

TRANSPORTATION SAFETY COMMISSION

October 29, 2019

The Vienna Transportation Safety Commission (TSC) met in regular session on October 29, 2019 in the Vienna Town Hall Council Chamber, 127 Center Street S, Vienna, Virginia. Chairman Ed Somers opened the meeting at 8:00 pm with the following Commissioners present: Leonard Ignatowski, Keith Aimone, Loginn Kapitan, Angela Sorrell, Beth Eachus, Donna Smith, Charlie Strunk and SallyJean Penna. Also present were Jennifer Sigler, TSC Clerk, Andrew Jinks, Department of Public Works (DPW) and Sergeant Pete Elias, Vienna Police Department (VPD).

Approval of the September 24, 2019 Meeting Minutes

Commissioner Sorrell made a motion to approve the September 24, 2019 meeting minutes.

Commissioner Eachus seconded.

Motion carried unanimously, 9 – 0.

Department of Public Works (DPW) Report

Kingsley Road and Tapawingo Road SW Traffic Calming - DPW is continuing to coordinate with an on-call engineering consultant on the design phase of the project. A 30% plan was submitted to DPW on October 3rd. The current design includes curb extensions, crosswalk improvements, reconfiguration of pedestrian ramps, and stormwater management facilities for both the Kingsley Road and Tapawingo Road intersections with Meadow Lane SW.

Park Street NE Speed Tables - DPW is coordinating with a contractor to install the two speed tables recommended by the TSC in a motion that was passed in February of this year. The speed tables should be installed by the end of this calendar year.

Transportation Safety Study (Area Bounded by: Courthouse Road, Nutley Street SW, and Maple Avenue) - DPW is reviewing the public comments from the last TSC meeting and beginning to develop a plan for the study. Currently the plan is to:

- Review existing traffic data and analysis
 - Collect traffic data from each roadway in the study area (consultant maybe required)
 - Review the communities' concerns side by side with the traffic data collected
 - Provide preliminary recommendations
 - Discuss preliminary recommendations with TSC and community
 - Provide final recommendations
- DPW is in the process of determining when and if to involve an engineering consultant for analysis and recommendation services.
 - Schedule: Collection of traffic data will take place after the holiday season, possibly after the core winter months to avoid the impacts of winter weather that can affect the traffic data. After all required data is collected the analysis will immediately begin.

Answering Questions from Last TSC Meeting (Sept 24)

- Can speed tables be utilized on emergency routes?

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- Answer: Speed tables can be utilized on emergency routes but are not an ideal traffic calming measure for emergency routes due to the increase in emergency response time. DPW discussed the matter with the chief of the fire department and fire department takes a neutral position on the use of speed tables on emergency routes. The fire department requested being informed of any speed tables that are being proposed on emergency routes. Two traffic calming alternatives include offset speed tables or speed cushions.
- There is signage at various intersections along Old Courthouse Road and Follin Lane that restricts turning traffic during certain times of the day, what is the Town's policy on adding this type of signage?
 - Answer: To clarify, the signage along Old Courthouse Road and Follin Lane restricts all turning traffic, there is no mention of local or commuter traffic. The signage that is currently installed is grandfathered in and will not be removed. DPW's policy is to no longer recommend installing signage that restricts turning traffic or through traffic. This type of signage can cause negative impacts to adjacent intersections and roadways, which defeats the purpose of traffic calming. This type of signage can also create confusion for drivers.
- Does Town Council expect the TSC to pass a motion on the proposed SMD pilot program?
 - Answer: Yes, Town Council is expecting the TSC to pass a motion approving the SMD pilot program documentation. To remain on schedule the TSC will need to pass a motion on the SMD pilot program at the next TSC meeting in November.
- What is the process for requesting new street lighting?
 - Answer: Fairfax County has a Streetlight Citizen Petition Program but due to funding limitation, petitions for new streetlights installation cannot be accepted at this time. See the County's website for more details.
- How can the Town count pedestrians along roadway or at intersections?
 - Answer: The Town can utilize a PYRO (pyroelectric) sensor, which is an infrared sensor that attaches to a light or signal poles to count pedestrian and bicyclists. The Town is currently utilizing a similar device along the W&OD trail. Depending on the coverage area required it maybe more economical to utilize a contractor for counts. DPW will determine the appropriate count collection method on a case by case basis.
- When will the RRFB pedestrian crossing signs be operational?
 - In mid-October DPW submitted a work order to Dominion to connect the signs to the power grid. The signs will be operational once Dominion connects them. Dominion predicts their work will be completed by mid-December.

