



Wauwatosa, WI

Transportation Affairs Committee

Meeting Agenda - Final

7725 W. North Avenue
Wauwatosa, WI 53213

Tuesday, June 13, 2023

6:30 PM

Committee Room #1/Zoom

Regular Meeting

HYBRID MEETING INFORMATION

PLEASE NOTE: Members of the public may observe and participate in the meeting in-person or via Zoom at the link below:

Zoom Link: <<https://servetosa.zoom.us/j/81144274572>>

Zoom Phone: 1-312-626-6799

Zoom Meeting ID: 811 4427 4572

CALL TO ORDER

ROLL CALL

ORDINANCES FOR ADOPTION CONSIDERATION

1. Ordinance creating Section 11.66.025 of the Wauwatosa Municipal Code regarding impoundment of vehicles involved in reckless driving violations [23-240](#)

Recommendation: For adoption consideration, introduced on June 6, 2023

TRANSPORTATION AFFAIRS COMMITTEE ITEMS

1. Update from Senior Traffic Engineer on Complete Communities and other reckless driving initiatives [23-319](#)
2. Consideration of Trans 305 Wisconsin Administrative Code for enforcement of vehicle equipment violations [23-320](#)
3. Request to modify parking regulations on the east side of 68th Street south of Milwaukee Avenue [23-321](#)

ADJOURNMENT

NOTICE TO PERSONS WITH A DISABILITY

Persons with a disability who need assistance to participate in this meeting should call the City Clerk's office at (414) 479-8917 or send an email to tclerk@wauwatosa.net, with as much advance notice as possible.



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 23-240

Agenda Date: 6/13/2023

Agenda #: 1.

By: Transportation Affairs Committee

Ordinance creating Section 11.66.025 of the Wauwatosa Municipal Code regarding impoundment of vehicles involved in reckless driving violations

The Common Council of the City of Wauwatosa do ordain as follows:

Part I. Section 11.66.025 of the Wauwatosa Municipal Code of Ordinances is created to read in its entirety as follows:

11.66.025 - Impounding Vehicles involved in Reckless Driving.

Pursuant to Wis. Stats. sec. 349.115, a law enforcement officer may impound any vehicle used in the commission of a violation of Wis. Stats. sec. 346.62, or a local ordinance in strict conformity with Wis. Stat. 346.62, at the time of issuing a citation for the offense, if the person cited is the owner of the vehicle and that person has a prior conviction for a violation of Wis. Stats. sec. 346.62 or a local ordinance in strict conformity with Wis. Stats. sec. 346.62, for which a forfeiture was imposed that has not been fully paid. That vehicle may be impounded until the person fully pays the prior forfeiture amount and makes a deposit under Wis. Stats. sec. 345.26 for the citation for which the vehicle was impounded. The impounded vehicle shall be returned to the owner or disposed of pursuant to Wis. Stats. secs. 349.115(2) and (3).

Part II. This ordinance shall become effective on and after its dates of passage and publication.

Recommendation: For adoption consideration, introduced on June 6, 2023



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 23-319

Agenda Date: 6/13/2023

Agenda #: 1.

Title

Update from Senior Traffic Engineer on Complete Communities and other reckless driving initiatives



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

File #: 23-320

Agenda Date: 6/13/2023

Agenda #: 2.

Title

Consideration of Trans 305 Wisconsin Administrative Code for enforcement of vehicle equipment violations

Chapter 11.04 STATE STATUTES ADOPTED

11.04.010 State traffic forfeiture laws adopted.

Except as otherwise specifically provided in this chapter, all provisions of Chapters 340 to 348 of the Wisconsin Statutes describing and defining regulations with respect to vehicles and traffic for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the state of Wisconsin.

(Ord. O-82-39 § 1, 1982; Ord. O-78-84 § 1, 1978)

11.04.015 Trans 305 adopted.

All provisions of Chapter Trans 305, Wisconsin Administrative Code, are adopted by reference excepting the penalty provisions thereof. Any person violating the provisions of this section shall be subject to the general penalty provisions of this code.

Formatted: Font: 12 pt, Bold

11.04.020 Other laws adopted.

There are also adopted by reference the following sections of the Wisconsin Statutes, but the prosecution of such offenses under this chapter shall be as provided in Chapters 340 to 348 of the Wisconsin Statutes and the penalty for violation thereof shall be limited to a forfeiture as provided in Section 1.12.010 of this code.

941.01(1) (Negligent operation of vehicle off highway)

947.045 (Drinking in motor vehicles on highway)

941.03 (Highway obstruction).

(Ord. O-76-81 § 1, 1976; Ord. 72-15 § I (part), 1972: prior code § 11.01(1) (b))

11.04.030 Enforcement.

This chapter shall be enforced in accordance with the provisions of Sections 345.20 to 345.53, Chapter 299 and Section 66.0114, of the Wisconsin Statutes.

(Ord. O-02-1 § 1 (part), 2002; Ord. 72-15 § I (part), 1972: prior code § 11.01(2) (part))

11.04.040 Stipulation of guilt or no contest.

Stipulations of guilt or no contest may be made by persons arrested for violations of this chapter in accordance with Section 66.0114(1)(b), Wisconsin Statutes, whenever the provisions of Section 345.27 are inapplicable to such violations. Stipulations shall conform to the form contained on the uniform traffic citation and

complaint under Section 345.11, Wisconsin Statutes, and may be accepted within ten days of the date of the alleged violation. Stipulations may be accepted by the city police department.

