



## **Planning and Public Safety Committee Meeting**

May 7, 2019

### **Summary and Motions**

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Chair Mossotti called the meeting to order at 1:03 p.m. Committee Members Chuck Ellinger, James Brown, Josh McCurn, Jake Gibbs, Susan Lamb, Preston Worley, Amanda Bledsoe, Jennifer Reynolds, and Kathy Plomin were present. VM Steve Kay, CM Richard Moloney, CM Angela Evans, and CM Fred Brown were also present as non-voting members.

#### **I. Approval of April 9, 2019 Committee Summary**

A motion was made by CM Plomin to approve the April 9, 2019 Planning and Public Safety Committee Summary, seconded by CM Bledsoe, the motion passed without dissent.

#### **II. Enforcement of Traffic Laws**

Christopher Schnelle, Lieutenant with the Lexington Police Department, presented this item and reviewed the traffic staffing, describing how each position is allocated and assigned. He explained the basic procedures for issuing a citation or moving violation and described what it means to disregard a traffic control device. He reviewed the laws that regulate crosswalks and appropriate crossing for pedestrians and he also explained appropriate measures for parking and driving in bicycle lanes. Lastly, he described what increased enforcement would mean for the division.

CM Gibbs expressed concern about safety when drivers fail to yield at crosswalks, especially near schools. He commented on running stop lights and said distance from stop bar to light is sometimes quite a distance and asked if exceeding the stop bar is in the statute or if it is an interpretation. Schnelle said the stop bar is the best way to articulate if the stop light was ran. Gibbs commented on offense codes and asked what "failure to yield" includes and if there is a way to expand that to include failure to yield to people in a crosswalk. Schnelle said each KRS is broken down into separate UOR codes, but he would have to look closer at those to see how they are broken down.

VM Kay commented on the detail of citations and asked if there was data on the various citations happening during a particular timeframe. Schnelle said a report can be run at any time for a specific timeframe that shows all of the major violations. VM Kay said he is particularly interested in red light infractions and asked if there are certain intersections where there is a higher frequency of violations and citations. Schnelle said he is unsure of specifics, but can pinpoint these locations if citations have been issued. VM Kay asked if it would be possible to report other intersections that prove to be a problem with red light running and if we can get additional enforcement at those intersections. Schnelle said it is possible to have additional enforcement when they are made aware. VM Kay asked if there is a way to alert the community about the hazards and enhanced enforcement and Schnelle agreed this is something that can be done.

CM Plomin commented on the 2010 and 2019 traffic section personnel allocation and asked why 2010 had more assigned. Schnelle said the hiring was declined to consolidate more units to patrol in order to handle calls for service, but it has increased since then. Plomin asked about the differentiation between a bike path and bike lane and Schnelle provided an explanation.

CM Evans commented on safety officers being unable to write tickets and Schnelle clarified what they

can write citations for, but he explained they have no authority to stop anyone. Evans asked if the numbers provided were strictly from safety officers when they have written tickets in those instances or if it is overall. Schnelle confirmed it is department-wide. Evans asked if there is a way to provide this number in a way that shows if they are attached to other offenses, adding that people get stopped for a number of reasons. Schnelle said in order to do this, he would need to look at each individual citation. He said he could provide the number of traffic stops and the number of violations and calculate an average. Evans expressed concern about looking into additional enforcement without knowing where the largest amount of tickets are issued, adding that it should not be based on the area of the city.

CM Reynolds asked what is done in the way of citing for illegal crossing or failure to yield to pedestrians. Schnelle said in the first three months last year, there were 7 citations written to pedestrians for illegal crossing. Reynolds asked if enforcement can be increased on roads where pedestrians are crossing when they shouldn't be. Schnelle said it is a matter of a person making that decision to cross the road.

CM Lamb asked what the authorized strength for safety officers is and Schnelle said it is 16. Lamb asked if there has been a successful rate of retention with safety officers. Schnelle said there has been and of the original five, three of them are still here. Lamb said there is a great value in having safety officers again and said she appreciates the detail in what is being done in neighborhoods as far as traffic calming and safety.

Chair Mossotti asked who makes the decision as far as personnel allocated for traffic and Schnelle said it is the Chief. Mossotti commented on 2010 when the same amount was allocated as there is now except for safety officers and she said she can't imagine there were as many bike lanes or distracted driving so she would expect the allocation to be larger. Armstrong said in 2010 there were other assignments that did not exist to level they do today. He said we are trying to get back to where we were in 2010, but there are new responsibilities in the police department that have to be addressed. Mossotti asked if Traffic Engineering and Public Safety can work together to rectify inconsistencies in neighborhoods that have varying speed limits. Armstrong confirmed and explained that working on the education aspect could also be helpful.

