

DRAFT 7-15-21

This draft ordinance would eliminate the existing Transportation Policy and Planning Board and Transportation Commission and replace it with a single body, called the Transportation Commission. The current TC and TPPB would continue to operate until appointments are made to the new Transportation Commission, which would consist of 13 voting members and 3 alternate members.

33.56 - TRANSPORTATION COMMISSION.

- (1) Organization. A Transportation Commission is hereby created for the City of Madison.
- (2) Purpose. The Common Council recognizes that the City's transportation system consists of multiple elements as defined in Section 3.14(1), MGO, including bicycles; busses, trains, and motor vehicles; pedestrians; street, curb, and right-of-way use; parking; and transit. For the City to be a safe and healthy place for all of its residents and visitors to live, work, do business, learn, and play, it must develop and maintain a complete transportation system that is safe, efficient, economical, equitable, and sustainable. The Common Council also recognizes the importance of ensuring that the city's transportation system complements and is consistent with the city's land use system. Finally, the Common Council recognizes the critical role that the city's transportation system plays in the movement of people and goods throughout the greater Madison region, and that the successful future growth of the city and 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 to develop transportation policies and make decisions regarding transportation system changes that are consistent with the stated purpose of this ordinance and any transportation policies or plans adopted by the Common Council.
- (3) Composition.
 - (a) Members.
 - (i) The Transportation Commission shall have thirteen (13) voting members and three (3) alternate members to serve without compensation. The Voting Members shall include four (4) members of the Common Council, eight (8) residents of the City of Madison, and one (1) regional representative (an elected official of a political subdivision that contracts with Metro Transit for transit services). The three (3) alternate members shall be residents of the City of Madison.
 - (ii) 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) member must be knowledgeable of equity issues and the needs of marginalized communities; one (1) member must be knowledgeable of issues facing people with disabilities; one (1) member must be knowledgeable of issues facing users of the city's on- and off-street parking system; one (1) member whose primary mode of transportation in the City is the bicycle; one (1) member whose primary transportation in the City is walking; one (1) member whose primary mode of transportation in the city is transit; one (1) member must be a member of the Plan Commission; one (1) member must be a member of the Board of Public Works; one (1) member who is also a member of the Madison Area MPO Policy Board; and one (1) member must be a member of the Sustainable Madison Committee. A single member may satisfy more than one of these requirements. For example, a Plan Commission member whose primary mode of transportation is bicycle can satisfy both of the requirements above. Alternate members may satisfy the above requirements.
 - (iii) 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.

- (b) Appointment and Terms of Common Council Members. Common Council members of the Transportation Commission shall be appointed by the Mayor subject to confirmation by the Common Council. Terms for Common Council members shall coincide with their terms on the Common Council. Appointments for such terms shall be made at the organizational meeting of the Common Council on the third Tuesday in April or as soon thereafter as the Mayor makes the appointment.
 - (c) Appointment and Terms of Resident Members and Alternate Resident Members. Resident Members and Alternate Resident Members shall be appointed by the Mayor subject to confirmation by the Common Council, and shall have a term of three (3) years. Resident Members and Alternate Resident Members of the Transportation Commission shall be residents of the City of Madison at the time of appointment and throughout the Member's term.
 - (d) Role of Alternate Members. The first alternate member shall act with full power when any other member of the Transportation Commission is absent or is unable to act because of a conflict of interest. The second alternate member shall so act only when the first alternate refuses or is absent or when more than one member of the commission is so unable or is absent. In addition, alternates may participate in Transportation Commission discussion and serve on subcommittees or as commission representative on other City boards, commissions, or committees at any time.
 - (e) Appointment and Term of Regional Representative. The Regional Representative shall be an elected official of a political subdivision that contracts with Metro Transit for transit services. Political subdivisions that contract with Metro Transit for transit services shall submit nominations for the Regional Representative to the Mayor in each year that an appointment is necessary. From the nominations submitted, the Mayor shall appoint the Regional Representative subject to confirmation by the Common Council. The Regional Representative shall have a two-year term. If the Regional Representative resigns or is not re-elected to his or her elected office before his or her two-year term on the Transportation Commission ends, the Mayor shall appoint a new Regional Representative to complete the two-year term. The same Regional Representative may not serve two consecutive full two-year terms.
- (4) Executive Secretary. The Director of Transportation or designee shall serve as executive secretary of the Transportation Commission.
- (5) Commission Procedures. The Transportation Commission shall follow the procedures contained in Sec. 33.01, MGO, except that notwithstanding Sec. 33.01(7)(b), MGO, a Common Council member may serve as chairperson, co-chairperson, or vice-chairperson of the Commission.
- (6) Powers and Duties.
- (a) Transportation System Policies.
 - (i) 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;
 - (ii) Consider, develop, and recommend for adoption by the Common Council transportation policies and plans for all elements of the City's transportation system;
 - (iii) 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;

- (iv) Make recommendations to the Common Council regarding proposed ordinances related to all elements of the City's transportation system;
- (v) Make recommendations to the Common Council regarding the proposed budgets of each division of the Department of Transportation;
- (vi) Provide annual reports to the Common Council listing any transportation policies or plans that have been adopted by the Commission in the previous year;
- (vii) 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.

