



MINUTES OF THE TRAFFIC, BICYCLE, & PEDESTRIAN COMMISSION

**MONDAY, JANUARY 21, 2019, 5:30 PM
CITY HALL, ROOM 207**

A. ROLL CALL.

I. Members: Chairperson Matt Kuepers, Vice Chairperson Daniel Theno, Ald. Craig Stevens, Lieutenant Brad Strouf, Charles Karow, Brighid Riordan, and Ray Smith

Present: Brighid Riordan, Charles Karow, Ald. Craig Stevens, Brad Strouf, Daniel Theno, Ray Smith
Present and Not Voting: Matt Kuepers

B. APPROVAL OF THE AGENDA.

I. Approval of the Monday, January 21, 2019 Traffic, Bicycle, and Pedestrian Commission meeting agenda.

Moved by Commissioner Charles Karow, seconded by Commissioner Ray Smith to approve the agenda for the Monday, January 21, 2019 Traffic, Bicycle, and Pedestrian Commission meeting.
Motion carried.

Yes- Brad Strouf, Brighid Riordan, Charles Karow, Craig Stevens, Daniel Theno, Ray Smith,
No- None,
Abstain- None

C. APPROVAL OF MINUTES.

I. Approval of the November 19, 2018 Traffic, Bicycle, and Pedestrian Commission meeting minutes.

Moved by Ald. Craig Stevens, seconded by Commissioner Ray Smith to approve the minutes from the November 19, 2018 Traffic, Bicycle, and Pedestrian Commission meeting. Motion carried.

Yes- Brad Strouf, Brighid Riordan, Charles Karow, Craig Stevens, Daniel Theno, Ray Smith,
No- None,
Abstain- None

D. REGULAR BUSINESS.

1. *General Business*: Consideration with possible action on the report by the Police Department of the 2018 4th quarter serious injury and fatality crashes. (All Alders)

Moved by Ald. Craig Stevens, seconded by Commissioner Ray Smith to receive and place on file the report by the Police Department of the 2018 4th quarter serious injury and fatality crashes. Motion carried.

Yes- Brad Strouf, Brighid Riordan, Charles Karow, Craig Stevens, Daniel Theno, Ray Smith,
No- None,
Abstain- None

2. *General Business*: Request by the Traffic Engineer to eliminate Municipal Code Sec. 29.503 - Obstruction of Crossing by Trains - due to a recent Wisconsin Court of Appeals ruling upholding the regulations of the Federal Railroad Safety Act. (Ald Alders)

Moved by Commissioner Charles Karow, seconded by Commissioner Ray Smith to eliminate Municipal Code Sec. 29.503 - Obstruction of Crossing by Trains - due to a recent Wisconsin Court of Appeals ruling upholding the regulations of the Federal Railroad Safety Act. Motion carried.

Yes- Brad Strouf, Brighid Riordan, Charles Karow, Craig Stevens, Daniel Theno, Ray Smith,
No- None,
Abstain- None

3. *Termination of 90-Day Trial Period*: Remove the NO PARKING DURING SCHOOL HOURS zone on the west side of Irwin Avenue from Cass Street to a point 200 feet north of Cass Street.

Moved by Commissioner Charles Karow, seconded by Commissioner Ray Smith to remove the NO PARKING DURING SCHOOL HOURS zone on the west side of Irwin Avenue from Cass Street to a point 200 feet north of Cass Street. Motion carried.

Yes- Brad Strouf, Brighid Riordan, Charles Karow, Craig Stevens, Daniel Theno, Ray Smith,
No- None,

Abstain- None

4. *Termination of 90-Day Trial Period:* Remove the 2-HOUR PARKING 7 AM TO 7 PM MONDAY THRU FRIDAY zone on the west side of N Oakland Ave from a point of 58 feet north of Shawano Avenue to a point 130 feet south of Hubbard Street.

Moved by Commissioner Daniel Theno, seconded by Commissioner Charles Karow to remove the 2-HOUR PARKING 7 AM TO 7 PM MONDAY THRU FRIDAY zone on the west side of N Oakland Ave from a point of 58 feet north of Shawano Avenue to a point 130 feet south of Hubbard Street. Motion carried.