(Ord. O-02-1 § 1 (part), 2002; Ord. O-75-154 § 1, 1975; Ord. 72-15 § I (part), 1972: prior code § 11.01(2) (a))

11.04.050 Deposits.

Any person stipulating guilt or no contest under Section 11.04.040 must make the deposit required under Section 345.26, Wisconsin Statutes, or, if the deposit is not established under such statute, shall deposit a forfeited penalty as provided in the schedule established by the municipal judge and approved by the common council. Deposits may be brought or mailed to the office of the police department as directed by the arresting officer. Deposits for parking or nonmoving violations shall be mailed or brought to the city police department.

(Ord. 72-15 § I (part), 1972: prior code § 11.01(2) (b))

11.04.060 Notice of demerit points and receipt.

Every officer accepting a forfeited penalty or money deposit under this chapter shall receipt therefor in triplicate as provided in Section 345.26(3) (b), Wisconsin Statutes. Every officer accepting a stipulation under the provisions of this chapter shall comply with the provisions of Sections 343.27, 343.28, 345.26(1) (a) and 345.27(2), Wisconsin Statutes, and shall require the alleged violator to sign a statement of notice in substantially the form contained on the uniform traffic citation and complaint promulgated under Section 345.11, Wisconsin Statutes.

(Ord. 72-15 § I (part), 1972: prior code § 11.01(2) (c))

11.04.070 Forfeitures in treasury—Officer to post bond and qualify.

Any officer accepting deposits or forfeited penalties under this chapter shall deliver them to the city treasurer within twenty days after receipt. Any officer authorized to accept deposits under Section 345.26, Wisconsin Statutes, or this chapter shall qualify by taking the oath prescribed by Section 19.01, Wisconsin Statutes, and filing an official bond in the sum of ten thousand dollars as described by Section 19.01.

(Ord. 72-39 § 1, 1972: Ord. 72-15 § 1 (part), 1972: prior code § 11.01(2) (d))

11.04.080 Collection of forfeitures for parking violations—State procedures adopted.

If the alleged violator of a "nonmoving traffic ordinance violation" (herein defined to mean parking violation) fails to pay the amount of forfeiture as provided on such citation or fails to appear in court within twenty-eight days after the issuance of the nonmoving traffic citation, the chief of police or his designee may take any or all of the actions authorized under Wisconsin Statutes 345.28 and 345.34 through 345.47 inclusive, which are hereby specifically adopted and shall be followed in actions to recover forfeitures for nonmoving traffic violations. The additional cost of using the registration program as established under Wisconsin Statutes 85.13 shall be assessed against and added to the amount of forfeiture to be paid by the alleged violator as authorized by Wisconsin Statutes 345.28.

(Ord. O-84-47 § 1, 1984; Ord. O-82-71 § 1, 1982)



Wauwatosa Police Department

DATE: June 8, 2023

TO: Transportation Affairs Committee – date of meeting

FROM: Capt. Luke Vetter, Sgt. Kurt Svatek

SUBJECT: 6/13 TAC Meeting - Proposal to Adopt WI Trans 305 Statute for Enforcement of Equipment Violations

Officers of the Wauwatosa Police Department need your help. There are specific traffic laws contained within Wisconsin State Statute Trans 305 that govern the equipment of motor vehicles. This section deals with everything from having a properly operating vehicle horn to the type of lights that are allowed on vehicles. All these equipment laws are important to keep roadways safe, but our traffic ordinances do NOT currently adopt this section of traffic law.

There are two specific subsections of Trans 305 that are especially important for our officers to be able to enforce. An adoption of this statute under ordinance 11.04.020 would directly support their safety and the safety of the motoring public.

Excessive, illegal window tinting is very popular on vehicles and our officers currently have no way to enforce these violations and change behavior.

305.34 – prohibits the tinting of a windshield below the “A” line on the windshield, which is about 5-6 inches below the top of the windshield.

305.32 – restricts window tinting to the passage of 50% of visible light through the front windows of a vehicle and the passage of 35% of visible light through the rear windows and rear windshield

Officers that conduct traffic stops, especially at night, often cannot see into the vehicle they are approaching. Consistent enforcement of this law will also eventually allow citizens, businesses and officers to better identify vehicle occupants in criminal matters.

Enforcement of existing window tint will also increase safety for all people on the roadways: drivers, bicyclists, and pedestrians. It is often important for all the parties on a roadway to see each other, make eye contact, and then be able to safely proceed.

The equipment to train officers and test windows can be acquired for under \$500.00 and the Department has funds available for this purchase. All Officers will be required to complete the training before taking enforcement action.

Wauwatosa Police Department

Our Public Information Officer would also take a proactive approach and message to the community the laws to educate them, in hopes of voluntary compliance, and that we will be enforcing violations as well.

The Police Department respectfully asks for the adoption of this long existing State Law under our current traffic ordinance structure.

