, 1/2, 3/4 were considered. So changing a stop by a block was not an issue as long as they went through proper public participation process, which this was. They could look into it further, but this was staff's opinion, based on their experience.
● The westbound Ingersoll stop that was now nearside, would change to a farside stop, and where parking was now allowed, a bulb would be placed. It would extend 2-3 parking spaces in from the intersection. The issues of design of the bulbs and street width were not yet decided. Bulbs and width of street was really separate from Metro's proposal to eliminate stops. Any other changes would wait until reconstruction.
● There was no service on Williamson Street parallel to this segment along Jenifer.

Golden/Weier moved that bus stops be retained at the current intersections, but that Metro be given authority to determine whether they be near- or farside. Bulb-outs were the proper province of BPW, so they were not included in the motion. What persuaded him was the Bubble Map. Jenifer Street had one of the biggest bubbles for residential streets. If there were less ridership, then perhaps the trade-offs between distance and speed would be different, and he might look at strategic elimination of some stops, because not everyone was entitled to 1/16th of a mile. But this was not the place to do it. They needed to think of other ways of saving time. The issue would be moot if BRT ever came in. Jenifer Street would be the "local" and BRT would be the "express". In the interests of riders and maintaining the happiness of riders, he felt the stops should be kept. He was part of the TDP advisory, and he put some softening language in it for this reason.

Dailey said that he grew up in this neighborhood and his parents still lived there, and wasn't sure about how best to proceed. He could see the need for residents and businesses to have some surety in the transportation systems that they lived in and relocated to. On the flip side, he didn't know that a level of service was necessarily a right, and they had to look at the costs and benefits system-wide. He was persuaded that the change was worthy. Though it would eliminate two pair, and people would have to walk a block, giving Metro the freedom to change the level of service to best address the entire system, was better than grandfathering in places that might have an extreme, one-block level of service that couldn't be maintained city-wide.

Poulson had some concerns about maintaining that ridership who depended on making transfers. They couldn't please everyone. BRT was the opening for new ridership for those wouldn't consider taking a bus unles they could ride as

fast as they could drive. He had some sympathy for the neighborhood. He didn't think Metro had gone out with a ruler, but he wished there was more ability to collect data about who was getting on, how many and where they were at, related to the businesses and the Wil-Mar Center, obviously a generator. This was the second time they were going through this. With Johnson Street, they had a home for people with developmentally disabled who really depended on the stop at their corner, and he appreciated the flexibility of Metro to keep that stop. But he did have concerns about losing riders on transfers.

Poulson called for a vote. The motion to retain the stops carried as follows: Ayes -- Bergamini, Golden, Tolmie, Bigelow, Weier.   Noes -- Schmidt and Dailey.

G.   UNFINISHED BUSINESS ITEMS

G.1.   36612   Authorizing the Mayor and City Clerk to enter into an agreement with Dane County for the following purposes in the calendar year 2015: (1) providing the Transit Utility with MA Waiver Community Integration Program (CIP) funding; (2) providing Dane County with State 85.20 funding by the Transit Utility for the County's provision of accessible transportation for persons unable to use the Transit Utility's paratransit services within its service area.

A motion was made by Golden, seconded by Bigelow, to Re-refer the item to the March meeting of the TRANSIT AND PARKING COMMISSION. Golden had some meetings set up that could bear on the item. Kamp had no objection to the delay. The motion passed by voice vote/other.

H.1.   REPORTS OF OTHER COMMITTEES - for information only; no action required.
(Most recent meeting minutes electronically attached, if available)

07828   ADA Transit Subcommittee
Contracted Service Oversight Subcommittee
Parking Council for People with Disabilities
Long-Range Transportation Planning Commission
State Street Design Project Oversight Committee
Joint Southeast Campus Area Committee
Madison Area Transportation Planning Board (MPO)

I.   ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

I.1.   General announcements by Chair - None.

I.2.   Commission member items for future agendas - None.

ADJOURNMENT

By unanimous acclamation, the meeting adjourned at 9:34 PM.