

REGULAR MEETING  
**PARKING and TRAFFIC SAFETY COMMITTEE**  
PORTSMOUTH, NEW HAMPSHIRE

**Remote Meeting via Zoom**

To register in advance for this meeting, click on the link below or copy and paste it into your web browser:

[https://zoom.us/webinar/register/WN\\_ptnKrLuTWOW08005iViDA](https://zoom.us/webinar/register/WN_ptnKrLuTWOW08005iViDA)

*You are required to register in advance to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. If you need assistance, please contact Amy Chastain, Public Works Assistant, by email ([amchastain@cityofportsmouth.com](mailto:amchastain@cityofportsmouth.com)) or phone (603) 610-4344 before the day of the meeting.*

Per NH RSA 91-A:2, III (b) the Chair has declared COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2020-16, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

**AGENDA**

8:00 A.M. – September 3, 2020

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**ON-SITE VISIT:** Members are encouraged to conduct site visits individually to maintain social distancing.

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**I. CALL TO ORDER**

**II. ATTENDANCE**

**III. FINANCIAL REPORT**

**IV. PUBLIC COMMENT (15 MINUTES)**

This is the time for all comments on any of the agenda items or non-agenda items.

**V. NEW BUSINESS**

*(No public comment during Committee discussion without Committee approval.)*

A. Updating Fine Structure for Parking Citations, by Parking Director Ben Fletcher.  
**Sample motion: Move to recommend adoption and send to City Council for request for first reading.**

B. Recent accidents at the intersection of Marcy Street and Mechanic Street.

C. Request to renew Portwalk Place valet licenses, by Jackie Huber.  
**Sample motion: Move to recommend renewal of valet parking licenses for a term of 2 years.**

**VI. OLD BUSINESS**

A. Report back on bicycle accident on Middle Street, by City Staff.

**VII. INFORMATIONAL**

A. Parking on Albany Street between Brewery Lane and Cass Street / Islington Street construction update.

B. Closure of Turnpike exit ramp onto Echo Avenue.

C. Traffic volumes during pandemic.

D. PTS Open Action Items.

**VIII. MISCELLANEOUS**

**IX. ADJOURNMENT**

# Unaudited

<b>Percentage of Fiscal Year Complete</b> 8.33%
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Preliminary  
Totals Thru  
July 31, 2020

Parking Related Revenues - Financial Report for 9-3-2020

	Total	Budgeted	% of Budget
FY 21			
Parking Meter Fees	226,187.02	2,029,175	11%
Meter Space Rental	13,990.00	46,591	30%
Meter In Vehicle	3,665.00	46,072	8%
EV Charging Stations	383.45	4,000	
High Hanover Transient	139,237.18	1,458,701	10%
High Hanover Passes	103,642.25	1,337,700	8%
Foundry Place Transient	8,268.01	114,640	7%
Foundry Place Passes	21,345.00	301,780	7%
HH Pass Reinstatement	0.00	900	0%
Foundry Pass Reinstatement	0.00	700	0%
Parking Violations	29,651.00	405,350	7%
Immobilization Administration Fee	0.00	6,144	0%
Summons Admin Fee	0.00	250	0%
<b>Total FY 21</b>	<b>546,368.91</b>	<b>5,752,003.00</b>	<b>9%</b>

	<b>BUDGETED</b>	
	3,339,698	58% Transfer to Parking Fund
	2,412,305	42% Funds Remaining in Gen Fund


# City of Portsmouth

Department of Public Works



## MEMORANDUM

TO: Karen Conard – City Manager

FROM: Benjamin Fletcher, Director- Parking Division   
Peter Rice, Director- Department of Public Works

DATE: 8.21.20

SUBJECT: Updating Fine Structure for Parking Citations

In its ongoing effort to ensure compliance with applicable City Ordinances, the Parking Division deploys a Citation Protocol (ie. Issuing Parking Tickets) with a view to encouraging residents and visitors to pay the meter system for the use of City Parking spaces.

The Citation Protocol includes patrolling the City's parking spaces to ensure payment, and to issue Parking Citations when payment is not made or a vehicle has allowed their session to expire without renewal.

The current fine structure was last revisited in 2013. Presently, the Parking Division recognizes that the fine structure no longer encourages the desired effect, particularly as it pertains to the new daily maximum rates under the Stay and Pay system. Out-of-town guests who find a \$15 citation on their vehicle are even more prone than before to simply skip payment for the remainder of the day, rather than be encouraged to vacate the space or continue their parking session. Additionally, research of surrounding towns shows that Portsmouth lags behind peer averages in many violation categories.

To address this ongoing issue, the Parking Division recommends revisiting the fine structure as it pertains to four of the most common violations. Please see the attached spreadsheet detailing [in blue](#) the current fines, recommended changes, and peer town averages.

This item was brought before PTS on March 5, 2020, resulting in a unanimous vote to forward to City Council for First Reading on March 16, prior to the COVID 19 outbreak, which put this item on hold.

The attached recommendations have been updated to account for the new Stay & Pay system's higher daily maximums.

The Parking Division respectfully requests that this item be placed on the September 14<sup>th</sup>, 2020 calendar for First Reading.