Respectfully,



Capt. Luke Vetter
Patrol Bureau

Zachary Kessler

From: Nicole Etter <sweeneyetter@gmail.com>
Sent: Friday, July 28, 2023 4:09 PM
To: John Dubinski; Margaret Arney; James Moldenhauer; Joe Phillips; Amanda Fuerst; David Lewis; Ernst-Ulrich Franzen; Jason Wilke; Joel Tilleson; Joseph Makhoul II; Mike Morgan; Meagan O'Reilly; Robin Brannin; Sean Lowe; Andrew Meindl; Melissa Dolan; public comment; Dennis McBride
Subject: [External] Vote no on adopting Trans 305

Dear Common Council,

I ran across this quote from Charles M. Blow today: "One doesn't have to operate with great malice to do great harm. The absence of empathy and understanding is sufficient."

I'm writing today because I believe that adopting Trans 305 into municipal code would bring great harm, particularly to lower-income folks and people of color.

As a mom of two children who walk to school across Center Street — which can be terrifying at times due to reckless drivers — I care deeply about safety on our roads. However, I fail to see how this change would make our roads any safer. I've looked and looked and can't find data that shows that these stops improve traffic safety. However, I did find some sources that only heightened my concerns with this current proposal:

["Safe Streets for All: An Opportunity to Rethink Traffic Enforcement"](#) from the Center for American Progress

["Low-Level Traffic Stops Are Ineffective—And Sometimes Deadly. Why Are They Still Happening?"](#) by the Vera Institute of Justice

["Redesigning Public Safety on the Roads"](#) by the Center for Policing Equity

["Pulled Over: What to Know About Deadly Police Traffic Stops"](#) by the New York Times (about the financial incentive for municipalities and police departments that rely on tickets for revenue)

Meanwhile, other communities nationwide (including [Ann Arbor, Michigan](#), just this month) are moving away from minor traffic stops because of the high risk of racial profiling and fatal consequences.

Our local police can already ticket for Trans 305 so the safety issue is, frankly, a moot point. So why make this move to enshrine Trans 305 into municipal code now? I watched the video of the most recent Transportation Affairs Committee meeting and remain unconvinced by the logic of this proposal's supporters.

Right now, after deducting for expenses, ticket revenues for Trans 305 violations in Tosa go to the state's Common School Fund — the only source of funding for Wisconsin's school libraries. If Common Council instead makes these tickets a municipal violation, we will be taking dollars away from school libraries and instead bringing that revenue to our municipality (and I assume the police department). How does that change the incentive for Tosa police to ticket for minor equipment violations?

I'm also concerned about the moral implications of our city profiting from the poor. It stands to reason that lower-income drivers of all races/ethnicities are more likely to drive less-than-perfect vehicles — and to be financially harmed when they can't immediately fix their cars after an expensive ticket. Folks still need to be able to get to work, school, and doctor's appointments in our community. To assume that everyone can immediately afford to remedy their vehicle issue and get their ticket dropped is the height of privilege.

I know all of you stepped up to serve Tosa because you care about our community, and I am thankful for the sacrifices you and your family make as a part of your public service. We all want to make Tosa the best it can be. I will wholeheartedly support common-sense solutions that make our community safer, but Trans 305 isn't one of them.

Let's crack down on people who text while driving, who speed in school zones, who blow through stop signs and weave in and out of traffic like they own the road — I think those are far more urgent issues than broken tail lights and tinted windows. I urge you to think deeply about the impact of this ordinance and whether it will really achieve the community safety we all desire.

Sincerely,
Nicole Etter
2733 N. 73rd St.

Zachary Kessler

From: katie.phillips@ameritech.net
Sent: Sunday, July 30, 2023 7:28 PM
To: Joe Phillips; Meagan O'Reilly; tclerk
Subject: [External] concerns about Tosa enforcement of WI Trans 305
Attachments: Prius1.jpg

Hello Meagan and Joe,

I heard from Lynne Woehrle last week about the ordinance that has been proposed to have Wisconsin Trans 305 violations handled in our municipality. We also discussed this topic at our Tosa Together meeting.

Tosa Together will (or has already) sent a letter explaining our concerns. To add to that, I wanted to e-mail you personally to understand your thoughts as you consider your vote. I looked at the wording of Trans 305 this weekend, and I understand how most of the regulations connect to the safety of drivers, passengers, and the general public. I want drivers to have working headlights, windshield wipers, and brake lights. It makes sense that the windshield and front windows be clear enough for police to see through. But there are gray areas in the regulation that give me pause. The other question of HOW Tosa will enforce violations concerns me as well.

So my questions are:

1. What evidence does the Tosa Police Department have that local enforcement of Trans 305 will improve safety for all? Are they using another community's data from before and after such an ordinance was passed? I apologize if I've missed this information. Does Tosa PD have an estimate of how many citations they will be issuing per year?
2. How will the public track the enforcement of Trans 305 to know that Tosa PD officers are doing so in a way that fits with the City of Wauwatosa's mission and vision? Will officers take photos of vehicles that were cited to enter as evidence? Will warnings and tickets be tracked by race, gender, age, etc? What training will officers receive about the circumstances under which a vehicle should be stopped? Or will all warnings and tickets be sent by mail to the registered owner of the vehicle?
3. What are the predicted long-term consequences of this enforcement? Will Tosa PD's enforcement drive away shoppers and workers?
 - For example, when I go to Mayfair Mall, I see diverse group of shoppers who keep local businesses alive and keep that key source of tax dollars alive as well. The mall already seems in danger of failing, in the post-COVID, movie-streaming, Amazon Prime delivery era.
 - How will Froedtert's (and all our other local employers) workforce get to work if they worry about being stopped? As a busy mom, I know that I have looked at the MCTS bus routes many times, but usually decide that I don't have TIME to take the bus to work or to run errands. Have you heard from Tosa's big service sector employers with any concerns about enforcement?

