



Legislation Text

File #: 92032, Version: 1

Fiscal Note

No City appropriation required.

Title

Amending various subsections of Section 33.56 of the Madison General Ordinances related to Transportation Commission to update composition, duties and procedures.

Body

DRAFTER'S ANALYSIS: This ordinance makes several changes to MGO 33.56 which governs the Transportation Commission. Most significantly, the ordinance clarifies certain steps and options for the Transportation Commission, Board of Public Works and Common Council in the process of approving geometric designs to be included in road construction projects. The ordinance also updates various provisions of MGO 33.56 related to the Commission's powers and duties and final decision making to make them consistent with current practices. It also updates the language related to terms of alders on the Transportation Commission to accommodate the staggered terms of alders and make it consistent with previous changes to MGO 33.01.

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

1. Subdivision (b) entitled "Appointment and Terms of Common Council Members" of Subsection (a) entitled "Members" of Subsection (3) entitled "Composition" of Section 33.56 entitled "Transportation Commission" of the Madison General Ordinances is amended as follows:

"(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~~ be pursuant to 33.01(6)(a). 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."

2. Subdivision (c) entitled "Appointment and Terms of Resident Members and Alternate Resident Members" of Subsection (a) entitled "Members" of Subsection (3) entitled "Composition" of Section 33.56 entitled "Transportation Commission" of the Madison General Ordinances is amended as follows:

"(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, except when the Commission members are initially appointed, Resident Members and Alternate Resident members shall have staggered terms, as provided in Subdivision (e). 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. Terms shall expire June 30th for Resident Members. ~~Terms of the four (4) Alder Members shall expire with the expiration of their terms as Alders.~~"

3. Subdivision (a) entitled "Transportation System Policies" of Subsection (6) entitled "Power and Duties" of Section 33.56 entitled "Transportation Commission" of the Madison General Ordinances is amended as follows:

"(a) Transportation System Policies.

1. 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;
2. Consider, develop, and recommend for adoption by the Common Council transportation policies and plans for all elements of the City's transportation system;
3. Work to eliminate any racial, gender, income, and disability-related disparities ~~that people of color experience and people of low income experience~~ with respect to the City's transportation policies, programs, services and destinations;
4. Make recommendations to the Common Council regarding proposed ordinances related to all elements of the City's transportation system;
5. ~~Make recommendations to the Common Council regarding the proposed budgets of each division of the Department of Transportation;~~
6. ~~Provide annual reports to the Common Council listing any transportation policies or plans that have been adopted by the Commission in the previous year;~~
- 7.5. 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."

4. Subdivision (b) entitled "Transportation System Oversight" of Subsection (6) entitled "Power and Duties" of Section 33.56 entitled "Transportation Commission" of the Madison General Ordinances is amended as follows:

"(b) Transportation System Oversight.

1. Except as provided below, the Transportation Commission shall review and approve all major changes to the City's transportation system, including Transit, Pedestrian, Bicycle, Mobility Device, and Motor Vehicles Vehicle elements of the City's transportation system, or changes outside of adopted policies. 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.
 - i. It is authorized that the Director of Transportation or designee to make changes to the City's transportation system according to written policies adopted by the Transportation Commission establishing administrative authority, and that the Director or Designee follows the Commission's written policies when implementing such changes.
 - ii. This requirement shall not apply to changes that related to day-to-day operations or routine maintenance.
2. 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 if such a change is not already authorized by the written policies adopted by the Transportation

Commission.

3. The Transportation Commission shall have the power to:
 - i. Modify the Complete Green Streets Guide.
 - ii. Approve updates to the Transit Priority Network.
 - iii. Approve updates to the All Ages and Abilities Bike Network.
 - iv. Approve any design variances from the Complete Green Streets Guide.
 - v. Provide recommendation to the Plan Commission for needed variances associated with sub-area plans and plats that propose street facilities and right-of-way widths that vary from the Complete Green Streets Guide.
 - vi. Approval of amendments and modification to mitigation point values in the Transportation Demand Management Program administered by the Transportation Department, and any amendments thereto.
 - vii. To hear and decide appeals where it is alleged there is error in a determination made by the Transportation Department or where additional relief in the form of mitigation points is required regarding a Transportation Demand Management Plan submitted under Sec. 16.03 MGO.
 - viii. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Transportation Department in the enforcement of Sec. 16.03 MGO.
 - ix. Review and approve requests made through the Safe Streets Madison program after considering all program priorities and evaluation criteria.
 - x. Approve any changes to the Safe Streets Madison program.
 - xi. Make final decisions as set forth in Sec. 33.56(7), MGO.