Yes- Brad Strouf, Brighid Riordan, Charles Karow, Craig Stevens, Daniel Theno, Ray Smith,
No- None,
Abstain- None

E. PUBLIC HEARINGS.

F. INFORMATIONAL.

I. *Next meeting:* Monday, February 11, 2019 at 5:30 p.m. in Room 203 (Council Chambers).

G. ADJOURNMENT.

I. Adjournment of the current Traffic, Bicycle, and Pedestrian Commission meeting.

Moved by Commissioner Charles Karow, seconded by Commissioner Ray Smith to adjourn the current meeting of the Traffic, Bicycle, and Pedestrian Commission. Motion carried.

Yes- Brad Strouf, Brighid Riordan, Charles Karow, Craig Stevens, Daniel Theno, Ray Smith,
No- None,
Abstain- None

Verbatim Minutes

- Call to order the meeting of the Green Bay Traffic, Bicycle, and Pedestrian Commission meeting for Monday, January 21st 2019. Under item B, approval of the agenda. Approval of the agenda of the Monday, January 21st 2019 Traffic, Bicycle, and Pedestrian Commission meeting agenda. Do I hear a--

- So moved.

- Motion made and second. All in favor?
- [All] Aye.
- Alright, are we ready to move on then?
- The prior vote should come up now. Right?
- Call for approval of the minutes. Just go ahead and do a roll call on it.
- Okay, yep.
- I got it.
- We'll do the voting for you on these standard items.
- Okay.
- Good. We're good to go?
- Yep.
- C, approval of minutes. Approval of November 19th 2018 Traffic, Bicycle, and Pedestrian Commission meeting's minutes. Motion to approve, do I hear motion to approve?
- Motion to approve.
- So moved.
- Second.
- Motion made and second. All in favor?
- [All] Aye.
- Motion carries. D, [Unintelligible). Regular business. Consideration with possible action on the report from the police department on the 2018 fourth quarter serious injury and fatality crashes.
- I handed out the paper version and went old-school tonight. There were two traffic fatalities in the fourth quarter in the city of Green Bay. The first occurred on Thursday, October 4th at 7:31 p.m. Four-door Jeep Wrangler was traveling westbound on Manitowoc Road when a pedestrian that was walking the roadway was struck by the Jeep. Driver of the Jeep, who was also the only occupant, was a 40-year-old Green Bay resident. She reported not being able to see the pedestrian to just prior to the crash. Pedestrian was a 36-year-old Green Bay resident. She was transferred to one of the nearby hospitals. She was pronounced deceased at 8:02 p.m. There were witness statements. They pointed out that they believed the area was not lit very well, and pedestrian was walking [In] traffic as a potential contributing factor to the crash. And then the second for the fourth quarter occurred on Monday, December 24th at 2:21 a.m. A Dodge Neon traveling eastbound on Humboldt Road left the roadway, struck a tree near Laverne Drive. The vehicle became engulfed in flames and the driver, who was also the lone occupant, was ejected from the vehicle and had impacted the tree. The male was pronounced deceased at the scene. Witnesses did hear the crash, but there were no actual eyewitnesses to the crash.

- Mister Chairman?

- Yes?

- What was the mitigating factors on the second one?

- It is believed at this point that potentially speed and or alcohol would be factors contributing, although because it was a lone vehicle crash, a full recon wasn't done, which is typical for fatalities when there's only one vehicle or one driver involved. Based on the witnesses reporting hearing the crash, and the volume of the crash, I think reasonable assumption would be that speed was potentially a factor.

- Any other questions, Brad?

- I just have one thing to add. On the first crash, the statement about being poorly lit, I did look into the existing street lighting. There is existing street lighting in the area. There's two 150-watt high-pressure sodium fixtures, one on the southwest corner of Manitowoc-Brosig, and then 155 feet west from that light. And it appears that this crash appeared somewhere between those two lights. Our typical spacing is 300 feet for lights, so again we have basically double the spacing of what is really required for that. I just wanted to add that in there, at least from an engineer's perspective, that that roadway was properly lit.

