

**CITY OF MADISON
OFFICE OF THE CITY ATTORNEY**

Room 401, CCB

266-4511

TO: Anne Monks, Deputy Mayor
FROM: John W. Strange, Assistant City Attorney
RE: Transportation Ordinances Transition
Date: September 27, 2017

On September 20, 2017, the Common Council unanimously approved a series of ordinances that create a new transportation system structure. (Legistar Nos. 46249, 46376, and 46377). The ordinances and new structure become effective on January 1, 2018.

You asked me to write a brief memo detailing how these changes impact the current transportation related commissions, committees, and subcommittees so that you might better communicate with individuals who are considering an application to one of the new bodies created by the ordinances.

Under the new structure, Sec. 3.14 recreates the Department of Transportation and calls for, among other things, the hiring of a Director of Transportation. The process of hiring a director of transportation depends first and foremost on the City allocating resources necessary to pay for and support it. Once that issue is addressed, the City can conduct a hiring process. Since the department of transportation has not had a director since the early 1990s, it is anticipated that things will continue to operate as they have been – from a staff perspective - until a new director is hired. The duties of the department and its respective divisions (Traffic Engineer, Parking, and Transit) are detailed in the ordinance itself.

In addition to recreating the Department of Transportation, the recently passed ordinances eliminate the following commissions, committees, and subcommittees, effective January 1, 2018:

1. Transit and Parking Commission;

2. ADA Transit Subcommittee to the Transit and Parking Commission;
3. Parking Council for People with Disabilities;
4. Contracted Services Oversight Subcommittee;
5. Pedestrian/Bicycle/Motor Vehicle Commission;
6. Long-Range Transportation Planning Committee; and
- 7, Joint Transportation Subcommittee.

On these commissions, committees, and subcommittees sit fifty-nine (59) voting members and at least four (4) alternate members. Those appointments will also end on January 1, 2018.

Two new bodies have been created to replace the seven listed above.

Sec. 33.55 creates a Transportation Policy and Planning Board, which will address transportation policy issues. Sec. 33.55(3)(a) details the composition of the Board:

- (a) Members. The Transportation Policy and Planning Board shall have nine (9) voting members to serve without compensation consisting of three (3) members of the Common Council, one (1) Regional Representative (an elected official of a political subdivision that contracts with Metro Transit for transit services), four (4) residents of the City of Madison, one (1) member of the Plan Commission who may be either a Common Council member or resident, and two (2) alternate members who may be either a Common Council member or resident. When appointing members of the Common Council and residents to the Transportation Policy and Planning Board, the Mayor shall give strong consideration to appointing individuals who are also members of the Board of Public Works and Madison Area Transportation Policy Board.

Sec. 33.55(6) details the powers and duties of the new Board:

- (6) Powers and Duties. The Transportation Policy and Planning Board shall:
 - (a) Work collaboratively with the Director of Planning, Community, and Economic Development to develop and recommend for adoption by the Common Council the transportation element of the City's comprehensive plan;
 - (b) Consider, develop, and recommend for adoption by the Common Council transportation policies and plans for all elements of the City's transportation system that are consistent with the purpose set forth in sub. (2) above;

- (c) Work to eliminate any disparities that people of color experience and people of low income experience with respect to the City's transportation policies, programs, services and destinations;
- (d) Make recommendations to the Common Council regarding proposed ordinances related to all elements of the City's transportation system;
- (e) Make recommendations to the Common Council regarding the proposed budgets of each division of the Department of Transportation;
- (f) Provide annual reports to the Common Council listing any transportation policies or plans that have been adopted by the Board in the previous year;
- (g) Recommend that the Common Council establish a Regional Transit Subcommittee made up of contracting partners with the City of Madison for the provision of transit service. The purpose of this subcommittee is to provide the Board with a regional perspective on transit policy, service, and related issues. The composition of the subcommittee and other organizing details shall be stated in the ordinance authorizing the creation of the subcommittee. The City Transit Manager shall be responsible for staffing this subcommittee and ensuring that it meets jointly with the Board at least one time per year; and
- (h) Recommend that the Common Council establish a Disabled Parking Council of at least seven (7) members, on an ad hoc basis, pursuant to Wis. Stat. § 346.50(3m), if any proposed ordinance imposes a 3-hour or less limitation on parking of a motor vehicle used by a physically disabled person."