**Portsmouth**  
Parking Fine Schedule

Description	Last Updated	Current		Recommended		Peer Town Averages	
		Fine	After 30 days	Fine	After 30 days	Fine	Late
<b>Session Expired 15 &amp; 30 Minute; (formerly) 1 - 4 hr</b>	<b>1/1/2013</b>	\$ 15.00	\$ 30.00	\$ 50.00	\$ 75.00	\$ 20.00	\$ 38.78
72 hr parking	1/1/2013	\$ 50.00	\$ 100.00	\$ 50.00	\$ 100.00	\$ 26.43	\$ 53.67
Parked within 15 ft of Fire Station	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 40.83	\$ 52.50
Parked on Sidewalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 37.00	\$ 72.86
Obstructing Traffic During Construction	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 28.75	\$ 46.67
Double Parking	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 26.11	\$ 52.67
Parked in Wrong Direction	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 25.00	\$ 61.67
Back to Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 22.14	\$ 47.50
Distance from Curb	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 22.00	\$ 51.67
<b>Parked in No Parking Area</b>	<b>1/1/2013</b>	<b>\$ 20.00</b>	<b>\$ 40.00</b>	<b>\$ 50.00</b>	<b>\$ 75.00</b>	<b>\$ 30.83</b>	<b>\$ 63.13</b>
Parked Too Close to Intersection	1/1/2013	\$ 20.00	\$ 40.00	\$ 20.00	\$ 40.00	\$ 32.22	\$ 69.17
<b>Emergency Snow Ban</b>	<b>1/1/2013</b>	<b>\$ 25.00</b>	<b>\$ 35.00</b>	<b>\$ 50.00</b>	<b>\$ 100.00</b>	<b>\$ 63.33</b>	<b>\$ 123.33</b>
Parking Within an Intersection	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 35.00	\$ 70.00
Parking in Crosswalk	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 38.33	\$ 80.00
Blocking Fire Hydrant	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 51.92	\$ 101.25
Parked Blocking Driveway	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.92	\$ 70.00
Obstructing Street	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.88	\$ 61.67
Parked in Fire Lane	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 48.64	\$ 93.75
10 or More Parking Violations in 1 yr	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 66.67	\$ 100.00
Parked in ADA	1/1/2013	\$ 250.00	\$ 300.00	\$ 250.00	\$ 300.00	\$ 238.46	\$ 365.63
Resident Parking Only	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 32.50	\$ 57.29
Protest Fee (NSF)	1/1/2013	\$ 30.00	\$ -	\$ 30.00	\$ -	\$ 30.00	\$ -
HC/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 20.00	\$ 50.00
Vet/Time Zone	1/1/2013	\$ 15.00	\$ 30.00	\$ 15.00	\$ 30.00	\$ 27.50	\$ 55.00
Multiple Spaces	1/1/2013	\$ 25.00	\$ 50.00	\$ 25.00	\$ 50.00	\$ 31.43	\$ 60.00
Boot Removal Fee	1/1/2013	\$ 150.00	\$ -	\$ 150.00	\$ -	\$ 85.71	\$ -
<b>Commercial Loading Zone</b>	<b>1/1/2013</b>	<b>\$ 25.00</b>	<b>\$ 50.00</b>	<b>\$ 50.00</b>	<b>\$ 100.00</b>	<b>\$ 42.00</b>	<b>\$ 96.67</b>

Revised 3.4.2020



1B



Existing stopping sight distance of 80 feet adequate for 15 mph.

Height of fence restricts sight lines.

115 feet of stopping sight distance needed for posted speed limit of 20 mph.

**From:** Jackie K Huber [mailto:jackiek@cathartes.com]

**Sent:** Tuesday, August 25, 2020 5:43 PM

**To:** Eric B. Eby <ebeby@cityofportsmouth.com>; Jane Ferrini <jferrini@cityofportsmouth.com>

**Subject:** Re: Portwalk Place valet licenses

Hi Eric,

Thank you. Please allow this to serve as our formal request to renew our existing Valet License Agreements for Portwalk HI, LLC and Parade Residence Hotel, LLC for a term of 2 years. Please see the locations attached.

Please let me know if you need anything further to submit to PTS.

Thank you,

**Jackie Huber**

Senior Asset Manager

100 Summer Street · Suite 1600

Boston · MA · 02110

Direct: (617) 840 – 5566

<https://cathartes.com>

**LICENSE AGREEMENT FOR  
ULTIMATE PARKING II, LLC  
D/B/A LAZ PARKING**

The City of Portsmouth (hereinafter "City") a municipal Corporation with a principal place of business of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, for good and valuable consideration as set forth herein, hereby grants this Revocable License to Ultimate Parking II, LLC d/b/a LAZ Parking, Three Copley Place Suite 3202, Boston, MA 02116 (hereinafter Licensee) pursuant to the following terms and conditions:

1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 2 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Portwalk HI LLC ("the Owner ") and is associated with the Hampton Inn & Suites.
  
2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
  - The hours of operation for valet parking services are 24 hours per day, seven days per week.
  - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
  - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
  - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
  
3. **Signage:**
  - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine



the placement of sign poles and will have final approval over the size and content of signs.

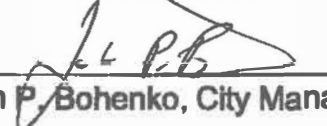
- This License Agreement also authorizes Licensee's use of one A-frame sign to identify those spaces identified by the City in this Agreement. Licensee shall coordinate the precise location of this signage with representatives of the City to ensure that pedestrian access and safety is maintained. Licensee will remove the sign if the Valet Service is not in operation.

4. **Term:** This License shall commence upon execution of this Agreement and continue for **one (1) year**. The License may be renewed upon the approval of the City's Parking and Traffic Safety Committee and the City Council and payment of the annual fee.
5. **Payment Terms:** Licensee has tendered and the City has accepted \$1,500.00 as the annual permit fee for the Valet Parking Spaces in the Licensed Area.
6. **Indemnification:** Licensee agrees to indemnify and hold harmless the City of Portsmouth for any and all property damage, bodily injury, or personal injury which arises as a result of its use of the Licensed Area. This obligation survives termination or revocation of this Agreement.
7. **Insurance:** At all times during the use and exercise of this License, Licensee agrees to maintain commercial general liability insurance covering its operation under this License in an amount not less than \$1,000,000 per occurrence. In addition, Licensee maintains direct primary garage keepers / Bailee insurance in an amount of not less than \$300,000 per occurrence. Such insurance shall name the City of Portsmouth as an Additional Insured. Certificates indicating the existence of this insurance shall be maintained on file at all times during the License period with the Parking and Transportation Division of the City of Portsmouth Public Works Department.
8. **Maintenance of Area:** Licensee will maintain the Licensed Area in a neat and orderly fashion during Licensee's hours of use. The Licensee shall take such measures as may be necessary to maintain pedestrian and vehicle safety during the use of the Licensed Area for its valet service.
9. **Damage:** Licensee agrees to take reasonable steps to remedy promptly any damage to the Licensed Area caused by the Licensee's activities. The Owners may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.

10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state, or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state, or federal laws or regulations may, at the City's discretion, result in revocation.
11. **Revocation:** The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