- Okay, thank you.

- Motion to place in file.

- Okay, motion made and second. All in favor?

- [All] Aye.

- Motion carries. Two requests by the traffic engineer to eliminate municipal code section 29-503, Obstruction of Crossing by Trains, due to a recent Wisconsin Court of Appeals ruling upholding the regulation of the Federal Railroad Safety Act.

- Sure, I'll start off with just a brief summary of what section 29-503 is. It's entitled Obstruction of Crossing by Trains, and I guess I'll just read it into the record. Number one limited. "No person having charge of any railroad car, engine, or tender, or any railroad in the city shall permit any railroad car, engine, or tender under such person's control or charge to operate, stand, or remain in any street crossing in the city or across or in front of any bridge belonging to the city so as to obstruct free passage of traffic along such street or bridge and across such railroad track more than five minutes at any one time." Number two defined. "A street crossing shall be deemed blocked when kept closed to traffic by the acts of the railroad, its agents, or employee in permitting the operation of one train through or on a street crossing by the operation of gates or by the operation of more than one train over a street crossing for longer than the specified five minute period without allowing a two minute interval for the movement of traffic. If two railroads are involved, the one occupying the street crossing at the time the five minute limit is exceeded shall be deemed in violation of this section." Let's get into what happened in 2018. The city of Weyauwega had a similar ordinance in place, and they had actually issued a number of citations that accumulated to a pretty high value, and they wanted to get their money for those citations, and it was contested by... It was Wisconsin Central Railroad. And Wisconsin Court of Appeals upheld the ruling of the Federal Railroad Safety Act. And in essence what the Railroad Safety Act states is that you allow the interstate commerce clause to continue, meaning that the free trade and exchange and transportation of goods shall go as unobstructed as possible. And you have to meet some particular clauses in order to overrule that. And what they did is they said that their EMS, police, and fire response times increased from one to 15 minutes. That wasn't convincing enough to them, to the Wisconsin Court of Appeals. And then there is a second clause that there's basically three conditions met, but because in this case they didn't even meet the first requirement, they didn't meet the second clause either. So that's

where that case law sits right now. Now I read to you earlier our ordinance, which is very similar. Looking at the example, one to 15 minutes of increased response time, what we have is typically... It is on the west bank of the Fox River, that railroad crossing. And those are the two, Walnut Street and Dousman Street, that we received some complaints on over the years. And some regulation was obviously wanted years ago, and it was put into law, but I don't see how we would we even come close to even a 15 minute delay in those extra services, because we have another bridge, I.E. the Tilleman Bridge or the Mason Street Bridge, that is in close proximity. So if there were ever any sort of emergency situation where they had to get across, that's all you have to really do is go south on Broadway or go south on the east side as well, Webster, and get on to the Tilleman Bridge in order to make a crossing. So, that being said, I don't see how our ordinance has really any weight in the court system at this point in time. So rather than saying "Let's have a law in the books to not enforce," let's just get rid of it altogether.

- Mister Chairman, question.

- Yes?

- Okay, now this was adjudicated before one of the four courts of appeals. Did Weyauwega decide not to appeal it to the Wisconsin Supreme Court? Is it still in process? Or is the appeal moot?

- Well I did attach the... I don't know that answer to be quite frank. I do know that I attached to the meeting agenda packet the actual article that I found this out. So this is actually, it was in the publication, The Municipality, December of 2018 issue. And as of that writing, it did not state anything in this article that there was gonna be another appeal in progress.

- Okay. The only reason I say that is because if it's still in the process and it's being appealed to the Wisconsin Supreme Court, Wisconsin Supreme Court could always reverse the lower court's decision.

- I don't have a response to that. I'm not an attorney, so...

- So we would have no ordinance. The city of Green Bay, you could sit there, the law says, for less than 15 minutes? If I understand what you're saying.

- Then you would have no limitation.

- No limitation?

