



# City of Madison

City of Madison  
Madison, WI 53703  
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## Meeting Minutes - Approved TRANSIT AND PARKING COMMISSION

*PLEASE NOTE: This meeting can be viewed in a live webcast of Madison City Channel at  
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Wednesday, March 11, 2015

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room 260, Madison Municipal Building  
(After 6 PM, use Doty St. entrance.)

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Please note: Items are reported in Agenda order.

### A. CALL TO ORDER/ROLL CALL

Vice-Chair Margaret Bergamini called the meeting to order at 5:03 PM.

**Present:** 9 - Lucas Dailey; Chris Schmidt; Anita Weier; David E. Tolmie; Wayne Bigelow; Margaret Bergamini; Ann E. Kovich; Kenneth Golden and Kate D. Lloyd

**Excused:** 1 - Gary L. Poulson

Please note: There is one vacancy on the Commission, in the position of Second Alternate. Dailey arrived at 5:11 PM, at the start of Item F.2.

### B. APPROVAL OF MINUTES

A motion was made by Bigelow, seconded by Tolmie, to Approve the Minutes of the February 11, 2015 meeting. The motion passed by voice vote/other.

### C. PUBLIC APPEARANCES - None.

### D. DISCLOSURES AND RECUSALS - None.

### E. TRANSIT AND PARKING MONTHLY REPORTS

- E.1. [37568](#) Parking: February 2015 Activity Report, January Revenue-Expense-Occupancy Reports, JDS Project Info, Car-sharing Draft RFP Excerpt, and Dis/Vet charts - TPC 03.11.15

Interim Parking Operations Manager Bill Putnam pointed out Page 8 of the Judge Doyle Square RFP - Project Requirements. (Please see attached document contained in the reports distributed to members.) JDS Project Manager George Austin wanted members to especially note Items 3, 4 and 10, related to redevelopment and the replacement of Parking facilities, and how the City envisioned this partnership working. Schmidt/Kovich moved to receive the Report. The motion carried by voice vote/other.

- E.2. [37569](#) Metro: YTD Performance Indicators, and updated 2014 Year-End Financials, Performance Measures and Rider-Revenue-Fare Type Reports - TPC 03.11.15

Madison Metro General Manager Chuck Kamp said that the financial reports (attached) had been updated since the previous month, and reflected a more favorable balance. Also, since some members had expressed interest in how Metro's performance indicators compared, a peer analysis was also included among the reports. Staff would discuss the metrics of this at the next time Quarterly Report. Schmidt/Weier made a motion to receive the Report. The motion carried by voice vote/other.

**F. NEW BUSINESS ITEMS**

F.1. [37329](#) Authorizing the Mayor and City Clerk to amend the contract with Kimley-Horn Associates for parking and traffic impact evaluation consultant services related to the implementation of the East Washington Avenue Capitol Gateway Corridor Plan, projects within the Capitol East District, and evaluating parking and traffic impacts within the Capital East District and the South Capitol Transit-Oriented Development (SCTOD) Planning District.

City Traffic Engineer David Dryer distributed a map of the Capitol East District and a brochure from Kimley-Horn about ParkPlus (attached), and discussed the resolution.

- The resolution authorized spending \$90K to secure Kimley-Horn services and to purchase the ParksPlus software package; \$65K of this expenditure would come from Parking reserve funds.
- The program would allow them to right-size parking in the Capitol East District. Vandewalle's preliminary projections for parking in the area using straight APA numbers were approx. 8,000 spaces, which was a pretty extreme amount.
- They wanted to use this process to look at parking: What was needed for projected land uses, what was available onstreet and what other modes were available to reduce parking demand (with Cap City Bike Path nearby, Metro Transit, and the ability of people to walk Downtown).
- The ParkPlus model would let them do this, by identifying and quantifying those variables, to go through scenarios to see what the parking numbers would look like.
- The program would allow them to change things as developers brought projects forward that might be different from the original plans, since as we all knew, plans changed and market conditions changed.

A motion was made by Kovich, seconded by Schmidt, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. When asked, Dryer said the City would own the software license, and it could be used in other parts of the City. It would have multiple seats with no constraints, though they expected to have just a few staff who would be trained in it. The motion passed by voice vote/other.

F.2. [37127](#) Accepting the Report of the Commission on People with Disabilities Accessible Taxi Working Group.

Department of Civil Rights Disability Rights and Services Program Specialist Jason Glozier introduced Jeff Buhrandt, Chair of the Accessible Taxi Working Group and Member of the Commission on People with Disabilities (CPWD). Buhrandt made the following remarks.

- The Report offered helpful insight and potentially a solution to ensure that

disabled citizens in Madison have continued and improved access to affordable transportation.

