

City of Keene
New Hampshire

MUNICIPAL SERVICES, FACILITIES & INFRASTRUCTURE COMMITTEE
MEETING MINUTES

Wednesday, September 25, 2024

6:00 PM

**Council Chamber,
City Hall**

Members Present:

Mitchell H. Greenwald, Chair
Jacob Favolise
Catherine I. Workman
Laura E. Tobin

Staff Present:

Elizabeth A. Dragon, City Manager
Amanda Palmeira, Assistant City Attorney
William Schoefmann, Mapping Technician
Duncan Watson, Assistant Public Works
Director
Rebecca Landry, Deputy City Manager

Members Not Present:

Randy L. Filiault, Vice Chair

Jay V. Kahn, Mayor

Chair Greenwald called the meeting to order at 6:00 PM and explained the procedures of the meeting.

1) Downtown Bike Lane Policies - City Manager
Support of Downtown Bike Lane Policies – Mapping Technician

Chair Greenwald asked to hear from Elizabeth Dragon, City Manager.

The City Manager stated that she wants to thank the Bike Lane Policy Committee that has been working on this issue since the committee formed in March, and the Bicycle Pedestrian Path Advisory Committee (BPPAC), which also helped shape what is before the MSFI Committee tonight. Between these two groups, there have been great conversations, which have brought us to a really good point.

She continued that protected bike lanes physically separate cyclists from vehicle traffic, significantly reducing the risk of collision. Protected bike lanes encourage people to cycle, including with e-bikes, rather than drive, helping reduce the city's carbon emissions and environmental footprint. Research suggests that areas with bike-friendly infrastructure see increased foot traffic, benefitting local businesses. Cyclists are more likely to stop and patronize shops and cafes than drivers are, especially in areas with limited parking. Bike lanes provide a low-cost transportation option, offering accessibility to residents of all incomes. Currently, we see bikes and scooters on the city's sidewalks, which is already creating a safety and enforcement concern. Moving them to the bike lanes would improve pedestrian safety on the

sidewalks. Given the current concern of riders on the sidewalks, she does not recommend being overly reliant on police enforcement mechanisms. In her opinion, design is key to slowing down all who travel in the bike lanes. If there are frequent stops, changes in surface, warning and traffic control signs, tighter turns, and raised crosswalks, these elements will naturally slow down users. The short distances between the stops will make it more difficult for a motorized user to pick up speed. These design decisions are all part of the final design process soon to begin at the MSFI Committee.

The City Manager continued that tonight she has examples that were presented and discussed with the Bike Lane Policy Committee to help visualize the bike lanes' anticipated design elements. These examples show the stopping places and the turns incorporated to slow them down. The Bike Lane Policy Committee was comprised of various stakeholders, many of whom were selected by the Mayor. The group began their work in March and met for several months. Public Works staff and Stantec consultants attended, answered questions, and offered resources. Will Schoefmann was the staff liaison for this group as well as for the BPPAC, working through these topics with the BPPAC members as well. She thanks them all for their work, efforts, and thoughtful suggestions and recommendations.

The City Manager continued that the Bike Lane Policy Committee reviewed and discussed existing bike laws. Tonight the MSFI Committee has a handout of NH's existing bike laws. RSA 265-149 allows cities and towns to make ordinances, bylaws, or regulations regarding the use and equipment of bicycles, except mopeds, on its ways. Currently, Chapter 94-466 of the City of Keene's ordinances related to traffic, parking, and public ways primarily defines streets where bicycles are prohibited on the sidewalk. The MSFI Committee has that before them as well.

The City Manager continued that RSA 265-144(A) governs electric bikes. She has a correction to page 2 of her memorandum, where it talks about class 3 e-bikes exceeding 750 watts. They are actually not automatically prohibited in bike lanes, but they could be. In NH, class 3 e-bikes, which typically have motors exceeding 750 watts, are generally prohibited from being ridden on bicycle or multi-use paths, unless they are within or adjacent to a highway or roadway. Local jurisdictions, such as cities or towns, may have specific regulations that could allow or further restrict them. Thus, the (City Council) has the ability to allow them if they want to, but generally, class 3 e-bikes are prohibited. Class 1 and class 2 e-bikes may be ridden on bike lanes or on multi-use paths where bicycles are permitted, unless the (City Council) creates an Ordinance or rule to prohibit them.