To close, I'm attaching a photo of the car my son Thomas has been driving. It took us 6 weeks to get the insurance claim check and get the car into the shop. I had no concerns about the safety of the vehicle and let Thomas drive it while we were waiting. I expect the Tosa PD would not have any concerns about it either. But I owe it to Thomas's classmates of color to ask: what if this body damage was on his or her vehicle? What experience would his classmate have if he/she got pulled over?

Thank you for reading,

~ Katie Phillips
9006 W. Clarke St.

Zachary Kessler

From: Lynne Woehrle <lynnewoehrle@gmail.com>
Sent: Monday, July 31, 2023 2:32 PM
To: Meagan O'Reilly; Margaret Arney; Sean Lowe; Andrew Meindl; James Moldenhauer; John Dubinski; Robin Brannin; Joseph Makhoul II; Ernst-Ulrich Franzen; David Lewis; Joe Phillips; Mike Morgan; Amanda Fuerst; Joel Tilleson; Jason Wilke; Melissa Dolan
Cc: Dennis McBride; Steven Braatz; Rebecca Salawdeh; Karen Zimmerman; Katherine Riebe; Ann Heidkamp; Katie Phillips; Robin Luther
Subject: [External] Letter from Tosa Together on TRANS305

Dear Wauwatosa Council members,

At our Tosa Together meeting on July 26, 2023, we had an opportunity to discuss the proposed ordinance to enact Trans305, that sets rules around vehicle disrepair and presentation related to traffic stops in our community. Creating a local emphasis on Trans305 does not match either the Tosa Together vision and mission or that of the City of Wauwatosa. We are disappointed to hear that it passed at the committee level. We are writing to ask that it not be passed by the full council.

However, if the city does act to pass the ordinance to localize Trans305 we are requesting that the council also act to pass an ordinance banning racism, homophobia, transphobia and other forms of bias. We also ask that city departments and service providers submit reports at least once a year detailing how they are decreasing bias in their work and sharing data that details areas that need improvement. Specifically we request that data on traffic stops be quantified by race, class and gender. Take for example the commitment in Milwaukee chapter 108 to eliminating racism and the expectations for city departments to assess their efforts to this end and seek continuous quality improvement.

https://library.municode.com/wi/milwaukee_county/codes/code_of_ordinances?nodeId=MICOCOEORVOII_CH108ACRAEQHE

Although Trans305 can enhance the safety of our roads by having vehicles in better shape, we believe that there are some very important unintended consequences of having this ordinance added without also creating some checks and balances on how it is implemented.

There is clear and strong data that even if it is unintentional, traffic stops impact Black and Brown people more significantly, see for example this resource. <https://www.ppic.org/publication/racial-disparities-in-traffic-stops/#:~:text=Overall%2C%20Black%20drivers%20are%20notably,of%20day%20and%20agency%20type> .

In addition, what can our city do to help our residents who can't afford to fix their cars to safety codes? What resources can be available? Can they get a warning and apply for a mini-grant? Many people don't fix the smaller problems on their car because they need to prioritize food and rent.

Our city is still in the process of addressing historic racial bias that is threaded through our community. We also have much work to do to address current systems of bias. We believe that it is not enough to say we don't intend to be racist or classist, we need to put in place the checks and balances that will make sure we are equitable and inclusive. We ask that you take steps to create the metrics and evaluation processes that show that equity remains a city commitment. Should you pass TRANS305 it will be important to have evaluation systems in place which will help to monitor its implementation in ways that speak to the city's vision.

Thank you for your time and for your leadership in the city.

On behalf of Tosa Together,

Rebecca Salawdeh rebecca@salawdehlaw.com

Lynne Woehrle lynnewoehrle@gmail.com 10121 W Highwood Ave

Karen Zimmerman zimmerpeople@wi.rr.com 2565 N. 83rd Street

Katie Phillips katie.phillips@ameritech.net 9006 W. Clarke St.

Robin Luther robinluther4759@gmail.com 2621 N. 65th Street

Katherine Riebe kathriebe@gmail.com

Ann Heidkamp heidkama.ah@gmail.com 7329 W Lloyd St

Zachary Kessler

From: Angela Quigley <angela.quigley@gmail.com>
Sent: Monday, July 31, 2023 2:35 PM
To: Andrew Meindl; James Moldenhauer
Cc: Dennis McBride; Sean Lowe; Joel Tilleson; Dennis McBride; Jason Wilke; Margaret Arney; Mike Morgan; Meagan O'Reilly; public comment
Subject: [External] VOTE NO on adoption of Wis. Administrative Code Trans 305 for enforcement of a long list of equipment violation

To my Alderpeople Meindl & Moldenhauer, Mayor McBride & Council Members of connection,

I urge you to NOT ADOPT [Wis. Administrative Code Trans 305] for the enforcement of a **long list of equipment violations** as reasons to pull someone over in Wauwatosa. **It reeks of a stop-and-frisk mentality that should not be accepted in our Community.**

I do not feel this does any good other than to encourage more police stops for small infractions such as "Registration Plate Lamps" "Vent, side and rear windows" as listed in the [WI administrative code](#).

