



# 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, September 12, 2012

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room 260 (Madison Municipal Building)

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### A. CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:03 PM.

**Present:** 7 -

Bridget R. Maniaci; Chris Schmidt; David E. Tolmie; Gary L. Poulson;  
Margaret Bergamini; Susan M. Schmitz and Kenneth Golden

**Absent:** 1 -

Amanda F. White

**Excused:** 3 -

Lisa Subeck; Kenneth M. Streit and Ann E. Kovich

### B. APPROVAL OF MINUTES

A motion was made by Golden, seconded by Schmidt, to Approve the Minutes of the August 8, 2012 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. [27590](#)

Parking: August 2012 Activity Report, and July Revenue/Expense and Occupancy Reports - TPC 09.12.12

Parking Operations Manager Tom Woznick talked about developments for long-term parking agreements.

- Staff was setting up a permanent agreement with the Fire Department for 24 stalls (24-7) at Overture garage, likely to start on Dec. 1st.
- Staff was also working on an agreement with Hovde for 40-90 stalls at Overture, potentially for five years, with a five-year extension; staff was proposing a shorter term.
- The last two agreements (with Fiore and Shine) entailed a 10% handling fee per stall, to cover costs for going through the Council and the TPC, fees for attorneys. Hovde asked that this % be lowered. Parking had offered to lower it to 5%, if the hours would run from 6 AM to 6 PM (vs. 6 AM to 10 PM set up in the other agreements). This would benefit Parking since the evening hours, esp. on Wed. and Fri., were really peak times for regular parking at Overture. This arrangement could benefit both parties.
- Other requests: 93 stalls at State St Cap (in the works); and 100 stalls at State

St Campus (out in the future); and possibly 40-50 stalls (in 2014) to accommodate 100 block of State Street when that was finished.

Woznick discussed locations for the remaining 12 pay-by-space meters.

- They would be deployed mostly on the outer loop in the central business district and some campus streets.
- Another place being considered for 2-4 meters was the 1700-1800 block of Monroe Street. Businesses there had reported that their customers were getting towed away during rush hour, which was frustrating for everyone involved. Multi-space meters communicated the "no parking" periods to customers, by preventing them from buying time during those times. Even though there was appropriate signage, people didn't always read it.
- In view of the revenue stream there, one of the reasons for originally proposing the \$1.50 rate on Monroe Street was to help support multi-space meters there. Alder Ellingson and Orange Schroeder said they might be willing to consider that, and would be talking to the other businesses in 1700-1800 blocks.
- The machines didn't actually display a message about "no parking" periods; they simply rejected the money (which might lead people to think the machine was broken). Some software upgrades were scheduled for November, and perhaps this (message) feature could be added.
- Vilas and Dudgeon Neighborhood Assn's would be notified about any rate change.

Without objection, Woznick said he would change the way the Activity Report was presented, by retaining the different headings, but indicating "No new information" next to items as appropriate (vs. repeating info previously reported).

Tolmie/Schmidt moved to receive the report. The motion passed by voice vote/other.

E.2. [27591](#)

Metro: YTD Fixed & Paratransit Performance and Productivity Reports, and Financial & Rider-Revenue-Fare Type Reports and Performance Measures - TPC 09.12.12

Metro Transit General Manager Chuck Kamp answered a question about salary/wages and overtime, and the effort to reduce OT.

- Metro had done a lot of training over the summer with new employees to be part-time drivers, and part-time drivers going to full time. They had also done a lot of refresher training.
- Out of 35 budgeted part-time positions, they were at 32, better than they were at the beginning of the school year in 2011.
- The savings in salaries was outdoing the overrun in OT. That trend was expected to continue.

Bergamini/Schmidt moved to receive the report. The motion passed by voice vote/other.

F. UNFINISHED BUSINESS ITEMS

F.1. [26603](#)

ALTERNATE Amending Sections 12.915(8)(a) and (b) and Section 11.06(3) (r) of the Madison General Ordinances to prohibit taxicabs waiting for passengers on State Street and permits them to provide service on State

Street between the hours of 10:00 p.m. and 4:00 a.m.

Mayor Paul Soglin spoke before the Commission.

- He had just learned that Alder Verveer's proposal was different than it was being described.
- The discussion centered on whether taxicabs could cruise State Street.
- The present ordinance was clear; and two things needed to be understood.
- It contained a restriction whereby cabs could go onto one block of State Street only to pick up/discharge passengers.
- It also contained a vestigial item, which allowed taxis to go onto one block of State Street to sit. But since loading areas had been eliminated, that part of the ordinance was not relevant to the discussion.
- Alder Verveer's Alternate allowed for two changes to the existing ordinance. It did not allow cruising. It allowed cabs onto State Street for the purpose of picking up/discharging a passenger, and could go two blocks (not cruising the entire street). It also allowed that, in the course of going those two blocks, the cab could pick up another passenger, while it was there to pick up/discharge a passenger.
- For example, if a cab entered State from Gorham onto the 400 block, and instead of leaving at Gilman and Broom, it could go one more block, and in the course of that block could be waved down and pick up another fare.
- Alder Verveer's proposal would apply from 10 PM to 4 AM.
- The Mayor had concerns about what had transpired over the past few years. Up until this past summer, cabs had been cruising up and down State Street, in violation of the ordinances. The only change he originally proposed was to remove the vestigial language, which made no sense in the ordinances. He was not asking for any other changes, because he was perfectly happy with the existing language.
- Going back in time to origins of the mall: In 1969-70, the downtown retail section, particularly around the Square, and from the 400 block up to the Square, were hurting significantly; with a significant number of vacancies, many of which were caused by the recently opened retail shopping centers of East Towne and West Towne. In thinking about how to strengthen the downtown (not just retail, but a viable downtown), an idea arose to develop a retail core that was not designed to compete with East or West Towne; but what was to be its own innovative, creative space for small, hopefully locally-owned shops, which would then attract a region-wide shopping base.
- To create that environment, a discussion began as to what to do with State Street itself, which then expanded to the Capitol Square. A number of ideas were thrown out, but the concept of a mall was central to all of them.
- A complete mall with no motor vehicles was considered an option. For two reasons, it was dismissed: It would create too much disruption for Madison Metro, in terms of headways and in terms of servicing the largest, core ridership group, who would be disadvantaged by moving buses off of State Street. The second reason was accessibility for emergency and service vehicles.
- At that point, it was decided to have a transit mall. An advantage of this was that it would allow the acquisition in a guideway system of federal funds. In fact, the first version of the mall and the Capitol Concourse received significant federal dollars to pay for its construction.
- In response to the need for access to taxicabs, (as reported in the minutes of the committee that was the forerunner to the TPC), an amendment was made to allow cabs to enter/leave State Street for the purpose of picking up/discharging passengers for one block. This was the way the ordinance had existed since that time.

- The evolution of the space was the result of a number of people with interests coming together: Shoppers, retailers, property owners, advocates for various modes of transportation, inc. pedestrians, bikes, and buses, as well as those interested in deliveries; and one other group, people who did not come down to State Street, because part of the purpose of this design was to attract those who were not Campus area, State Street and Cap Square regulars.
- In each of the subsequent rebuilds of State Street mall and transit way, the federal government participated.
- One of his concerns was the unilateral decision by some people to start allowing cabs to cruise the area without giving thought to the consequences of our relationship with the federal government. Most of the federal funds that we received for the construction of the mall and the guideway no longer required us to keep it exclusive. But in terms of some of the money, and certainly if we intended to have a bus rapid transit system, we needed to keep this in mind, and recognize why a one-minute headway difference was significant.
- The use of State Street had changed considerably over the last 40 years. The success of the mall had exceeded expectations.
- No one had envisioned the demand on that limited space: the demand of bicyclists, the demand for sidewalk cafes, the demand for parking of mo-peds and bicycles, and a volume of pedestrian traffic that was never anticipated; along with the volume of liquor sold on the street and the increased number of people that would be on the street at 1 PM (bar time).
- One of the most important aspects of the street was the feel it provided, with its minimal motor vehicular traffic.
- These demands and changes on the street demanded some changes in response, to the existing rules and regulations we had, which was why he was accepting of the notion that taxicabs be allowed to utilize a larger portion of the street after midnight. But earlier than that, principally with the buses operating, and because of the feel of the street, access should be limited to the present standards or ordinances that were on the books.
- He had no problem with the modification that if a cab should come onto the street for the purpose of discharging a passenger, that it be able to pick up a passenger while there.
- Some of his concerns were based on things he had seen in the past year: More than one cab in opposite directions on the blocks impeding not just buses, but also emergency vehicles; and the way some of the arguments were couched; it was disturbing the way Madisonians were cast, in terms of their ability to walk to a taxi stand.
- In response to the request made initially in the summer that the cruising stop, he had asked Traffic Engineering to place taxicab stands at critical intersections on State Street. If cab operators didn't want to use them, that was fine; they could be removed.
- But he was distressed that Madisonians, unlike people in hundreds of other U.S. cities, were incapable of walking half a block to a stand without getting into a fight with other people interested in obtaining a cab. He found this most distressing and out of character with the way people in the community existed among one another. In cities with cab stands, like San Francisco, New Orleans, and NYC, people seemed capable of walking out of retail establishments and bars and going a block to a cab stand, and in a civil manner, getting into a cab and leaving.
- He wasn't sure what Alder Verveer's position was on his own proposal, but for a whole number of reasons, he thought it important to maintain the atmosphere and purpose of State Street as a transit right-of-way principally operating for buses, bicyclists and pedestrians. He did think some

modifications could be made after midnight that would be reasonable.