The City Manager continued that the recommendations of the Bike Lane Policy Committee members and the BPPAC members are included in the memorandum. For key regulations for bike lane use, they are recommending the following:

- Cyclists must yield to pedestrians in bike lanes and at crosswalks, per RSA 265-37.

- Obey traffic controls: Cyclists must follow all traffic signals and stop signs, especially during downtown events.
- No parking and loading in bike lanes: Bicycles and vehicles must not park or obstruct bike lanes to ensure their availability for cyclists.
- Safe speed and direction: Cyclists should travel at safe speeds and ride in the direction of traffic, per Keene's Code of Ordinances, Sec. 94-465.
- Lighting requirements: Bicycles must have front white and rear red lights if operated between a half hour after sunset and a half hour before sunrise.

The City Manager stated that the safe speed and direction regulations are probably the most controversial ones, and the issue she has heard the most about. She continued that the regulations being proposed refer to "safe speeds," not a set speed limit, because she believes, again, that design is the way to get to that without adding the requirement for more enforcement.

She continued that the Bike Lane Policy Committee also came up with several safety recommendations. They recommend prohibiting class 3 e-bikes and motorized personal vehicles exceeding 750 watts from bike lanes, consistent with State law. They recommend requiring helmets for cyclists under 16 years old and requiring children between 1-4 years old, weighing up to 40 lbs., to be secured in a harness and properly seated on a bicycle.

The City Manager continued that the Bike Lane Policy Committee has several things they encourage bicycle users to do, such as the use public and private bike racks, which will be available throughout downtown Keene. A map of the bike rack locations will be made available. The committee says, "*These regulations and guidelines are designed to enhance safety, promote cycling as a viable mode of transportation, and ensure harmonious use of public spaces in the city.*" The committee came up with a lot more information and a detailed presentation, to be included on the City's website and referenced here.

The City Manager continued that the committee talked a lot about the importance of community engagement and education, especially with the introduction of the bike lanes in the downtown, and many people's lack of familiarity with bike rules in general. They felt it was important to do an outreach and awareness campaign, educate cyclists and the community about trail safety, speed expectations, and the importance of slowing down in certain areas. They can do this through signage, local campaigns or outreach events, and engagement with cyclist groups. They also recommend working with local cycling organizations or trail user groups to develop guidelines and promote safe riding practices can be a proactive way to reduce speeds.

The City Manager stated that that concludes her remarks tonight, and she knows members of the Bike Lane Policy Committee are present tonight and might want to add comments. The next step is a recommendation from the MSFI Committee, regarding drafting an Ordinance, and following through with the recommendations of the Bike Lane Policy Committee. Any Ordinance would then move to the PLD Committee for consideration.

Chair Greenwald thanked the City Manager for her presentation. He continued that he promised Vice Chair Randy Filiault that he would pass on his comments for consideration. Councilor Filiault does not want anything motorized in the bike lanes, which means class 1, 2, or 3 (e-bikes). Chair Greenwald thinks that trying to figure out which is which, from a distance, is quite problematic.

Chair Greenwald continued that he had personal experience with bike lanes during his recent trip to Norway, Sweden, and the Netherlands. Bike lanes are very well used in Europe. People seem to know how to handle it. However, every time (he and other visitors) stepped out of their bus and onto the sidewalk, their guide made it very clear that the bicyclists do not stop. That raises a concern. He has been concerned, since the beginning, about the safety of bike lanes. A huge amount of education will be necessary, not just for youth, but also for older folks who are using bicycles due to not being allowed to use their cars anymore. It is a leap of faith. He would like to hear from members of the Bike Lane Policy Committee.

Mayor Jay Kahn, 135 Darling Rd., stated that he was a member of the committee. He continued that the committee considered multiple perspectives on this. He gives credit to Mr. Schoefmann, who shepherded gathering and synthesizing the information and helped the committee arrive at the conclusions that the City Manager presented tonight. Councilor Ed Haas was very helpful, being a go-between with the BPPAC and the Bike Lane Policy Committee. He thinks there was good collaboration. The Public Works Department worked well with Stantec to gather evidence, if there was such that they were familiar with. He thinks this is a good start on the document. There are three years before this Ordinance can go into effect, and he encourages experimentation. He encourages them to consider whether there is a proper speed limit. The City has leaned into the need for alternative modes of transportation through Keene's Main St., which is good. This experiment needs to go forward, and they are creating the opportunity for it to go forward.

