

BODY – LEGISTAR # 32752

DRAFTER'S ANALYSIS: These amendments update the name of "neighborhood electric vehicles" to "low-speed vehicles" to be consistent with state statute. They also allow for these vehicles to be licensed by the City and used as public passenger vehicles.

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

1. Subdivision (j) of Subsection (3) entitled "Definitions" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is created to read as follows:

"(j) "Low-speed vehicle" shall mean a vehicle subject to Wis. Stat. § 340.01(27h). Low-speed vehicle does not include a golf cart."

2. Current Subdivisions (j) through (y) of Subsection (3) entitled "Definitions" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances are renumbered to Subdivisions (k) through (z), respectively.

3. The Table of Subdivision (a) of Subsection (4) entitled "Licensing of Public Passenger Services" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"Type of Service	Initial license – 1 year	Initial License – 2 years	Renewal- 2 years
<u>Low-speed Vehicle Service</u>	<u>\$125</u>	<u>\$200/license</u>	<u>\$100/license"</u>

4. Subdivision (b) entitled "Application for Initial License to Engage in the Business of Transporting Passengers for Hire" of Subsection (4) entitled "Licensing of Public Passenger Services" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"(b) Application for Initial License to Engage in the Business of Transporting Passengers for Hire. Any person wishing to obtain a license to engage in the business of transporting passengers for hire, whose rides originate within the City of Madison, shall present to the City Clerk a written application accompanied by proof of payment of the fee or fees established in Subdivision (a) above and by proof of liability insurance coverage as required in Subsection (8)(a) of this ordinance.

The application shall state the name and address of the applicant, the number and type of vehicles proposed to be operated, the method of charging, the schedule of rates of fare to be adopted, and such other pertinent information as the City Traffic Engineer may require.

The applicant shall identify the number and type of accessible vehicle(s) which will be furnished as part of applicant's accessible taxicab service responsibilities; or, in the event this obligation will be fulfilled by contracting with another currently licensed operator in the business of public passenger vehicles for hire in the City of Madison, the applicant shall provide a copy of the agreement with that operator as evidence of compliance with the requirements in Section 11.06(7)(a). Applicants solely wishing to operate pedal-cabs or low-speed vehicles shall be exempt from this requirement as it pertains to accessible vehicle requirements.

All such applications shall be received by the City Clerk and shall be referred to the City Traffic Engineer. The Traffic Engineer shall make such investigations as s/he deems necessary and shall furnish the application and any additional relevant information and his/her recommendation to the Transit and Parking Commission for its consideration, with the exception of Pedal-Cab operators. The City Traffic Engineer shall have the

authority to issue a provisional license to pedal-cab operators pursuant to Sec. 11.06(2)(c).

For an initial application, the Traffic Engineer shall give notice of the time and place of the meeting at which the Transit and Parking Commission will consider the application by publishing a Class 2 notice under the Wisconsin Statutes in the official City paper. No notice is required if the license is solely for the operation of pedal-cabs.

The Commission shall consider whether or not the applicant should receive an initial or renewal license to engage in the business of transporting passengers for hire and shall make a recommendation to the Common Council. In doing so, the Commission shall consider the following:

1. The financial capability and responsibility of the applicant.
2. The applicant's prior experience in operating public passenger services.
3. The level and quality of service provided by the applicant in the past in areas in which it has operated.
4. The experience and competence of the applicant's drivers.
5. The applicant's prior record of compliance with applicable regulatory laws, ordinances and rules. This includes records of complaints and enforcement actions against drivers and vehicle owners.
6. The applicant's prior record of service complaints.
7. The age and condition of the vehicles proposed to be licensed by the applicant.
8. The applicant's safety record, including records of accident experience and record of employee safety training.

The Commission may also establish additional standards or criteria to use in reviewing such applications, not inconsistent with the above standards.

Upon completing its review hereunder, the Commission shall recommend to the Common Council the grant or denial of the license, and shall provide the Council with a report stating the reasons for its recommendation."