Dated: 11/15/19


**CITY OF PORTSMOUTH**

By:   
John P. Bohenko, City Manager

Pursuant to vote of the City Council on  
October 7, 2019

Dated: 11/14/19

**ULTIMATE PARKING II, LLC**  
**d/b/a LAZ Parking**

By:   
Print Name: Samantha Pemsick  
Print Title: Assistant Manager

**PREVIOUS APPROVALS**

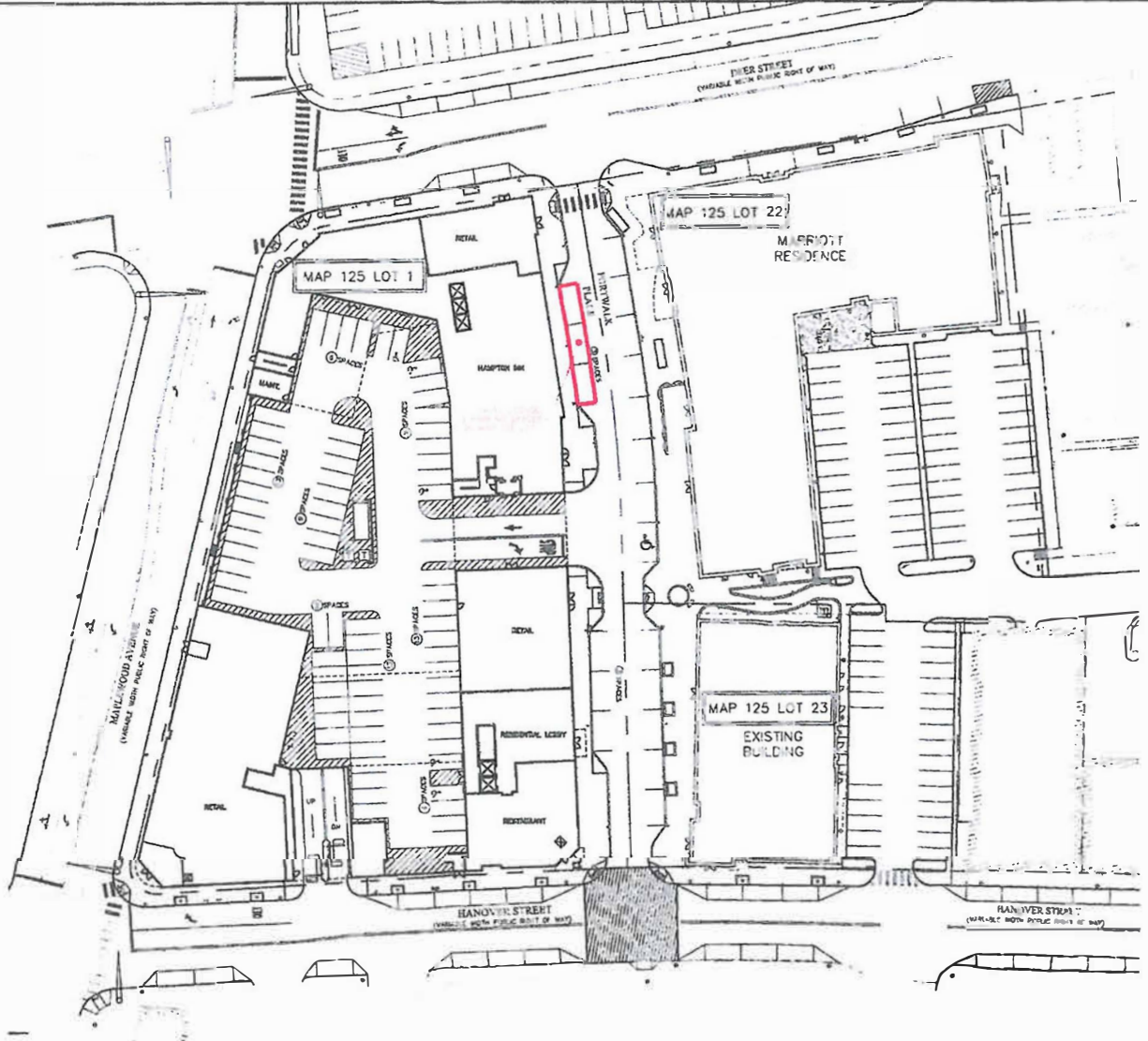
1. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE REVIEW APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET" DATED: JULY 31, 2007
2. CITY OF PORTSMOUTH PLANNING BOARD FOR "FINAL SUBDIVISION APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET" DATED: AUGUST 29, 2009
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5. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE REVIEW APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET (LOT #3)" DATED: MARCH 22, 2010
6. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN PROPERTY LOCATED AT 195 DEER STREET (PORTWALK, LOT 1)" DATED: APRIL 30, 2010
7. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN PROPERTY LOCATED AT 195 HANOVER STREET (PORTWALK, LOT 2)" DATED: APRIL 30, 2010
8. CITY OF PORTSMOUTH PLANNING BOARD FOR "AMENDED SITE PLAN APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET (LOT 2)" DATED: MAY 24, 2010
9. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN PROPERTY LOCATED AT 89 HANOVER STREET - ASSESSORS MAP 125, LOT 23 (FORMERLY 195 HANOVER STREET - PORTWALK, LOT 2)" DATED: NOVEMBER 16, 2010
10. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN PROPERTY LOCATED AT 89 HANOVER STREET - ASSESSORS MAP 125, LOT 23 (FORMERLY 195 HANOVER STREET - PORTWALK, LOT 2)" DATED: MARCH 16, 2011
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12. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE PLAN APPLICATION FOR PROPERTY LOCATED AT 195 HANOVER STREET" DATED: JANUARY 24, 2012
13. CITY OF PORTSMOUTH PLANNING BOARD FOR "AMENDED SITE PLAN APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET" DATED: JULY 24, 2012
14. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE PLAN APPLICATION FOR PROPERTY LOCATED AT 195 HANOVER STREET (PORTWALK 3)" DATED: SEPTEMBER 26, 2012

**LICENSE LEGEND**

- VALET LICENSE
- 3 PARKING SPACES
- ON MAP 125 LOT 1



**GRAPHIC SCALE**



**MAP 125 LOT 1 - VALET PARKING LICENSE EXHIBIT**

<p><b>High &amp; Bond</b>                  (INCORPORATED IN NEW HAMPSHIRE)                  137 CORNHILL, PORTSMOUTH, NEW HAMPSHIRE 03801                  (603) 433-4818</p>	<p><b>PARKING SPACE LICENSE AND SIDEWALK LICENSE EXHIBIT</b>                  Portwalk Lot 3                  Map 125 Lot 1                  195 Hanover Street                  Portsmouth, New Hampshire</p>																
<p>DATE: SEPTEMBER 8, 2013                  SCALE: AS SHOWN                  DRAWN BY: JAC                  CHECKED BY: JAC                  PROJECT NO.: 22090                  FILE NO.: 100-100-00000-0000-0000</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Description</th> <th>App'd</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Description	App'd	Date												
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1. **Area of License:** The City authorizes the Licensee to use the 3 designated spaces as depicted in Exhibit 1 for Valet Parking services on Portwalk Place a private street (hereinafter "Licensed Area"). The Licensed Area is the property of Parade Residence Hotel LLC ("the Owner ") and is associated with the Marriott Residence Inn and the Portsmouth Harbor Events & Conference Center.
2. **Use:** Licensee may make use of the Licensed Area for the purpose of providing valet parking services. Such activities are subject to the following conditions:
  - The hours of operation for valet parking services are 24 hours per day, seven days per week.
  - Licensee may not store parked vehicles on metered spaces on Portwalk Place, in municipal spaces (metered, garage, or otherwise) other than in municipal spaces that the City may designate and identify in writing, which shall be incorporated and made part of this Agreement. Licensee may not stack cars on Portwalk Place.
  - This Licensee will represent clearly and consistently that it is a private company and that the municipality is not responsible for any damage or loss to vehicles or property.
  - This License is exclusive and is for the benefit of the Owner of the Licensed Area.
3. **Signage:**
  - For the parking spaces designated in the Licensed Area, the owner is responsible for installing poles with signs that relay the use as described in paragraph 2. The City will determine the

placement of sign poles and will have final approval over the size and content of signs.

