



City of Madison

City of Madison
Madison, WI 53703
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Master

File Number: 44204

File ID: 44204

File Type: Ordinance

Status: In Committee

Version: 2

Reference:

Controlling Body: CITY-COUNTY
HOMELESS
ISSUES
COMMITTEE

File Created Date : 08/24/2016

File Name: Restricting entering or staying on highways

Final Action:

Title: SUBSTITUTE Repeal and recreate Section 12.325 of the Madison General Ordinances to limit persons entering or staying on highways.

Notes: 5865highwaysSUB
BACK TO THE 9/20 COMMON COUNCIL MTG

CC Agenda Date: 09/06/2016

Sponsors: Paul R. Soglin, Samba Baldeh, Barbara Harrington-McKinney and Ledell Zellers

Effective Date:

Attachments: Substitute Body, Version 1, Mayor Soglin's memo.8.25.16, DRAFT RESJI Analysis Tool 9 6 16.pdf, Distracted Driver Crash Facts

Enactment Number:

Author: Michael May

Hearing Date:

Entered by: dalthaus@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
1	08/25/2016	Michael May	Approved as to Form
1	08/30/2016	Laura Larsen	Approve
2	11/14/2016	Michael May	Approved as to Form
2	11/15/2016	Laura Larsen	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Attorney's Office/Approval Group	08/24/2016	Referred for Introduction				
	Action Text:	This Ordinance was Referred for Introduction					
	Notes:	9/20/16 Common Council					

1	COMMON COUNCIL	09/06/2016	Refer	PUBLIC SAFETY REVIEW COMMITTEE	Pass
	Action Text:	A motion was made by Verveer, seconded by Rummel, to Refer to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by voice vote/other.			
	Notes:	Additional referrals: City-County Homeless Issues Committee, Equal Opportunities Commission, Pedestrian/Bicycle/Motor Vehicle Commission.			
1	PUBLIC SAFETY REVIEW COMMITTEE	09/07/2016	Refer	CITY-COUNTY HOMELESS ISSUES COMMITTEE	
	Action Text:	This Ordinance was Refer to the CITY-COUNTY HOMELESS ISSUES COMMITTEE			
	Notes:				
1	PUBLIC SAFETY REVIEW COMMITTEE	09/07/2016	Refer	EQUAL OPPORTUNITIES COMMISSION	10/27/2016
	Action Text:	This Ordinance was Refer to the EQUAL OPPORTUNITIES COMMISSION			
	Notes:				
1	PUBLIC SAFETY REVIEW COMMITTEE	09/07/2016	Refer	PEDESTRIAN/BIC YCLE/MOTOR VEHICLE COMMISSION	10/25/2016
	Action Text:	This Ordinance was Refer to the PEDESTRIAN/BICYCLE/MOTOR VEHICLE COMMISSION			
	Notes:				
1	PEDESTRIAN/BICYCLE/ MOTOR VEHICLE COMMISSION	09/27/2016			
	Action Text:	Foster moved to place the item on file. The motion failed by the following vote: (AYES - 2 - Foster; Crandall NOES - 3 - Zellers; Kemble; Skidmore)			
		Kemble made a motion to refer the item to the next meeting, in order for an ordinance sponsor to be in attendance to explain and answer questions, as outlined in the Racial Equity and Social Justice Initiative Tool. Foster seconded. The motion passed by voice vote/other. (Kolar and Lehner did not vote.)			
1	CITY-COUNTY HOMELESS ISSUES COMMITTEE	10/10/2016	Referred	CITY-COUNTY HOMELESS ISSUES COMMITTEE	
	Action Text:	Motion Wegleitner, seconded Williams to refer the item to the next meeting to invite ordinance sponsors and/or staff to attend and provide background. Committee expresses its concerns with legislation, but wants the Racial Equity tool to be honored and engage in a discussion about the proposed ordinance with relevant City contacts. Motion carried unanimously.			
1	PEDESTRIAN/BICYCLE/ MOTOR VEHICLE COMMISSION	10/25/2016	Return to Lead with the Recommendation for Approval		

Action Text: Sponsor, Deputy Mayor, Anne Monks, spoke about the ordinance on behalf of the Mayor.