The Mayor answered questions.

- He supported removing the dead language about cabs waiting in loading zones, (struck out) in the original proposal.
- If Alder Verveer's proposal were to run from midnight to 4 AM, he would have no problem with it. But if it were to be in effect from 10 PM to midnight, he would want Verveer's ordinance to be limited to just one block.
- The Mayor said he was proposing something more liberal than Alder Verveer's proposal, in saying that there would no restrictions the length of the street after midnight.

Registrants were called to the table. Registrant Jon Mack, 2400 Calypso Road, 53704, spoke in favor of Alder Verveer's Alternate Ordinance, but with a 7 PM start time depending upon the time of year.

- He had been driving cab as an independent contractor for eight years, primarily downtown, and considered himself one of State Street's smallest businesses. He asked members to take drivers into consideration and to be sure to ask them questions. At previous meetings about the issue, he felt that some other committees made decisions based solely on staff input without complete information because they hadn't taken advantage of the information drivers had to offer, esp. with regard to the FTA.
- The City was not currently receiving money from the FTA for State Street; and taxis had always been part of State Street and the FTA had known that in all other grant applications. The taxi association had corresponded with the FTA , who had implied there would be no problems but they didn't want to make a decision unless an actual grant was before them.
- The discussion about the FTA had been vague, and he felt it had been used as a fear tactic to oppose their side. State Street was not an exclusive guideway; it was a restricted guideway where vehicles such as taxis are deemed high occupancy vehicles.
- It had previously been implied that drivers did not want the taxi stands to work, but this was not true. However, if asked, he could provide several reasons why they did not work.
- Taxis had a stellar record on State Street; there had been no accidents with pedestrians or bikes. There had been just one complaint in the past, after this issue came before the public. He was not aware of any citation given any cab drivers. If there were problems, individuals should be punished.
- Taxis created no more problems on State Street than other City vehicles, inc. the police cars that parked and cruised on State Street.
- Taxis moved out of the way for anything that needed to get by. They moved out of the way of buses. A bus may slow down for a split second, but he had never seen a bus stalled.
- For the past 15 years, mayors and alders had wanted some form of on-demand service. The 1996 ordinance allowed parking on State Street (in designated loading zones), but those parking cut-outs had been removed. Following this, flex zones were created to take the place of loading zones, whereby cabs could park anywhere on State Street. So on-demand had always been part of State Street over the past 15 years.
- DCC recommended that rather than parking anywhere on the street, cabs should be allowed to drive slowly looking for passengers, as they had over the past 15 years. Even though this had not been written into law, this had been the common practice. Police had had no problems with this.

Registrant Hawk Sullivan, 4613 Maher, 53716, neither opposed nor supported the item.

- He owned Hawk's Bar and Grill, had been downtown for over 20 years, and served a couple of City committees. Downtown was a huge part of his life, and it was his livelihood.
- He was not supporting/opposing any proposal, because he thought cabs should be able to cruise State Street 24 hours of the day like most cities in the rest of the world. If problems were to occur, like the Mayor was worried about, then those would be the things to adjust for in the future.
- He wasn't sure why the different arbitrary times had been proposed (10 PM or midnight). Even 10 PM wouldn't work for people from out of town, who might eat dinner and have a couple of drinks at 7 PM. When done, they often didn't know where they were, wanted to get back to their hotel, and went out on the street; they were confused because they couldn't hail a cab. Even after talking to bar owners, visitors were still confused. Hawk didn't understand the idea behind setting a time.
- Safety was the #1 issue for him with the different times. Re: 10 PM or midnight, people who had had a couple of drinks might need a cab at 8 PM. But 7 PM might be an okay compromise.
- Safety was an issue for out-of-town retail shoppers also, who might not know where they were. If they couldn't hail a cab, that was dangerous. People needed to be able to get about like they did in other cities.
- Though it might not be confusing to residents who knew to call a cab, it was confusing for everybody else.

Registrant Rosemary Lee, 111 W. Wilson, 53703, supported Alder Verveer's Alternate Ordinance (Version 2).

- She had personal experience with State Street, because she worked at Segredo. She was also the only volunteer at the ill-fated Madison Taxi taxi stand at 600 University. She had lived downtown for 40 years, and had seen it all.
- Concerning to her was the advice being given by people who came down to State Street in their cars, walked a couple of blocks, and then got in their cars and went home. They didn't experience State Street like she had.
- Taxis on State Street were a big safety factor. They were the eyes and ears of State Street, and a great help to MPD.
- A personal story: One night she walked up to the 500 block by Stop N Shop. She had called a cab at 2 AM, and by 3:15, it had still not come. Everyone else was pretty much gone. A cab from another company stopped and asked if she needed help, and when he heard what happened, offered to take her home before going to pick up a another fare. This was certainly a safety factor, and she appreciated it.
- She reiterated another story about a young girl who walked up to the old taxi stand, obviously in distress, who lived a fair distance away. Since it would have been dangerous for her to walk home alone, Rick from Madison Taxi offered to give her a ride home for free.
- What about visitors and tourists? They didn't know where the taxi stands were. Frequently, regular cars were parked in the stands; they were not well-lit and they were not manned. From her experience, taxi stands would not work effectively, unless they were manned.
- She supported the Verveer Alternate because Alder Verveer had been the alder for his district for 17 years. He knew the downtown district like the back of his hand, and had experienced State Street all hours of the day and night. If he thought 10 PM to 4 AM was what the hours should be, that's what they

should be. He was the expert on all things downtown.

- She was glad that the Mayor had "birthed" State Street but didn't understand his reluctance to have the safety factor provided by cabs from 10 PM to 4 AM.

Registrant Mary Carbine, representing Madison Central BID District, 122 W. Washington, 53703, supported the Alternate, but with a 7 PM start time.

- Members of Central BID had direct knowledge of State Street, its uses and traffic patterns. Their staff also assisted 45,000+ visitors every year.
- She also served on the DCC, and the DCC Taxi Subcommittee, which took a very close look at this issue and researched a lot of info.
- For the safety and convenience of downtown visitors and Madison residents, BID strongly supported again allowing taxis to provide demand-responsive service (to be able to respond to street hails) on State Street at night.
- They supported the hours of 7 PM to 4 AM, which would return it to the system that had been in place in Madison since 1996 in a variety of formats, and the hours that were permitted since 2001, when the State Street Design Plan (with lots of public input from all stakeholders) said that loading zones would be replaced with basically the entire street – flex zones. From their perspective, the current ordinance could be changed by crossing out the words "loading zones," because the entire street, by City plan, was supposed to function that way.
- They supported 7 PM to 4 AM because visitors and residents in a city of our size expected to be able to hail a cab in the center of the downtown shopping, entertainment and visitor district.
- In her six years at BID, she had heard lots of complaints, but she had never heard any complaints about taxis on State Street interrupting the feel of State Street, or blocking the street. They had heard about delivery trucks, but not taxis.
- However, they had heard lots of complaints about people not being able to find or hail a cab. It was not self-evident to people that they needed to call a cab.
- Taxi stands could work, but they needed to be carefully sited. Their location needed to be determined quite carefully. Elsewhere, they were often outside transit stations or outside hotels or convention centers, where the customers were, not on a side street.
- Changing the current system and introducing varying time restrictions esp. related to taxis traveling one block vs. two blocks, would not make sense to the customer. If someone came out on the 100 block at 10 PM and saw a cab on the 200 block, it wouldn't make sense to them that the cab couldn't drive an extra block to pick them up.
- State Street bisected a lot of one-way streets. If a fare wants to go east, it didn't make sense to require cab to exit on a street going west, and ask the rider to pay for the cab to go all the way around to the other side. This wasn't a customer-friendly system.
- A simple, clear system was needed that allowed people to be able to hail a cab for safety and convenience in our downtown.