CM Ellinger expressed concern about the requirement to use a bike lane when feasible, specifically in instances where cars are in the lane impeding the cyclist. He asked for clarification on the "No Parking" rule in the bicycle lane. Schnelle said if the roadway is wide enough for parking and it is not designated as not being allowed, then at that point the bicycle lane would not be feasible so the cyclist would go around the parked car. Ellinger asked about the time limit for using a bike lane as a loading zone. Schnelle said the way the ordinance is written they have 30 minutes. Ellinger asked who the complaints would go to and Schnelle said they would call the main public safety number.

CM Gibbs commented to Ellinger saying that Traffic Engineering is working on putting "No Parking" signs to reinforce where there is no parking. He said they are also working with Lexington Parking Authority because they can write tickets when people are parked illegally. Gibbs asked for continued prioritization of traffic enforcement and protecting citizens and quality of life.

No further comment or action was taken on this item.

### **III. Shared Mobility Vehicles**

Scott Thompson with Division of Planning, presented the item, outlining the current objectives. The

primary focus of these objectives is to develop a framework for this program to operate; protect public safety; develop a fee structure; and develop a framework for data distribution. He described recommendations brought forward by the Advisory Committee which were referred to the Law Department and a city ordinance was drafted for how this program would operate.

CM Reynolds commented on bikes being left and asked how quickly one would be removed. S. Thompson said initially it was 24-hour period for the removal, but they have moved to a 2-hour period with a \$500 fine. He said the bike company left about 2 months into the pilot program and, because the service was inadequate, the language has been developed to make it more restrictive and include a penalty. Reynold asked if 3-1-1 is the number to call to report a bike that has been left. S. Thompson confirmed and he explained how that call process works.

CM Worley commented on the language in section 18-148 regarding bicycles and suggested that other Shared Mobility Vehicles (SMVs) be included. S. Thompson said state law has defined scooters as bicycles or low-speed electric scooters and e-bikes. Evan Thompson, Attorney in the Law Department, this is explained in subsection (e) of ordinance. Worley said if we are going to amend the ordinance we should make sure the definitions are clear and correct, including all SMVs. Worley questioned what distinct criteria is required to ensure that we do not arbitrarily approve or deny a company's application. He asked if an individual user will be fined for riding on a sidewalk and E. Thompson said Section 2 explains that users of these SMVs are prevented from driving on the sidewalk area.

CM Plomin commented on the \$5,000 permit fee per licensee and the maximum of 2,000 vehicles and asked if that is comparable to other cities of this size. S. Thompson said he believes the companies will launch around the downtown or university areas and the increased fleet size is based on ridership. Plomin asked how many licenses we have so far and Thompson said 2 companies have expressed interest but we would require they have a manager in town as a point of contact. Plomin asked for an explanation of the rebalancing and S. Thompson said that every day the used SMVs need to be brought back to the drop-off location to be charged and rebalanced.

CM Lamb expressed concern about the safety of this and asked who will enforce safety of SMVs on bike paths. S. Thompson said speeds are limited to 15 mph on a bike path. Lamb commented on state and federal laws for dockless vehicles and asked if any of those require helmets. S. Thompson said no, but we want to encourage helmet usage. Lamb asked if there is a minimum age to ride these and E. Thompson said when the state law goes into effect at the end of June, the minimum age will be 16. Lamb suggested that the language regarding the portion of fees collected by University of Kentucky (UK) be changed to make those fees specific to the docking stations on campus. S. Thompson explained that the fees are based on ridership and not per bike because it is easy to track and bill, making it easier to manage. Lamb asked if UK would also get half of the \$5,000 permit fee and S. Thompson said they only get half of the cost per ride. Lamb commented on insurance performance bonds and how the amount of \$10,000 was decided on. S. Thompson said it came from review of other ordinances and policies in other cities and taking into consideration the costs associated when a company leaves and we have to deal with the potential clean-up and impounding of vehicles.

CM McCurn commented on the Public Safety campaign and asked if the city will pay or the company. S. Thompson said it would be both; as they do fleet increases, companies are obligated to do public outreach per the ordinance. He said using the fee shares for public outreach is also a good thing for the City to do to get information out to users and non-users. He said there is also public safety information on the app which can be targeted for specific issues. McCurn asked if there is a requirement for how

many or a timeframe and Thompson said it is twice per year and anytime the fleet is increased, but the City would have public safety campaigns throughout the year. McCurn commented on the age requirement and asked if there is a requirement to show IDs. S. Thompson said it is something that can be explored.