5. Subdivision (c) entitled "Road Construction Projects" of Subsection (6) entitled "Power and Duties" of Section 33.56 entitled "Transportation Commission" of the Madison General Ordinances is amended as follows:

"(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, ~~with Transportation Commission approval required for any geometric design variances from the Complete Green Streets Guide.~~ Alternatively, the Director of Transportation may forward the Transportation Commission's recommended road geometry to the Board of Public Works in advance of the preparation of final plans and specifications. 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~~ with direction for changes, 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. The Common Council may approve the road construction project, refer the road geometry decision back to the Transportation Commission for reconsideration with direction for changes, or not approve the road construction project. If a project is referred back to the Transportation Commission, the Commission may determine a new roadway geometry that addresses the direction or delegate to the Director of Transportation or designee the authority to approve right-of-way use, geometric design, and geometric design variances from the Complete Green Streets Guide to be sent to the Board of Public Works and Common Council

for approval. Transportation Commission action is required for any geometric design variances from the Complete Green Streets Guide. For road construction projects identified as appropriate for administrative approval and in compliance with the Complete Green Streets Guide, The 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.”

6. Subdivision (d) entitled “Complete Green Streets” of Subsection (6) entitled “Power and Duties” of Section 33.56 entitled “Transportation Commission” of the Madison General Ordinances is repealed.

7. Subsection (7) entitled “Final Decisions” of Section 33.56 entitled “Transportation Commission” of the Madison General Ordinances is amended as follows:

“(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.

- (a) Transit service standards;
- (b) Transit fares;
- (c) Transit route additions, realignments, extensions or contractions;
- (d) Transit Significant changes in transit headways, and hours of service;
- (e) Rules necessary to ensure safety for bus passengers;
- (f) ~~Regional transit contracts (services and pass programs);~~
- (g f) ~~Bus routes and stops~~ Significant changes in bus stop locations, removals of bus stops, or consolidation of bus stops;
- (h g) Charter service, taxis, limousines, courtesy cars, hotel ~~busses~~ buses, jitney services, hire and drive services, ride-sharing, car-sharing, transportation network companies, subscription bus service, park and ride facilities, and any other issues pertaining to the operation of the City's transit and services;
- (i h) ~~Transit for people with disabilities~~ Significant changes in complementary paratransit services;
- (j i) Off-street parking rates;
- (k j) Rules necessary to ensure safe and proper operation of parking facilities;
- (l k) Parking revenue collection technology and systems including governance of Parking Meter Test Area Programs set forth in Sec. 12.143(1), MGO;
- (m l) Pedestrian and bicycle safety, enforcement, and facility maintenance programs;
- (n m) ~~School crossings~~ Approve updates to the School Crossing Guard policies and operations;
- (o n) Safety Transportation-related safety programs and projects;
- (p o) ~~Traffic~~ Addition or removal of traffic signals.”

8. Subsection (8) entitled “Appeal” of Section 33.56 entitled “Transportation Commission” of the Madison General Ordinances is amended as follows:

“(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~~ a Council agenda that is at least seven (7) but no more than ninety (90) 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 and/or welfare,~~ is not in compliance with applicable state or federal law or regulation, or would put the City in breach of a prior contract or covenant that the Common Council does not wish to breach."

EDITOR'S NOTE:

Subdivision (d) entitled "Complete Green Streets" of Subsection (6) entitled "Power and Duties" of Section 33.56 entitled "Transportation Commission" of the Madison General Ordinances currently reads as follows:

"(d) Complete Green Streets.

1. 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.
2. Modify Complete Green Streets Guide.
3. Approve updates to Transit Priority Network.
4. Approve updates to the All Ages and Abilities Bike Network.
5. Approve any design variances from the Complete Green Streets Guide."