The Mayor continued that he thinks they need to lean into the need for people concerned for their pedestrian safety, and he thinks there is opportunity to do that. One of the State statutes suggests 10 mph (as a speed limit). It is not guidance for the City's document, nor for the State's; it just says you ought to be able to stop within 25 feet if you are going 10 mph. He assumes cyclists and pedestrians have differing perspectives on how fast cyclists ought to be riding. They have the time to do a test, and they have the mechanisms, which are the speed signs that activate when cyclists ride past them. You can find out what a pedestrian experiences, by looking at those signs, which show whether a bicyclist is traveling at 7, 8, or 10 mph. If they set up a proper experiment, the City has officers who could use the speed guns to also measure how fast a vehicle is going. They have the opportunity to test 8 mph, 10 mph, or faster. He hopes they try to gather that evidence. It annoys him when people say, regarding public policy, "I'll know it when I see it." They do not need to rely on intuition. They have the time and mechanisms to do a true experimentation and gather input from pedestrians and bicyclists, so both parties can advise the City on speed guidance to work into the rules. He asks the MSFI Committee, when they are making a motion, to consider recommending the gathering of evidence from Keene's

residents and bicyclists so they can craft some guidance that provides better knowledge about speed limits than what exists in the current rules as presented to the MSFI Committee.

Chair Greenwald asked the City Attorney what State law allows for if the rules are violated, such as misdemeanors.

Amanda Palmeira, Assistant City Attorney, replied that there are two penalties for violations of any Ordinance governing bicycles. She continued that one penalty in the statute is a violation-level offense, so it will not go up to the misdemeanor level. The other penalty is the City taking the bicycle. It seems like the statute intended that to be for bicycles with faulty or problematic equipment, but it technically does include uses, if they wanted to go that way. Chair Greenwald replied that it certainly would get someone's attention, if the City seizing someone's e-bike.

Chair Greenwald stated that his question for the City Manager is that this is a broad, non-specific set of thoughts. He asked if a speed limit and penalty would be at the Ordinance level, if they did want to insert that.

The City Manager replied yes. She continued that bikes, especially class 1 or 2 e-bikes, do not have speedometers informing cyclists of their speeds. She continued that that could be problematic in terms of enforcement. Those are issues they can discuss further when they get to the PLD Committee level. Chair Greenwald replied that his bicycle has a speedometer. People can buy them.

Councilor Favolise stated that with what the MSFI Committee has in front of them, and some endorsement from the BPPAC, he is happy to move forward in the process and let the PLD Committee look at the Ordinance. He continued that he does not bike or know much about bikes, but he knows some PLD Committee members are avid cyclists in the community and can provide expert opinions.

Councilor Favolise continued that he, too, is rather uncomfortable with the term "reasonable speed," because people have differing opinions on "reasonable." He questions what enforcement of that looks like, in the same way that the City Manager raised questions about what the enforcement of a numerical speed limit looks like. Beyond that, he looks forward at the committee level to diving into the final design.

Councilor Workman stated that she has two concerns with what has been proposed tonight. She continued that first, she shares Councilor Favolise's sentiments on defining a speed. She would like to see it defined in some way. She has concerns about police officers being the ones to enforce this. She asked if it is mandatory for it to be police officers, or whether it is something Parking could do while they are already on Main St.

The Assistant City Attorney replied that they would have to think about that more when they get to the Ordinance conversation, but her gut instinct is no. She continued that the statute clearly

makes it a violation, a criminal-type process. However, there are the provisions that allow the City to create its own ordinances, so there could be an opportunity there.

Councilor Tobin stated that she loves the idea of community engagement, which is a great way to bring everyone into the process. She continued that her questions, which she does not need answers to right now, are whether pedestrians are allowed in the bike lanes; whether tricks are allowed, since this encompasses skateboarders and different types of bicycles, or if people are expected to just go straight; and whether stopping is permissible in the bike lane. She also wants clarification about whether bicycles would be allowed during downtown events.