Registered in opposition (to the original proposal), David Lee, representing Union Cab Steering Team, 2458 Pennsylvania Avenue, 53704, spoke before the group. He thanked the Mayor and everyone for taking time to consider the matter.

- In 1996 was when the ordinances first allowed cabs on State Street. Around 2000, during the re-design of the street, the cut-outs were removed and cabs had no place to post up. That would have been when drivers began cruising

State Street, when they didn't find a place to park but found people. Cabbies made money by finding people that needed transportation.

- He thought the cab stands were a good idea. If people showed up there, drivers would go to the cab stands as well. But they were going to find people that needed transportation. Many people would get into the cab and be grateful they saw a cab there vs. driving home perhaps when they shouldn't. This came around due to the feel of the street, which each person would feel for themselves and would be a difficult item.
- Keith Pollock from TE which oversaw taxicabs was present. Lee didn't think Pollock had heard a lot of complaints about taxis on State Street. If drivers did do anything to warrant it, he would encourage the Police to give them a warning or a ticket.
- He would like to see taxis on State Street all the time, but he recognized that traffic needed to be limited to maintain the buses, so a time limit may be needed.
- His group supported the 10 PM to 4 AM but would also support a 7 PM start time as well.

Representing Union Cab and Cab Drivers for Madison Safety (CDMS), registrant Dee Pachlhofer, 120 S. Blair Street, 53703, supported taxis on State Street from either 7 PM or 10 PM to 4 PM.

- While attending the meetings related to this issue, she had heard people say that drivers were only worried about the money they were missing. If she were in it for the money, she wouldn't have her cab parked (idle) in order to attend this meeting.
- Her big concern was safety. She put her life on the line every night because of the people who chose to drink and drive.
- She had been concerned with the issue of drinking and driving all her life, and her job was therapeutic because she got to drive the drunks home rather than worrying about them hitting her.
- It was important for cabs to be visible on State Street throughout the night, because when people had been drinking, they didn't always come out of the bar thinking that they shouldn't drive. But when they saw a cab, they realized that might be a good idea. But if they didn't see a cab in a timely fashion, they would simply decide to try to drive themselves home.
- She didn't want these people to kill someone, so it was very important for cabs to be visible and available on State Street.
- With the loss of Campus Safe Ride through the UW, many girls needed easy accessibility to cabs. They might not know where the taxi stands were. Many times, she had been hailed down by someone who wanted help getting their friend home, who was too intoxicated or who felt unsafe walking through a crowd of young men.
- She didn't want to simply cater to drunk students after midnight, because there were a lot of others in the city who needed cabs as well.

Representing Cab Drivers for Madison Safety (CDMS), registrant Christina Ballard, 1624 Fordem Avenue, 53704, supported Alder Verveer's Alternate.

- Though not currently working as a cab driver, she was permitted by the City to drive cab. CDMS was a group of drivers, dispatchers, customers, business owners, and a variety of others.
- She had a lot of info about Chap. 49, Sec. 53.02 (of the U.S. Code) related to fixed guideways and high occupancy vehicles, and the Madison ordinance which referred to taxis as public passenger vehicles, which she could share if people had questions.



- Drivers had a lot of stigma attached to them (that they lie, cheat and steal); and various of the committees that had taken testimony since June, had not listened to them because of that. They had listened to the Mayor, who was the sole person in the city how had an objection to this.
- Only one complaint had been filed with Traffic Engineering regarding traffic on State Street, which was from a bicyclist, two days after a lot of media coverage. By the Mayor's own admission, there had been no complaints that had come into the Mayor's Office.
- No one had testified against the Alternate at any of the meetings. But yet for some reason, the issue was still being debated.
- The majority of cab drivers were honest and capable, and educated. Some had military backgrounds, held graduate degrees, and were licensed attorneys and published authors. Their testimony had been ignored, allowing the Mayor to highjack the issue.
- Per Capt. Sue Williams, there had been no citations violating the ordinance in the last year (Sept. to Sept.).
- Drivers were the professionals, who had the information and who should be asked if people had questions.
- The Mayor admitted that he hadn't understood Alder Verveer's version, even though he had since June to look at it.

Jason Glomp, 1624 Fordem Avenue, 53704, registered in support of Alder Verveer's Alternate, but said he supported the 7 PM start time.

- The issue had been discussed for 3-1/2 months at seven meetings that were open to public comment, with numerous stories about the issue in printed and electronic media.
- Now BID had taken a position to push the start time back to 7 PM.
- What he hadn't heard were a lot of voices in the community objecting to cabs on State Street. Records show that the Mayor's Office had not received even one complaint about taxis on State Street. Over the course of seven meetings, only the Mayor had registered to oppose Alder Verveer's Alternate.
- Referring to transit malls created 40 years ago and the Mayor's comments about Pearl Street in Boulder and Telegraph Street in Berkeley, one was open to both public and private traffic and the other was a pedestrian mall, which really had nothing to do with taxis.
- But the Mayor hadn't talked about Nicollet Mall in Minneapolis, a 12-block transit mall in downtown Minneapolis filled with shops, bars and restaurants, created in the 60's, sort of the "godfather" to State Street.
- Nicollet Mall was classified as a fixed guideway by the FTA, limited to buses, City and emergency vehicles, and taxicabs for hire. Minneapolis residents were known to take a bus down to Nicollet Mall to find a taxicab, to take them to other parts of the city.
- The City of Minneapolis continued to receive federal transit dollars for projects throughout the city, including the Nicollet Transit Mall.
- Re: why taxi stands work elsewhere but not here, they don't always work in other cities. But he liked them. His company used them for a dispatch service.
- The problem with taxi stands was when the demand became greater than the available number of taxis. On a busy night starting from 7 PM and ending two hours after bar time, large groups of people were in competition for their services. Overconsumption of alcohol tended to lead to fights. He had even seen a adult man push a college-age woman down to the ground.
- When there was a high demand for taxis, it was safest for drivers, passengers and the community for the taxis to be spread out as much as possible. The failure to understand this was why the taxi stand at 600

University was such an epic failure.

Michael Dentice, 533 Lisa Ann Drive, 53718, registered in support of Alder Verveer's Alternate, and offered to use his time to present a video called, "Taxicab Opinions -- Real Passengers Speak Their Minds: Taxis on State Street". To view the video, please see item #30 among the electronic items attached to the ordinance file. The passenger interviewed supported having taxis easily available on State Street.

Greg Frank, 5 Wallingsford Court, 53717, spoke in support of cab service on State Street with a 7 PM start.

- He cared about the vitality of the downtown Madison, and the safety of its guests.
- He owned several downtown hospitality businesses and was involved in many downtown organizations supporting tourism and business.
- He spent time working on how to attract more people to downtown Madison, and once here, how to ensure that they had a great time and safe experience so that they would bring others here.
- Downtown visitors expected to be able to hail a cab in the heart of our entertainment district like in most other cities our size, rather than standing at a taxi stand or trying to figure out a system they were not familiar with.
- At best, it was a potential deterrent to a return visit; at worst, it could result in incidents relating to the safety of visitors, which would be devastating to the business of Madison.
- Taxis had been on State Street for many years, without incident.
- He didn't believe the transit system had been or would be disrupted by continued use of taxis on State Street in the way they'd been used in recent years.
- Safety, convenience and guest service all needed to be utmost in making a decision about this issue.
- He urged consideration of a 7 PM to 4 AM timeframe, to hail cabs on State Street.

Representing Union Cab of Madison, Frank Mattingly, 2832 Myrtle Street, 53704, registered in support (of Alder Verveer's Alternate). He had driven cab since 1975, and said there were a lot of smart people driving cabs. He presented a petition with 86 signatures for the record (attached), which supported Alder Verveer's Alternate. Everyone (all 86 people) presented with the petition signed it. This was one more example of everybody wanting this. He didn't understand why we were still having this conversation. How much more input did we need? If the 7 AM start time had been put on the petition, that would have been signed too.