- CPWD created the Work Group in 2014, and charged them with investigating concerns as to whether the city's needs for accessible taxi cab services were being met.
- Changes in available funding paired with changes in the way transportation services were provided, had prompted CPWD to revisit the City's accessible cab ordinance.
- Currently, accessible taxi service was voluntary, and the CPWD wanted to ensure continuation of that service.
- The Working Group held three public listening sessions, collected public input at numerous community events and meal sites, and through the process, came to some basic conclusions.
- Few people were aware that there was accessible cab service in Madison; and those who were aware, avoided using it because of high costs and delays. While many people reported positive experiences with accessible cabs provided through Union Cab, common experiences also included long waits and poorly trained drivers.
- With increasing demand but no corresponding increase in available vehicles, as well as significant evidence that people with disabilities had unequal access to cab service in Madison, it was clear that the current system and Union Cab's total of five accessible cabs was unequal to meet the demands of the community.
- The Work Group's recommendations (based on citizen input) included: More accessible cabs, lower costs for accessible cab rides, better training for drivers of accessible cabs, and the creation of a vehicle standard to ensure that all accessible cabs were fully accessible.
- In response to these findings, the Work Group recommended to the full Commission and the City through this Report, that a new accessible taxi cab ordinance be enacted, with the following provisions:
  - 1) Increase the number of accessible cabs on the roads in Madison. They were not setting a specific target; they just realized the number needed to be increased beyond five, which was not enough.
  - 2) Require each cab company to participate in the accessible cab program. Right now, only one company (Union) participated voluntarily. They thought this should be shared throughout all the cab companies.
  - 3) To achieve these goals, establish a 25¢ fee that companies could charge all riders to help subsidize the accessible cab program at their individual company. Rather than simply saying that more cabs were needed, they wanted to put forth a possible solution, which could be the 25¢ fee. The Group borrowed the idea from other cities that had done this, inc. NYC, which recently enacted a similar fee.

Buhrandt said the Group's primary goal was to increase the level of accessible cab service here. They weren't wedded to one option or another; they just wanted to provide a few ideas for possible ways to do this. The issue of accessible taxi service was really larger than Uber/Lyft, though the two discussions got conflated in many ways. The reality was that more accessible service was needed, regardless of who the providers were, regardless of how different providers were treated or licensed. He said the Group and the Commission felt very passionately about this, and they hoped the TPC would support them and move the Report on to the Council.

Buhrandt and Glozier answered member questions.

- (Kovich) Though the issue of TNCs had come up, how they would be managed was such an unknown that they decided to focus on the traditional taxi companies that now existed and were licensed by the City. They were kind of separate issues. They wanted the new ordinance to apply to anyone who provided on-demand transportation services. If these recommendations were applied to ordinance changes and law, they would extend to TNCs, which moving forward would become licensed under the City provisions.
- (Tolmie) The five accessible vehicles were never all on call at the same time. Of the six vehicles that Union had, one was retired and one was soon to be retired, which would leave them with four. Part of the reason that a limited number of vehicles was available at any given time (usually one or two, three at most), was not due to a lack in need, but due to an inability to staff the vehicles and the cost of staffing those vehicles and maintaining them on the road. The vehicles were more expensive because of their size and equipment weights, making them more costly to run. They viewed theirs as a voluntary service, so they didn't have to follow 24/7 provisions.
- The new ordinance would ensure that they would have to provide service in an equitable manner to the disability community. This would be one effort to bring provisions and City practices in line with the federal law that governs accessibility for people with disabilities.
- The ADA had two provisions that pertained to taxi cab companies and companies primarily engaged in providing transportation services (not including universities with transit departments):
  - 1) To provide equivalency in service, meaning it should not take any longer for an accessible service to arrive and give someone a ride than it would for a non-accessible vehicle to arrive for an ambulatory person.
  - 2) Per a purchasing clause, to require these transportation companies, when they purchased vehicles other than sedans (i.e., vans), to purchase accessible vehicles up until the point where they have reached that equivalency standard. A few companies, because this provision was voluntary in the past, had purchased vehicles that fell under the requirement, but hadn't purchased accessible vehicles.
- The Group were seeing a few deficiencies in the system that they hoped to address.
- Standards around vehicle size were part of this issue. While Union had four vehicles, they were limited in the kind of rides they could provide, because two of their newest vehicles didn't provide enough room for a power wheelchair to enter the vehicle for a ride. The standards currently in force for accessible vehicles were based on the base ADA standards, which in this case were the dimensions of a manual wheelchair.
- So there were some issues with the way services were provided, and they hoped to standardize things to provide some sort of equitable service to the community.
- Union Cab had reported that the number of requests for accessible rides had doubled between 2012 to 2013 (up to 10,000); and yet they had fewer accessible vehicles on the road than they had in 2012. Also since they were operating on a voluntary basis and therefore not doing anything illegal, they were not following the 24/7 standard that was the original intent.
- (Dailey) As for other models besides applying a surcharge on passenger fares, several cities had utilized some of their mass transit funding to provide accessible service. In the past, the money had been in separate funding pots; and companies like Union could apply for New Freedom Initiative money. This

money allowed companies to buy and maintain fleets, though nowhere near what was needed to provide service equitably. But now these monies were rolled into urbanized transit funding. With these separate funding sources receding, more and more municipalities were looking at the surcharge model. Notably, New York City and Chicago were promoting the surcharge as a way to bolster their funds to improve their fleets.

