

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511**

Date: February 17, 2017

MEMORANDUM

TO: Transportation Ordinance Review Committee

FROM: John W. Strange, Assistant City Attorney

RE: Draft Transportation Ordinances

Based on the requests of the Transportation Ordinance Review Committee (TORC) at its Valentine's Day meeting, I made the following changes to the 2-9-17 draft:

1. Revise DOT provisions to emphasize the role of the DOT and the Transportation Policy and Planning Manager in the implementation of transportation policies and plans adopted by the Transportation Policy and Planning Board (TPPB) and the Common Council (CC). Accordingly, I added implementation language to MGO Secs. 3.14(4)(d)(i), 3.14(4)(d)(ii)2., and 3.14(4)(d)(ii)3. to make it clear that the policy manager is responsible for leading the implementation of transportation policies and plans on behalf of the DOT and for ensuring that the public is engaged in such implementation. Note also that the previous draft already contained language in Sec. 3.14(2)(d) and vesting this responsibility in the DOT. This language remains. The new language just clarifies that it's primarily the transportation policy manager's responsibility to ensure that these duties of the DOT are fulfilled.
2. Add language to the duties of the DOT requiring that it work with the Madison Area Transportation Planning Board (MATB) to ensure that the city's transportation policies and plans are consistent with regional transportation plans. Accordingly, I added MGO Sec. 3.14(2)(k).
3. Revise MGO Sec. 33.55(3)(d) to include equity language requested by the RESJI team.
4. Revise MGO Sec. 33.55(3)(e) to clarify the role of alternates on the Board.
5. Add MGO Sec. 33.55(6)(h) to require the TPPB to establish a regional transit subcommittee, which would be constituted and charged for the purpose of providing regional perspective to the board on transit issues.
6. Revise MGO Sec. 33.55(7) to allow any resident member of the Board to appeal. Additionally, though not requested, I tweaked the deadline for appealing the adoption of a policy or plan. In the previous draft, the deadline was the same 10

days as for a transit fare. It would seem appropriate to provide a longer deadline for appealing the adoption of a policy, which may take more time to understand and decide whether to appeal. Furthermore, policies are not likely to be immediately implemented, like a transit fare.

7. Revise MGO Sec. 33.56(3)(a) to add an alternate member to the Transportation Commission (TC). With this addition, the TC would be composed of 7 voting members, including 2 Common Council members, 5 city residents, and 2 alternate city residents. I also included the language clarifying the role of the alternate members in MGO Sec. 33.56(3)(d).
8. Revise MGO Sec. 33.56(3)(c) to more specifically describe who the mayor shall select as the seven (7) (5 voting; 2 alternate) resident members of the TC. In discussing this issue, the TORC emphasized the need to include people who are specifically familiar with issues facing pedestrians, bicyclists, transit riders, and people with disabilities. They also requested that the RESJI team's language regarding the need to include individuals familiar with issues faced by those in marginalized communities be included. In addition, Alder King mentioned that these individuals should not be referred to as advocates because they would be expected to make decisions based on the good of the entire transportation system, not just one particular mode. Based on these requests and this discussion, I revised Sec. 33.56(3)(c) accordingly. After the meeting, David Dryer suggested that it would also be appropriate to include an individual with issues facing people who regularly sue the city's on- and off-street parking system. Thus, I included such a person in the list of required appointees for TORC's discussion.
9. Revise MGO Sec. 33.56(6) to include that a member of the TC can appeal a decision of the TC.

By Monday, I will have a full formal draft ordinance ready for introduction as well as a complete drafter's analysis so that TORC can see the ordinance as it would be introduced. If TORC decides to recommend that this ordinance be introduced on February 28, 2017, I can make any changes requested at Monday's meeting prior to introduction. At Monday's meeting, I will also ask the Committee to authorize me to make any editorial changes necessary to improve the ordinance as long as those changes do not change the substance or policy of the ordinance. This will allow me to cure typos, improve grammar, and perhaps provide better overall organization of the ordinance.