

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

Date: June 6, 2017

**MEMORANDUM**

TO: Transportation Ordinance Review Committee

FROM: John W. Strange, Assistant City Attorney

RE: Draft Transportation Ordinances

The ordinances proposed by TORC were introduced in February 2017. Multiple referrals resulted in the ordinances being discussed and acted on by the commissions/committees/subcommittees listed below. I and other members TORC attended these meetings to discuss the proposed ordinances, answer questions, and receive feedback. Listed below you will find the action taken by each body and any recommendations or comments made by that body.

The proposed ordinances are now back before TORC so that TORC can discuss the comments made at the various referral bodies and consider whether to make changes to the proposed ordinances before forwarding them to the Council Executive Committee and, ultimately, the Common Council.

In addition to the specific comments listed below, you will also find attached numerous emails and correspondence received from commission/committee members. Please note, I did *not* include below comments contained in written correspondences if they were not also raised and discussed when the ordinances were before the referral bodies. Therefore, I encourage members to read through the correspondence to see if there are any issues raised that you would like to discuss.

As you will notice, some comments repeat themselves across referral bodies. Therefore, I created a spreadsheet that I believe summarizes the collective comments of the commissions/committees/subcommittees in way that is perhaps more digestible and easier for TORC to work through. I would encourage the committee members to review the spreadsheet and decide whether additional issues should be included for consideration. This spreadsheet could then be used to organize and maybe expedite discussions at TORC's upcoming meetings.

**Sustainable Madison Committee**

Voted to return to lead with recommendation for Approval.

- 1) Ensure clarity as to the relationship between the proposed board and commission and the BPW regarding street project review.

- 2) Consider removing individual board/commission member specificity.

### **Contracted Service Oversight Subcommittee**

Voted to recommend Approval with recommendations.

- 1) The CSOS should be codified in the TPPB rather than leaving it up to the TPPB to create a Regional Transit Subcommittee. In essence, “port over” the current SCOS into the new ordinance, keeping the composition, appointment process, etc., the same, and include language in the ordinance that the purpose of the group is to ensure contracting partners have a voice, ensure fairness in contracting matters and help coordinate transit service across the region.
- 2) Include language in the ordinance guaranteeing no meeting gap in the CSOS during transition from current practice to the new ordinance.
- 3) Do not require that the regional representative be an elected official.
- 4) Consider possible problems by creating bodies that separate policy makers from operations.
- 5) In Sec. 33.55(6)(h), use “contracting partners” instead of “governmental entities”.

### **ADA Transit Subcommittee to the Transit and Parking Commission**

ADATS made no formal recommendation due to a lack of quorum, but I did make an information presentation to four (4) members and talked subsequently with the chair on the telephone regarding the proposed ordinances.

### **Long Range Transportation Planning Committee**

Voted to recommend adoption of the proposed ordinances with specific modifications.

- 1) “Encourage” joint membership between the TPPB and the BPW and MPO.
- 2) Clarify the duties between the Transportation Commission and the BPW with regard to transportation elements of road construction projects (particularly the geometric design of roadway facilities).
- 3) Consider language that would more specifically encourage joint meetings between the Board and the Commission, especially on topics such as proposed budgets of specific divisions within the DOT, transit service levels and fares, and changes to transit service.
- 4) Consider whether certain items (e.g., transit fares) are more appropriately

handled by the proposed TPPB or TC.

### **Pedestrian/Bicycle/Motor Vehicle Commission**

Voted to approve the concept with conditions and recommendations voiced by the Commission.

- 1) Seriously consider hiring a Director of Transportation from the outset.
- 2) Consider creating a technical advisory committee comprised of transportation planning related department and division heads to provide advice and feedback to the TPPB and TC.
- 3) Clarify the duties between the Transportation Commission and the BPW with regard to transportation elements of road construction projects (particularly the geometric design of roadway facilities).
- 4) Make greater effort to get comments from marginalized communities both during the TORC process and once the proposed ordinances are adopted. Consider adding more specific language about the inclusion of people from marginalized communities and people of color to the membership of the TPPB and TC.
- 5) Consider changing language from “frequent user of bicycles” to “transportation bicycles”. Make similar change with regard to referencing pedestrians – “transportation pedestrians”.
- 6) Considering specifying that one member of the TPPB be a member of the BPW.
- 7) Consider specifying that one member of the TPPB be a member of the MPO.

### **Transit and Parking Commission**

Voted to return to lead with substantive comments but with no specific recommendation regarding passage.

- 1) Consider broadening equity language to include more than racial equity.
- 2) Consider adding language regarding on-street parking rates.
- 3) Consider ways to clarify how the line is drawn between policy (TPPB) and implementation (TC). Avoid overlap except for items that may need to be considered together, like budgeting and setting rates.
- 4) Consider adding more specific language calling out items that can be considered by the TPPB rather than providing broad grant of authority.
- 5) Consider whether having designated spots on the TPPB and TC are too limiting.

- 6) Consider whether it was too limiting to require the regional representative to be an elected official.
- 7) Consider whether anything is being left out (e.g., horse drawn carriages).
- 8) Consider who should decide transit fares (TPPB or TC).
- 9) Ensure clarity as to the relationship between the proposed board and commission and the BPW regarding street project review.
- 10) Consider more items that could be taken out of the purview of the TPPB and TC and given to staff to handle administratively, either by virtue of their position description or in accordance with a policy set by the board or commission (e.g., taxi licenses, bus shelters, crossing guards, etc.). These items could be handled by staff with appeal to one of the commissions.
- 11) Consider specifically mentioned paratransit and paratransit related issues rather than having the ordinance consider them as transit issues.
- 12) Consider eliminating overlapping membership and specifically writing in when coordination between TPPB, TC, or another city commission or committee should occur (e.g., coordination between TPPB and Finance Committee on budget related items).