The City Manager replied that currently, downtown events are licensed space, so the bike lanes would stop at the point where the event is licensed.

Councilor Tobin stated that in terms of following the rules of the road, she does not know if the rules for bike lanes should include words such as “and other signs.” She continued that it might seem like stating the obvious, but bikes might need to stop in places where cars do not. She agrees about the posted speed limits, or somehow communicating that even if there are not necessarily ways to enforce it, it would be helpful to have an advised or expected speed limit.

Chair Greenwald stated that as this moves forward, the background notes should indicate that the Committee and the Mayor would like to see a number at some point (for the speed limit), and penalties for abusers. He continued that regarding Councilor Tobin’s comments about tricks, they will see many (electric) skateboards or scooters, probably more than bicycles, because they are inexpensive. They can just as easily run into a pedestrian. It is all about the riders’ behavior. It is a leap of faith to educate people and expect them to be responsible. If it does not work, the bike lane will become sidewalk again, which would be for a future Council to deal with.

Councilor Workman stated that they might want to change “encourage the use of bicycles for commuting, shopping, and recreation” to specify that those are the *only* permitted uses in the bike lanes. She continued that people could go to the Keene Bike Park for (tricks/other uses). Chair Greenwald replied that he is sure the PLD Committee will spend lots of time on this.

Chair Greenwald asked for public comment.

Autumn DelaCroix of Court St. stated that she is a member of the BPPAC. She continued that in Sweden, the Netherlands, and Norway, probably the bike lanes Chair Greenwald saw were long and gently curved or straight, without interruptions every 10 to 30 feet, and without constant sharp turns, like the bike lanes on (Keene’s) Main St. will have. She does not think they will see anyone (riding) more than 12 (mph) in a 25-foot section.

Chair Greenwald replied that as the Mayor said, they have plenty of time to test this out.

Sam Jackson of Court St., BPPAC Chair, stated that she agrees with Councilor Filiault's concern, regarding e-bikes in the bike lanes. She continued that the maximum speed of class 1 and 2 e-bikes tends to be 20 mph. If they dropped the Main St. speed limit for automobiles to 20 mph that matches the cap of e-bikes and would probably make it feel safer for them to be there instead of on a bike lane. If someone is choosing the bike lane for safety, that could give them another option instead.

Chair Greenwald replied that that makes sense. He continued that following what Ms. Jackson is saying, if someone is in such a hurry on an e-bike, they can ride with the traffic. Ms. Jackson replied yes, the bike lane does not take away that opportunity. She continued that the same is true for racing cyclists. The bike lane is not a good place for someone in training and trying to ride very fast. Ms. Jackson continued that she wants to thank the City Manager for the way she presented the (proposed bike lane policies), which she thought was very well done.

Mike Zoll of 18 Summer St. stated that he was on the committee, which he thanks the City Manager and the Mayor for forming. He continued that what he hears the group talking about tonight is everything that the Bike Lane Policy Committee talked about for about six meetings. The committee did a lot of pondering about speed and thought a lot about what other cities like Keene are doing. It is wonderful that the MSFI Committee is struggling with this, because this is exactly what the Bike Lane committee did, and probably what the BPPAC did in many ways. The City Manager's opening comments about design were profound. Design will truly affect the speed. He, too, has traveled to the places Chair Greenwald spoke of, as well as other places where bicycles are prominent. When he was an undergrad in CA there were 30,000 bikes a day on campus, and he participated in a committee that worked on how to keep 30,000 bicyclists and tens of thousands of pedestrians safe. It is good to struggle with this. He thinks the design is perfect. The Committee struggled with the speed issue, too, and he thinks coming up with "safe" was the wise way to go for now. He likes the Mayor's comments about how they can figure it out in the coming months and years. The testing is a great way to go and looking to see what other communities are doing, what has worked, and what has not. He thanks everyone for their work on this. Keene is going in the right direction, promoting bike and pedestrian safety, infusing the downtown with a sense of vision and future.