Representing Union Cab of Madison, David Rossing, 1129 Elizabeth Street, 53703, spoke in support BID's position. He felt it would be confusing to customers to have different rules on the street at different times.

- He had worked for Union Cab for seven years, mostly on weekend nights, and had seen the busiest nights in the city.
- He understood what huge events mean the city, the mobs that happened, and the tremendous need for taxis.
- He was proud to work for Union Cab, which lived up to its stated values, that its main concern was public safety, as was being a valued community asset.
- His main concern was to minimize drinking and driving. He had seen hundreds of people with a vague look on their face, which when given the

visual cue, decided to get into a cab; or friends who forced friends to get into a cab; or people fleeing unsafe situations.

- There was a difference between the night culture and the day culture in Madison. At night, it was a drinking town. It could be a chaotic situation.
- Cabs created a friendly sense of order, more than filling the street with police did. Drivers were the eyes and ears of the street. He had called the police numerous times (for fights, drinking/driving, etc.). Drivers were there to serve the public.
- Also, drivers were ambassadors for the city. Visitors had frequently commented that drivers were so friendly and helpful (unlike those in large cities), and knew how to help them make the most of the city. Visitors said they looked forward to the experience. Drivers were needed to continue to provide this service.

Kristin Forde, 2336 Superior Street, 53704, supported the Alternate, and favored a 7 PM start time. She had driven cab for eight years, and was the President of Union Cab Co-op. She had met with the Mayor a week earlier. She appreciated having the chance to better understand the real intention behind this effort. She understood there was a real desire to affect the culture of State Street, and to recognize the changes that had occurred there.

- They had discussed the upcoming neighborhood conference and city planning, and about including cab drivers in that discussion, which was good, since they were invested in, affected by, and knew about the culture; and they'd be interested in talking about some change.
- While it was important to talk about what our vision for State Street was years ago, and to talk about other cities, it was also important to acknowledge "what is".
- For example, she had lived in New Orleans, and the culture of cabs was incredibly different. You could hail a cab and you could go to a cab stand.
- In Madison, the only place people could rely on hailing a cab, was on State Street.
- Our landscape was unique, and our traffic patterns were unique, also a big consideration in how we got cabs. Would cab stands be effective; how much space was available for them?
- At best, if this were to be delayed any further, it would be inconsiderate. We were in the busiest season of Campus nightlife. Changing the culture wouldn't happen by the flip of a switch, nor would it change by being dictated. At worst, it would be dangerous to delay. It would be smart to make this decision soon.

Registrant Deb Archer of the Greater Madison Convention and Visitors Bureau was available for questions.

Registrant Diane Morgenthaler of the Greater Madison Convention and Visitors Bureau spoke on behalf of visitors, many of whom congregated on State Street and greatly contributed to the health of our economy.

- Visitors needed, expected and deserved timely access to transportation esp. taxis, which needed to be readily available and easy to find. Taxis were critical to visitors' experience here and created a sense of safety. Having access to taxis encouraged them to take advantage of our restaurant, retail, cultural activities in our downtown.
- We were now entering a different time of the year when it became dark earlier. Visitors typically left restaurants at 6-7 PM, rather than 10 PM or later. They wouldn't know how to find their way back to their hotel, and taxis would help them.

- Visitor patterns were different than those of residents and students. Visitors didn't know their way around, and wanted a convenient way to get back to their hotel. And we wanted them to have a great experience of our community.

Registrant Pam McCord, 305 State Street, 53703, spoke in support of the Alternate with modification. The owner of Tutto Pasta on State Street, McCord wanted to make people happy. She had moved here nine years ago because she felt so good about the city. She wanted to help make it better. She talked to her customers (students, Overture patrons, visitors), and asked how they felt about taxis on State Street.

- One couple talked about how scary it was to go to the cab stands when they were students here, because of the fighting.
- Two other people had said they couldn't come to State Street anymore, because they had heard cabs weren't allowed to go there, and they used taxis to get there rather than driving. McCord had explained that they could still call a cab and get dropped off, they just couldn't hail one. She feared that this misunderstanding would stop people coming downtown.
- Visitors said they liked being able to hail a cab to get back to their hotels. She felt that cabs should be available 24-7, because visitors often asked about places to visit while they were here. McCord often offered to call a cab for them, but they didn't seem to like to have to wait.

Alder Mike Verveer, representing District 4, spoke before the group. He hoped the Commission would recommend adoption of his Alternate, which was sponsored by 12 members of the Council, including two of those serving on the Commission. He thanked the Mayor for bring this important issue to the forefront. The Mayor felt deeply about this and had spent many hours working on it, including having several conversations with Verveer himself.

- His district included the majority of the State Street Mall. He was joined by Alder Maniaci and Alder Resnick, who also represented some portions of it. The three of them were among the dozen sponsors who supported the Alternate before the Commission.
- To him the issue came down to safety, and that was what it was all about.
- He appreciated the concerns of those who had testified, whose livelihoods depended on this, who had lost untold amounts of potential fares since the Mayor had asked some months ago for voluntary compliance with the existing ordinance.
- But for him, it was all about safety. Not a weekend went by without hearing about assaults taking place in the downtown.
- Some level of intoxication was at play in some of these instances, but providing an easy way for people to get home safely was what his Alternate was all about.
- The existing ordinance was outdated and needed to be amended one way or another. The loading zones no longer existed on State Street.
- Back in 1996, TE's taxi administrator Bill Knobloch approached Verveer about the possibility of allowing taxis to wait in the loading zones at night because of the bar and restaurant traffic. Apparently some cabbies had approached Knobloch. Without any controversy, the Council adopted the ordinance, which allowed cabs to wait for fares in the loading zones.
- In 2001, he and other alders sponsored an amendment to the ordinance, to expand the hours in these loading zones (from 7 PM to 5 AM), because they were so popular. The ordinance hadn't changed since 2001.
- But since then, the Mall had been rebuilt, making the ordinance obsolete. It needed to be updated.
- The safety issue had become even more acute with the budget cuts to

Campus transportation services: the reduction in hours to Safe Bus and the elimination of Safe Cab. Options had become more limited.

- This made it imperative to maximize opportunities for people (who may/may not have had too much to drink), be they residents or visitors, to be able to get home or to their hotels safely.
- With regard to all the info and history contained in the attachments inc. DMI's "Transportainment" survey, one of the key recommendations from the survey was expanded cab service availability and safe transportation late at night, not just for bars, but for restaurants as well.
- Being a night owl and observing firsthand the presence of the cabs on State Street for many years, if he had ever thought that cabs cruising State Street late at night was an issue, he would have taken action on it. He just didn't think it was an issue.
- He didn't want to go so far as to say that this was a solution in search of a problem, ending widely the ability to flag a cab on State Street; but in part it was.
- Admittedly, the ambience was different and nice in many respects with fewer cabs on the street since the voluntary compliance went into effect. But even the Mayor had conceded to a midnight start time.
- Regarding the hours and start time: BID had recommended 7 PM; he and other alders had recommended 10 PM; Planning Commission, PBMVC and now the Mayor had recommended midnight.
- He wanted very much to compromise, but knowing how busy the bars and restaurants were at night, there was as much need at 11 PM as there was at midnight. The Convention and Visitors Bureau would argue for the longest amount of hours possible to allow for the flagging of cabs, to accommodate our out-of-town visitors. In anticipation of a lot of discussion about hours, maybe a compromise would be 11 PM.
- In his recent discussion with the Mayor, the Mayor was concerned about the effect on Madison Metro. In looking over the schedule of Metro buses on State Street after 10 PM, one could argue there were relatively few Metro impacts esp. after 10 PM and on weekends when most of the cabs wanted to engage in this practice of being flagged by potential fares. In looking at the bus schedule for the weekends and the summer (when the 80 routes weren't running), there was a small number of buses affected. Only Routes 4 and 6 covered all of State Street.
- Even Metro's Kamp had said that the issue for his drivers was not taxis, it was delivery vehicles during all hours of the day.
- In all his years representing downtown, Verveer had had more complaints about fire vehicles cruising the street than he had ever had about cabs.
- Capt. Carl Gloede had also testified at DCC that the Police didn't have issues with the cabs interfering in their activities.
- While recognizing concerns about the delay in making a decision about this issue, Verveer appreciated the Mayor's concerns about the FTA grant money and the fixed guideway. So he had no objection to adding language as contained in the Mayor's latest substitute, related to an effective date contingent upon FTA concurrence with this change. From his understanding of things, this change would not be an issue for FTA at this time (though it might be in the future when BRT was developed).

