



City of Madison
Meeting Minutes - Amended
TRANSIT AND PARKING
COMMISSION

City of Madison
Madison, WI 53703
www.cityofmadison.com

Tuesday, July 10, 2007

5:00 PM

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

Paragraph 4 of Item E.1. was amended to reflect that Metro's ad policy has been in effect since 1986.

A. CALL TO ORDER

Durocher called the meeting to order at 5:05 PM.

Present: Brian L. Solomon, Robbie Webber, Jed Sanborn, Carl D. Durocher, Amanda F. White, Gary Poulson, Tim Wong, Kevin L. Hoag and Kenneth M. Streit

Excused: Sharon L. McCabe and Duane F. Hinz

Wong arrived at 5:13 PM, after the Minutes were approved.

B. APPROVAL OF MINUTES - 6/12/07 Meeting

Durocher noted that Susan DeVos had asked that part of the account of her statements in Item D. of the 6/12/07 Minutes be amended, replacing sentences 5 and 6, as follows: She cited the example of WERN, where the HoChunk could talk about entertainment but not gambling, speculating that WERN had probably sought legal advice. DeVos felt that the TPC should review the issue of ad content in a discussion of the Metro advertising policy, and strongly suggested that an alder on the TPC or Metro itself consult the City Attorney's office about the legality of having the HoChunk advertise entertainment rather than gambling on the bus wraps.

Streit moved, seconded by Webber, to approve the 6/12/07 Minutes as amended. The motion carried unanimously.

C. PUBLIC COMMENT - None.

D. TRANSIT AND PARKING REPORTS

D.1. [06903](#) Parking: May 2007 Revenue and June Activity Report ag07.10.07

Knobeloch highlighted the following items:

- YTD revenue was up 17% from 2006 to 2007, and was 5% over budget.
- Starting with June 2007 revenue report, comparisons between '06-'07 months would be more useful, because both would reflect results following 2006 rate increases.
- Based on preliminary review, the rate increase represents a 5-10% occupancy loss at certain facilities, so the rate increase probably accounts for the entire 17% revenue increase.
- As was typical of periods following rate increases, there was immediate loss

of customers right after last year's increases, which hadn't yet rebounded a year later.

- Cashiered revenues 2006 vs. 2007: Gov East showed 31% revenue increase (where rates went up 22%); Overture showed 1.08% revenue increase (with no hourly rate increase, and slight increase for overnight parking); both State St Campus ramps showed 20% average revenue increase (with 29% rate increase); State St Capitol (MATC) ramp showed 15% revenue increase (with 21% rate increase).
- Off-street meters 2006 vs. 2007: Brayton Lot (154 spaces) had 16% revenue increase (with 17% rate increase) and didn't lose any of its occupancy; Buckeye Lot revenues went down by 2.6% due to loss in occupancy (with 10% rate increase).
- On-street meters 2006 vs. 2007: CCB area had 25% revenue increase (with 25% rate increase); revenues for State Street area went up about 15%.
- Gov East had 17% revenue increase, where monthly rate for residents went up 16%; Overture had almost flat 1.85% revenue increase in monthly parking.
- Budget (inc. predictions post rate increases) vs. actual: Total revenue was about 5% over budget -- not a lot, but making budget; Cap Sq meters were 57% over budget; Monroe Street meters were 80% over budget.
- Occupancy in Cashiered facilities 2007 vs. 2006: Decline at Cap Sq North, slight decline at Gov East, even at Overture, slight declines at Campus and MATC; overall average was off a bit.
- Occupancy for system as a whole (4,500 spaces): On-street vacancies were 31% in '06 and 36% in '07 = 5% more vacancies; off-street (ramps and lots) vacancies were 28% in '06 and 32% in '07 = 4% more vacancies.
- March, April, May occupancy rates relative to last year: Overture did okay, State St Cap was about even, Gov East (though still high) went down a bit due to rate increase (but some parkers who are getting kicked out of Block 89, had begun moving back.)

