

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

Date: July 9, 2012

**MEMORANDUM**

TO: Mary Carbine, Mike Verveer and Patrick McDonnell  
Downtown Coordinating Committee Members

FROM: Michael P. May, City Attorney

RE: Sec. 12.915(8), MGO, and Legistar 26603

You are chairing a subcommittee of the Downtown Coordinating Committee (DCC) and, through Alder Verveer and Ledell Zellers, chair of the DCC, asked for my analysis of sec. 12.915(8), MGO, and the proposed amendment to that section embodied in Legistar Item No. 26603. In particular, you wanted an explanation of the current language in the ordinance and the impact of the proposed change.

You also asked for information on the City's Federal Transit Administration (FTA) funding for the State Street Mall, which is a limited access road pursuant to FTA regulations. I will not address that issue in this memorandum because we are still working with Madison Metro to identify those limitations.

Sec. 12.915(8), MGO.

Sec. 12.915, MGO, is titled "Traffic on State Street Restricted." The relevant portion of this section of the Madison General Ordinances reads:

- 8) Public Passenger Vehicle Regulations.
- (a) Taxicabs and other public passenger vehicles shall enter the area for the sole purpose of receiving or discharging passengers specifically requesting service to properties directly adjacent to State Street. Between the hours of 7:00 p.m. and 5:00 a.m. during Central Standard Time, and between the hours of 9:00 p.m. and 5:00 a .m. during Daylight Savings Time, these vehicles may drive onto State Street to wait in designated loading zones for prospective fares and during the hours specified these vehicles are subject to the limitation regarding idling as provided in subsection (7)(e). (Am. by Ord. 11,668, 9-4-96; Am. by Ord. 12,792, 4-9-01)
  - (b) It shall be unlawful for taxicabs and other public passenger vehicles to enter and exit State Street other than via the cross street nearest to their immediate destination or by a route specified by the Traffic Engineering Division of the Department of Transportation. (Am. by Ord. 12,777, 3-13-01; ORD-11-00014, 1-27-11)

The first sentence of Sec. 12.915(8)(a) and Sec.12.915(8)(b) do not seem ambiguous to me. Taxis are to enter State Street solely for the purpose of picking up or dropping off passengers to State Street addresses. Those passengers are to be passengers “specifically requesting service” to those State Street addresses. When a taxi enters State Street for those limited purposes, it is only to travel the one block of State Street it is serving, the block containing the address to which the passenger is “specifically requesting service.”

The ordinance does not, in its present form, allow taxis cruising State Street in search of passengers.

These provisions have been on the books for some time. Even without the specific language limiting taxis to use of only one block of State Street in this subsection, Sec. 12.915(5)(b), MGO, also provides that no automobiles are to “enter or exit State Street other than via the cross street nearest to their destination ....” See similar limitations for trucks in Sec. 12.915(6)(c) and (7)(c), MGO. The one block limitation thus appears to apply to all vehicles except city buses and bicycles.

Legistar No. 26603.

The second sentence of 12.915(8)(a), MGO, states:

Between the hours of 7:00 p.m. and 5:00 a.m. during Central Standard Time, and between the hours of 9:00 p.m. and 5:00 a .m. during Daylight Savings Time, these vehicles may drive onto State Street to wait in designated loading zones for prospective fares and during the hours specified these vehicles are subject to the limitation regarding idling as provided in subsection (7)(e).

Legistar No. 26603 proposes to repeal this sentence. This sentence contemplates that, during specific hours, taxis could wait on State Street at “designated loading zones for prospective fares.” This provision may have had some sway at some earlier configuration of State Street, but there are no longer any such loading zones for taxis on State Street. Taxi stands are established by the City’s Traffic Engineer pursuant to Sec. 12.03(3)(b)6, MGO. I confirmed with the Traffic Engineering Department that there are no designated taxi stands on State Street.

This ordinance amendment eliminates the second sentence of Sec. 12.915(8)(a), MGO, that refers to taxis using “designated loading zones for prospective fares” on State Street during specific hours. Our office views the amendment as either deleting obsolete language, or clarifying that the provision no longer has any application on State Street. The amendment simply brings the ordinance up to date with current practice, and does not affect the rights of taxis at this time. Since there are no longer taxi stands on State Street, this sentence is meaningless.

CC: Mayor Paul Soglin, Ledell Zellers, David Dyer, Chuck Kamp, Keith Pollock