Verveer answered questions.

- Re: demand-responsive service and the rules that would govern cabs being allowed on State Street and for how many blocks, Verveer said the intent of the Alternate was to reflect the specific recommendation of the DCC (Downtown

Coordinating Committee) and its Taxi Subcommittee. The DCC tried compromising with the Mayor and addressing some of the Mayor's concerns, with language about the number of blocks and "in the direction of".

- The Mayor's compromise, his (new) Substitute, would start the hours at midnight, but would allow free run of the street after that.
- DCC's (earlier) recommendation reflected that they really didn't want cabs cruising up and down State Street, from the Capitol to Campus and back, looking for fares. However, if they already had a fare, and they were going from Lake and State up to Ian's Pizza (by the Capitol), they could drive State Street because it was the nearest direction.
- The DCC's intent also was that between 10 PM and 4 AM, empty cabs could be on State Street looking for (flag) fares; they didn't need to have gone to State Street to drop off a fare. The assumption was that there would be plenty of fares (and the cabs wouldn't be simply cruising).

Golden felt that the language in the Alternate was flawed if this was its intent (to allow cabs to look for fares between 10 PM and 4 AM). He believed "demand-responsive" meant in response to a hail or a phone call. The Mayor joined the discussion and said that if people wanted to accomplish the intent of the Alternate, they could take the language from his Substitute and amend it to 10 PM, which would allow the free flow of the cabs up and down State Street whether or not the cab had a fare when it entered the street or not.

Golden agreed with the Mayor, and read the definition from the ordinances that said: "Demand-responsive transportation shall mean transportation by any public passenger vehicle available for call or hail and not operated on a fixed route along a public way."

The Chair asked if members had questions for members of the public who had registered/spoken.

-- (Schmitz) Hawk Sullivan described the changes in customers that he had seen over 20 years.

- To the Mayor's credit, since the 1970's State Street had become tremendously successful. We now had BID, the Overture Center, and lots of condos. In the '70's, there wasn't anyone living downtown except the students. The dynamic and the mix of people in the downtown had changed drastically, for the better.
- Forty years ago, there weren't half as many tourists. Tourism had skyrocketed in the last 10 years, maybe due to the success of the mall.
- But people (inc. residents) were confused about this issue. Cab stands were a good idea in theory, if they were used correctly. But cab drivers needed to go where people were demanding the service, wherever they were, either on one block or the next. Buses stopped every other block or so, to make them convenient. Like buses, cabs had to be convenient. They also had to be available 24 hours a day.
- Safety and drinking was part of the issue; and he agreed that the drinking culture needed to change. But this wouldn't happen overnight.
- State Street wasn't the same street it was 40 years ago, and that was good. But things had definitely changed.
- Also, during the winter, it became dark at 5-6 PM. As part of a safety issue, he wondered about the different times. Why midnight, why 10 PM, why 7 PM? 7 PM made a little more sense, and had it been offered to the sponsors of the Alternate, they might have agreed with that if they had heard all the testimony. It was up to the Commission to decide what time was appropriate.

- No one had spoken to complain about the cabs, not even Metro.

-- (Poulson) Hawk Sullivan, regarding customer confusion: When customers couldn't hail a cab and walked back into his place, he would offer to call a cab for them. These people were usually not from Madison; people from Madison kind of knew to call a cab. The problem with calling a cab at bar time was that it could take an hour for it to arrive, vs. just walking outside where a cab could just show up, which was a lot safer.

-- (Bergamini) Regarding language for the ordinances that would be understood by police and cab drivers to mean that cabs could pick up flags, David Lee didn't have any (new) language to offer. In the taxi industry, working the "demand-response" business meant drivers could circulate to look for people who might flag them, rather than being under contract or being summoned. Though "demand-response" was an odd term to use, this was the jargon in the industry to mean they could be flagged or called by phone.

Please note: A Roll Call is shown here to reflect that Subeck arrived at this point in the meeting at 7 PM, and was present when action was taken on the item.

**Present:** 8 -

Bridget R. Maniaci; Chris Schmidt; Lisa Subeck; David E. Tolmie; Gary L. Poulson; Margaret Bergamini; Susan M. Schmitz and Kenneth Golden

**Absent:** 1 -

Amanda F. White

**Excused:** 2 -

Kenneth M. Streit and Ann E. Kovich

**26603**

ALTERNATE Amending Sections 12.915(8)(a) and (b) and Section 11.06(3)(r) of the Madison General Ordinances to prohibit taxicabs waiting for passengers on State Street and permits them to provide service on State Street between the hours of 10:00 p.m. and 4:00 a.m.

[Please note: This section contains the continuation of the question/answer period for Leg. File 26603, as well as the discussion and action on the item that followed.]

-- (Schmitz) Deb Archer talked about the number of visitors to the downtown, and how much they spent.

- Of those who visited Dane County, 20-25% came to the downtown during their stays.
- These visitors spent about \$200 million/year just in the downtown area (\$900 million in the County).
- Sixteen years ago, the annual spending was \$400 million; now it was \$1.2 billion/year in direct spending.
- Due to such things as the Mayor's building of Monona Terrace, there had been a dramatic change over those years.
- There had been a huge influx of people; from 2-3 million to 14 million/year.
- 50-55% was spent on food and retail; hotels were a smaller portion.

-- (Tolmie) Regarding "demand-response" and the number of cabs that would be cruising from 10 PM on, David Lee said it would depend on the day and the event that was going on. Union had 61 cabs. On a football game day, all of them would be full and many might be dropping folks off and picking folks up

on State Street; but not all of them would be cruising State Street. They didn't make any money cruising. He guessed that if there were 10 cabs cruising State Street at the same time, that would be a large number.

The Mayor shared a cell phone picture of cabs on State Street with members, and said that the entire number couldn't be counted. Visible were three cabs in one direction, and numerous headlights in the other direction.

- In his experience, it was not unusual to have three cabs each traveling in both directions, in the segment from Gilman to Lake. This didn't count what was happening up towards the Square. This contributed to part of the ambience and feel of the street.
- Since discussion of this issue began, there had been a lot of mention about culture and safety, and just now about the 4- to 6-fold increase of people in the area and the volume of sales. But there had been no discussion about what made State Street what it was and what brought all those people there; or about the fact that State Street was the only place like itself in the U.S.
- The Nicollet Mall was a joke; it was designed to separate pedestrians from the street.
- By intention, State Street was designed to do just the opposite: It was designed to engage people, to be a street that would be very different and that would leave a lasting memory, so that people (both residents and visitors) would return.
- We had wanted to develop a unique space and it had worked, not just the Mall but the Civic Center, Overture, and the Monona Terrace as well; along with the tens if not hundreds of millions of dollars that the public sector (as well as the private) had invested over the last several decades.
- Nearly all the interest groups who were now present, the taxicabs and the retail merchants on State Street, were firmly against the Mall, for the very reasons that were being given now regarding taxicabs; i.e., business and the immediate needs to provide service. We were told if we took the traffic off State Street, no one would come. We were told if we took parking off State Street, no one would come.
- The issue had to be viewed in its totality, to understand the use of the space and its relationship to the people.
- One might make an argument that we should remove a bench in front of a particular business because of the habitual drunks that panhandled there. But then when the drunks/panhandlers moved to a different bench in front of another business, we would have to remove that bench as well; and by the time we were done, we would have removed all the benches on State Street. Making the same argument with regard to cafes, we would remove all the plantings and all of the trees, and State Street would no longer be that kind of space.
- People really needed to examine their thinking about this. It was not just about one issue. Having heard the testimony, he was even more convinced that we needed to get greater control of the liquor on State Street because we could not allow the liquor to control the environment continually seven days a week.
- Another problem related to the consumption of beverages on State Street also was not being addressed: We were losing the dry good merchants on State Street because they could not compete on a per square-foot basis for the cost of their space (not just liquor, but coffee shops).