Receipt of Petitions and Communications from the Public

These are non-action items for initial presentation only; three-minute time limit enforced

Chris Hogan, 226 Glen Avenue SW, asked for clarification on the Maple/Nutley/Courthouse study. He lives in that neighborhood, on a very pleasant street and he would like it to stay that way. He and his neighbors are fearful of the future, however. He realizes the TSC normally reacts to petitions for existing

problem areas; he wants to be sure this study will be proactive and will correct traffic issues before they arise.

Chairman Somers explained the Maple/Nutley/Courthouse study is unique because it came to the TSC via Council, not through a petition. DPW will be taking a proactive approach in addressing traffic concerns in the study area.

Nancy Asman, 208 Courthouse Circle SW, wants to ensure Courthouse Road SW is not forgotten in the study – there is already a lot of traffic on Courthouse Road.

Shared Mobility Device (SMD) Pilot Program

Mr. Briglia, Town Attorney, explained why the Town is implementing the pilot program. It is mandated by the Virginia General Assembly. Localities must adopt a regulation/procedure/ordinance (which would include a pilot program) or they will be precluded from adopting such a regulation/procedure/ordinance and the shared mobility devices would be able to come in and use the right of way as they please. Obviously, the Town wants the orderly use of the right of way, therefore the pilot program is necessary. The pilot program will last one year, after which time there will be data which can be evaluated and used to update the regulation/procedure/ordinance.

Mr. Jinks gave the following presentation:



Agenda

- Background
 - What are Shared Mobility Devices?
 - Virginia History
 - New Legislation
 - Regional Context
- Proposed Pilot Program
 - Highlights
 - Frequently Asked Questions
 - Next Steps / Schedule



SMD Pilot Program

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What are Shared Mobility Devices (SMDs)?

- Bikes, e-bikes, and e-scooters owned by private companies, rented to the public via smartphone app
- Parked in public space as “dockless” vehicles – typically locked to self
- Intended for short trips
- A part of multimodal transportation



SMD Pilot Program

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History of Shared Mobility Devices in Virginia

- Private companies began renting dockless bikes to the public in DC in 2017, then in Northern Virginia
- Recently most companies have transitioned to e-scooters only
- When first introduced in Virginia, SMDs operated unregulated due to the absence of specific language in the State Code
- Jurisdictions responded in varied ways:
 - Arlington allowed them and quickly adopted a pilot program
 - Norfolk impounded the scooters, and is now issuing an RFP for a pilot program
 - Richmond impounded the scooters, and has now adopted a permit program
 - Alexandria allowed them and quickly adopted a pilot program
- In the absence of state legislation, jurisdictions that control their right of way were able to impound the devices



SMD Pilot Program

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New Legislation

- General Assembly passed legislation, effective July 1, 2019, that gives localities the ability to regulate scooters
 - Localities may not ban them but can regulate them
 - Burden of failure to act falls on the locality
 - After Jan 1, 2020, jurisdictions will no longer have the ability to impound

§ 46.2-1315. Powers of localities to regulate use of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.

Any county, city, town, or political subdivision may (i) by ordinance regulate or (ii) by any governing body action or administrative action establish a demonstration project or pilot program regulating the operation of motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire, provided that such regulation or other governing body or administrative action is consistent with this title. Such ordinance or other governing body or administrative action may require persons offering motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire to be licensed, provided that on or after January 1, 2020, in the absence of any licensing ordinance, regulation, or other action, a person may offer motorized skateboards or scooters, bicycles, or electric power-assisted bicycles for hire.



SMD Pilot Program

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Regional Context

- Fall 2017: Washington, DC and Montgomery County, MD began pilot programs
- Spring 2018: scooters introduced in DC
- Fall 2018: Arlington County began pilot program
- Fall 2018: City of Alexandria began pilot program
- Summer 2019: City of Fairfax began pilot program
- City of Falls Church and George Mason University are exploring pilot program options as well.
- Fairfax County: in process of developing a county ordinance



SMD Pilot Program

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Proposed Pilot Program: Highlights

- Duration: one year (January 2020 – January 2021)
- Community:
 - Community outreach and education
 - Community survey
- Fee Structure:
 - Permit Fee: \$5,000 per operator
 - Right-of-Way use fee: \$0.05 per trip
- Fleet Size Cap
 - Initial max of 150 devices per mode per operator
 - Operators may add up to 25 more devices per month if they demonstrate at least 3 trips per day per device in the previous month.