It is my understanding that this is something the police technically have authority to do under state law, but that by adopting it under municipal law the fines would funnel through to Wauwatosa directly. If this is thought to be a solid reason to adopt 305, again I would say **it would contribute to an environment where the police have additional incentive to pull over and ticket for minor infractions, in hopes of "catching" someone with additional infractions.**

I don't support "stop-and-frisk" policies implemented for the sake of making more money and/or stopping crime.

Thank you all for your service to our Community.

peace + love,
Angela Quigley
1st District Wauwatosa Resident

Zachary Kessler

From: Megan Framarin White <megframwhite@yahoo.com>
Sent: Monday, July 31, 2023 3:56 PM
To: public comment
Subject: [External] Trans 305

Hi,

I am writing to ask that you vote no to Trans 305. I do NOT support the city officers being incentivized to ticket for the types of violations this covers, nor do I support the diversion of funds from state funding to local.

Thanks,
Megan White
612 N 65th Street, Wauwatosa 53213

Zachary Kessler

From: Sarah Bauer <scbauer2@gmail.com>
Sent: Monday, July 31, 2023 3:56 PM
To: public comment; Andrew Meindl; James Moldenhauer; Dennis McBride
Subject: [External] Vote no on Trans 305

I live in Wauwatosa and am concerned about WI Administrative Code Trans 305. This would give incentive for police to ticket drivers for minor issues and most certainly harm people of color and lower socioeconomic levels.

I urge you to vote no.

Thank you,
sarah bauer, md
she/her

Zachary Kessler

From: Michael Brophy <michaelbrophy1959@gmail.com>
Sent: Monday, July 31, 2023 4:33 PM
To: Margaret Arney; John Dubinski
Cc: public comment
Subject: [External] Our opposition to Code Trans 305

Alders Arney and Dubinski:

My wife and I are voicing our opposition to the Common Council approving Wisconsin Administrative Code Trans 305. Not only is it unnecessary and redundant, it sends the wrong message about the culture of Wauwatosa as we work hard to become a more inclusive and welcoming community, particularly post George Floyd.

The notion of ticket revenue for the City vs. the State then becomes a revenue source that in the future becomes difficult to give up and adds pressure to drive even more revenue for traffic violations that are not serious enough to affect the safety of our community, but fall more disproportionately on marginalized populations. Penalizing driving while Black (and Brown) in Wauwatosa harkens back to another age when our community had racist coming laws and a more insulating culture. As a community, we believe we need to attract and retain a diverse group of people, especially young families and businesses who need a diverse pool of potential employees.

Why is this then necessary and what is the real intention of it?

I support the police department fulfilling of its mission of enhancing public safety, but I find it hard to believe spending police time and resources on minor traffic infractions advances this mission.

Thank you for your time and attention.

Michael & Debra Brophy
8010 Jackson Park Blvd

Zachary Kessler

From: zimmerpeople@wi.rr.com
Sent: Monday, July 31, 2023 5:17 PM
To: public comment; Dennis McBride
Subject: [External] FW: Trans305

From: zimmerpeople@wi.rr.com
To: "jphillips@wauwatosanet", "moreilly@wauwatosanet", "marney@wauwatosanet", "slowe@wauwatosanet", "ameindl@wauwatosanet", "jmoldenhauer@wauwatosanet", "jdubinski@wauwatosanet", "rbrannin@wauwatosanet", "jmakhlouf@wauwatosanet", "efranzen@wauwatosanet", "dlewis@wauwatosanet", "jtilleson@wauwatosanet", "mmorgan@wauwatosanet", "afuerst@wauwatosanet", "jwilke@wauwatosanet", "mdolan@wauwatosanet"
Cc:
Sent: Monday July 31 2023 5:14:42PM
Subject: Trans305

I want the streets of Wauwatosa and Wisconsin to be safe streets and would applaud any endeavors in combatting reckless driving. However, I am concerned about the proposed ordinance for adopting Trans305 into municipal code for several reasons. This ordinance truly does not impact reckless driving. It does not stop speeding, texting while driving, speeding in school zones, weaving in and out of traffic, blowing through stop signs or totally ignoring the flashing lights for the walkways on North Avenue. Every time I have crossed North Avenue and 83rd and turned on the flashing lights, cars have ignored it. These behaviors are far more dangerous than a broken taillight. What proposals are being suggested for these concerns?

It is my understanding that the police department can already ticket under the state law, so why have this redundancy. Is this to increase revenue for the city? I am concerned then that police officers will be pressured to reach quotas.

There is clear and strong data that even if it is unintentional, traffic stops impact Black and Brown people and people with lower incomes more significantly. Tosa certainly has a perceived reputation of racial profiling for traffic stops. I am concerned that adopting Trans 305 in to municipal code would cause some very important unintended consequences without creating the checks and balances on how it is being implemented. Other communities throughout the nation are moving away from minor traffic stops.