Schmitz interjected that the competition for merchants was not liquor, it was the Web. Retail had changed overall. The Mayor invited Schmitz to join those



supporting the Fairness Act, to do something about online merchants being exempted from sales tax. There was no doubt in his mind that liquor was driving out retail from State Street. If that were to happen, then State Street would become solely an entertainment district, which would create a whole new set of problems. He just couldn't see the space being driven by drunks stumbling out of bars needing taxi cabs. Then we might as well design the entire space for them.

Subeck agreed that we shouldn't be driven by drunks. And if so, why not allow the taxis on the street at 10 PM or earlier, when we had folks coming out of Overture or folks leaving restaurants, or folks who did not have a vehicle and wanted to get back to their hotel?

The Mayor said that there could be a taxi stand at every corner; and there could be calls on demand. There were lot of ways to address this. There was no reason to compromise the whole situation for those instances, so that we ended up with a situation where there was a continual parade of cabs all night long. He didn't know how some of the the taxis stayed in business, with the amount of gas they consumed. He wished he had not raised the issue until people had seen the parade themselves. When asked, the Mayor said he had observed the situation in April, May, June and July. By mid-July, things had tailed off because of compliance.

-- (Bergamini) Jon Mack said that the slowest times of the year were when the students weren't in town. He had encountered the Mayor taking videos on graduation weekend, which was one of the busiest times of the year. Football weekends were times when they would have considerably more taxis out in general, and on State Street. Business went down by a third after the mid-May over the summer months, when the UW students left.

Golden asked both the Mayor and Alder Verveer if there ever was a possibility of introducing seasonality into the discussion. The Mayor said that he had thought about it and would support it, but that he had been told by the cab industry that times that varied were a problem. So he had been reluctant to bring it up. Verveer concurred with the Mayor; that was what he had heard as well. Golden noted that there was seasonality with alternate-side parking. And it struck him that the ambience of the street was somewhat irrelevant in January. The Mayor said that the many (highly educated) cab drivers would likely get it, but he was concerned that the public would be confused. Golden said that what had come out of the testimony was that the public seem confused anyway; they couldn't find taxi stands and owners had to call a cab for them. This perplexed him as much as the fact that it would take an hour to get a cab when calling, and yet people could go outside and flag one down right away.

The Mayor said that if it were possible to test it, he would have his ordinance in effect from mid-May to mid-September. The rest of the year the cabs could go on the street earlier. Whatever was decided, he would prefer that changes be tested for a year or two, and then make possible adjustments. He still had concerns about the effect on Metro. He was also concerned about what would happen if we were to go to a BRT in a couple of years; or what would happen if drivers were to make a true commitment to test out the taxi stands.

Verveer said he hoped that whatever the Council ended up adopting would be

viewed as a pilot, and that we could learn from our experience. He wasn't a big fan of sunsets, but maybe this was something to consider besides the idea of seasonality. When asked about designing an evaluation for such a pilot, Verveer said he hadn't had a lot of success of codifying evaluations in the ordinances (esp. re: alcohol density). Golden thought this could be done by staff offline. Verveer agreed that there should be some sort of evaluation in a year or two.

Maniaci had questions about the taxi cab stands, which were authorized on an executive basis. She wondered whether the different times being proposed were predicated on the presence of the stands. Her understanding was that the clock was ticking on them, and they needed Council approval and authorization after so many days following executive authorization. They had been installed in June, and the 90 days allowed for designating temporary use of parking space was running out. She also wanted to know how many stands were put in.

Keith Pollock of Traffic Engineering said that the ordinances did give the Traffic Engineer authority to install taxicab stands. The particular locations now being used were loading zones from 6 AM to 6 PM, and then became taxi stands from 6 PM to 6 AM. Pollock cited Section 11.07(2), re: regulation of cab and bus stands, said that "such place or places as the Traffic Engineer may from time to time designate within the public streets or grounds of the City of Madison shall be authorized stands for hacks, cabs, wagons, omnibuses, horse-drawn vehicles or other vehicles for the conveyance of passengers...." As he understood this, the Traffic Engineer could administratively do this. Maniaci asked for a memo from the City Attorney to make sure this was not in conflict with other ordinances that talked about things being done on a temporary basis, which then needed Council authorization.

Maniaci asked Kamp about the number of buses that used all or parts of State Street after 10 PM. Kamp said there were 60 buses; and if the 81 and 82 were taken away during UW recess, there were 38. Bergamini pointed out that there were six routes using State Street (not counting the 80's), and half of those use only half of State Street. Kamp said Routes 4 and 6 were the two routes that traveled down State Street all day long and that went the full length of the street.

Subeck asked Kamp if there were driver complaints about traversing State Street. Kamp said there were complaints about State Street in general and the difficulty of getting through in a timely manner; but there had been no focus on taxis.

To address what Alder Verveer and the other sponsors intended, Golden moved, seconded by Maniaci, to recommend adoption of the Alternate with a change to the second sentence of Section 1(a) of Subsection (8) of the Alternate, to delete "demand-responsive", and add "service" behind "transportation, to read: Taxicabs shall be permitted to provide transportation service to prospective fares on the 100-600 blocks of State Street between the hours of 10 p.m. and 4 a.m.

Golden thought the intent of the Alternate was to allow cruising. Based on the definition of "demand-responsive" that staff provided and regardless of the common usage, Golden felt "demand-responsive" meant that taxis could

cruise until they had to get off the street, and then they couldn't get back on.

Poulson asked Kamp to make a few comments about the BRT situation. Kamp noted that like communities everywhere, an important consideration for our community would be how we took on the issues of fuel scarcities and land use, and how we would look at transforming our communities.

- BRT was a potential way for Metro to deal with the situation with the growth in ridership, from 10 million ten years ago to 15 million now.
- Metro riders were often going through the core area, not only on State Street. But State Street was a key area to get through, and they were hearing loud and clear of the need to reduce travel time.
- Three studies were now underway. The BRT study was looking at high-capacity transit; and they hadn't yet decided what that would look like. This would feed into the City's Transportation Master Plan. And the Bus Size study was looking at both shorter and longer, articulated buses.
- In preliminary discussions about BRT, the question was raised about how these buses operated. They typically operated with 15-minute headways using heavier vehicles until midnight (which was how late Metro ran). Also being discussed was a pilot, to see how this might work.
- Re: buses on State Street, Routes 2, 3, 4 and 6 were linked to transfer points. In a BRT system, even seconds mattered, so a minute was really important.

Subeck wondered when BRT might begin. Kamp said the BRT study would be completed in 2013, and the Master Plan would be finished after that. So BRT was several years down the road.

Having lived in Madison for a long time, Bergamini joked that she would not set her clock to a timeline for any major transit project. In the meantime, we had many visitors coming to the City, many cab drivers trying to make a living, many people trying to get home and trying to conduct all sorts of business. Bergamini said she was going to move an amendment to move to a 7 PM start time. It was not just about drunks. She was about to go a convention, and when traveling, if she didn't know where she was at, she would want cab to get to a restaurant and one to come back. Having served the convention industry, she knew she was not unique in this. Yes, a minute saved here and there on a bus was critical. She was not convinced that passenger-sized vehicles was the problem on State Street. As far as blocking lanes on State Street, delivery vehicles throughout the business day were a bigger problem, which this ordinance didn't touch. People in this city ate dinner between 6 and 8 PM; shows started at 7 PM and got out at 10 PM.

Bergamini moved, seconded by Subeck, to amend the main motion to change the start time from 10 p.m. to 7 p.m., as follows: Taxicabs shall be permitted to provide transportation service to prospective fares on the 100-600 blocks of State Street between the hours of 7:00 p.m. and 4:00 a.m.

Schmidt said he could not support this amendment or the underlying motion. The Plan Commission had discussed at length the impact on fixed guideway and fixed guideway funding potentially, which was relevant to them and their concerns for Metro. That was where midnight came in; mainline buses ran until midnight. They could not play games with fixed guideway and its funding. One minute might not sound like a lot, but it was a lot. Yes, it was important to have the taxis, and they were a critical resource. But State Street was a narrow corridor, and we needed to be very careful about opening it up to additional

traffic. This was where the Plan Commission motion came from, and what the Mayor based his substitute on.

Schmidt couldn't support 7 PM to 10 PM because there was even more bus traffic during that time and a higher potential for conflicts. If they were to open things up to a 7 PM start time, then they should do so with a sunset or something to assess the impact on headways. Perhaps, they didn't need to worry about BRT right now, but they should worry about the system they had. They needed some mechanism to come back in a year to reassess the situation to make sure they hadn't impacted their bus system negatively.