Knobeloch discussed multi-space meters and early results from the two trials:

- Recent Isthmus article talked about the ability to counterfeit tickets. With dates/times and multi-colored tickets, the most a person could get out of a counterfeit ticket would be \$2.50. Big cities that used the machines had had almost no problem with this, but if it were to become a problem, a watermark could be added to the ticket, which couldn't be copied.
- After two months with pay-by-space (Henry and W. Main): Had 10,000 transactions there, with 34% of the revenue paid by credit card and 20% paid by credit or debit card; the average credit card transaction was \$1.87, and average cash transaction was 88¢.
- Reports for the machines show block-by-block info, which made them very easy to use.
- Surprisingly, revenue was flat at both pay-by-space locations in the first two months; was hoped that the meters would generate more revenue because the meters cost more.
- No results were yet available for pay-by-display meters.
- Based many customer surveys that had been returned, there was high customer acceptance of the both multi-space systems.

Knobeloch talked about a demo of AutoView auto-chalking machines, used for parking enforcement.

- Machine had two mounted cameras and GPS system, and ran down streets at 25 mph, taking pictures of every car, its license plate and wheel, to show where

valve stem sat.

- Loaded with database info, machine was able to ID parking permit holders, stolen vehicles, and vehicles with unpaid tickets/dollars.
- System could be used in residential parking zones and in areas where folks overstay 2-hour limit (eliminating meters in some areas).
- Cost/machine is \$65K, but could be paid back in 1-½ years.
- Four and a half machines could cover all of Madison twice a day (20,000+ parking stalls not inc. UW area). Machine was able to cover 1,000-car ramp in 12 minutes. Currently, a PEO manually chalking tires covered five miles/hour.
- Police Department would be agency to buy these machines.
- All ticket revenue goes to General Fund. Good enforcement improves compliance.

Ped/Bike/Motor Vehicle Commission would probably be appropriate group to address policy of 2-day limit for on-street residential parking and alternate side parking in winter.

Streit moved, seconded by White, to accept the report. The motion carried unanimously.

D.2. [06904](#)

Metro YTD Performance Indicator Reports ag07.10.07

Kamp pointed out the following items:

- Fixed Route Operating Statistics 2006 vs. 2007: Mileage and hours were comparable for the two years, for the month of May and YTD.
- 2007 ridership: Up 74,417 in May, and up 213,255 YTD (= 4% increase YTD)
- Accidents: Passenger accidents were even and vehicle accidents were down in May; but both passenger and vehicle accidents are still up YTD.
- Staying on track for scheduled inspections.
- Fixed Route Monthly Rider Comparison from 1997-2007: Feb, March and May 2007 reflected highest months for those months.
- Route Performance through May: YTD ridership was up 4%; productivity was up 3.5%.
- Without Route 80's: Ridership was up 0.8% YTD; productivity was 2.1%.
- (Most productive) Route 80 at 91.77 rides/hour YTD vs. 96.14 rides/hour in 2006, due to ridership shift to new Route 85, with 78.22 rides/hour YTD.
- Route 14 showed 5.2% increase in ridership, but showed drop in productivity because of increased hours of service.
- Lift service were now being tracked more accurately; so the numbers looked like they had gone down, but they were just being tracked more accurately.

Responding to a question, Kamp said that Route 50 ridership was down 11% because passengers had shifted to (optional) Route 51. Wong expressed concern about drop in Route 9 ridership, especially since the popular eastside Routes 10 and 11 were discontinued.

Wong also noted that Route 24 (Dane Co. Airport loop) was down, as currently constructed, and wondered about having Metro run a shuttle to downtown and Campus and possibly eastside point. Kamp noted that Dane County Board had asked Airport Manager, UW and Metro to look at this and make a recommendation, in advance of their budget preparation. It was also among the items in the report and recommendations coming from the Ad Hoc Committee for Metro Transit Planning, for review by the TPC; later adding that the County does

not currently contract with Metro for Airport service, but that the TPC and City could ask the County to chip in.

