

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

Date: July 22, 2016

MEMORANDUM

TO: Transportation Ordinance Review Committee

FROM: John W. Strange, Assistant City Attorney

RE: Draft Statement of Purpose

At its June 22, 2016 meeting, the Transportation Ordinance Review Committee (TORC) requested that I draft a Statement of Purpose for a potential Transportation Commission and/or Department of Transportation.

At the meeting, TORC reviewed the statement of purpose contained in current M.G.O. Sec. 3.14 and requested that a new statement of purpose be drafted that recognizes the need for an organization or structure that provides cohesive long-term transportation planning, and a transportation system that recognizes the importance of equity, sustainability, and the role of the city's transportation system in the greater Madison region. Furthermore, TORC requested that the Statement of Purpose borrow from the Vision Statement for the City.

TORC also discussed potential organizational structures that could best accomplish the purpose of the new ordinance. Options that were discussed included:

1. Having no Department of Transportation, but creating a policy focused Transportation Commission with subcommittees to address short-term transportation issues currently handled by the Transit and Parking Commission.
2. Having a Department of Transportation led by a team consisting of the Traffic Engineer & Parking Manager, City Engineer, and Transit Manager for the purpose of ensuring that the policies and plans adopted by the Transportation Commission and Common Council are executed in the day-to-day operation of the department.

Obviously, no decisions were made regarding how to organize the city's transportation planning and services. Ancillary discussions included where to move Traffic Engineering, Parking, and Transit if the Department of Transportation is eliminated.

What follows is a draft statement of purpose and skeletal ordinance outline for a Transportation Commission, a draft statement of purpose and skeletal outline for a Department of Transportation led by a team of staff members, and a potential solution for where to move the City Traffic Engineer & Parking Manager, and Transit Manager if TORC decides against having a formal Department of Transportation that contains these divisions.

1. Statement of Purpose and Skeletal Outline for Transportation Commission

This draft would move the Transportation Commission (currently called the Transit and Parking Commission and housed in MGO Sec. 3.14) into Chapter 33, which is where the rest of the City's Boards, Commissions, and Committee's reside.

Create MGO 33.55

Transportation Commission

- (1) Organization. *A Transportation Commission is hereby created for the City of Madison.*
- (2) Purpose. *The Common Council recognizes that for the City of Madison to be a safe and healthy place for all of its citizens and visitors to live, work, do business, learn and play, it must develop and maintain a comprehensive transportation system that is safe, efficient, economical, equitable, and sustainable. The Common Council also recognizes the critical role that all modes of transportation play in the City's transportation system, including automobiles, bicycles, transit, paratransit, pedestrians, and rail, and the importance of ensuring that these modes work together in the most effective way possible for every citizen or visitor who wishes to use them. Finally, the Common Council recognizes the critical role the City of Madison transportation system plays in the movement of people and goods throughout the greater Madison region, and that the successful future growth of the region depends, in part, on a transportation system that is responsive to the needs of current and future users. The purpose of the Transportation Commission is therefore to:*
 - (a) *Develop and recommend to the Common Council transportation policies that ensure that the City's transportation system is safe, efficient, economical, equitable, and sustainable and works for every citizen or visitor that wishes to use it.*
 - (b) *Develop and recommend for adoption by the Common Council a comprehensive Transportation Plan that ensures the City's transportation system is well planned and responsive to the needs of all current and future users.*
 - (c) *Carry out the specific duties enumerated below related to traffic, parking, transit, and paratransit operations, services, and facilities so that such operations, services, and facilities function as an integrated and coordinated part of the transportation system consistent with the adopted Transportation Plan.*
 - (d) *Consider transportation standards and policies developed nationally that could be implemented locally to further the purpose of this ordinance.*
 - (e) *Review the City's comprehensive plan and all other relevant city plans to ensure the elements of those plans are consistent with the adopted Transportation Plan and work with relevant boards, commissions, employees, and the Common Council to eliminate any identified conflicts.*
 - (f) *Work closely with the City Engineer, City Traffic Engineer and Parking manager, and City Transit Manager to ensure traffic, parking, and transit operations are performed in a manner that is consistent with the policies and plans adopted by the Transportation Commission and Common Council.*
- (3) Commission Composition.
 - (a) *The Transportation Commission shall be comprised of ___ voting members and ___ alternate members...*
- (4) Powers and Duties of the Transportation Commission.
- (5) Subcommittees of the Transportation Commission.

2. Draft Statement of Purpose and Skeletal Outline for a Department of Transportation.

This draft would create a Department of Transportation lead by a staff management team charged with executing the transportation policies and plans adopted by the Transportation Commission and Common Council.