Golden said that if the amendment passed, his vote would be no. A troubling line in the City Attorney's report stated that taxi use was an incidental use for this corridor, and this incidental use shall not interfere with transit. If we didn't get this cleared by FTA before doing it, the City could be placing a substantial amount of money at risk. If it wasn't an issue, then we'd have a different discussion. But ignoring that line would be problematic. He might struggle with the idea of a 10 PM start time, but a 7 PM start time made his decision easy.

Subeck thought the fixed guideway issue was a bit of a red herring at this point. Nobody at the FTA had said the funding was in danger. But if the City were to apply for some future funding, it would have to abide with whatever was required. We would enter into a discussion with the feds to make sure we were appropriately compliant. If we had to make a change at that time, we would. But this had been the practice for years now. That was the piece she was missing; that suddenly this was a fixed guideway, FTA issue. Nobody had ever contacted them to say this was a problem. We were making this problem and that was the only reason this had become an issue at all. If the feds were to contact us to say our funding was in danger, and we had to get taxis off State Street, she would be the first to say "done". But that was not what was happening here, and she asked people not to be fooled.

Though not voting, Poulson said he personally couldn't support a 7 PM amendment, because of the impact on the Metro schedule and the headways. He would like to see a 10 PM start time to see how it worked, perhaps with the Council setting up some study criteria or a pilot program.

Schmidt noted that FTA and fixed guideway issue was not a red herring. Even the memo from Christopher Birch of the FTA to Christina Ballard clearly stated that "while there were no definite restrictions on cabs picking up/dropping off passengers along a fixed guideway, at some point there would need to be a threshold on how often cabs are allowed on State Street, hours of operation and traffic volume. As of now there is no language in the grant that restricts this type of use. Typically, the FTA prefers to allow accessibility to only buses, paratransit and emergency vehicles within fixed guideway right-of-ways." This was what concerned the City Attorney and the Plan Commission. We applied for fixed guideway funding every two years and had to meet certain criteria. And now that we had opened up this issue and the FTA knew we had had this discussion, we needed to address it. It should not be ignored. One of our permanent concerns was Metro's health and finances.

Subeck said she read the memo as well. While it said they preferred that taxis weren't allowed, but that if they were allowed, specific guidelines had to be

addressed. She believed that was what they were doing with this amendment. She didn't find anything specific about what the FTA preferred regarding hours of operation. But she would be comfortable with checking in with the FTA to make sure they were good with whatever they passed. She certainly didn't want to see us violating FTA rules. But given their response, she thought it actually opened it up for the City to propose something and to let them know what we had passed. And if it didn't work, it could be vetoed.

Speaking specifically to the amendment, Subeck appreciated Bergamini's bringing the start time back to 7 PM, though she understood that 10 PM could be a fine compromise. After listening to testimony at PBMVC and other places, she thought they were missing who their actual target audience constituency should be: the folks who came downtown and brought money into downtown, who were the people we wanted to encourage to come downtown (vs. those who stayed until midnight or 2 AM). These were the people who needed to get to/from their hotel and restaurants. Like Bergamini, Subeck traveled for her work, and expected to be able to find a taxi. There were signs every 1/2 block, saying, "Taxi stand coming here". But people didn't inherently look for a taxi stand, because they didn't expect to have to find a taxi stand. She would feel differently if the stands could be on State Street, but they couldn't.

When asked, Kamp discussed how the FTA funding worked.

- Every year, Metro got a formula for fixed guideway funding.
- Fixed guideway funding had been a consistent source of funding for many years, recently ranging from \$700-800K, with about 35-40% of that related to State Street.
- Metro had a triennial review audit (every 3 years), during which Metro showed them the rules that were on the books for State Street; which was how the FTA determined if we were in compliance.

Tolmie remarked that if the start time were 7 PM, after a few weeks cabs would only cruise up/down the street if there were fares. They would figure out how many were needed on State Street and when. He wondered how the 7 PM time would impact Metro.

Kamp said the closer the time was to the peak (7 PM), the harder it would be; the closer to midnight, the easier it would be. As Metro's Manager, he saw 7 PM as a problem, with keeping buses on time in these areas which were having increased ridership and demand. He wanted to make sure to provide transit efficiently and maintain the schedule for transfers. The peak ended around 6-6:30 PM, but the peak had been spreading out into the evening. They were having to put extra buses on. So admittedly, from a Metro perspective, he would prefer midnight.

When asked by Bergamini, Kamp said that the right lane on University Avenue was another fixed guideway for buses and bikes. Bergamini noted that delivery vehicles and taxis also used this lane. Kamp said that traffic moved noticeably faster in this lane. State Street used to be more like this, but now it was more congested in general (not necessarily an issue with taxis). He was looking at how we might set up the system (through the Master Plan) so that State Street did not get slower and slower, so they could get vehicles through there in a reasonable time and keep schedules.

Bergamini pointed out that it seemed that when it came to FTA regulations

about how restricted a lane or guideway had to be in order to qualify for funding, there was a fairly broad range of traffic designs that satisfied those requirements. The lane on Mineral Point was a restricted diamond lane, and there was no conflict there because there few delivery vehicles or taxis that would stop there. On the other hand, University Avenue was a problem, but we didn't ban all traffic from that lane and still got funding for it. So, it seemed that we could still get funding for fixed guideways, even when they didn't have the most restricted conditions.

Kamp said that the feds allowed for shared use, which didn't need to be exclusive, as long as it was restricted. They looked at the local description of controlled access, and generally went along with that. However, there was a threshold the closer we got to peak hours. He didn't know where that threshold was. Bergamini said that was because the regulations allowed it to be situational; there wasn't some guillotine that would drop on them if they changed the time to 7 or 8 PM.

Golden said the thought the ambience issue was real. He had always been a regular user of State Street. He felt that the more that went on that wasn't pedestrian oriented, the worse the environment was if he was sitting in a restaurant or taking a walk. He didn't like delivery vehicles, esp. when riding the bus. He didn't know if there would be a way to restrict the number of cabs, once the door was opened. He asked people not to underestimate the ambience issue.

Golden went on to say that he wouldn't vote against the motion because he expected the FTA to come down on them. But he agreed with Subeck that whatever was passed should not be implemented until the FTA had been contacted to see if they had any problems with the changes. Hopefully, the issue would disappear. But we wouldn't want to lose the money because we later discovered that they didn't like the changes.

A vote was taken on Bergamini's motion to amend the Golden motion to move the start time from 10 PM to 7 PM. The motion carried 4-2, as follows: Aye votes - Subeck, Bergamini, Schmitz, Tolmie. No votes - Schmidt, Golden. Non-voting - Poulson and Maniaci. (Please note: After the voice vote was taken and the motion was determined to have carried, Maniaci noted that she had not voiced a vote.)

Schmidt moved, seconded by Subeck, to further amend the main motion to add the following Section 4 to the end of Subsection (8), related to the effective date following FTA confirmation of concurrence, as follows: 4. This ordinance shall take effect thirty (30) days after the City receives confirmation from the Federal Transit Administration (FTA) of its concurrence in this minor change in use of the fixed guideway on State Street. The City Attorney will report to the Council within sixty (60) days of passage and upon concurrence by the FTA.

When asked, Kamp said the next FTA review would be sometime in 2013; they usually were notified six months in advance.

Maniaci said that though the motion was really well-meaning, she couldn't go through football weekends for another month, more Friday and Saturday nights on State Street. The issue had gotten drawn out for so long. Additional

referrals were made on the understanding that the issue would be resolved by their second meeting in September. Maniaci talked about the people (apart from the drunks) for whom this proposal should be designed, like the young women in the community. She felt they should be talking about safety and priorities. While they sat with the bureaucracy and went through the motions of checking with the feds, there were people out in the community who were being jumped, attacked and raped.

Maniaci said that the City could still check with the feds, but they didn't need to stop implementation to do that, just to include some comfort, feel-good language. She had to weigh the benefit/cost in doing that. For the sake of her constituency, she couldn't see delaying 2-3 months, esp. with the dark falling earlier, for folks to be able to catch a cab on a Friday night when they needed one. This amendment wasn't needed. The internal bureaucracy could be managed without it. She thought they could get an informal confirmation from the FTA if they had concerns about 7 PM before the next Council meeting. She noted that she had not voiced a vote on the 7 PM start time, because she had signed on as a sponsor for a 10 PM time, and knew there would be further discussion about that at the Council. If they found there were issues with the changes, she and Alder Verveer would come back to the Council quickly to amend it.