If the Council does decide to pass this ordinance, please put a condition that this ordinance must establish an evaluation system to monitor its implementation and collect data on the stops that include demographic information. There have been past issues of sparse data from the police department about traffic stops. This will help monitor trends, give a clearer picture about the perceived racial profiling, and demonstrate whether there is bias or not.

I know that the Council wants Tosa to be a safe community and I appreciate your service to this community.

Karen Zimmerman

zimmerpeople@wi.rr.com

2565 N. 83rd

Zachary Kessler

From: Bruce Becker <bruceb911@gmail.com>
Sent: Monday, July 31, 2023 6:20 PM
To: public comment
Subject: [External] Proposal to adopt WI Admin code Trans 305

I understand that the city council will consider a proposal to adopt WI Admin Code Trans 305 this week. It seems to be a reasonable, common-sense proposal. There does not appear to be any good argument to oppose it.

B. W. Becker
2551 N. 81 St
Tosa

Zachary Kessler

From: Mary Lockwood <lockwoodmary@yahoo.com>
Sent: Monday, July 31, 2023 9:13 PM
To: Andrew Meindl; James Moldenhauer; public comment
Subject: [External] Vote no on Trans 305

Good Evening Andrew and Jim,

I am writing to ask that you both vote no on the adoption of Trans 305. It is punitive to those who can least afford to be nickel and dimed and potentially dangerous as well.

We cannot say that we are a community who values equity then make proposals that cherry pick who we are choosing to pull over through pretextual stops. The carve outs are clearly identifying who the focus of this proposed item is. Trans 305 will undoubtedly increase the contacts that people of color are having with our police force and we know that doing so will statistically increase the chances of harm coming to those citizens.

We have already criminalized poverty through our panhandling ordinances. Must we now begin (or rather resume) pulling over single moms who bought a car at an auction so that they can get to a job at our precious mall simply because it happens to have tinted windows? We are again penalizing poverty. This council's kowtowing to the police is already evident in the unnecessary purchase of a Bearcat which EVERY mutual aid community delightedly showed us in October of 2020 that they will so happily park theirs on our front lawns at a moment's notice. These are not the priorities of our community.

I work in housing those experiencing homelessness and I can write that in no uncertain terms, the consequences of Trans 305 will make it much more difficult for people to find and maintain housing.

Please vote no.

Sincerely,
Mary Lockwood
Garfield Ave

Sent from my iPhone

Zachary Kessler

From: Nydia Mauras-Jones <maurasjones@gmail.com>
Sent: Tuesday, August 1, 2023 12:07 PM
To: Joel Tilleson; Sean Lowe
Cc: public comment
Subject: [External] Too Tinted for Tosa: No to Trans 305

Hello,

I see no reason to waste police time on minor traffic violations. I am assuming it is a way to bring in more revenue to the city. However, I am very concerned that this will not be applied equitably to all people living in and going through Tosa.

Domestic violence is on the rise and a real concern in Tosa. I would rather see solutions to help those situations, not stopping people for minor traffic violations.

Please vote no to Trans 305.

Thank you,
Nydia Maurás-Jones
2556 N. 67th

Zachary Kessler

From: Erik Fanning <homeshopper2020@gmail.com>
Sent: Tuesday, August 1, 2023 1:43 PM
To: erifann@gmail.com
Subject: [External] Wisconsin Trans 305
Attachments: data analysis of WPD, 2015-2018.pdf

To whom it may concern,

Hello, and I hope you are doing well. I am writing to express my concern over the prospect of our Wauwatosa Common Council voting to adopt as local ordinance an already enforced Wisconsin state statute regarding standards for vehicle equipment commonly referred to as "Trans 305."

As a Wauwatosa resident, I am also asking that each and every one of you sitting on our city's Common Council vote a resounding "NO" on this motion when given the opportunity. I will give a statement explaining my personal opposition to this motion before you, and hope you will read it in its entirety.

I have lived on West Burleigh Street, just a few blocks east of Hwy 100, since 2015. Over the past eight years I have witnessed the Wauwatosa Police Department conduct dozens of traffic stops, driver detainments, and vehicle searches from my front porch. Although I cannot comment on the reasoning behind each and every stop, they do have one common denominator. In my time living here, I have yet to see a driver I would identify as "White" involved in these stops. None. Zero. Zilch. Nada. EIGHT YEARS!

What makes this even worse, if that is possible, is that most of these stops end without a citation being handed out. I have watched WPD extract and detain drivers while their entire car full of belongings is pulled out and placed on the curb as the car is searched top-to-bottom, only to see the driver ultimately be led back to their vehicle and drive off. No ticket, no arrest, only terror.

That said, I wholly understand that somewhere in Wauwatosa, a White person will get pulled over by WPD, maybe even arrested, but it hasn't happened in front of my house yet, for whatever reasons, in EIGHT YEARS. Furthermore, despite having recorded several of these stops to be used as textbook examples of piss-poor police policy and execution, I understand my data is purely anecdotal.

And to that I say to that gimme a break! At some point you gotta say there's a pattern here, and this cruel, racist pattern has been well-established from my viewpoint. I welcome anybody to offer data that disproves my characterizations of the Wauwatosa Police Department wrong, knowing that it will not be forthcoming.