- For the surcharge model, the Group had looked at New York, which had enacted the surcharge after being sued for a lack of equivalency in purchasing. They would be doubling their fleet by 2020. So a surcharge provided a significant amount of money, and would be a boon to any provisions that were put in place for accessible service.

Golden thought the final resolved clause in the resolution was weaker than he'd like. The previous clause clearly outlined what they wanted in the ordinance. He proposed changing the language in the final clause to direct the City Attorney to draft and introduce an ordinance reflecting the provisions in that previous paragraph. That way, the ordinance could be introduced and referred to TPC and ADA, where the referrals could deal with the substance of the provisions. They might also insert a date for doing this.

Glozier appreciated the suggestion. However, they used the language they did because this was a very sensitive subject for many people. The Commission recognized that decisions about this issue didn't reside in their body. They didn't feel they should direct other City committees, the Council or the Attorney's Office regarding the next step. This was simply a Report about what the Commission would like to see happen.

Golden didn't think the language change would be discourteous, because they wouldn't be passing the ordinance, they would simply be introducing it, after which the CPWD, the TPC, and the Council could modify, accept or reject it. The sponsor of the resolution, District 19 Alder Mark Clear, joined the table and responded to Golden. Clear saw this as a two-step process. They wanted to get feedback on the Report, esp. from the TPC about any concerns or other ideas, in order to get the right ordinance drafted before introducing and bringing it back to the TPC. While he still disagreed, Golden said he would defer to Clear.

Golden had some concerns about the 25¢. Madison Metro, though it had lifts on buses, was not accessible when ADA passed. It required complementary Paratransit, and they spent \$3 million/year making the system accessible. Those costs were borne by the entire system, the taxpayers, etc. The only difference between someone riding Paratransit and mainline was the provision that permitted the doubling of fares. Other than that, everything was the same.

Golden was concerned about having a separate, identifiable cost associated with making anything accessible. It would be like a building announcing that a ramp cost the City \$10K. Typically, this wasn't done. He had to think about whether a surcharge was the right way to do it. A staff report about how other cities had handled it would be helpful. Which cities utilized a surcharge or were there other ways of doing it, that might stimulate some discussion? Golden wasn't in opposition so much as he was wondering about different approaches.

Clear concurred with Golden's quandary. It was a little weird: Why were they

creating an extra fee for something that we all recognized was a public responsibility? Part of it was that taxis were private, but they were also part of the transportation network. There was this middle ground that created a gray area.

Bigelow mentioned that in Minnesota, every cab company that didn't provide handicapped service had to pay X number of dollars every year for their license; not the same as 25¢/ride (and obviously that money got spread back), but perhaps this would be more palatable.

Glozier noted that the City ordinance actually had a surcharge in it, for this exact service, a differential rate of 25¢ if a company provided the service, 50¢ if it didn't. But it wasn't a mandatory surcharge, which again meant it was voluntary for cab companies to pay. If a company (like Union Cab) that voluntarily provided the service was told they could charge a surcharge but it would make them look less competitive, would the company be inclined to that? And would a company not providing the service, apply the surcharge voluntarily, just out of good will? This wasn't likely. Making a surcharge mandatory would ensure that every company participated in the accessible program; so that companies couldn't say they weren't responsible for that public service because they didn't have any vans. Buhrandt said that by using some examples from current ordinance, they were trying to find a way to maybe bring people to the table. But whatever way the Commission/Council wanted to increase the number of accessible cabs, would be fine with them.

Kovich said she hoped that they would focus on more accessible transportation vs. more accessible cabs, so they could look at on-demand transportation and those who were offering accessible transportation and those who were not. Again wrapping in the TNCs, if they weren't providing accessible transportation to everyone, how should they help fund or help provide that? That way they could talk about how all of this related together. The Report just talked about cab companies, yet in some of their previous remarks, they talked about on-demand transportation services; and they should be thinking about everybody who provided that service.

Glozier appreciated Kovich's point, and said he would clarify that in the Report so that it talked about transportation services and would be more inclusive.

Weier agreed with Golden's idea about directing the City Attorney's Office to develop ordinance language as opposed to waiting as they usually did. Golden said he trusted Alder Clear and the Group on that issue, so he would not be offering an amendment.

A motion was made by Kovich, seconded by Bigelow, to accept the Report, and Return the resolution to Lead, the EQUAL OPPORTUNITIES COMMISSION, with the Recommendation for Approval.

Bergamini had a comment that went to the point of which services were being included. The Report spoke about demand response and about licensed services, and she wasn't sure how much talking the Group had done with services that went through the cab licensing process, in part so they could provide service as subcontractors for Metro Transit. She wasn't certain if they still did, but at some point or another, Transit Solutions actually held licenses

as a cab company and put their drivers through the hack permit process. Bergamini wondered if the Group had ever approached these companies to see if they would be interested in serving this market.

