
MEMORANDUM

TO: David Dryer, City Traffic Engineer and Parking Utility Manager

FROM: John Strange, Assistant City Attorney

RE: TPC role in parking ramp construction and rate setting

Date: June 5, 2015

You asked me to clarify the respective roles of the Transit and Parking Commission (TPC) and the Common Council (CC) in approving new ramp construction and setting off-street (ramp) lease rate or rate increases. As explained below, the TPC has certain responsibilities and roles with respect to both items, but, ultimately, both are within the purview of the CC.

RELEVANT ORDINANCE PROVISIONS

M.G.O. 3.14(4)(h)1.:

Parking. The Commission, in addition to its responsibilities as a public utility, shall provide overall management, operation and control of the assets for the City of Madison parking system to ensure that it functions as an integrated part of the overall transportation system. The Transit and Parking Commission **shall consider** on-street and off-street parking policy matters, including but not limited to, insurance programs, **parking ramp and lot location and size, design, construction and maintenance of parking lots and ramps**, parking restrictions, permits, meter hoods, parking for people with disabilities, passenger and freight loading zones, parking meter rates and time limits, parking enforcement policies and forfeiture or deposit schedules, and may receive and approve or deny requests for changes of these items, and shall also have those responsibilities described in Sections 8.14 and 12.138 of the Madison General Ordinances.”

Furthermore, M.G.O. 8.14(2)(c), Municipal Parking Facilities, provides:

Rates. The Transit and Parking Commission **shall establish such fees and charges for parking privileges in the various municipal parking facilities owned and operated by the City of Madison as the Commission shall determine reasonable. Such fees may be based on hourly, daily, weekly or monthly parking, and may be measured by personal attendants, pay-on-foot stations, exit stations, pre-payment receipt dispensers, daily payment stamps, “after hours” parking fee notices, parking meters or any other reasonable and accurate means of measurement...**”

Finally, M.G.O. 3.14(4)(j) provides that:

“(j) Any decision of the Transit and Parking Commission may be appealed to the Common Council. Such appeal must specify the reason therefore and be filed with the Transit General Manager. The Transit General Manager shall transmit such appeal

to the City Clerk who shall file such appeal with the Common Council. The Common Council shall fix a reasonable time for the hearing of the appeal and give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. The action of the Transit and Parking Commission shall stand unless the Common Council, by a majority vote of its members, **reverses or modifies** the action of the Transit and Parking Commission...”

TPC ROLE IN PARKING RAMP LOCATION AND CONSTRUCTION

The construction of a new parking ramp in the City of Madison would be subject to the Public Works requirements in M.G.O. 33.07, and Wis. Stat. § 62.15. As you know, this would include multiple resolutions by the Common Council and, ultimately, a contract executed by the Mayor.

The TPC’s role in this process would be to provide advisory input regarding the ramp location, size, design, and construction as required by M.G.O. 3.14(h)1. Any input provided by the TPC would be advisory in nature, with the ultimate decision regarding ramp, location, size, design, and construction vested in the CC and Board of Public Works (BPW).

The specific steps and procedures for transitioning through the BPW process are not fully outlined here. If you would like for me to specifically outline that process, or where TPC input would be likely to fall in that process for purposes of constructing a parking ramp, please let me know.

TPC ROLE IN SETTING PARKING RAMP RATES

M.G.O. 8.12 authorizes the TPC to establish parking rates for municipal parking facilities in accordance with the guidance specified in the ordinance. Thus, it is within the authority of the TPC to set, increase, or decrease off-street parking rates. Normally, a rate issue is put on for public hearing before the TPC, where the matter is discussed and decided.

Off-street parking rate setting does not require Common Council approval. However, per M.G.O. Sec. 3.14(4)(j) above, “any decision” by the TPC is appealable to the CC. This would include a decision regarding off-street parking rates. Thus, a rate decision by the TPC could be reversed or modified by the CC. That being said, I am aware of no instance where an off-street parking rate decision by the TPC has ever been reversed or modified by the CC.

Cc: Anne Monks, Assistant to the Mayor