In response to further questions about service to the far east side and the possibility of re-engineering the transfer point system, Kamp said the Ad Hoc Committee was also working to help set priorities for core service and service to the periphery, which the TPC would likewise review. Based on work of LRTPC and the Ad Hoc Committee, Durocher noted that while there was no specific timeline, as financial support for Metro service developed in outlying areas, and with growing mindfulness of transportation as a regional system, nothing should be ruled out.

Webber pointed out that some routes that saw drops in productivity (rides/hour) were those that saw reduction in service, which showed that reducing service didn't necessarily improve productivity. Kamp said that some of increases/drops in productivity correspond reallocation of service on related routes. He said that statistics after August would be more meaningful because they would compare months after the service changes took effect. Members asked for reports about weekend and (after 8) PM service, to look more carefully at ridership and productivity during those periods. They also asked if linked routes could be reported in relation to each other; and if an in-depth study, surveys and report of Routes 40, 47, and 48 could be prepared to look at why there's been a net loss of 25,000 rides in that area, which is growing.

Kamp highlighted Paratransit Operating Statistics: Total ADA ridership for the month was up 6%, and YTD was up 7%; accidents were down for month; inspection and maintenance looked good. Ridership for four out of five months was ahead of previous years (exc. April '05).

Referring back to previous discussion about airport service, Durocher noted that the County was a potential contracting partner (like UW) for expanding service -- of use to customers of a county-provided facility.

Poulson moved, seconded by Solomon, to accept the report. The motion carried unanimously.

E. OLD BUSINESS ITEMS

E.1. [06905](#) Metro Transit Ad Policy - Review and Discussion ag07.10.07

Registrant Susan DeVos, 610 N. Midvale, 53703, spoke before the group. She referred to her previous appearance when she had asked that Metro's ad policy be reviewed, in terms of ad content; and had spoken to a legal issue and suggested that the legality of any policy parameters needed scrutiny. Rather than having an all or nothing policy, she felt that an organization could have fuller one with more nuance. She felt that a policy could have legal limits, but it could also have an intermediate position, in which certain contents would put up red flags, but in the end would be legal. Metro could suggest modifications to certain ads even it were to allow the law in the end. Assuming that gambling ads are legal but not encouraged, Metro's policy could have nuances, in which it would not forbid but could certainly discourage such ads, perhaps making suggestions for other types of ads (for entertainment, for example.) She asked if Metro had already signed a contract with HoChunk and for how long, and whether Metro

could still request a modification.

Julie Maryott-Walsh, Metro Marketing & Customer Services Manager, and Carolyn Hogg, Asst. City Attorney, who worked with Metro on legal issues, were available for questions.

In response questions, Maryott-Walsh said the full ad policy talked about different reasons for ads (paid, free, public service) and identified certain parameters (that ads can't be dangerous, impair vision of driver, etc.). But the paragraph titled "Copy Standards" was the language strictly concerned with content. Maryott-Walsh said that Metro had once rejected copy and the advertiser changed the artwork, and that another time they had rejected a campaign, but was later told they had to put it on.

Hogg said that Metro's ad policy had been in effect from 1986, with changes largely to address the applications mentioned earlier. But throughout this period, the copy standards had remained fairly broad, and represented a policy choice made when the City decided to accept advertising on its buses. Concerning a municipality and public property, the primary issue to address when dealing with speech - i.e., advertising - would be the implications of the first amendment.

The courts had divided area of public access to public space into three separate types of property, looking at the amount of regulation that can be placed on use of speech on that public property and how it can be regulated, particularly when dealing in the area of content. The nature of the property determined the amount of regulation and restrictions that a public body could place on speech.