SMD Pilot Program

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Proposed Pilot Program: Highlights

- Operators are required to remove improperly parked devices within 2 hours of notification.
- Operators to provide monthly pilot program data which will include
 - Ridership data
 - Trip data
 - Crashes/injuries
 - Complaints
 - General feedback



SMD Pilot Program

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Town Responsibilities

- Set up MOAs (Memorandum Of Agreement)
- Review permits
- Test scooters and approve to deploy
- Respond to citizen comments
- Establish courtesy parking corrals
- Monitor usage data
- Conduct neighborhood outreach
- Communicate with residents, businesses, vendors



SMD Pilot Program

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Frequently Asked Questions

- Can the Town Ban the scooters(SMDs)?
 - No, the language from the legislation prevents localities from banning them (DPW has confirmed this with the Town's attorney).
- Can the Town significantly limit the amount of scooters available for rent (for example: only 5 scooters per operator)?
 - No, that type of limit would be essentially banning the scooters and would make the program not economically viable and would not be legally supported (DPW has confirmed with this with the Town's attorney).



Frequently Asked Questions

- Can the speed of the scooters be regulated?
 - The state limits the scooters to 20 MPH. Localities can further reduce the speed limit. Examples:
 - Arlington County – 10 MPH
 - City of Alexandria – Cites Legislation (20 MPH)
 - City of Fairfax – Cites Legislation (20 MPH)
 - City of Falls Church – 10 MPH
 - Fairfax County – 10 MPH
- What is the regulation on helmets?
 - Town Ordinance Sec. 21-8.2: Users 14 years of age or younger must wear a helmet when riding a bicycle, electric assistive mobility device, toy vehicle, or an electric power-assisted bicycle.
 - NOTE: Scooters can only be rented by users with a valid credit card (18+ years of age)



Frequently Asked Questions

- What is the regulation on sidewalk use?
 - Town Ordinance Sec 21-10 (**To be utilized for the SMD Pilot Program**):
 - Children under 11 years of age may ride a bicycle upon any sidewalk.
 - **Bicyclists of any age may ride a bicycle on sidewalks wherever it is hazardous to ride in the roadway.**
 - No person shall ride a bicycle on a sidewalk in any private shopping center.
 - Bicyclists shall be required at all times to yield the right-of-way to pedestrians on sidewalks and, before overtaking and passing pedestrians, shall give an audible horn or bell signal.



Next Steps / Schedule

- Review the public comments from tonight.
- Update and finalize SMD pilot program documents
- Provide final documents for the TSC and public for review
- TSC to pass a motion accepting the proposed SMD Pilot Program documents at the next TSC meeting (November 26)
- Town Council to review, discuss, and approve the SMD Pilot Program
- Pilot Program to begin in January



Chairman Somers asked for the definition of an “improperly parked” device.

Mr. Jinks replied an “improperly parked” device would be one that blocked any part of the typical walking path within a sidewalk; devices should also be parked upright.

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Commissioner Kapitan requested the docking areas be throughout town and not just located along the Maple Avenue corridor.

Mr. Jinks replied multiple locations throughout town were being considered.

Vice Chairman Eachus asked if the Town could set its own speed limit for the devices.

Mr. Jinks responded yes.

Vice Chairman Eachus asked if the five cents per mile was calculated from the point of origin.

Mr. Jinks stated he believes it is from the point of origin, but he will look into it.

Vice Chairman Eachus asked how the providers will be notified of improperly parked devices.

Mr. Jinks said the improperly parked devices could be reported by anyone.

Vice Chairman Eachus suggested the speed limit set by the Town for the SMDs should also be the speed limit for private citizen scooter usage.

Mr. Jinks said private citizen scooter usage would not be addressed in the pilot program because it is geared towards the operators.

Commissioner Aimone asked if Vienna would regulate the types of engines in the scooters, such as gas powered vs. electric.

Mr. Jinks explained there would not be a regulation on the type of engine at this time because anyone can purchase a scooter of their choosing and use it. The pilot program is geared more towards the operators.

Commissioner Ignatowski mentioned that New York City prohibits bicycles on the sidewalk. He suggested it may be practical to keep the scooters off the sidewalks.

Chairman Somers asked if there would be a time of day when the scooters would not be allowed to be used, such as between 10 pm and 5 am.

Mr. Jinks stated during the pilot program there would be no time restrictions, but as the pilot program progresses, if it becomes an issue, time restrictions can be added to the pilot program and eventually included in the ordinance.

Commissioner Smith has concerns that people younger than 18 will find a way to use the scooters.

Mr. Jinks allowed that is something that will have to be watched.

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Commissioner Strunk has concerns for the visually impaired community. His experience in Arlington and Washington, DC is the scooters seem to be laying everywhere.