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11. **Revocation:** The City or the owner may terminate this Agreement or any provision contained in this Agreement on 72 hours written notice if the public interest or the Owner's private interest requires such termination, in which case the City shall return all fees paid by Licensee on a pro-rata basis. This Agreement may be revoked or suspended immediately without notice by the City or the Owner for cause, e.g. violation of the terms of this License in which case, all fees paid by the Licensee shall remain the property of the City.

Dated: 11/15/19

**CITY OF PORTSMOUTH**

By: J. P. B.  
John P. Bohenko, City Manager

Pursuant to vote of the City Council on  
October 7, 2019


Dated: 11/14/19

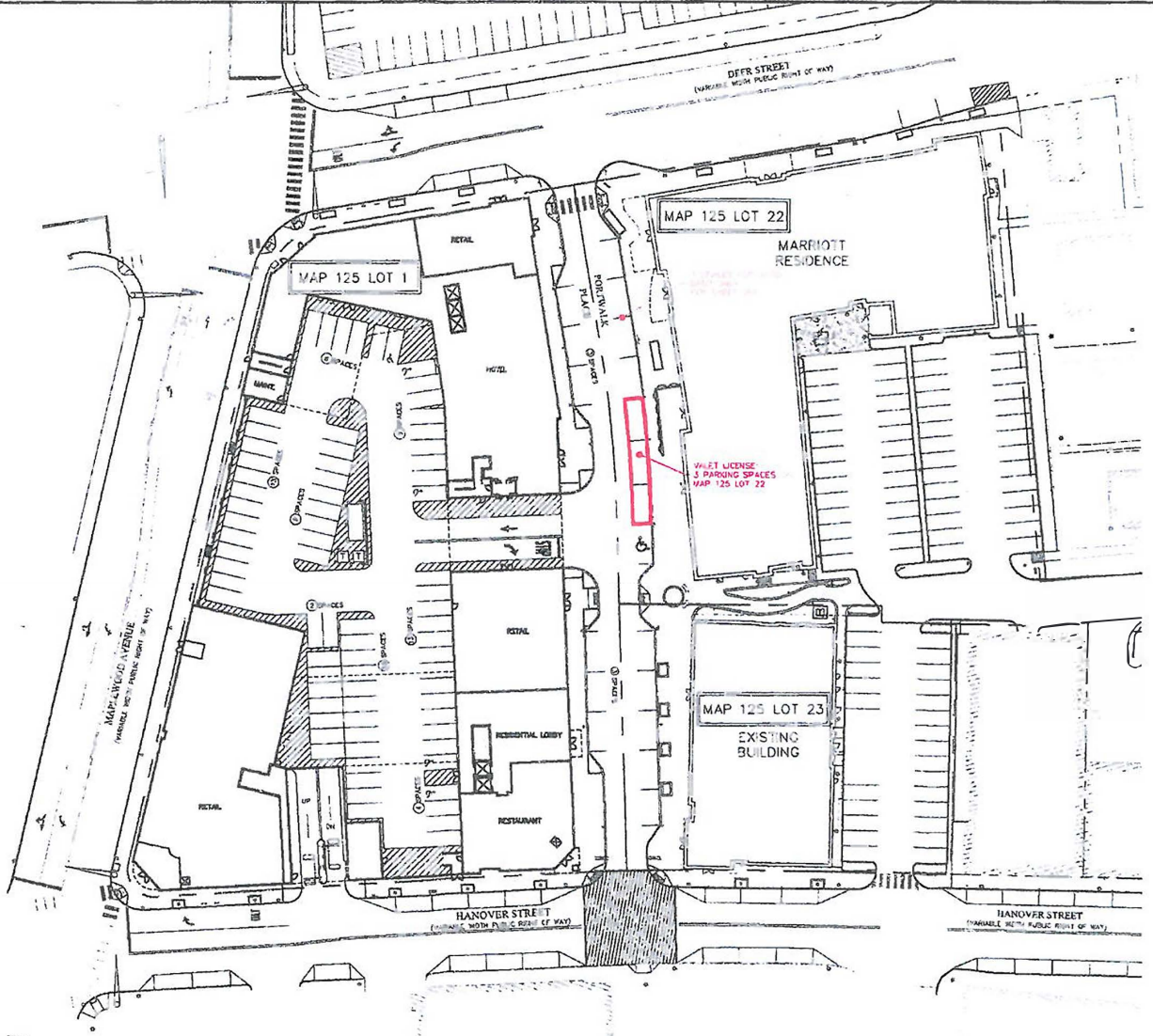
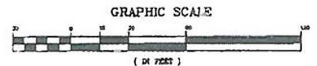
**ULTIMATE PARKING II, LLC**  
**d/b/a LAZ Parking**

By: Samantha Ferrick  
Print Name: Samantha Ferrick  
Print Title: Assistant Manager

**PREVIOUS APPROVALS**

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6. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN PROPERTY LOCATED AT 100 DEER STREET (PORTWALK LOT 1)" DATED: APRIL 30, 2010
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11. CITY OF PORTSMOUTH PLANNING BOARD FOR "ADMINISTRATIVE APPROVAL FOR AMENDMENT TO APPROVED SITE PLAN - REVISED PROPERTY LOCATED AT 99 HANOVER STREET - ASSESSORS MAP 125, LOT 23 (FORMERLY 195 HANOVER STREET - PORTWALK LOT 2)" DATED: MARCH 20, 2011
12. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE PLAN APPLICATION FOR PROPERTY LOCATED AT 195 HANOVER STREET" DATED: JANUARY 24, 2012
13. CITY OF PORTSMOUTH PLANNING BOARD FOR "AMENDED SITE PLAN APPROVAL FOR PROPERTY LOCATED AT 195 HANOVER STREET" DATED: JULY 24, 2012
14. CITY OF PORTSMOUTH PLANNING BOARD FOR "SITE PLAN APPLICATION FOR PROPERTY LOCATED AT 195 HANOVER STREET (PORTWALK 3)" DATED: SEPTEMBER 26, 2012