- The most common public property with the fewest restrictions on speech was the traditional public forum, such as sidewalks, streets, public squares, which by tradition, government had dedicated for use by the public for first amendment purposes. The right to free speech in a traditional public forum could not be revoked, though it could be regulated.
- A second type of public property was the area dealing with bus advertising: public property that the governmental entity had designated as available for public expressive activity.
- The third type of forum was the non-public forum, which could be much more restrictive.

Both the traditional and designated public forums had the same standards. A public entity can regulate the time, place and manner of the speech, as for example the time of a rally, the use of bullhorns; or in the case of designated public forums, format of ads and how they are displayed. However, these three areas of regulation cannot be content-based; must be content-neutral. Content-based regulations for traditional and designated public forums could only be imposed if there were a compelling interest, and if the content-based regulation were narrowly tailored to further that interest.

Hogg said that the courts had looked at bus company ads with policies like Metro's, and decided that buses were designated public forums as far as paid advertising. The purpose of Metro's policy was to broadly allow ads of all kinds (political, commercial, paid public interest), and to restrict them as little as possible, which was consistent the court's definition of a designated public forum. The only restrictions in Metro's policy prohibited copy that was "obscene, libelous, or fraudulent"; and tobacco ads (per the State's tobacco settlement and

federal law). To prohibit a particular ad based on its subject matter or content would violate the first amendment. The purpose of the policy was to freely allow advertising to all comers; as a result, to select one particular topic (even we might have personal views on its value, interest to the community, or use as a product) would be content-based regulation, and therefore would be prohibited.

Responding to questions, Maryott-Walsh said that copy had been changed once because she thought it might be considered offensive by community standards. Metro had had good ad agencies that sought out clients who were reputable and whose ads would not be offensive to the community. Other transit systems had been sued and had lost, for denying ads. In response to other questions, Hogg said that, given the way the current Metro policy was written, the gaming issue would not fall into any of the prohibited categories, and the (DeJoep) ad could not have been declined. She added that it would be very difficult to change the policy, to be half way in/out of a designated public forum, by restricting certain topics in ads (per the courts). Hogg said it would be unrealistic to hold buses out for wholesale advertising on all sort of issues, and then to pick out particular topics that wouldn't be allowed. She thought it would be very difficult to turn buses back into a non-public forum; it would be like trying to put the genie back into the bottle. If ads were so restricted as to become a non-public forum, the ads would probably not be a realistic revenue generator.

Durocher commented that he wasn't sure whether or not the majority of the body had a sense of being offended by the particular ad referred to by the speaker. The issue did call attention to the fact that some specific topics might offend certain people. Though it might be a sore spot for some that we could not restrict certain topics because of the Bill of Rights, he preferred this to having the Bill of Rights restrict our own personal attitudes by what we see or don't see. The offensive part to him was that public transportation properties had become designated public forums for a fee. Since that threshold had been crossed, buses were now used to advertise any content that wasn't obscene, libelous or fraudulent, or that promoted illegal activity. Since HoChunk was not promoting an illegal activity, what concern should the group have about their advertising?

Durocher said that no action was required on the item unless members wished to make a motion. No motion was made, and no action was taken.

F. NEW BUSINESS ITEMS

- F.1. [06863](#) Authorizing the Mayor and City Clerk to enter into an agreement with the University of Wisconsin - Madison for the continuation of provision of UW-paid access by its employees to Metro Transit fixed route and ADA paratransit services, with reimbursement to the transit utility for UW and UW Hospital employee trips for academic year 2007-08 with two one-year options to renew.

A motion was made by Webber, seconded by Poulson, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

Kamp noted that in completing the agreement, UW Transportation Services expressed interest in having more representation on the TPC. Kamp further noted that while reflecting a slightly different time period, the rate in this agreement was the same as that for other partners (MATC, Edgewood, etc.). He mentioned the letter sent to partners, in which Metro apologized for an error in its 2006 summary used (in good faith) in discussions with partners, in which the average adult fare was miscalculated as 92¢, but which was actually 84¢. However, he emphasized that this didn't change the approved level for unlimited ride pass rates for the next several years.