Glozier said that they hadn't. They reviewed those demand responsive services as a separate entity, under the auspices of Metro and the Paratransit program. They weren't aware that they were involved in on-demand transportation services at any point in time. Moving forward, that was a conversation they would certainly entertain. The Report was simply about the status of services, the deficiencies they found, and what could be done about them. They didn't have the final answer as to how they could achieve greater accessibility, but Bergamini presented an excellent suggestion for ways they could do it. Bergamini said she meant it as a suggestion.

The motion passed by voice vote/other. [Please note: The meeting proceeded to Item I.1.]

**G. 6:00 PM - PUBLIC HEARING: To hear public comment on proposed service changes to Routes 25, 26 and 36, including added service to UW Hospital-East facility.**

**G.1. [37570](#) Public hearing on proposed service changes, inc. new service to UW Hospital-East - TPC 03.11.15**

Kamp mentioned that Metro normally had a number of minor service changes that happened every August. However, this change would be scheduled for late May, to coincide with the opening of the new UW Hospital-East. The Hearing was about the routes that would be impacted.

Metro Transit Planning and Scheduling Manager Drew Beck discussed the proposed route changes (document attached).

- (Page 1) Current service: Route 25 provided 1.5 trips in the morning out to American Family (AmFam) area, and 1.5 trips back in the afternoon. The "1.5 trips" = one of the AM trips started at the Square and sort bombed straight out to the AmFAM area with limited stops, and a second trip started at East Towne and traveled to AmFam. Then in the afternoon, one trips started at AmFam and headed to the Square with limited stops, and a second trip went from AmFam to East Towne.

- (Page 1) Route 26 operated out of East Towne and did a lickety-split route northeast of the Interstate and Hwy 151. Being a short 17-minute trip, it didn't cover a lot of area out there. Route 36 was south of East Washington/Hwy 151, traveling out of East Towne to East Spring Drive past Good Will and Menards, and then hopped up over the Interstate to City View and Wall Street (WaCV timepoint). Route 26 and 36 alternated out of East towne once an hour (with one route going out, and then the other route going out a half hour later); each route was on hour headways.

- (Page 2) They were proposing an expansion of Route 26 to serve UW Hospital-East (at top of map), and expand the loop to the south along West and East Terrace Drive to such locations as Herzing College and a UW Clinic, getting much closer to them. It would operate every half hour out of East Towne (from same bus stop as Routes 6, 20 and 30), and go out to do loop at American Center. Three trips in the morning and three trips in the afternoon would serve American Family directly (the dotted line to the north). Otherwise, it would serve Wall/City View like the Route 36 did now. They were trying to keep the commute pattern out to AmFam during the peaks; and then off-peak,

go to the City View area with this longer route.

- (Page 2) To make sure Wall/City View loop was served during the peaks, Route 36 would still run out there during the three morning and three afternoon trips of Route 26. Otherwise, the Route 36 would run a smaller loop on East Springs Drive.
- They wanted to reduce some redundancy, with Routes 25 and 26 both running out to the American Center. There would still be some redundancy between the Route 26 and the existing Route 25. They weren't proposing to change the Route 25 for this go-around; but probably in August, they would want to talk about eliminating that because it was kind of redundant. The Route 25 did provide a nice quick trip from the Square out/back to the American Family area, but they would be covering the same general service area.

Registrant Peter Gascoyne, Fox Street, 53711, spoke to the group: Gascoyne lived on the near west side and worked at American Family Insurance. He took the bus to work a few days per week, and was very grateful for the Route 6 that became the Route 25 bus. It got him straight to work, about 10 minutes before he started at 8 AM, and it was an express bus. So it was ideal. There used to be two buses, and the City cut back on one because subsidies from his employer were reduced or eliminated. Because the City had to look at the finances, he didn't hold that against them. When he saw the hospital coming in, he thought it might be an opportunity to provide new and better bus service for those who work in the AmFam area. Thousands of people worked in the area, and with the hospital, there'll be more.

However, in looking at the proposals for Routes 26 and 36 on the website, he was disappointed.

- He liked that the Route 26 would have buses every half hour throughout the day. But people didn't live at East Towne; most people used it as a transfer point. So he wondered why two main buses, Route 6 and 30, arrived about 20 minutes before the Route 26 bus. In bad weather, this wait would not be appetizing.
- Another issue was that the Route 26 arrived in AmFam/UWH-E area about 20 minutes before the half hour. Assuming that riders would be workers or patients with shifts and appointments starting at the half hour, this created another wait. Given the wait at the transfer and then another at the arrival, it would seem better to stagger that about 15 minutes differently than what was being proposed.
- His third concern was that nurses working at UWH-E would likely work shifts starting at 7 AM, 3 PM and 11 PM. And yet, the bus would arrive 6:30 or 7, and then the next one was late; which wouldn't serve the nurses very well.
- His last and biggest disappointment was the lack of the insertion of another Route 25 bus. If they wanted to attract hospital workers, they should add another express bus on Route 25 that could arrive one hour sooner. That would serve Metro's public better than what was being proposed.