**LICENSE LEGEND**  
 VALET LICENSE  
 3 PARKING SPACES  
 MAP 125 LOT 22



**MAP 125 LOT 22 - VALET PARKING LICENSE EXHIBIT**

<p>DATE: SEPTEMBER 6, 2013                  SCALE: AS SHOWN                  DESIGNED BY: PNC                  DRAWN BY: CHL                  APPROVED BY: [Signature]                  PROJECT NO: 2220C                  P.L. No. [Blank] (SEE LICENSE PLAN)</p>	<p><b>PARKING SPACE LICENSE AND                  SIDEWALK LICENSE EXHIBIT</b>                  Portwalk Lot 3                  Map 125 Lot 1                  195 Hanover Street                  Portsmouth, New Hampshire</p>
<p><b>High &amp; Bond</b>                  Consulting Engineers                  Environmental Specialists                  177 CORPORATE DRIVE                  PORTSMOUTH, NEW HAMPSHIRE 03801                  (603) 430-8018</p>	
<p><b>EX-1</b></p>	

# City of Portsmouth

*Department of Public Works*



## MEMORANDUM

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TO: Karen S. Conard, City Manager

FROM: Eric B. Eby, P.E., Parking and Transportation Engineer *EE*

DATE: August 27, 2020

SUBJECT: Report Back on Middle Street / Lafayette Road Bike Lanes

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At the August 6 Parking and Traffic Safety Committee meeting, the Committee voted to request a report back on the Middle Street / Lafayette Road Bike Lanes and questions raised in relation to a recent crash in which a bicyclist was hit with the door of a vehicle parked next to the bike lane.

As no accident report was prepared at the time of the injury, the City is unable to report back on any specifics related to the circumstances of the crash. However, staff has outlined a few potential design modifications at the location of the recent crash to improve overall performance of the bike lane design for traveling motorists, parked motorists, and bicyclists. We have also provided a summary of some of the statistics we've been tracking since the bike lanes were implemented. Finally, in response to suggestions by City Councilors to eliminate or substantially modify the bike lane design, we have outlined the process for seeking NHDOT approval.

### **1. Bike Lane Statistics**

#### Traffic Crashes

The Police Department has compiled the data on the number of crashes reported on Route 1 (Middle Street and Lafayette Road) in the area where the bike lanes were installed. This report included ALL crashes reported, regardless of circumstances or cause (i.e. these are not crashes related to the bike lanes necessarily).

Installation of the bike lanes was completed at the end of September 2018, therefore staff had previously requested that the Police run reports comparing crash data for the year immediately prior to the bike lanes being installed (October 1, 2017 to October 1, 2018) with the year after they were installed (October 1, 2018 to October 1, 2019). The most recent report includes crash data from October 2019 to August 21, 2020.

### *Pre-Bike Lanes*

Between October 1, 2017 and October 1, 2018 the total number of accidents reported for that area was 26.

- Of those 26 accidents 3 involved personal injury and 6 had less than \$1,000 worth of damage.
- 1 of the personal injury accidents was located at the intersection of Middle Road and Middle Street and the other 2 occurred at Lafayette Road and South Street, and none involved bicyclists or pedestrians.

### *Bike Lanes – Year 1*

Between October 1, 2018 and October 1, 2019 the total number of accidents for that same area was 25.

- Of those 25 accidents, 2 involved personal injury and has less than \$1,000 worth of damage.
- 1 of the personal injury accidents was located at the intersection of Middle Street and Aldrich Road and the other occurred at Middle Street and Cass Street, and none involved bicyclists or pedestrians.
- 7 of the accidents occurred during the 5-month period when the flex post delineators were installed, the remaining 18 occurred during the 7-month period between late November 2018 and early July 2019 when the flex posts were not installed.

### *Bike Lanes – Year 2*

From October 1, 2019 to August 21, 2020 the total number of accidents for that same area was 12.

- Of those 12 accidents, 5 involved personal injury.
- 3 accidents occurred at the intersection of Lafayette Road and South Street.
- 2 accidents occurred at the intersection of Lafayette Road and Andrew Jarvis Drive.
- 2 accidents were related to the bike lane. Only one involved a cyclist and that was the recent dooring accident. The other was a collision with a parked car between Cass Street and Aldrich Road.

### Bicycle Counts

City staff has conducted spot counts at several locations along the bike lanes. This year, spot counts were only conducted at the intersection with Aldrich Road, as it represents a location in the middle of the most residential section of the bike lane, and there are several previous counts at that location with which to compare. This year's count during the last week of July revealed a daily total of 119 bicycles using the bike lanes between the hours of 6 AM and 8 PM, for an average of 8.5 bicycles per hour. Previous years' counts at the same location, revealed an average 2.4 to 7.7 bicycles per hour. The previous years' peak of 7.7 occurred in June, typically a peak month of bike usage. During the last week of July in 2019, the average number of cyclist was observed at 5.1 cyclists per hour. So the number of cyclists using the bike lanes has increased significantly over previous years.

In addition to the spot counts, the traffic signal at the intersection of Lafayette Road and South Street began collecting data on bike lane usage in March of this year on a 24/7 basis. The data from that location show an average daily number of bicyclists of 35 to 50 per day since late May

of this year. The counts at this location are likely lower than at Aldrich Road as it is not as densely residential as the section at Aldrich Road.

### Motor Vehicle Speeds

As injury potential increases for pedestrians, bicyclists, and motor vehicles as vehicle speeds increase, one way to gauge overall safety is to review changes in traffic speeds. Vehicle speeds vary along the corridor, but in general the data has shown that there has been an overall decrease of 1 to 2 miles per hour in average vehicle travel speeds since the installation of the bike lanes and posts. The staff has also compared average travel speeds with and without the delineator posts and the indication has been that removal of the posts results in a 1 to 2 mile per hour increase in travel speeds (back to pre-bike lane conditions). The results of the most recent speed study conducted at Aldrich Road, from August 12 to August 19, 2020, indicated average speeds of 29 mph and 85<sup>th</sup> percentile speeds of 33 mph.

## **2. Safety Implications for Crash involving Bicyclist at Start of Bike Lanes**

While any crash and injuries incurred by a bicyclist in the bike lane is cause for concern, staff does not by extension conclude that the bike lane design is faulty or unsafe. While we do agree that the condition of the bike lane could be greatly improved in some locations, these are conditions derived from pavement condition, debris or other obstacles in the bike lane, and maintenance (e.g. fading paint lines) and not to the bike lane design. The bike lane was designed to reduce the likelihood for dooring by providing a 2' to 3' striped buffer between the parking spaces and the bike lane. However, motorists are still responsible for parking within the designated parking spaces and checking for bicyclists and cars before opening their doors.