The motion passed by acclamation.

F.2. [06805](#)

Authorizing the Transit General Manager to file an application for a public transit capital grant with Wisconsin Department of Transportation and authorizing the Mayor and the City Clerk to execute the associated grant agreement with WISDOT and the associated 13 (c) agreement with Teamsters Local No. 695.

A motion was made by Webber, seconded by Solomon, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

Wong made a motion to recommend adoption of this item, but withdrew his motion when Webber offered a substitute motion to recommend adoption of F.2. through F.4.

Kamp said that these grants included discretionary as well formula grants, representing 2007 federal fiscal year dollars, which when released in 2008, would be used for purchase of buses, for preventive maintenance, and for some ADA paratransit costs. Kamp talked about how tires were leased.

The motion passed by acclamation.

F.3. [06806](#)

Authorizing the Transit General Manager to file an application for a Section 5307, public transit capital, capital maintenance, and capital planning grant with U.S. Department of Transportation and authorizing the Mayor and the City Clerk to execute the associated grant agreement with USDOT and the associated 13 (c) agreement with Teamsters Local No. 695.

A motion was made by Webber, seconded by Solomon, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.

F.4. [06807](#)

Authorizing the Transit General Manager to file an application for a Section 5309 formula public transit capital grant with U.S. Department of Transportation and authorizing the Mayor and the City Clerk to execute the associated grant agreement with USDOT and the associated 13 (c) agreement with Teamsters Local No. 695.

A motion was made by Webber, seconded by Solomon, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation.

G. REPORTS OF OTHER COMMISSIONS/COMMITTEES/AD HOC GROUPS (for information only)

Wong moved, seconded by Sanborn, to accept Items G.1. through G.7. The motion carried unanimously.

- G.1. ADA Transit Subcommittee (May meeting minutes not yet finalized)
- G.2. Contracted Service Oversight Subcommittee (June meeting minutes attached)
- G.3. Parking Council for People with Disabilities (May meeting minutes attached)
- G.4. Long-Range Transportation Planning Commission (June meeting minutes attached)
- G.5. State Street Design Project Oversight Committee
- G.6. Joint Southeast Campus Area Committee
- G.7. Long-Range Metro Transit Planning Ad Hoc Committee (June Draft meeting minutes attached)

H. GENERAL DISCUSSION ITEMS

- H.1. General announcements by Chair

General announcements by Chair: Durocher talked about a resolution that had just been introduced, authorizing the creation of a regional transit authority. Because it had been put on file so that a substitute could be prepared and because of August funding deadlines, the TPC would not be able to consider/take action on the substitute before it was due back at the August 7th meeting of the Common Council, unless the TPC met before its regularly scheduled August 14th meeting. After some discussion, members decided to meet jointly with the LRTPC at its July 19th meeting. Staff agreed to contact David Trowbridge (LRTPC) to make arrangements.

- H.2. Commission member items for future agendas

White noted that the Long-Range Metro Transit Planning Ad Hoc Committee hoped to schedule a listening/feedback session at August 14th meeting of the TPC, to allow people to respond to the mid-term report that the Ad Hoc committee was preparing. This listening session would be one of three or four sessions being planned over the next several weeks. It was agreed that the item would be put on the August agenda. Solomon asked that the report be emailed to members when it became available.

Wong asked that a discussion about Clean Air Action days be put on the August agenda. He wanted to know about how Metro is reimbursed for its free rides on the Action days, and what happens (who pays) when there are more Action days than the five that are budgeted. He also wondered if ridership was higher than normal on these days. Other members also expressed interest in discussing this

item, to look at ways to improve public awareness of free bus rides on Action days, and to look at who pays for the program (vis á vis Contracted Services, and if/how the burden is spread around).

ADJOURNMENT

Poulson/Solomon moved to adjourn at 7:12 PM.