Beck answered member questions.

- Regarding the speaker's comments, the schedule shown here was not set in stone. They had had a lot of discussion with UWH-E staff about what they thought would be the best schedule. They didn't get any precise times from them: Some shifts might start at 7 and some at 7:30, i.e., cascading start/end times, making a hard target to hit.



- As for transfers at East Towne, the bus stop there was used by three routes, Routes 6, 30 and the 20, coming from the North Transfer Point. They wanted to make sure all three buses were there before sending a bus to points east. But again, nothing was set in stone, and they might hear more from staff at UWH-E before they finalized things.
- Re: the services to be offered at the new hospital and the need for Sat/Sun/Holiday service, one of the requirements in the approval process when this location was first proposed, was to have a level of service equivalent to the rest of the hospitals in the city. The rest of the hospitals had half hour service during the hours Metro operated, and the proposed schedule provided an equivalent level. Also, UW Hospital was paying for the entire Route 26.
- The Route 36 would stay its little self on East Springs Drive on weekends, while the Route 26 would cover the Wall/City View Loop. So the changes would apply to both weekdays and weekends.

Beck said changes would be brought back to the April meeting, when the Commission would be taking action. Bergamini closed the Public Hearing at 6:16 PM. Golden asked for more maps to show each of the options separately. [Please note: The meeting returned to Item H.1.]

## H. UNFINISHED BUSINESS ITEMS

### H.1. [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: This item followed Item I.1.] Bergamini reminded members where they had left off at the previous meeting. A motion was on the floor to recommend adoption of the Alternate, which had been amended by friendly amendment to include the recommendations of the Subcommittee. Members had started discussion at the previous meeting, and had questions of the City Attorney and others about insurance, among other things.

Asst. City Attorney Adriana Peguero came to the table to discuss and answer insurance questions. She and Traffic Engineering's Keith Pollock had met with City Risk Manager Eric Veum.

- Veum had told her that the major difference between surplus lines provider and a standard insurance carrier was that the surplus lines provider was not subject to the State's insolvency fund. If an insurance company became insolvent, the fund was sort of a back-up program to make sure a person was covered.
- Veum's feeling was that it would depend on how flexible the TPC or Council wanted to be, whether to open up the insurance requirements to allow a surplus lines provider. The Uber reps were correct: Surplus lines providers were not licensed with the State; and having James River as their insurance company, they would not fit into our ordinance at this time.

- So the question was whether to get rid of the language that said a provider had to be licensed in the State to permit these surplus lines providers.
- Veum said surplus lines providers were insurance companies that took on insureds that were riskier businesses. Obviously, James River was a company worth a lot of money, and didn't appear to be about to go out of business. It was simply a type of insurance that took on other kinds of businesses that standard carriers would not.
- Regarding questions about coverage in various scenarios, there was really nothing the City could do to make sure a claimant was paid. We could set requirements and set the bar where we wanted. That was why there were law suits all the time; because accidents happened and claims were denied, and there were tricky areas.
- Nothing could be put in the ordinance to ensure somebody was paid, and it was just whether we wanted to relax those requirements slightly. If we did do that, it could potentially make it easier for taxi cabs to also get insurance.
- Veum's hope was that if the City did permit this type of insurance, it would permit it across the board, and not just for TNCs. If so, maybe that would lower insurance costs for standard taxi cab companies, thereby sort of leveling that playing field, since they were feeling the squeeze.

Bergamini noted that in the current licensing process, cab companies had to certify that they had insurance, and what the limits were and what type of insurance it was. The City did not follow every claim, but it was part of the regulatory process that the City guaranteed that taxi companies had insurance. Currently, taxi cab insurance had to list the City of Madison, its officers, officials and employees, as additional insured. She wondered if the Alternate also intended to hold the City harmless. Peguero said yes.

With regard to \$1 million coverage, Taxi Subcommittee Chair Bigelow pointed out the Uber document (Understanding Risk & Insurance) attached. The doc showed when the coverage hit and how it hit; and how other cities had dealt with the insurance issue. Unlike the Subcommittee recommendation, the other cities shown did not require \$1 million coverage during Period 1 (App on-no ride contracted).

In response to Kovich, Peguero said that James River would not qualify under the current ordinance, for two reasons: James River was not licensed in the State of Wisconsin; and Uber was not actually a named insured on the policy. Uber was listed as an additional insured; the name on the policy was Rizer (LLC). So Rizer would have to apply for the licence. Kovich mentioned that in her work at a bank, when mortgage loans were made to commercial enterprises, their liability insurance named the bank as an additional insured. This was really a step away from being named on the policy. Peguero reiterated that the ordinance required a licensee to be the named insured on the policy; Uber was not a named insured on the policy, Rizer was. Peguero wasn't sure if Lyft was named on their policy.