Commissioner Sorrell asked how the accident data is reported.

Mr. Jinks replied the accident data is self-reported.

Commissioner Penna asked if the scooters can use the W&OD trail.

Mr. Jinks confirmed they can use the W&OD trail.

Chairman Somers asked Mr. Jinks to find out about the use of privately-owned scooters and motorized skateboards/bicycles on the W&OD trail.

Christopher Hogan, 226 Glen Avenue SW, reminded the TSC that the real debate on SMDs at the last Council Meeting was over sidewalk usage. Councilman Noble mentioned that Maple Avenue could be geofenced to reduce the speeds on the sidewalk to 6 mph. Mr. Hogan suggested "how's my parking" stickers with a phone number to call. Finally, he asked if there would be SMD corrals at the schools. He offered his services to gather trip data.

Stephanie Paduano, 118 Kingsley Road SE, is passionately against the SMD pilot program and scooters in general. Where the geofencing ends, you can see them piled up on the sidewalk. She suggested adding noise to the scooters so they're not silent. She proposed prohibiting sidewalk use in school zones when the lights are flashing.

Michael Allen, 408 Center Street S, agrees with 85% of Ms. Paduano's comments. He works in Arlington and deals with scooters on a daily basis. Even though scooters are small, they do take up an awful lot of space when they are being operated on a sidewalk or a confined area because of their speeds.

Ray Daly, 305 East Street NE, believes the W&OD trail should be specifically mentioned in the pilot program documents. He asked if the police would be receiving training. He is in favor of the SMDs because his brother has a pacemaker and cannot exert himself bike riding any more, but he can use an e-bike to keep up with his cycling friends. He has concerns about the downhill coasting speed of the scooter.

Vice Chairman Eachus asked what will happen if no business comes during the one year pilot program; would the pilot program term be extended.

Mr. Jinks said the program can be extended if there is a need to collect more data.

Commissioner Kapitan asked if there would be incentives for people to return the devices properly.

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Mr. Jinks explained the operators would be the entity to offer any incentives.

Chairman Somers wants it to be clear to the residents whom to call with scooter complaints: a central number that can collect information and produce data. He also asked for the use on the W&OD trail to be clearly defined.

VPD: Use of Speed Cameras and Red Light Cameras in Vienna

Sergeant Elias explained speed cameras are not allowed in the state of Virginia. Speed cameras are only allowed by Virginia State Troopers to use in highway work zones and the trooper's vehicle must have its blue lights flashing and signage warning of the camera use must be placed within 1,000 feet of that work zone. Citations can only be issued for 12 mph or more over the stated speed limit. Regarding the use of photo red light cameras – the Town used to have two of them: one at the intersection of Courthouse Road and Nutley Street and one at the intersection of Glyndon Street at Maple Avenue. They are no longer in use because the cost of monitoring the cameras and having the data processed by a company in Texas was much too expensive. The Town did not receive enough revenue from the cameras to compensate for the cost to the Town.

BAC Report

BAC Chairman Eachus said they discussed the revision of the guidelines and worked on the bicycle route map and have come up with a list of proposed bike routes. There were four bicycle community rides this year and they hope to have six next year.

PAC Report

PAC Chairman Sorrell stated the PAC is finalizing edits to the Street Safety Guide which goes before Council in February 2020. Additionally, they discussed new home construction sidewalk requirements.

Commissioner Aimone made a motion for Council to adopt the TSC approved revised guidelines for the PAC and the BAC.

Commissioner Strunk seconded.

Motion carried unanimously, 9 – 0.

Reports of Commissioners

Commissioner Kapitan has concerns about Metro closing the orange line between West Falls Church and Vienna. He would like the Town to attend the meetings.

Commissioner Sorrell asked if the markings for the W&OD trail crossing at Maple Avenue could be improved. She suggested DPW look at similar crossings in Herndon.

Commissioner Strunk added the timing of the traffic signal at that crossing needs to be addressed. Pedestrians and cyclists waiting to cross there have to wait much too long. He's

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been told it is synchronized with the signals at Park Street and Center Street, but he does not believe that to be the case.

Commissioner Ignatowski has noticed the sidewalks in his neighborhood are fairly narrow. He asked if the width of new sidewalk was standardized and wider than what he currently has.

Mr. Jinks replied the current standard for new sidewalks is 5' wide.

Report of the Chairman

Chairman Somers asked if Council had approved the TSC/BAC/PAC elections.

Ms. Sigler will contact the Town Clerk.

Adjourn – 10:20 PM