Whether the car was parked in a legal spot as originally suggested or in the striped no-parking area as the injured bicyclist reported to the Herald, opening a door into a traveling bicyclist (or “dooring”) is a violation-level traffic offense. Motorists can still be breaking the law even when their vehicles are not in motion. NH RSA 265:96 states: “No person shall open the door of a vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic.” In this case the passenger’s side was also “available to moving traffic” in the bicycle lane. Bicycles are vehicles and therefore traffic under state law.

The bike lane was reviewed and approved at multiple levels and at multiple stages in the design, engineering, and construction of the project by qualified and certified transportation engineers including the City’s Parking and Transportation Engineer, the project engineers from GPI, and the NHDOT’s own Bureaus of Planning and Community Assistance, Highway Design, Traffic, as well as the Office of Federal Compliance.

## **3. Considerations for Minor Adjustments at Start of Southbound Bike Lane**

As stated above, staff does not conclude the bike lane design is faulty or unsafe. However, there are some potential minor design modifications that could be considered at the location of the recent crash to improve overall performance of the bike lane design for traveling motorists, parked motorists, and bicyclists. Two of these would require minor adjustments to the bike lane



striping and parking lines. Staff would be happy to provide more details on these options if there is interest in considering these.

- 1) Start southbound bike lane at Union Street.
- 2) Start bike lane closer to Cabot Street in the no-parking stretch to allow a longer transition zone before the on-street parking starts.
- 3) Reinstall flex posts that were previously removed in the no-parking area at the start of the bike lane to prevent illegal parking and clearly demarcate the start of the bike lane for drivers and bicyclists.

#### **4. Process for Substantial Redesign of Bike Lanes**

Staff does not agree that there are existing safety concerns that merit a substantial redesign or elimination of the bike lanes. However, if the City is interested in pursuing a substantial change to the bike lanes such as pulling the parking to the curb and/or shortening the length of the protected bike lanes, there is a process that would need to be followed to ensure that the City does not have to return the federal grant funds received for this project.

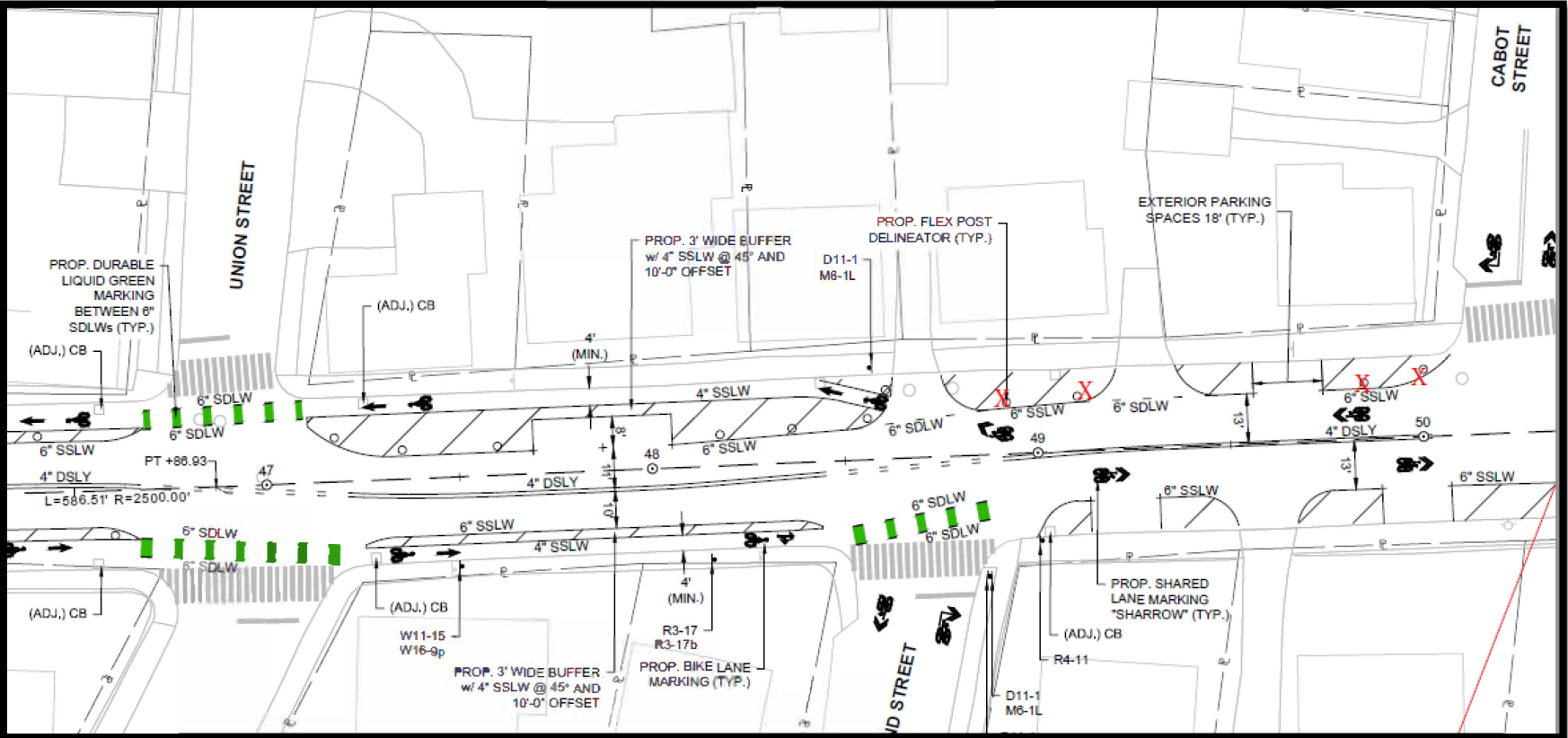
As has been documented in email exchanges provided to the City Council, NHDOT, as the fiscal agent for this project, has an obligation to protect the federal investment in the funds allocated to the City for this project in perpetuity. By extension, the City as recipient of these funds also has an obligation to do the same.

NHDOT staff have indicated that in order for them to consider whether design modifications are merited, the community would need to demonstrate safety, environmental or other concerns about specific design details by completing a review and analysis by a qualified engineer. If after that analysis is completed, there are concerns and engineered options that the City would like the Department to consider, NHDOT has indicated they would be open to discussion about changes that could be made. Staff estimates that the engineering fees associated with conducting this analysis and presenting design modifications would cost the City approximately \$5,000 to \$10,000.