5. The Table of Subdivision (a) of Subsection (5) entitled "Licensing of Public Passenger Vehicles" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"Meter Taxicab	\$60 65/vehicle/year
Zone Taxicab	\$60 65/vehicle/year
Airport Shuttle Vehicle	\$60/vehicle/year
Horse-Drawn Vehicle	\$60/vehicle/year
Specialized Transportation Vehicle	\$60/vehicle/year
Transfer of Permit	\$20/transfer
Pedal-Cab Vehicle	\$30/vehicle/year
<u>Low-Speed Vehicle</u>	<u>\$30/vehicle/year</u> "

6. Paragraph 4. entitled "Disability and Sensitivity Training Program" of Subdivision (b) entitled "Application for Initial Permit" of Subsection (6) entitled "Permits for Drivers of Public Passenger Vehicles" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

- "4. Disability and Sensitivity Training Program. Applicants for a public passenger vehicle driver's permit, with the exception of pedal-cab operators and low-speed vehicle operators, shall be certified as having successfully completed the City of Madison's approved Disability and Sensitivity Training Program before issuance of any such permit, except that applicants who have successfully completed an approved disability/sensitivity course, for credit, shall be deemed to have satisfied this requirement. Applicants shall pay the tuition fee. Those who complete such program shall have an appropriate endorsement recorded and placed on their permit. The driver shall successfully complete

the program within the permit year unless the program is not offered between the time of application and the end of the permit year; in such an event, the applicant shall be granted a provisional driver's permit upon proof of payment of the fee established in Subsection (6)(a) and shall complete the program within 90 days. No driver's permit shall be issued or renewed to any person who failed to complete the program during any previous period during which such person held a driver's permit, unless the person first successfully completes the program. In addition, licensee shall insure that drivers who operate accessible vehicles are trained to proficiency so that they operate vehicles and equipment, including lifts/ramps and securement devices, safely and properly assist individuals with disabilities who use the service."

7. Paragraph 1. of Subdivision (i) entitled "Special Rules for Operation of Horse-Drawn Vehicles" of Subsection (7) entitled "Operating Requirements" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"1. Licensees must adhere to the routes specified in their application for an operating license. New or temporary routes must be applied for and approved by the ~~Transportation Department~~ Division of Traffic Engineering and filed with the City Clerk before a licensee may use the new or temporary routes. Any deviation from these applications without the approval of the ~~Transportation Department~~ Division of Traffic Engineering and filing with the City Clerk shall be a violation of this section."

8. Subdivision (j) entitled "Special Rules for Operation of Pedal-cab Vehicles" of Subsection (7) entitled "Operating Requirements" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"(j) Special Rules for Operation of Pedal-cab and Low-Speed Vehicles.

1. Licensees must adhere to the routes or zones specified in their application for an operating license. New or temporary routes must be applied for and approved by the ~~Transportation Department~~ Division of Traffic Engineering and filed with the City Clerk before a licensee may use the new or temporary routes. Any deviation from these applications without the approval of the ~~Transportation Department~~ Division of Traffic Engineering and filing with the City Clerk shall be a violation of this section.
2. No operator shall be allowed to drive a pedal-cab or low-speed vehicle for more than a period of ten hours in any twenty-four hour day.
3. Pedal-cab operation is prohibited between 6:00 a.m. and 6:00 p.m. Monday through Friday, unless approved by the City Traffic Engineer, and during such additional weekday and weekend hours designated by the City Traffic Engineer in the interest of pedestrian and traffic safety and the safe and orderly flow of traffic.
4. It is unlawful for any person to operate or to permit another to operate a pedal-cab or low-speed vehicle at other times or in other locations than those approved by the ~~Director of Transportation~~ Traffic Engineer.
5. No pedal-cab or low-speed vehicle driver shall drive, or be permitted by a pedal-cab operator to drive, a pedal-cab vehicle without a valid Wisconsin driver's license, or a valid driver's license issued by any other state in the United States.
6. The driver of a pedal-cab or low-speed vehicle shall operate the vehicle at all times in compliance with applicable city and state traffic laws as provided in Sec. 12.06(3) of the Madison General Ordinances and Sec. 346.02(4), Wis. Stats.
7. The City Traffic Engineer may adopt and from time to time amend rules and regulations relating to pedal-cab vehicles and their operation, including but not limited to, hours of operation, routes, vehicle markings and safety equipment. It

shall be unlawful for any person to violate the rules and regulations adopted by the City Traffic Engineer hereunder.”

