



Legislation Details (With Text)

**File #:** 61860      **Version:** 1      **Name:** Waive Encroachment Fees for Privately Constructed and Maintained Public Transit Seating

**Type:** Ordinance      **Status:** Passed

**File created:** 8/20/2020      **In control:** FINANCE COMMITTEE

**On agenda:** 9/1/2020      **Final action:** 10/20/2020

**Enactment date:** 11/3/2020      **Enactment #:** ORD-20-00098

**Title:** Amending Section 10.31(3)(f)5 of the Madison General Ordinances to Waive Encroachment Fees for Privately Constructed and Maintained Public Transit Seating

**Sponsors:** Michael J. Tierney, Rebecca Kemble, Grant Foster

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/20/2020	1	COMMON COUNCIL	Adopt	Pass
10/19/2020	1	TRANSPORTATION POLICY AND PLANNING BOARD	Return to Lead with the Recommendation for Approval	
9/16/2020	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
9/8/2020	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
9/1/2020	1	FINANCE COMMITTEE	Referred	
9/1/2020	1	FINANCE COMMITTEE	Referred	
9/1/2020	1	COMMON COUNCIL	Refer	Pass
8/20/2020	1	Attorney's Office	Referred for Introduction	

This ordinance allows private entities constructing and maintaining transit seating to be exempt from City encroachment fees. No encroachment agreements exist for privately owned transit seating. As such, this exemption would not result in lost revenue.

Amending Section 10.31(3)(f)5 of the Madison General Ordinances to Waive Encroachment Fees for Privately Constructed and Maintained Public Transit Seating

**DRAFTER'S ANALYSIS:** This ordinance makes two changes to Sec. 10.31(3)(f)5, which provision currently allows for the waiver of privilege in street, aka encroachment, application and annual fees for privately constructed and maintained bus shelters in the right-of-way or on public property. The amendment eliminates the current language regarding the Madison Transit Utility bus shelter sign program, which program no longer exists and whose cross-references have since been eliminated. Additionally, this amendment allows the waiver of encroachment fees to extend to privately constructed and maintained transit seating, in addition to bus shelters. This will reduce potential disincentives for private entities to provide and maintain such amenities for the City's transit riders.

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The Common Council of the City of Madison do hereby ordain as follows:

1. Paragraph 5 entitled "Bus Shelters" of Subdivision (f) of Subsection (3) of Section 10.31 entitled "Privileges in Streets" is hereby amended to read as follows:

"5. Bus Shelters and Transit Seating.

- a. For the purposes of this paragraph, "Bus Shelters" means a privately owned and maintained shelter, approved by Metro Transit and Traffic Engineering, adjacent to a bus stop and intended to provide temporary shelter for bus passengers.
- b. ~~A bus shelter shall be considered a "Madison Transit Utility bus shelter" for the purposes of Secs. 3.14(4)(i) and 31.03(2), but only for non-commercial messages.~~ For the purposes of this paragraph "Transit Seating" means a privately owned and maintained seating area, approved by Metro Transit and Traffic Engineering, adjacent to a bus stop and intended to provide a temporary seating area for bus passengers. Transit Seating includes the seating itself, as well as any site work needed to support the seating, such as a concrete pad."