

The TPPB has the authority under MGO 33.55(6)(b) to develop policies or plans regarding all elements of the transportation system. The plans or policies it develops are subject to approval by the Common Council. Once those plans or policies are in place, then Department of Transportation is charged with implementing them pursuant to MGO 3.14(2)(i.). If, during implementation, any of the issues listed in MGO 33.56(a)-(c) arise, then the Transportation Commission decides them. In those instances, the role of the Transportation Commission is to “decide the transportation issues [listed in the ordinance] in a manner that is consistent with the transportation policies and plans adopted by the Common Council.” MGO 33.56(5)

For example, developing a policy or plan for a corridor, to be implemented over a series of projects, would be the TPPBs role under 33.55(6)(b), which is to “consider, develop, and recommend for adoption by the Common Council” the plan. The TPPBs role is always advisory in the sense that they develop and recommend the plans or policies subject to adoption by the Common Council. Once the corridor plan is developed and adopted by the Common Council, the Department of Transportation is charged with implementing them subject to oversight by the Transportation Commission on the specific issues listed in MGO 33.56(a)-(c) As the corridor plan is implemented, phase by phase, it would be up to the DOT and the Transportation Commission to ensure it was being constructed according to the adopted policy or plan.

Given the timing of when the new transportation related entities were created and the immediacy of certain projects, there may be circumstances where the Common Council has not adopted a plan under the process listed above. In the absence of such a policy or plan, it remains the duty of the Department of Transportation under MGO 3.14 to manage, operate, control, and maintain the city’s transportation system. So, absent a city policy that has ultimately been approved by the Common Council, any decisions rests with the DOT and other relevant city staff. For example, if there is no winter maintenance bike path policy, it is up to the DOT to decide how to maintain winter bike paths. The TPPB and Council can always step in and create a policy, but, absent a policy, management is responsible for deciding such issues.

If an item (such as winter maintenance) is placed on the TPPB agenda for informational purposes, the TPPB can comment on the matter to provide guidance to staff, but it is not within their authority under the ordinance to make a policy that directs staff unless that policy is then approved by Council. The Common Council, in adopting the TPPB ordinance, specifically rejected the idea of allowing the TPPB to set city policy without further Council approval.

Example Process Flowchart

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