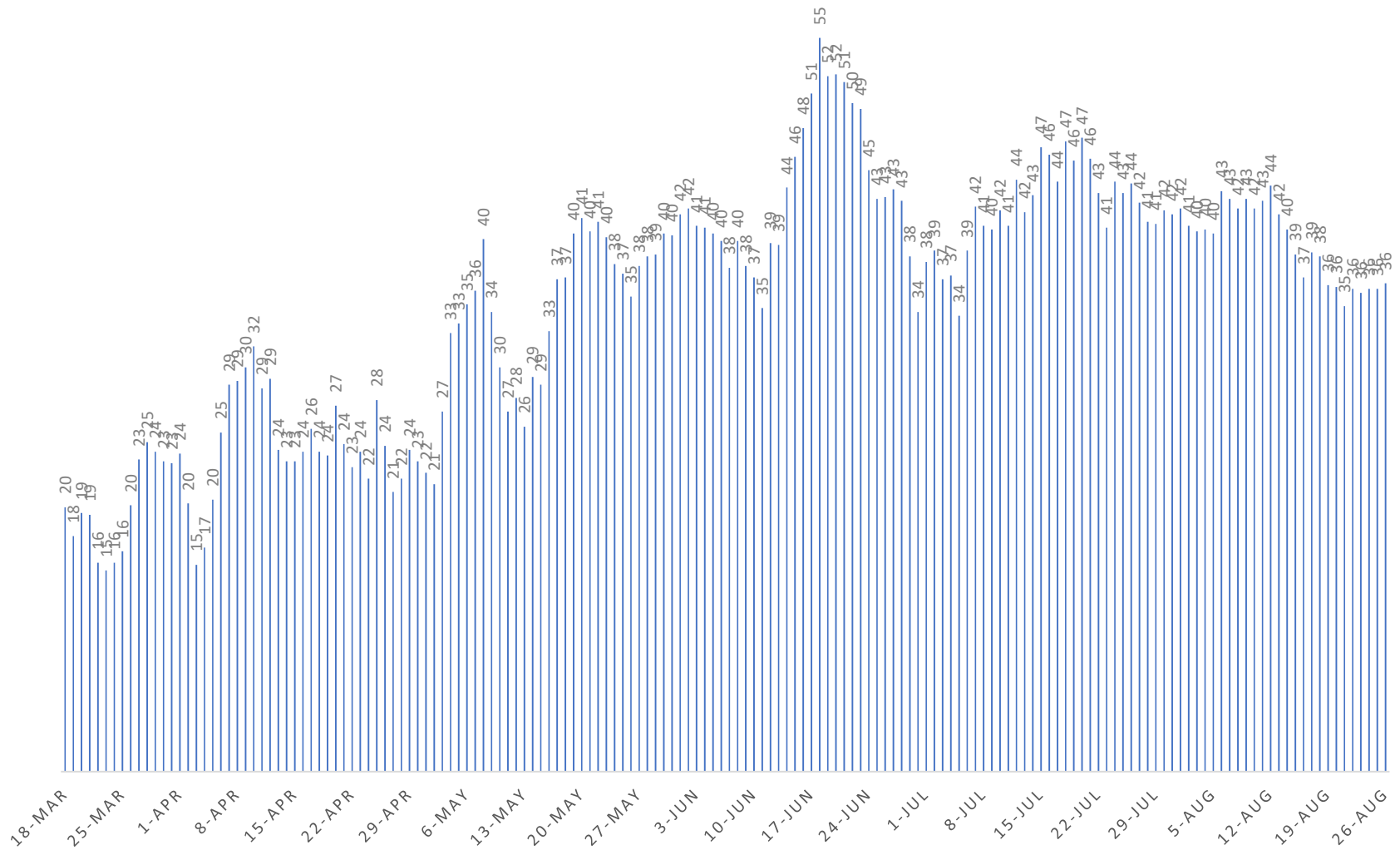
If NHDOT ultimately approves design modifications as described above, the City would then be responsible for the construction costs. It is unlikely any such changes would be able to be implemented until next construction season (spring of 2021).

At the August 18<sup>th</sup> City Council meeting, some Councilors suggested that the bike lane could be temporarily modified by moving the parking to the curb as an interim step while an alternative design plan is being developed. Staff does not agree that such a modification would be feasible or advisable as a temporary measure and is of the opinion that this would be unsafe for both motorists and bicyclists.