9. Subdivision (b) of Subsection (8) entitled “Financial Responsibility” of the Madison General Ordinances is amended to read as follows:

“(b) It shall be unlawful for pedal-cab or low-speed vehicle operators to operate a pedal-cab or low-speed vehicle for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant for a license deposits with the City Clerk a policy or certificate of commercial general liability insurance coverage. Insurance policies shall be issued by a company or companies authorized to do business in the state of Wisconsin and licensed by the State of Wisconsin Office of the Commissioner of Insurance. Coverage shall be provided for in the minimum amount of one million dollars (\$1,000,000) per occurrence, shall be primary and non-contributory, and shall list the City of Madison, its officers, officials, and employees as additional insureds. Each insurance policy shall contain a provision that the same may not be canceled before the expiration of its term except upon thirty (30) days written notice to the City Clerk, City of Madison, Wisconsin. Every day upon which any pedal-cab or low-speed vehicle is operated for the conveyance of passengers for hire without an insurance policy as required herein being in effect and on file with the City Clerk, City of Madison, shall be deemed a separate violation, and every person, firm, or corporation operating or permitting such operation shall be subject to a forfeiture of not more than two hundred dollars (\$200) for each offense.”

10. Subdivision (e) entitled “Legal Passenger Load” of Subsection (10) entitled “Vehicles” of the Madison General Ordinances is amended to read as follows:

“(e) Legal Passenger Load. It shall be unlawful for any driver of a taxicab or low-speed vehicle to carry at one time a number of passengers greater than the number of seat belts available and in good working order in the taxicab.”

11. Section 12.792 entitled “Neighborhood Electric Vehicles Allowed” of the Madison General Ordinances is amended to read as follows:

“12.792 NEIGHBORHOOD ELECTRIC ~~VEHICLE~~ LOW-SPEED VEHICLES ALLOWED.

- (1) Definition. “~~Neighborhood Electric Vehicle~~ Low-speed vehicle” means a vehicle ~~subject to as defined in Wis. Stat. § 340.01(36r27h)~~.
- (2) A ~~Neighborhood Electric Vehicle~~ Low-speed vehicle may be operated on any roadway that has a speed limit of 35 miles per hour or less, subject to the limitations in Section 3, herein.
- (3) A ~~Neighborhood Electric Vehicle~~ Low-speed vehicle may be operated on a connecting highway or an intersection where the roadway crosses a state trunk highway, if, pursuant to Wis. Stat. § ~~349.36(3)~~ 349.26, the Wisconsin Department of Transportation has either consented to such use or has not made a timely objection to such use.
- (4) The Traffic Engineer shall provide the Wisconsin Department of Transportation written notice of the enactment of this ordinance, which shall include identification of any connecting highway or state trunk highway intersection to which the ordinance will apply. If the Wisconsin Department of Transportation objects, as provided in Sub 4, to the application of this ordinance to such connecting highway or intersection, then the Traffic Engineer shall cause appropriate signs to be placed at those locations objected to by the Wisconsin Department of Transportation, advising that a ~~Neighborhood Electric Vehicle~~ Low-speed vehicle may not be operated at those locations.

- (5) Any person who operates a ~~Neighborhood Electric Vehicle~~ Low-speed vehicle contrary to this ordinance may be required to forfeit not less than ten dollars (\$10.00) and not more than five hundred dollars (\$500.00)."

12. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by creating and amending therein the following:

<u>Offense</u>	<u>Ord. No./Adopted Statute No.</u>	<u>Deposit</u>
Operating a neighborhood Electric <u>low-speed</u> vehicle on illegal roadway.	12.792(2)	\$100"