Sec. 33.56 creates a Transportation Commission, which will address specific transportation issues. Sec. 33.56(3)(a) details the composition of the Commission:

- (a) Members. The Transportation Commission shall have nine (9) voting members to serve without compensation consisting of two (2) members of the Common Council, seven (7) residents of the City of Madison, and two (2) alternate residents of the City of Madison. Each member of the Commission must be capable of and committed to holding a multi-element, system-wide perspective on transportation issues. Moreover, one (1) Common Council or resident member must be knowledgeable of equity issues and the needs of marginalized communities; one (1) Common Council or resident member must be knowledgeable of issues facing people with disabilities; one (1) Common Council or resident member must be knowledgeable of issues facing users of the city's on- and off-street parking system; one (1) Common Council or resident member whose primary mode of transportation in the City is the bicycle; one (1) Common Council or resident member whose primary transportation in the City is walking; and one (1) Common Council or resident member whose primary mode of transportation in the city is

transit. For any remaining resident appointments, preference should be given to appointing people of color and people of low income; one (1) additional member whose primary mode of transportation in the city is the bicycle; and one (1) additional member whose primary mode of transportation in the city is transit. Finally, at least one Common Council member and one resident member must also be a member of the Transportation Policy and Planning Board.

Sec. 33.56(5) details the powers and duties of the Commission:

(5) Powers and Duties. The Transportation Commission shall decide the transportation issues listed below in a manner that is consistent with the transportation policies and plans adopted by the Common Council:

(a) Transit.

1. Transit service standards;
2. Transit fares;
3. Transit route additions, extensions or contractions;
4. Transit changes in schedules and hours of service;
5. Rules necessary to ensure safety for bus passengers;
6. Regional transit contracts (services and pass programs);
7. Bus routes and stops;
8. Charter service, taxis, limousines, courtesy cars, hotel buses, jitney services hire-and-drive service, ride-sharing, car-sharing, transportation network companies, subscription bus service, park and ride facilities, and any other issues pertaining to the operation of the City's transit and services;
9. Transit for people with disabilities; and
10. Other items referred by the Common Council, Transportation Policy and Planning Board, or Director of Transportation.

(b) Parking.

1. Off-street parking rates;
2. Provide recommendations to the Common Council regarding on-street parking rates.
3. Rules necessary to ensure safe and proper operation of parking facilities;
4. Revenue collection technology and systems; and
5. Other items referred by the Common Council, Transportation Policy and Planning Board, or Director of Transportation.

(c) Pedestrian, Bicycle, and Motor Vehicle.

1. Pedestrian and bicycle safety, enforcement, and facility maintenance programs;
2. School crossings;
3. Safety programs and projects;
4. Traffic signals;

5. Crossing guard assignments;
6. Traffic calming;
7. Provide recommendations to the Board of Public Works regarding right-of-way use and geometric design on arterial and collector street projects;
8. Development Review; and
9. Other items referred by the Common Council, Transportation Policy and Planning Board, or Director of Transportation.

The primary difference between the Board and the Commission is that the Board was created to address larger-scale transportation policy and planning issues, while the Commission was created to address smaller-scale policy implementation issues as specifically listed in the ordinance. Thus, as a general rule, if a prospective body member is particularly interested in the larger scale policy and planning work (no matter the issue or the specific transportation element (bike, ped, disability, etc.)) then they would likely be more interested in applying for the Board. On the other hand, if a prospective body member is more interested in deciding specific policy implementation issues, then they may rather apply to be on the Commission.

If prospective members sitting on current commissions, committees, or subcommittees, wonder how their current body's work translates to the new structure, I would suggest the following general comparisons with respect to how the work of the current bodies will likely flow to the future bodies:

1. Transit and Parking Commission → policy issues to Board; implementation issues to Commission.
2. ADA Transit Subcommittee to the Transit and Parking Commission → policy issues to Board; implementation issues to Commission.
3. Parking Council for People with Disabilities → The Board can take up policy issues related to transportation for people with disabilities. The Commission will take up specific implementation issues related to transportation for people with disabilities. Moreover, Sec. 33.55(6)(h) requires the creation of an ad hoc parking council when required by state statute.

4. Contracted Services Oversight Subcommittee → See Sec. 33.55(6)(g) above.
5. Pedestrian/Bicycle/Motor Vehicle Commission → policy issues to Board; implementation issues to Commission.
6. Long-Range Transportation Planning Committee → Board
7. Joint Transportation Subcommittee → Board.