VI.A. Report back on bicycle accident on Middle Street



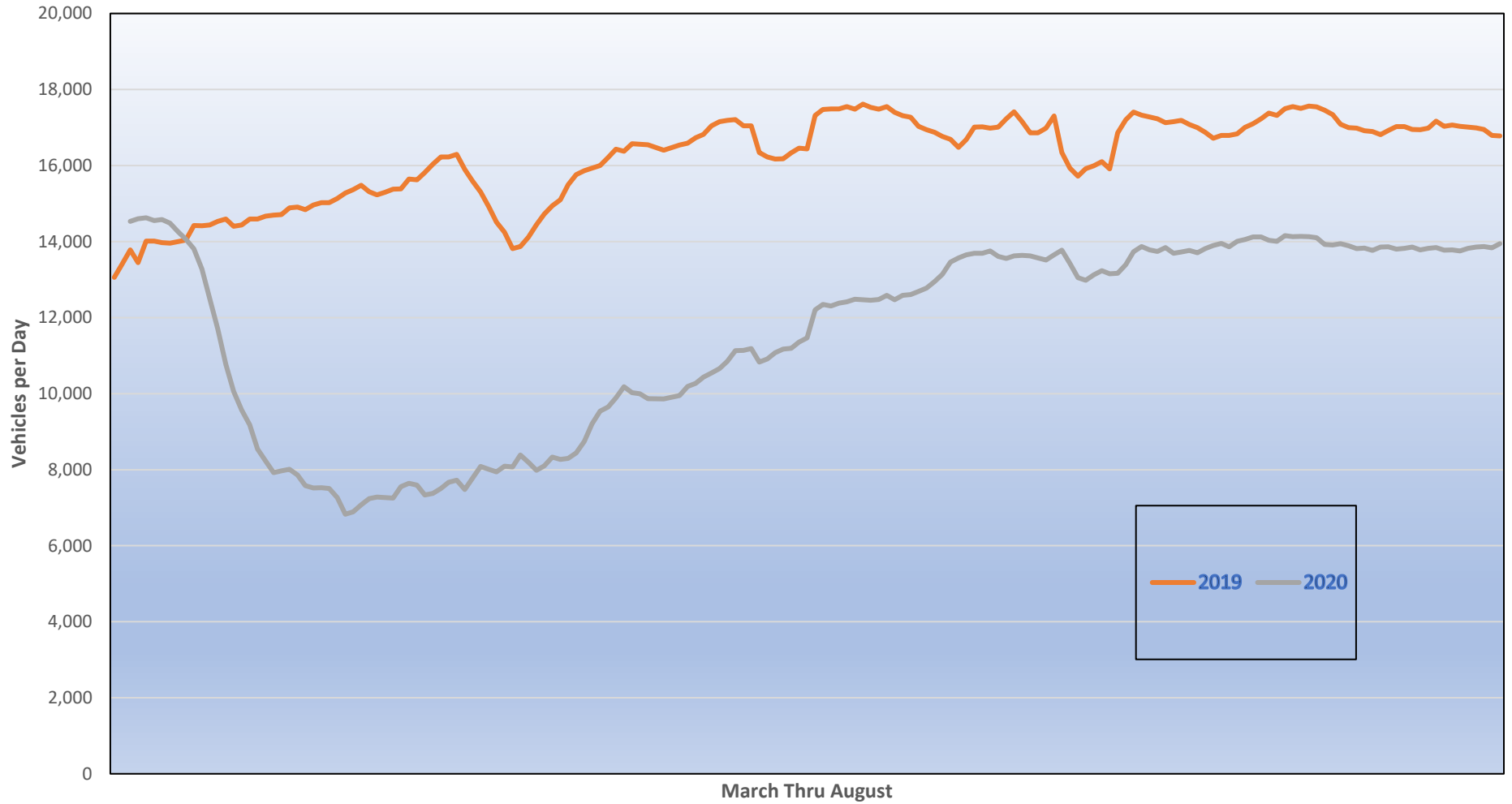
## AVERAGE DAILY BIKE COUNT ON LAFAYETTE AT SOUTH 7 DAY ROLLING AVERAGE







Lafayette Road at South Street  
2019 vs. 2020 Daily Traffic Volumes  
7 Day Moving Average





PTS OPEN ACTION ITEMS			
PTS Meeting Date	Action Item	Vote / Action	Next Step / Report Back Date
7/9/2020	Request for All-Way STOP at intersection of Jewell Court and Brewery Lane, by residents of area.	VOTED to request a report back in six (6) months from staff on All-Way STOP at intersection.	Future Meeting
12/5/2019	Chase Drive, request to prohibit parking on north side of roadway.	VOTED to prohibit parking along north side of Chase Drive and to direct staff to report back on parking on Michael Succi Drive between Chase Drive and Market Street.	Future Meeting
12/5/2019	Albany Street, parking in front of 85 Albany Street.	Staff will report back after the Islington Street detour project.	9/3/2020
11/7/2019	Speed Limit on Middle Road as it relates to the speed limit change on South Street between Middle Road and Lafayette Road.	3/5/20 - VOTED to table until the next meeting. VOTED to refer to staff for report back.	Future Meeting
11/7/2019	Sagamore Avenue, south of Sagamore Grove, request for No Parking on west side of roadway.	2/6/20 - VOTED to table until development of adjacent lot is completed. 12/5/19 - VOTED to refer to staff to report back. 11/7/19 - VOTED to refer to staff to notify abutters and report back at future meeting.	Future Meeting
10/3/2019	Discussion of speed limits, legal requirements and reducing speeds on City gateway roads.	Staff will report back at a later date on speed limits and speed segments on City gateway roads.	November meeting
10/3/2019	Loading zone time / hours (3 Pleasant Street).	VOTED to refer to staff for report back.	Future Meeting
6/6/2019	Request for 15-minute parking spaces on Hanover Street and the Vaughan Mall lot.	VOTED to table action on the three 15-minute spaces in Vaughan Mall parking lot behind 25 Maplewood Avenue and review the City's policy on designating 15-minute parking spaces.	Future Meeting
4/4/2019	Congress Street at Fleet Street lane use change.	08/01/19 - VOTED to implement the lane use changes on Congress Street and Fleet Street, and Pleasant Street at Market Square in the fall of 2019 on a trial basis and report back. VOTED to allow staff time to investigate the right turn only lane and making Pleasant Street one lane into Market Square.	Implement in the spring of 2020 on trial basis and report back
12/6/2018	Request for parking space in bike lane buffer at 60 Lafayette Road.	2/7/19 - VOTED to table request.	Future Meeting
11/1/2018	Request to remove 10 metered parking spaces on Deer Street between Bridge Street and Maplewood Avenue, to accommodate anticipated traffic from new Foundry Place parking garage.	VOTED to table request to allow time for staff to observe traffic operations along Deer Street after the opening of the garage.	Tabled until new parking garage is generating more traffic
9/6/2018	Request to install curbing and trees along Madison Street near the intersection with Austin Street.	VOTED to have staff collect data, evaluate and report back on parking and traffic on Madison Street.	Future Meeting
5/3/2018	Request for a loading zone between the hours of 9 am and 5 pm, 7 days a week, on Vaughan Street at 3S Artspace.	6/7/18 - VOTED to make no change at this time and revisit after hotel construction is complete. 5/3/18 - VOTED to refer to staff for report back at the next meeting, if possible.	Revisit after 111 Maplewood is completed
2/1/2018	Request to eliminate 2-hour time limit on Islington Street between Cornwall Street and Rockingham Street.	VOTED to table the action item until the new parking garage is operational.	Tabled until new parking garage is operational
10/5/2017	Request to eliminate access to Echo Avenue from Spaulding Turnpike Frank Jones Neighborhood Turnpike connections (Echo Ave & Farm Lane).	8/6/20 - (Discussion at meeting) - City Staff determining appropriate barricade system and in communication with NHDOT. 12/5/19 - VOTED to show support for permanent ramp closure with stipulations from the Fire Department and Police Department being addressed and to refer to staff for report back on permanent closure configuration after meeting with the New Hampshire Department of Transportation (NHDOT). 2/7/19 VOTED to extend the trial closure of Turnpike exit ramp onto Echo Avenue until the completion of the Woodbury Avenue Bridge.	Possible Update at 9/3/2020 Meeting
9/7/2017	Request for crosswalk on Grafton Drive at Sherburne Road.	10/5/17 - VOTED to have City staff work with PDA to implement pedestrian crossing at intersection of Grafton Drive and Sherburne Road. 9/7/17 VOTED to have staff collect data, evaluate, and report back with a recommendation at next month's meeting. (October Meeting)	Pending PDA funding for project