- Well let's be frank about it, that's the way it is right now. They haven't had a citation issued to them in years. Anytime that there is something, I mean I've had contact with them... Here's one example. When the Leo Frigo Bridge went down and we had all that traffic coming through, on Alt I-43, we got a lot of pressure from the public and the alders relative to the delay time. And we knew that there was enough delay time just with the signals and everything taking all that I-43 traffic into our downtown, added a train boat, and it just added to that delay. So at that time, I had contacted the rail company about seeing if they could do anything to speed it up, change their habits, and they said "Well we'll see what we can do." But they may say they know the interstate commerce clause, and if you understand the hierarchy of transportation networks, roadways is subservient to rail and water. So to be quite frank, there's really not much we can do.

- So we're just gonna be at the mercy of the railroad is what you're saying?

- As we have.

- Yeah, nothing new. We've all been staring at crossings longer than we'd like.

- Sometimes we've been stranded by railroads and ships.

- And I guess to your point Dan, too, that let's presume that this goes to a higher court and gets challenged and overturned. There's nothing that says that we can't come back and reinstate some sort of similar obstruction ordinance we put into place, and maybe make it even smarter than this one. I mean, as you read it, you can tell it was written probably a long time ago. And the five minute rule I can tell you, just by looking at the obstruction reports that I've seen over the years, five minutes is... It gets violated quite often.

- Sure.

- So the reality of five minutes... I would look at that report and issue citations for half the report of, you know, say 30 crossings in a week. So it doesn't really make a lot of sense. Even the one that we have on the books, if it were enforceable, is not real practical.

- Okay, so we need to vote to rescind that ordinance? Is that what you're asking?

- Yes.

- Okay, do I hear a motion? I'll make a motion to approve the request.

- Second?

- I'll second.

- All in favor?

- [All] Aye.

- Any nays? Okay, motion approved. Three. Move adult parking during school hours zone on the west side of Irwin Avenue from Cass Street to a point 200 feet north of Cass Street.

- We can probably take three and four together.

- Okay.

- They have the same recommendation if you wanna read number four in.

- Terminations, alright. You want me to read it in now?

- Yeah.

- Okay. Item 4, remove the two hour parking 7 a.m. to 7 p.m. Monday through Friday. So along the west side of North Oakland Avenue from a point of 58 feet north of Shawano Avenue to a point 130 feet south of Hubbard street.

- Both zones fielded no complaints. They were supported by staff at the time that they came through. The first one happened-- The only reason that that zone has been removed is that the school moved so it was no longer necessary. And for item four, that had to do with the medical clinic, well I won't say medical clinic. What am I thinking of? Psychologists, I suppose--

- It's a business.

- Yeah, it's a business that basically renovated that property on that northwest corner of Oakland and Shawano, and they just needed some additional street parking, so... Yeah, I've heard nothing from the

aldermen, I've heard nothing from any of the neighbors, calling and complaining that there's these cars parked on the street. There used to be a two hour zone there, so pretty quiet. So I would make a recommendation to move both to ordinance.

- Okay, motion--

- So moved.

- Second?

- Second.

- All in favor?

- [All] Aye.

- Motion carries. I'd just like to ask if we have any more items Dave. The hot item from December, or for November, in regards to the school crossing. Is that...

- Unresolved.

- Unresolved yet? Coming at a later date?

- Yeah, it'll be coming eventually, yes.

- Okay, all right.

- Item F, next meeting, Monday, February 11th 2019 at 5:30 in Room 203, which, as Dave noted before, in the Council Chambers. Does anybody know that they won't be able to... I think Craig said you're--

- I'll be in San Antonio.

- Okay. So Ray, you'll be here, as far as you know. And Dan?

- I'll be there.

- Bridget?

- Mhm.

- So we should have a quorum, so we should be good. If somebody's not gonna, if you know, not gonna be able to make it, give Dave and I a heads up if you would please. Move on to Item G, adjournment. Do I entertain a motion to adjourn?

- Motion to adjourn.

- Second.

- Motion made, second. All in favor?

- [All] Aye.

- We're adjourned.