Rowland Russell of High St, BPPAC Vice Chair, stated that over the months that the BPPAC has been discussing this, they were making distinctions between recommendations and regulations. Regulations that they have discussed tonight will move into ordinance material. He appreciates the comments tonight and thanks everyone who has been involved, including the Bike Lanes Policy Committee and the City Manager. He thinks there is more work to do with community partners, like Pathways for Keene, the BPPAC, the New England Mountain Bike Association, and other groups that are doing community rides. They need to work on the behavioral changes and the education and outreach, to make the recommendations they have been talking about part of the culture. He looks forward to working with the community partners, the MSFI Committee, and the City Council to help bring that about.

Chair Greenwald thanked everyone for their input and stated that everyone will have further opportunities to speak as this moves through the PLD Committee. He asked if the Committee or public had further comments. Hearing none, he asked for a motion.

Councilor Favolise made the following motion, which was seconded by Councilor Workman.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the City Manager submit a proposed Ordinance for the establishment of appropriate rules for the operation of bicycles in the Downtown Core.

Chair Greenwald asked if William Schoefmann wanted to add anything.

Mr. Schoefmann replied not unless the MSFI Committee had any questions about BPPAC support, which he thinks the BPPAC members spoke to. Chair Greenwald replied that he thanks Mr. Schoefmann for his great work.

2) **Relating to Winter Maintenance Parking Restrictions**
Ordinance O-2024-14

Chair Greenwald asked to hear from staff regarding Ordinance O-2024-14.

Duncan Watson, Assistant Public Works Director, stated that they have managed to avoid this for over 32 years, but no longer. He continued that this relates to the lifting of the winter maintenance parking restrictions that are currently in place. The City has a blanket ban in place, meaning from November to April, no on-street parking is allowed overnight. This Ordinance would lift that blanket ban and switch to a situational ban, dependent on the announcement of a winter weather event. They left the details of how Public Works plans to notify people purposefully vague, because they do not yet know how this will go. They currently have a good notification system in place, which they will utilize to begin with, and they have other tools in the toolbox to use later on, if that is deemed necessary. Some of those tools would have a cost. For example, they could add a module to the LED streetlights, which would add a publicly visible signal as a warning that a winter parking ban is in effect. He just spoke with the City's streetlight vendor and does not yet have the cost estimate for that. He was not planning to bring that forward because he does not feel it is necessary yet. They would want to first see how the current notification system goes.

Mr. Watson continued that Public Works is not involved in enforcing the parking ban; that is the Police Department's role. Public Works will not get into the towing business. If people violate this Ordinance, they will be ticketed. The public and private sectors' towing infrastructure is not conducive to mass towing events, so Public Works hopes the notification system works. They will adjust it if necessary. If the Public Works Director were here tonight, he would probably say that the first storm or two might be a bit bumpy, but staff will learn along with the public and adjust appropriately and bring forward other solutions for consideration if necessary. He thinks

this will be good news for the majority of people who have been asking for this change in winter parking over the years. Public Works staff in general support it, but do not want to be damaging vehicles that are parked in the public way, which is their primary concern. There will end up being some unhappy people who get plowed in on occasion, if they leave their vehicles on the street. After a while, there will probably be a ticket along with that. Staff hopes for good compliance and hopes the word-of-mouth spreads. This ordinance will give people many more parking options than they currently have.

Chair Greenwald asked if this also affects the parking lots. Mr. Watson replied that it already does; there is alternating lot parking with the winter ban. He continued that people will be allowed to park (overnight) when there is not a ban. Staff is looking at installing permanent variable message boards on the parking lots. They are working on finding a good system for that, so they can better inform the public, knowing that the alternating lots gets confusing for people.

Chair Greenwald asked if Main St. overnight parking is included in this. Mr. Duncan replied that those are metered lots, but yes, in theory, there is nothing to stop someone from parking downtown. There are not carve-outs for restrictions. Chair Greenwald replied that he is happy to hear that.

Councilor Michael Remy of Castle St. stated that he appreciates the work on this, which is a great compromise. He continued that he knows how much thought has to go into this, because clearing out snow is such an intricate process. He would love for this to be tied to the National Weather Service alerts, but he thinks where it is now is great. He wants to be really thoughtful. Currently, the ban is only at night. With the way this is written, the ban could be during the day, if needed. He wants them to be thoughtful and not institute many daytime bans for Main St., although he understands there may be times when it is beneficial to block off certain sections if there is a big storm, which they currently do not have the ability to do.