Peguero went on to say that surplus lines carriers did not have to follow certain state insurance laws. For the most part though, those laws protected the insured (in this case, Rizer/Uber), re: cancellation, non-renewal requirements, certain notices to increase rates. These wouldn't impact the claimant. But what would impact the claimant would be the insolvency issue.

Dailey thought it sounded as though the risk with this type of insurer was more of a systemic risk, and not necessarily that a claimant was more or less likely to have their claim fulfilled; that the company as a whole was not covered in the same way as other licensed state insurers were. Peguero said she believed so. She could use anecdotal evidence, and had read a lot about Uber denying claims; but she didn't know if that was just because that was in the media.

When asked, Peguero said she didn't think surplus lines carriers could be licensed in the State of Wisconsin, but they could do business in the State.

Golden had looked into drafting an amendment to require drivers of TNCs to inform their insurance company that they were doing that. His rationale was based on his experience with homeowners, who were an adult foster home: When something happened not even necessarily related to being a foster home, an insurance company would feel they had been insuring a place of business, and would deny the claim. It was immaterial if this was right or not.

Golden said it seemed that current insurance requirements were intended to protect not only the City but the rider; and it would be prudent to know that everybody was on board, that Uber's insurance was insuring "X", and the automobile owner's insurance was insuring "Y"; and that everybody knew that everything was covered. His fear was that if they didn't do that, they would have two insurers both thinking the other was responsible for a situation: For example, a rider had gotten into the car and the ride had not yet started. The car was hit and the rider was injured, The Uber driver would go to Uber who would say "No, there's an X here" (i.e., not covered, as shown on the chart). And the driver's insurance company would say "No, you were doing business, and you have a personal policy not a business policy". As a result, the injured rider, whom they were trying to protect, would not be covered by anyone.

Bigelow said the Subcommittee recommended that during Period 1, when the driver app was on, \$1 million in coverage be required. Kovich noted the recommendation on page 2 (cell 2) of the Subcommittee recommendations, to require TE to provide a list of potential risks to TNC drivers; Golden's suggestion would take that a step further. Lloyd said the Subcommittee had discussed this for hours, which was why they had come up with the idea that Uber be required to provide coverage when the driver was logged on. The Subcommittee understood that no one's personal insurance company would cover them when engaged in commercial activity.

Golden still felt the driver's personal insurance should be informed. Bigelow thought that whether or not the personal insurance company was informed would be irrelevant insofar as the Subcommittee had proposed the \$1 million requirement upfront, whereby Uber would be covering Period 1. The only part that would be missing would be the driver's personal insurance company might not be aware they were driving commercially. Bigelow didn't think it was their job to tell them.

Bergamini reviewed the motion on the floor, which was to recommend the Alternate with the Subcommittee recommendations incorporated into it. When asked whether the Subcommittee had drafted ordinance language to reflect their recommendations, Kovich said the Subcommittee didn't think that was their job; rather it was to provide direction. In terms of process, Bergamini

suggested that the Commission might want to pass something to request that the City Attorney's Office draft an ordinance following certain guidelines.

In further discussion, Schmidt said that based on their current motion, whatever was drafted was likely to be an Alternate unless Alder Resnick agreed to the new draft, in which case, it would be a Substitute. He presumed they would say to start either from the original ordinance, Alder Resnick's version or the Mayor's Alternate, and implement the changes recommended by the Subcommittee. It seemed to him they could start with the original ordinance, take the recommendations, and create a TPC Alternate (which if accepted by Alder Resnick, would become a Substitute).

Golden discussed the TPC's ability as a formal referral body to create a new ordinance to send to the Council. Schmidt said that when the TPC sent its recommendation to the Council, it could point to a new version (likely an Alternate) the Commission might create, it could point to one of the other versions on the table as amended by the Commission, or it could do nothing.

Kovich said they could figure out the easiest way to go, once they returned to the item after the Public Hearing. [Please note: At this point, with the time being 6 PM, the meeting proceeded to Item G.1., the Public Hearing. Following the Public Hearing, the group resumed its discussion of this item.]

Because the Subcommittee had taken some things from the Substitute and some from the Alternate, Kovich suggested that it might be easier for the City Attorney's Office to go back to the original ordinance, and incorporate the TPC recommendations into it. Kovich/Golden made a motion to that effect. After checking with Peguero, Weier said she would consider this a friendly amendment to her motion on the table.

In order to ask a question of the Uber reps, Schmidt moved to suspend the rules to ask a question of a previous speaker. Looking at Period 1 on the chart provided by Uber (attached), Bigelow asked if the levels of insurance shown for others cities (on page 2) were the levels of coverage Uber was required to have. Uber's Carla Jacobs said yes, they were the levels of coverage required in the code for Uber's insurance coverage. In all of these, Uber's insurance coverage was secondary, and the individual's was still primary; and if for some reason it had a livery exclusion that included TNCs, these would be the amounts Uber's policy would pay.