In support of my personal point of view and opinion on this matter, I would like to draw your attention to data I've personally reviewed and discussed, a portion of which I have attached, that shows that as recently as 2017, among drivers identified by race, those identifying as "Black" account for over 63% of the traffic stops in Wauwatosa, and an even higher percentage of WPD arrests over that same time period. In 2018, when identified by race, Black drivers accounted for 83% of arrests by WPD! Black people make up less than ten (10) percent of Wauwatosa's population! With staggering figures like this, and the human consequences of this type of policing, the question I want answered is, how can you possibly prove to me that WPD is NOT racially profiling drivers? They couldn't even approach such figures if they weren't trying.

I've said to many people that, at least on my stretch of Burleigh Street, these types of stops went down in number from early 2020 ... primary causes being a pandemic and WPD being under fire ... through sometime

last year, when police activity along my road picked up again. I apparently didn't get the memo. Now, in 2023, it has ramped up even more, with more "operations" happening, an example being April 2nd, 2023, a Sunday night, when I saw 10 -12 WPD SUVs at one time executing multiple vehicle stops and searches within a 6-block stretch in front of our house. Again, my purely anecdotal evidence confirmed that each and every one of those drivers pulled over, detained, and searched that evening were Black people.

WAKE UP TOSA! The WPD is back on their racist bullshit!

That brings us to Trans 305, an already enforceable law, and how adopting this as a local ordinance will impact drivers from throughout SE Wisconsin as they travel through Wauwatosa.

The first question I have is, why adopt Trans 305 now? Why, after 27 years, are residents suddenly demanding this adoption take place? Umm, they are not. I hadn't heard a peep regarding this allegedly urgent action prior to last month, and that was mostly *concern* from residents that this was happening, not support. The mantra from supporters is "public safety," which I believe was also the alleged impetus behind last year's anti-panhandling law, another racist action by Wauwatosa's elected officials hoping to erase poverty, hunger and homelessness from our collective minds by simply "making it go away" within city limits, a fool's errand as local food pantries struggle to keep up with demand. This brings to mind a recent study, as reported [here](#) by NBC News, that says Americans are driving increasingly older cars. More than just an attempt to keep the blinders on our city's residents, perhaps WPD sees this uptick as a brand-new revenue stream best kept in-house?

And if not for money's sake, then please reasonably explain why the Wauwatosa Police Department is suddenly pushing to adopt locally a law that has been on the books since what, 1996, because no reasonable explanation has been forthcoming to date. What sudden need is being met that was non-existent over the past 27 years, and why is the Common Council so anxious to hand this license to profile over to them?

Between this, their budget-busting department remodel job, the recent installation of multiple "Big Brother" cameras parked 24/7 in the Meijer parking lot, and their recently approved request for a Bearcat (a 4-wheeled tank) in the past year, they are the only organization in this city that is getting everything they ask for, it seems. Every other department in Wauwatosa is left wanting these days, but WPD alone is deserving of whatever they ask for? Something stinks.

Non-residents with less resources than the average Wauwatosa resident will absolutely be harmed by this, leading to fewer folks from surrounding communities making fewer trips into Wauwatosa, despite claims they will stop and visit our parks when coming to settle citations. A statement made during the last committee meeting envisioned this ridiculous scenario, exemplifying the willful ignorance permeating from this entire process. Rest assured, we will all see the impact of this in the near-future, as this is a license for more aggressive profiling, more stops of Black drivers, and more arrest warrants being issued to non-residents and residents alike for minor vehicle violations. Some will cheer, and they can go to hell.

As Alder Meindl pointed out prior to being the lone "NO" vote on the Transportation Committee last Tuesday, nothing about adopting WI Trans 305 supports or contributes to the goal of Wauwatosa's own Mission Statement, to be a welcoming and inclusive community. Wauwatosa will be seen as less welcoming and less inclusive to those of less means, which I would argue is precisely the intent behind those people expressing support for this adoption. A quote by author William Blake comes to mind when thinking of our city's approach to poverty:

A dog starved at his master's gate
Predicts the ruin of the state

It is difficult to believe that after everything this city has gone through since 2020, our entire Common Council would be in support of adopting Trans 305 locally. I hope the council understands full-well that they will be doing little-to-nothing to improve public safety by voting to adopt locally this longstanding and enforceable state law. If anybody didn't know this before now, they no longer have ignorance as an excuse.

Instead, a "YES" vote on this issue will only be assisting the Wauwatosa Police Department, a law enforcement agency known widely for longstanding, widespread, and prolific behavior best described as racist, oppressive, and discriminatory, in more efficiently, covertly, and profitably applying their boots to the necks of the poor people living in and around our increasingly diverse community.

Again, as a resident of Wauwatosa, I ask that you please vote "NO" on adopting Trans 305 into Wauwatosa's local ordinances.

I am also requesting that the contents of this email and the attached document be placed on and within the record regarding this issue prior to tonight's vote.

Thank you for your attention and time.