Councilor Tobin stated that she assumes that during a ban, everyone who normally would park on the street would have to find a lot to move their car to. She asked if there is any concern about those people trying to find out where they can park in that period of time. Mr. Watson replied that currently, the Parking Division has extensive maps available to show people where to park during a parking ban. That will be another resource they use to help inform the public of the alternatives. The winter parking ban will essentially end up being a small fraction of what it used to be. This situation will massively improve the parking. Yes, there will be a scramble during an actual winter storm event that people are notified of, but that happens now anyway.

Councilor Tobin replied that she thinks it is great, and just wants to make sure that in the communication it is incorporated into that. (For example), "This is where you can park on Thursday," so when there is a ban, maybe (it is) more specific, if possible. Mr. Duncan replied that they cannot put too much information in a notification, so they would probably say, for example, "For parking alternatives, go [here]."

Rebecca Landy, Deputy City Manager, stated that those maps are already at keeenh.gov/parking. She continued that there are a number of different maps, based on people's needs. They are Google maps, and from your phone, you can navigate to the lot available on Monday night versus the one available on Tuesday night. They tend to send people to various lots depending on the night of the week so Public Works can plow a certain lot when there is no parking allowed there, versus a night when people are directed to park there. They will continue that practice.

Chair Greenwald stated that this will work. He continued that it will surely be better than having four months of no overnight parking allowed. He asked if members of the public had any questions or comments.

Ian Matheson of Court St. stated that he thanks the City Manager and staff for submitting this Ordinance. He continued that as a downtown resident who struggles with winter parking, it is great to see this come forward and it will definitely help people who want to move downtown, because now they will have the option to park in the winter. He asked if the parking lots will still have overnight parking on alternating nights, or if the lots will be entirely unavailable during a ban.

Mr. Duncan replied that during a winter parking ban there will be alternating lots, but not otherwise. Mr. Matheson asked if he means it will be as it is now, where you can park in whatever lot you need to when there is no ban. Mr. Watson replied yes.

Mr. Matheson continued that his other question is about Section 4.A., which says, "*a declaration will be made no less than six hours prior to the starting time of the ban.*" In the current Ordinance, Section C talks about closing for maintenance "*at least five days prior*". He asked if that will change with the implementation of this Ordinance, because they contradict each other.

Mr. Watson replied that maintenance is different from snow plowing. He continued that maintenance is something like repairs, crack sealing, or line painting. Mr. Matheson asked if something could be put in this Ordinance to clarify that, maybe a definition section clarifying "winter parking ban" versus "maintenance," so people do not get confused. Mr. Watson replied that when staff looked at this, they focused specifically on this (winter parking) aspect of the Ordinance, but the Ordinance encompasses more. Once they get some experience with implementing this Ordinance, the intention is to come back and clean up the language, once they experience what works and what does not work.

Mr. Matheson thanked Mr. Watson. He continued that it will be great to be able to park downtown in the winter. In his opinion, people who park on the street during a ban should have their vehicles plowed in instead of towed. That would be more effective.

Chair Greenwald asked if there were any further questions from the public or Committee. Hearing none, he asked for a motion.

Councilor Workman made the following motion, which was seconded by Councilor Favolise.

On a vote of 4-0, the Municipal Services, Facilities, and Infrastructure Committee recommends the adoption of Ordinance O-2024-14.

3) More Time Items

A) Councilor Williams – Accessible Curb Ramp at Bus Loading Area - Central Square Terrace on Roxbury Street

4) Adjournment

Chair Greenwald stated that this is not on the agenda, but he will call it “Coming Events” – the next MSFI Committee meeting will have a discussion of the intersection of Route 9 and Sullivan Rd. He continued that there have been a number of accidents and there is much concern. He has received letters and comments. The Public Works Director and the City Manager are working on it. There will be some sort of public discussion prior to the MSFI Committee meeting in October, so people should pay attention to that. Solutions will be found to this serious problem.

There being no further business, Chair Greenwald adjourned the meeting at 6:44 PM.

Respectfully submitted by,
Britta Reida, Minute Taker

Edits submitted by,
Terri M. Hood, Deputy City Clerk