Bigelow clarified that all the cities shown on page 2 of the Uber chart required Uber to provide \$1 million coverage for Periods 2 and 3, but not for Period 1. The Subcommittee on the other hand recommended \$1 million coverage for Period 1 as well, to be consistent with the other periods and to be consistent with current ordinances and existing taxis. In reviewing this again, Bigelow said he wasn't that concerned with having \$1 million coverage in Period 1, when no ride was requested. Golden further clarified that Period 1 was just when the app was on; Period 2 was when a ride was requested, and the driver was going to pick up the passenger.

Kovich said that with the friendly amendment, the motion on the floor was to ask the City Attorney to start with the existing ordinance and draft a revised ordinance that included the TPC Subcommittee recommendations. This

differed from the original motion in that the original motion called for starting with the Mayor's Alternate version (and incorporating the Subcommittee recommendations).

Members began to discuss the Subcommittee recommendations.

Weier expressed concern about the Subcommittee recommendation on page 1 (item 3) of their recommendations, where 24/7 coverage would not be required until second year for taxicabs or TNCs. It was good that both taxis and TNCs were included, but this would only apply to the TNCs now, creating a sort of inequality for the existing cab companies who already had this, before the TNCs would be required to have it.

Weier/Golden made a motion to make no change to current law requiring 24/7 service. Bergamini supported the motion: Given how it was written up, she had no idea how this would be measured, when the first year or the second year would begin, since no one had asked permission to start service. Bigelow said this was based on Resnick's substitute, where the beginning of licensing would be year one, and the second year would year two. The motion passed (5 to 3) as follows: Ayes - Weier, Golden, Tolmie, Kovich and Lloyd. Noes - Schmidt, Dailey and Bigelow.

Dailey/Bigelow made a motion to amend the ordinance to direct the City Attorney to broaden the definition of insurance to include surplus lines insurance. In his reading, Lloyds of London was the same as a surplus lines insurer. This form of insurance seemed to be more custom and dealt more with businesses, particularly large businesses that had unusual insurance needs. It seemed reasonable to be that type of organization. Surplus lines providers were registered by the State, so they weren't fly-by-night. Also, it seemed the risk was not in any way to do with drivers or consumers with this type of insurance; it was just in the sort of systemic risk to the business that the insurer could some day go out of business, which would invalidate Uber's ability to practice with that insurer. Based on this initial understanding, Dailey was satisfied that it would be fine for public interest to allow surplus lines insurance in the definition.

Bigelow said the Subcommittee never took this issue up, because they didn't know it was an issue. When asked, Dailey said that the broader definition would apply to both TNCs and taxis.

Weier said she was worried about the fact that Uber was not a named insured, and therefore didn't have to follow State insurance requirements. Peguero said these were two different issues. Uber was an additional insured, another reason why even if we said their insurance company didn't have to be licensed by the State, Uber would still not qualify to be licensed now because they were not a named insured. But there were other State Statutes they didn't have to follow because they were a surplus lines provider. The surplus lines provider was registered with the State and could do business here, but they were not licensed by the State. Weier added that James River may not be Lloyds of London. Peguero clarified that the language in the ordinance that would have to be taken out would be "licensed in the State of Wisconsin".

Golden said he was worried but was willing to vote for the motion. He thought it

would be prudent before this went to Council, if the City Risk Manager would comment on it. If they didn't have to meet requirements (like State-licensed insurance companies) to ensure they had enough money to pay out claims, then the insurance could just be paper insurance. He would vote for the motion on the assumption that the Council would have this info from the Risk Manager. Rather than adding this as a condition in the motion, he said he would rely on the alders on the Commission to consider doing this.

Kovich said she was unclear. If they were to recommend the ordinance be changed to allow an insurance from companies not licensed by the State, and allow policies where those they wanted to be named insured were not named insured, how would they control quality of the insurance provider? They might not be Lloyds of London and maybe James River was okay, but what about other fly-by-night insurance companies that weren't licensed in the State? How would they make sure they had things adequately covered if the providers weren't licensed and the companies weren't required to be the named insured? Weier added that the proposed ordinance change would include taxis, so while taxis now had quite reliable insurance companies, in the future they might not.

Golden thought they were voting on the type of insurance company, not the named insured. Right now Uber would still have to be the named insured. But their motion regarding the type of insurance company was a separate issue.

Bergamini said she was going to vote against the motion. Reinsurance was nothing new; it had been on the market for decades. We had a State Commissioner of Insurance to ensure that companies doing business actually had enough capital to back up claims. People threw out names like James River and Lloyds of London, and thought of Lloyds as the gold standard. But in fact, Lloyds spent much of the '80s and '90s embroiled in bankruptcy and fraud. During some periods, Madison taxis had been insured by Lloyds because they were the only insurance they could get. So at some point, Lloyds was insured by the State. There was nothing preventing a reinsurance company from being licensed in addition to being registered.