Subeck appreciated Maniaci's perspective, and part of her was tempted to agree. That said, they governed for the long haul, not minute to minute. Though she would prefer that the changes took effect immediately, but if this was what we needed to do to ensure compliance, it was important to get a definitive decision. Her hope was that, if this passed, the Mayor would lift his executive order to enforce. While 90 days could end up feeling like a long time, in the scheme of governance, it really was not.

Golden advised members not to consider BRT in their decision, because after attending several long BRT meetings recently, he found there was variability in where it might go; maybe State Street, maybe not. The Center and West sections still needed to be done. He continued to feel that seasonality should be considered; his ambience argument disappeared in the winter. The merchants and the cab drivers would be smart enough to figure that out; and visitors would ask someone for info anyway. He might be able to support 7 PM in the winter, and later in the summer, depending on the impact on Metro. But he would vote no on the current proposal for 7 PM.

A vote was taken on the Schmidt motion to add Section 4, regarding the effective date and confirming with the FTA. The motion carried 5-2, as follows: Aye votes - Schmidt, Subeck, Golden, Schmitz, Tolmie. No votes - Maniaci, Bergamini. Non-voting - Poulson.

A vote was taken on the main motion as amended to 7 PM, and the motion carried 5-2, as follows:

**Absent:** 1 -

Amanda F. White

**Ayes:** 5 -

Bridget R. Maniaci; Lisa Subeck; David E. Tolmie; Margaret Bergamini and Susan M. Schmitz

**Noes:** 2 -  
Chris Schmidt and Kenneth Golden

**Excused:** 2 -  
Kenneth M. Streit and Ann E. Kovich

**Non Voting:** 1 -  
Gary L. Poulson

## G. NEW BUSINESS ITEMS

[Please note: The meeting recessed from 8:08 to 8:18 PM. Also, Schmidt was briefly away from the table when action was taken on Item G.1.]

G.1. [27496](#) Relating to Il Corvo Pedal Cab Service application for a Pedal Cab operator license.

Keith Pollock, Transportation Operations Analyst for Traffic Engineering discussed the pedicab application.

- Since the new licensing procedures for pedicabs had been put into effect (inc. provisional licenses and lower rates), Capt. Gloede's officers had been talking to pedicab owners.
- Pedicab owners had been coming in, getting licensed, making sure they had the appropriate insurance, and undergoing background checks and vehicle inspection.
- Larry Godding of Il Corvo Pedicab Service had come in and gotten everything done in one day's time. The risk manager reviewed his insurance, he passed a background check, and Pollock and Arthur Ross had inspected and taken a ride in his vehicle, to make sure it stopped and that the lights worked.
- Godding had planned to attend the meeting, but when he heard how long the meeting would likely be, he chose not to stay.
- Traffic Engineering recommended that his application be approved.

A motion was made by Maniaci, seconded by Subeck, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

G.2. [27497](#) Approving a Parking agreement between the City of Madison (Parking Utility) and Bethel Lutheran Church, and authorizing the Mayor and the Clerk to sign the agreement.

Parking Operations Manager Tom Woznick discussed the agreement.

- In 2005, Parking had entered into a one-year agreement with Bethel, with two additional one-year periods. They hadn't renewed the agreement since then, so the resolution was drafted to address this.
- Bethel had asked for an adjustment to their times. Originally the times ran from 7 AM to 12:45 PM every Sunday. They had agreed to pay for all parking that exited State Street Cap, for those who attended services at their church.
- This benefited both the customer and the Utility.
- In August, they asked to change the end time from 12:45 to 1 PM, since they were changing the time for their last service.
- The original agreement contained set times, but the new agreement was being set up so that times could be adjusted as needed. He hoped members would agree with that.



Maniaci wondered if they were to have a day-long festival, outside of their normal hours, if this could be handled by staff or if that would need to come back to the group for approval. Woznick said there was a separate arrangement in place for times when there was special event, and special event fees were charged; whereby their attendees could sign a document and they would be charged according to the document, and would not have to pay a \$5 special event fee. Bethel was not interested in paying all the \$5 fees for people who were not attending their services.

A motion was made by Subeck, seconded by Tolmie, to **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**. The motion passed by voice vote/other.

G.3. [27592](#)

Metro: Update on 2013 Budget Developments - TPC 09.12.12

Regarding a previous request to present the Metro budget proposal at the September meeting, Kamp and Poulson had met with Anne Monks of the Mayor's Office, and the standard procedure would be followed, where Metro would go through everything in October and would provide their budget requests then. The item had been kept on the agenda to let members know they had had the discussion. Maniaci wondered if expanded late-night service was among the requests. Kamp said he would discuss that in October.

G.4. [27594](#)

Metro: Update on the Final Report of the Long-Range Metro Transit Planning Ad Hoc Committee - TPC 09.12.12

Because Amanda White, who was very interested in this item, was absent, Poulson suggested there be a motion to defer the item to the October meeting. Subeck/Tolmie made a motion to refer the item to October. Golden asked that when something like this report showed up on the agenda, that info be provided to show the names of the members of the committee and what the committee's charge had been; where it came from and what it was supposed to do, to provide some context. Poulson agreed and said that this info could be provided at the October meeting. A vote was taken, and the motion passed by voice vote/other.

G.5. [27404](#)

Authorizing the Mayor and the City Clerk to enter into an agreement with Meriter Health Services, Inc. for the provision of passes to its employees and volunteers for Metro Transit fixed route and ADA paratransit services, with reimbursement to the transit utility for employee and volunteer trips for the period December 1, 2012 through November 30, 2013 with one automatic renewal for the period December 1, 2013 through November 30, 2014.

Poulson suggested that Items G.5. and G.6. be taken up together. They were agreements related to our past programs with Meriter and St. Mary's. A motion was made by Golden, seconded by Schmidt, to **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**. The motion passed by voice vote/other.

G.6. [27405](#)

Authorizing the Mayor and the City Clerk to enter into an agreement with SSM Health Care of Wisconsin, Inc., owning and operating St. Mary's Hospital Medical Center, for the provision of employee/volunteer passes for Metro Transit fixed route and ADA paratransit services, with reimbursement to the transit utility of \$1.15 per fixed route trip and the applicable paratransit

price in the fare tariff at the time the ride is taken during the first year of the agreement (January 1, 2013 - December 31, 2013) and the applicable per ride price in the then current fare tariff at the time the ride is taken for all rides during the second year of the agreement (January 1, 2014 - December 31, 2014.)

**A motion was made by Golden, seconded by Schmidt, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

**G.7. [27518](#)**

Authorizing the Mayor and the City Clerk to enter into an agreement with Dane County for the purpose of providing the Transit Utility with State 85.21 funding given to Dane County for the provision of accessible transportation for eligible persons within Metro Transit's service area in the calendar year 2012.

**Without objection, G.7., G.8., G.9. were taken up together. A motion was made by Subeck, seconded by Schmidt, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

**G.8. [27519](#)**

Authorizing the Mayor and the City Clerk to enter into an agreement with Dane County to provide Group Access Service for the City of Madison for the calendar year 2012.

**A motion was made by Subeck, seconded by Schmidt, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

**G.9. [27520](#)**

Authorizing the Mayor and the City Clerk to enter into an agreement with Dane County Human Services to provide Volunteer Driver Escort Services for the City of Madison for the calendar year 2012.

**A motion was made by Subeck, seconded by Schmidt, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

**G.10. [27528](#)**

Amending Sections 3.14(4)(b), (4)(c), (6)(b), (6)(c), and (7)(c) of the Madison General Ordinances to make the terms of certain members of the Transit and Parking Commission coincide with their other terms of public office.

**A motion was made by Subeck, seconded by Schmidt, to Return to Lead with the Recommendation for Approval to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE. The motion passed by voice vote/other.**

**H. REPORTS OF OTHER COMMITTEES - for information only  
(Most recent meeting minutes 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)

No action was needed on these items.

**I. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS**

**I.1. General announcements by Chair - None.**

**I.2. Commission member items for future agendas**

Poulson reiterated that Metro would present their 2013 budget and the update on the Long-Range Metro Transit Planning Report at the October meeting.

**ADJOURNMENT**

A motion was made by Schmitz, seconded by Tolmie, to Adjourn at 8:34 PM. The motion passed by voice vote/other.