(b) Transportation System Oversight.

- (i) Except as provided below, the Transportation Commission shall review and approve all changes to the City's transportation system, including Transit, Pedestrian, Bicycle, and Motor Vehicles elements of the City's transportation system. In approving changes, the Transportation Commission shall ensure that its decisions are consistent with the transportation element of the Comprehensive Plan and all transportation policies adopted by the Common Council.
 - (1) The Transportation Commission may authorize the Director of Transportation or designee to make changes to the City's transportation system, provided that the Commission shall first adopt written policies establishing which changes can be administratively approved, and that the Director or Designee follows the Commission's written policies when implementing such changes.
 - (2) This requirement shall not apply to changes that related to day-to-day operations or routine maintenance.
- (ii) Additionally, the Director of Transportation or designee may make such changes to the transportation system they deem necessary to protect the public health, safety and welfare of users of the City's transportation system, provided that any such change is reviewed and approved by the Transportation Commission within forty-five (45) days of implementation.

(c) Road Construction Projects. Final authority for approving road construction projects lies with the Common Council, which takes action after receiving a recommendation from the Board of Public Works. The Transportation Commission shall determine the right-of-way use and geometric designs to be included in the final plans and specifications sent to the Board of Public Works and Common Council for approval. In making a recommendation to the Common Council, the Board of Public works may recommend approval of the road construction project, including the road geometry approved by the Transportation Commission, refer the road geometry decision back to the Transportation Commission for reconsideration, or recommend against approval of the road construction project on the basis that it does not agree with the Transportation Commission's decision regarding road geometry. For road construction projects identified as appropriate for administrative approval, The Transportation Commission may authorize the Director of Transportation or designee to determine the right-of-way use and geometric designs to be included in the final plans and specifications sent to the Board of Public Works and Common Council for approval.

(7) Final Decisions. Decisions made by the Transportation Commission under Section (6)(b) above related to any of the following items are final decisions appealable to the Common Council as provided in Section (8) below.

Commented [SJ1]: May ultimately be more appropriate for BPW ordinance.

- (i) Transit service standards;
- (ii) Transit fares;
- (iii) Transit route additions, extensions or contractions;
- (iv) Transit changes in schedules and hours of service;
- (v) Rules necessary to ensure safety for bus passengers;
- (vi) Regional transit contracts (services and pass programs);
- (vii) Bus routes and stops;
- (viii) Charter service, taxis, limousines, courtesy cars, hotel busses, jitney services, hire and drive services, rid-sharing, car-sharing, transportation network companies, subscriptions bus service, park and ride facilities, and any other issues pertaining to the operation of the City's transit and services;
- (ix) Off-street parking rates;
- (x) Rules necessary to ensure safe and proper operation of parking facilities;
- (xi) Revenue collection technology and systems;
- (xii) Pedestrian and bicycle safety, enforcement, and facility maintenance programs;
- (xiii) School crossings;
- (xiv) Safety programs and projects;
- (xv) Traffic signals;

- (8) Appeal. The Mayor, any alderperson, or any member of the Transportation Commission may appeal to the Common Council any final decision of the Transportation Commission. For any appeal, the appellant(s) shall file a petition of appeal with the City Clerk within twenty (20) days of the Transportation Commission's final decision. The petition shall state the decision being appealed, the reasons for appeal, and the relief being requested. Once the petition is filed, the City Clerk shall set the appeal for a public hearing on the next Council agenda that is at least seven (7) days after receipt of the appeal. After a public hearing, the Common Council may, by favorable two-thirds ($\frac{2}{3}$) vote of its members, reverse or modify the decision of the Transportation Commission with or without conditions, or refer the matter back to the Transportation Commission with or without instructions, if it finds that the decision is inconsistent with the transportation element of the Comprehensive Plan is inconsistent with any transportation policy or plan adopted by the Common Council, or is contrary to the public health, safety or welfare.
- (9) Effective Date. This ordinance shall become effective upon the appointment of members to the Transportation Commission, at which point the Transportation Policy and Planning Board and Transportation Commission (as originally comprised by ORD _____) shall be eliminated.