Sincerely,

Erik Fanning
10410 W Burleigh St

Zachary Kessler

From: Andrew Meindl
Sent: Tuesday, August 1, 2023 5:06 PM
Subject: Trans 305 Public Comment - Andrew Meindl

Good evening,

I would request this email chain be included in the agenda packet for the proposal for the adoption of Trans 305 (as a public comment) that will be discussed this evening at Common Council. From my understanding, this data collection service is available to anyone to anyone with data request from the Municipal Court Clerk.

Best,
Andrew

From: Robin Bloczynski
Sent: Tuesday, August 1, 2023 3:31 PM
To: Andrew Meindl
Subject: RE: Urgent: Demographic Data Request Wauwatosa Cases

Hello Andrew,
This is the information I was able to come up with on short notice. If you have any questions please let me know.

1. Court does not have this information. There have been no Trans 305 citations in Municipal Court.
- 2.

Race Demographics			
(Traffic & Non-traffic Citations with Findings)			
	2020	2021	2022
American Indian/Alaskan	0.5%	0.1%	0.3%
Asian/Pacific Islander	1.6%	2.1%	2.0%
Black	66.7%	62.6%	63.8%
Hispanic	5.2%	5.3%	5.1%
White	25.4%	29.4%	27.8%
Other	0.6%	0.5%	1.0%

3. Unable to separate traffic and non-traffic citation in the time allotted.
- 4.

Residence Demographics			
(Traffic Citation with Findings)			
	2020	2021	2022
Wauwatosa	7.9%	11.4%	9.7%
Milwaukee	77.0%	72.7%	72.5%
Other	15.1%	15.9%	17.8%

Regards,

Robin Bloczynski
Court Clerk | Wauwatosa Municipal Court

From: Andrew Meindl <ameindl@wauwatosa.net>
Sent: Tuesday, August 1, 2023 9:34 AM
To: tcourt <tcourt@wauwatosa.net>
Subject: Urgent: Demographic Data Request Wauwatosa Cases

Good morning,

My name is Andrew Meindl and I'm an alder I'm Wauwatosa. I would request the data below. I want to apologize for time constraints but if we could get rough estimates by EOB today 8/1 it would be greatly appreciated. I also sent an email through the portal. Thank you!

- 1) How many citations has Wauwatosa Police given under State Statute Trans 305 in the last three years?
- 2) What is the demographic breakdown of all cases in Wauwatosa for the last three years? (Breakdown by each year please)
- 3) What is the demographic data of all traffic related cases in Wauwatosa for the last three years? (Breakdown by each year please)
- 4) What percentage of all driving related citations were given to residents of Wauwatosa vs. The City Milwaukee and/or other municipalities

Best,
Andrew



Wauwatosa, WI

7725 W. North Avenue
Wauwatosa, WI 53213

Staff Report

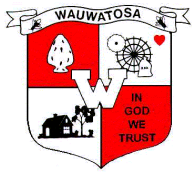
File #: 23-321

Agenda Date: 6/13/2023

Agenda #: 3.

Title

Request to modify parking regulations on the east side of 68th Street south of Milwaukee Avenue



CITY OF WAUWATOSA
MEMO

To: **Transportation Affairs Committee**

From: **Michael May, Senior Civil Engineer – Traffic & Transportation**

Date: **June 8, 2023**

Subject: **Request to Modify Parking Regulations on the East Side of 68th Street South of Milwaukee Avenue**

A. Issue

On-street parking is currently prohibited by ordinance along the east side of 68th Street south of Milwaukee Avenue. A property owner has requested lifting on-street parking prohibitions to accommodate customers.

B. Background/Options

Parking is prohibited at all times by ordinance on the east side of 68th Street from Milwaukee Avenue to State Street. A bus stop had previously been located just south of the corner of 68th Street & Milwaukee Avenue. Bus stops require parking prohibitions 80-feet upstream of the such sign. The bus stop is no longer located at this corner and the extent of parking prohibitions is no longer necessary.

The owner of the commercial building at 1536/1540 North 68th Street is a CPA. A part of his business is tax preparation services. The property does not have an off-street parking space available. The owner requested that we allow on-street parking in front of his business.

A successful 90-day trial has been completed. The 90-day trial included 2-hour parking 8:00AM to 6:00PM Monday-Friday, and allowed parking at all other times, from approximately 73-feet south of Milwaukee Avenue to approximately 125-feet south of Milwaukee Avenue. Staff is recommending codifying parking changes as shown in the attached exhibit and summarized as follows.

- Eliminate the “no parking anytime” prohibition that exists along the east side of 68th Street from approximately 73-feet south of Milwaukee Avenue to approximately 125-feet south of Milwaukee Avenue.
- Create 2-hour parking 8:00AM to 6:00PM Monday-Friday along the east side of 68th Street from approximately 73-feet south of Milwaukee Avenue to approximately 125-feet south of Milwaukee Avenue.

This change will provide approximately two on-street parking spaces within a 52-foot parking zone.

C. Strategic Plan (Area of Focus)

Priority 1: Economic Development and Financial Resilience, Goal 3 – Promote and support local businesses and anchor institutions

D. Fiscal Impact

Minor expenses for in-house creation and installation of signs as well as removal of existing signs where applicable. Existing sign budget will accommodate these expenses.

E. Recommendation

Codify the changes outlined in section B and shown on the attached exhibit.



68th, South of Milwaukee

City of
Wauwatosa