Paul E. Skidmore entered the meeting at 5:22pm, during Item D.1. A new roll call is shown to reflect this.

Present - 10 - Ledell Zellers; Aaron S. P. Crandall; Eric C. Lewandowski; Michael W. Rewey; Rebecca Kemble; Mark D. Bennett; Grant A. Foster; Scott A. Kolar; Susan M. De Vos; Paul E. Skidmore

Excused - 1 - Sarah (Sally) A. Lehner

After much discussion, this Ordinance was RETURN TO LEAD WITH THE RECOMMENDATION FOR APPROVAL The motion passed as follows:

Aye - 6 - Ledell Zellers; Aaron S. P. Crandall; Eric C. Lewandowski; Rebecca Kemble; Paul E. Skidmore; Susan De Vos;

Nay - 1 - Grant A. Foster

Abstain - 1 - Mark D. Bennett

Scott A. Kolar could not vote.

Alders Zellers and Kemble intend to go to the ordinance sponsors and the City Attorney to see what can be done about the Commissions' concerns regarding the unclear wording of number three, and the clarification whether or not terraces are, or are not, included in number six.

1	EQUAL OPPORTUNITIES COMMISSION	10/27/2016	Return to Lead with the Recommendation to Place on File without Prejudice	PUBLIC SAFETY REVIEW COMMITTEE
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Action Text: Commissioner Brabender motioned to recommend to lead with the recommendation to place on file without prejudice of the public safety review committee, and was seconded by Charles McDowell. The commissioners then asked the supporting alders in attendance for their reasoning on supporting the ordinance.

Alder Harrington-McKinney addressed the commission first stating she was initially against the proposed ordinance. She spoke to the commission about how the issue to her was about safety, and how this is not the solution we want for those who might feel like they have to stand on the medians. She continued in saying that she is now continually motivated also by what she has personally seen, not just from what her constituents have said. Ms. Harrington-McKinney then answered some questions from the commissioners. Alder Samba Baldeh followed Alder Harrington-McKinney by echoing her notion that the City has to do a better job of addressing the needs of those potential individuals who stand on the medians. Mr. Baldeh then answered questions from the commissioners.

The commissioners discussed amongst themselves the different implications of implementing the proposed ordinance. During the discussion, commissioner Ramey called the question to stop discussion. Acting chair Moriah Grace called the item to a vote. The motion passed by the following vote:

Aye: Sean Saiz, Zach Madden, Charles McDowell, Adam Brabender, Melanie Ramey, Moriah Grace
No: Rebecca Kemble
Abstain: None

- 1 CITY-COUNTY 11/07/2016
HOMELESS ISSUES
COMMITTEE
 - 2 PUBLIC SAFETY REVIEW 12/13/2016
COMMITTEE
 - 2 PUBLIC SAFETY REVIEW 12/13/2016
COMMITTEE
-

Text of Legislative File 44204

Fiscal Note

No fiscal impact.

Title

SUBSTITUTE Repeal and recreate Section 12.325 of the Madison General Ordinances to limit persons entering or staying on highways.

Body

DRAFTER'S ANALYSIS: This is a public safety measure that limits persons from entering a highway and approaching a vehicle that is in operation. It also limits a person from staying upon the median of the highway longer than it takes to cross the highway. This ordinance also applies to vehicle operators who stop for a person violating these two prohibitions. The ordinance provides exceptions for crossing at crosswalks, getting into or out of a vehicle, highway maintenance and others.

The ordinance will apply only to such activities taking place on an "arterial" street, which is a classification based on heavier traffic levels. A list of each street considered "arterial" is provided in the text of the ordinance.

Chapter 12, MGO, adopts the definitions in the State traffic laws. In those laws, "Highway" is defined as "all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46)." Wis. Stats. § 340.01(22). This ordinance also defines medians and arterials.

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

Please see "Substitute Body" in Attachments.