Bergamini called for the vote on the motion, which resulted in a tie (4 to 4): Ayes - Schmidt, Dailey, Golden, Bigelow. Noes - Weier, Tolmie, Kovich, Lloyd. Bergamini broke the tie, by voting no. The motion failed.

Dailey made a motion to add a sunset clause to existing requirements related to 24/7 hours of operation (page 1, item 3), and geographic coverage (page 2, item 1), to eliminate them for all taxis and TNCs two years after the enactment of the ordinance. Having no second, the motion failed.

Dailey made a motion to remove rate changing requirements in the filing of rate charges (page 5, item 1), to permit surge pricing. Bigelow said a large part of the ordinance related to rate setting would be revoked. Bergamini said this would eliminate the filing of rates in advance of rate changes, and the limitation on the number of rate changes, currently once every six months. Having no second, the motion failed.

Bigelow/Dailey made a motion to set insurance coverage requirements (page 3, item 1) for Period 1 (App on, no ride accepted) at:

\$100K per person/\$300K per accident/\$25K for property damage.

Bigelow noted these were the levels required by Seattle. Bigelow said that until the meeting, he hadn't known that other cities had dealt with Periods 1, 2 and 3, quite the way the Subcommittee had, and that a number of cities had dealt with Period 1 (inc. Seattle and Minneapolis) the way they had. There was an element of moral hazard here, where people would potentially be able to get insurance even though they were not really serious, and for driving around, this gave them enough coverage to handle that situation. Kovich verified that the \$1 million would still be required once a ride was accepted or on the trip.

Golden proposed adding language to say, "or State minimums, whichever are greater", which would make it live forever. Peguero noted that the State minimums were lowered to \$25K/\$50K/\$10 in 2011. Bigelow considered Golden's change to be a friendly amendment to his motion.

Lloyd said she would vote against this for the same reason they had discussed in the Subcommittee, that TNCs be treated just like cabs. When cabs were out driving around without a fare yet, they were subject to the \$1 million coverage.

A vote was taken, and the motion passed (5-3) by the following vote: Ayes - Schmidt, Dailey, Golden, Bigelow and Kovich. Noes - Weier, Tolmie and Lloyd.

Returning to the main motion, members discussed whether the Commission's draft proposal should go directly to the Council, rather than returning to the Commission beforehand. Golden felt that it should go directly to the Council. He felt that Asst. City Attorney Peguero could prepare a draft, and if she had any questions, she could consult with Chair Bergamini. Weier said she considered Golden's suggestion a friendly amendment to her main motion. Peguero said she could complete the draft by the end of the following week, making it possible to place the item on the March 31st Council agenda.

The main motion was to recommend to Council adoption of a new Commission version to be drafted by the City Attorney's Office, using the existing ordinance and incorporating the Taxi Subcommittee recommendations shown in its Final Recommendations, November 2014 (attached), with changes to two Subcommittee recommendations amended by the Commission, as follows:

- Hours of Operation (page 1, item 3): Make no change to current law (vs. adopting the provision that 24/7 not be required until second year for taxicab or TNCs).
- Insurance Coverage (page 3, item 1): Set insurance coverage requirements for Period 1 (App on, no ride accepted) at \$100K per person/\$300K per accident/\$25K for property damage (vs. \$1 million coverage for Period 1).

The motion as amended carried unanimously by voice vote/other.

Please note: A registration slip was left by Scott Bennett, Hwy 12, Madison, neither supporting/opposing H.1., which stated: I don't believe that Traffic Engineering has enough resources to handle their job as authority over cab companies. I see illegal things happen all the time. Second, I have been refused access to my background check after several attempts and I don't believe MPD does federal background checks.

**I. INFORMATIONAL PRESENTATIONS AND DISCUSSION ITEMS**

- I.1. [37573](#) Metro: Update on Enacted Leg. File 36612, 2015 MA Waiver - TPC 03.11.15

[Please note: This item followed Item F.2.] Golden said that at the last meeting, he was supposed to move the item on, instead of deferring it. Kamp added that because Metro needed to move forward with this, Golden contacted Schmidt to ask that it be put on the Council agenda. As a result, Metro was going forward with the agreement and the necessary arrangements with the County.

Golden added that the community integration part of the agreement was routine; and he and Paratransit Program Manager would be having discussions with County Human Services about the other provisions, to look at some different options. It would have been rushed to do that now, since everybody had these assumptions in their budget. So they would be looking towards next year as a possible time for change, prior to discussions about City or County budgets.

[Please note: Because it was not yet 6 PM, the meeting proceeded to Item H.1.]

**J. 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)

**K. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS**

- K.1. General announcements by Chair (Verbal announcements, for information only) - None.
- K.2. Commission member items for future agendas - None.

**ADJOURNMENT**

A motion was made by Bigelow, seconded by Schmidt, to Adjourn at 6:56 PM.  
The motion passed by voice vote/other.