This draft could be tweaked to include language that would give the option for the City to have a Director of Transportation perform the duties of the management team, thus leaving open the option of having a director.

In any event, drafts 1 (Transportation Commission) and 2 (Department of Transportation), working together, present an option for accomplishing the goals articulated by TORC at its June meeting: having a cohesive long-term planning entity (Transportation Commission) and a staff entity charged with carrying out the policies of the city (Department of Transportation).

Amend Section 3.14 Department of Transportation

- (1) Organization. *A Department of Transportation is hereby created for the City of Madison.*
- (2) Purpose. *The purpose of the Department of Transportation is to execute the transportation policies and plans adopted by the Transportation Commission and Common Council, and to ensure that the City of Madison transportation system allows all citizens and visitors to safely and efficiently live, work, do business, learn, and play in the City and its surrounding region.*
- (3) Responsibilities. *The responsibilities of the department shall be those of transportation, traffic engineering, parking, and transit.*
- (4) Composition. *The Department of Transportation shall include the following divisions:*
 - (a) *Traffic Engineering*
 - (b) *Parking*
 - (c) *Transit*
- (5) Management. *The Department of Transportation shall be managed by the Transportation Management Team consisting of the City Traffic Engineer, City Parking Manager, City Transit Manager, and City Engineer. The Transportation Management Team shall have the authority to establish policies, technical standards, methods and procedures for the department, and is further authorized and directed to do any and all of the following:...*
 - (a)...

3. What to do with Traffic Engineering, Parking, and Transit if TORC decides against having a formal DOT.

TORC also discussed the potential problem of where to house Traffic Engineering, Parking, and Transit if there is no DOT. In looking through Chapter 3, I noticed that neither the Traffic Engineer & Parking Manager nor Transit Manager have their own section like the City Engineer does. Thus, one solution could be to create sections for each position in chapter three and list the duties of each position. As shown below, these duties could

highlight each position's role in executing the policies and plans adopted by the Transportation Commission and Common Council.

Amending:

- 3.08 *City Engineer (as currently contained in MGO 3.08, but with the addition of sub. (6))*
- (1) *The City Engineer shall be appointed in accordance with Section 3.54(9) of the Madison General Ordinances. (Am. by ORD-07-00193, 12-20-07; ORD-14-00173, 12-10-14)*
 - (2) *The City Engineer shall perform all engineering services for the department and for such other departments of the City as may be required. The supervision of all construction work undertaken by the City shall be furnished by the City Engineer except as otherwise ordered by the Mayor.*
 - (3) *All water and other public service mains shall be laid to a line and grade given or approved by the City Engineer, and laying of mains and location of valves and hydrants shall be directed or approved by the City Engineer.*
 - (4) *The City Engineer shall have power to engage such office and other assistance as he or she shall deem necessary, subject to the approval of the Mayor. (Am. by ORD-14-00012, 1-14-14)*
 - (5) *No other or additional engineering service shall be employed by any City department without consent duly obtained from the Mayor.*
 - (6) *The City Engineer shall serve as an ex-officio member of the Transportation Commission and ensure that the transportation policies adopted by the Transportation Commission and Common Council are executed by the department.*

Creating:

- 3.23 *City Traffic Engineer & Parking Manager*
- (1) *The City Traffic Engineer & Parking Manger shall be appointed in accordance with Section 3.54(9) of the Madison General Ordinances.*
 - (2) *The City Traffic Engineer & Parking Manager shall perform all traffic engineering and parking services for the department and for such other departments of the City as may be required.*
 - (3) *The City Traffic Engineer & Parking Manager shall have power to engage such office and other assistance as he or she shall deem necessary, subject to the approval of the Mayor.*
 - (4) *The City Traffic Engineer & Parking Manager shall serve as an ex-officio member of the Transportation Commission and ensure that the transportation policies adopted by the Transportation Commission and Common Council are executed by the department.*
- 3.24 *City Transit General Manager*
- (1) *The City Transit Manager shall be appointed in accordance with Section 3.54(9) of the Madison General Ordinances.*
 - (2) *The City Transit Manager shall be responsible for planning, developing, operating, maintaining, and coordinating the Transit Systems and Facilities of the City of Manager.*
 - (3) *The City Transit Manager shall have power to engage such office and other assistance as he or she shall deem necessary, subject to the approval of the Mayor.*
 - (4) *The City Transit Manager shall serve as an ex-officio member of the Transportation Commission and ensure that the transportation policies adopted by the Transportation Commission and Common Council are executed by the city Transit System.*