CM Ellinger asked if the issue of bikes being left would no longer be a problem since the SMV has to be returned to a docking station. S. Thompson said it could be left somewhere on a trip, but the next day it should be returned to the docking station. Ellinger asked if we have done away with *Spin* bikes and S. Thompson said the understanding is *Spin* is leaving July 1, but that is not certain. Ellinger commented on safety and asked who will be enforcing violations under Section 18-25 and E. Thompson said Division of Police would enforce driving violations. Ellinger asked how many total vehicles there would be and S. Thompson said each company is allowed to launch with 400 and we can have up to 5 companies for a maximum of 2,000 vehicles.

CM Moloney said he supports this program, but believes it would be better considered five years from now when the downtown construction is complete. He questioned when SMVs are taken off the right of way and if Division of Police has participated in discussions to determine how this will be enforced if these vehicles are on private property.

CM Bledsoe asked which groups were involved in the committee conversations in the last year. S. Thompson listed the various groups involved. Bledsoe explained her involvement with the Advisory Committee and said the scooters can come just like the bikes can come. One of the things we have worked on is to find a framework that will work for us rather than to be reactive to the SMVs showing up. She said there are things in the ordinance that we have concerns about, and having something in place will allow us to protect the community and find a way for these to operate here safely. She added that several companies have expressed concern and we should be mindful that we can incorporate those concerns into our ordinance.

VM Kay said the Advisory Committee was put together because of the concern that in other communities, the SMVs have simply shown up and that community has to decide how to regulate them so we want to be proactive. He said one of the concerns raised about the recent development community including along Town Branch and in the Distillery District is parking. He said these vehicles will enable people to get to these locations without a car and that will enhance the attractiveness of those new areas and this also has the potential to mitigate some of the traffic concerns in the community.

CM Evans asked if the Chamber reached out or had a role in reaching out to a specific company. S. Thompson said no, but we would love their involvement. Evans said we are unique with all of the projects we have and it would have been a good idea for them to explain what is going on in Lexington specifically. Atkins said he would not delay this moving forward based on input because these are going to come, but this gives us a framework.

CM Lamb referenced page 36 and asked where the group parking areas can be located. S. Thompson explained that they are in the public right of way outside of the walking zone. Lamb asked that the list of updated group parking areas be provided to the council district offices. She referenced page 37 and commented on the language regarding the licensee maintaining city-specific information outlining all of the locally relevant terms and conditions and said we need to make sure we explain where they can and cannot ride. Lamb mentioned Nashville's pricing options for low income and adaptability for people with

disabilities and suggested that we take those into consideration as well. Lamb referenced page 38 and commented on the equitable distribution zones and she requested that information be shared with Council.

CM Worley commented on the 50% of fees to UK and tracking that by bike or trip and asked about the calculations that went into determining this is the best option for the City and not based on a pro rata share. S. Thompson said the easiest thing to track is the number of trips and we looked at the data from the bike-share itself which showed anywhere from 50-75% were used by a university e-mail account or originated on campus. He said it can be done differently, but it is all dependent on the information provided by the company.

A motion by CM Gibbs to remove the Shared Mobility Vehicles Ordinance (as amended) from committee and to the full council, seconded by CM McCurn, the motion passed without dissent.

A motion by CM Worley to amend the Shared Mobility Vehicles Ordinance to amend language proposed in Sections 1 –(a), (b), and (d) to add after the word bicycle “electric bicycle, or electric motor-assisted scooter”, seconded by CM Bledsoe, the motion passed without dissent.

Keith Horn, Attorney with the Law Department, said the parking portion of the ordinance is written to be enforced by LexPark and there have been informal discussions with them about this. If their board is fine with this, we can move forward. If not, we will need more time to re-write the portion on enforcement of parking throughout the ordinance.

Chair Mossotti asked if there is urgency to this and Gibbs expressed concern that if we wait another month, it will be an additional month before it is reported out. Bledsoe said the issue is timeliness and we don't want the SMVs to show up without having an ordinance in place. She suggested any additional amendments be made at work session when this is reported out.

#### **IV. Items Referred to Committee**

A motion was made by CM Plomin to adjourn, seconded by CM Bledsoe, the motion passed without dissent.

The meeting was adjourned at 3:01 p.m.  
KT 5.15.2019