

Town of Middlebury
Public Health and Safety Committee
Meeting –Monday, September 20, 2021
Community Room – Middlebury Town Office
Zoom link opened and operated by Town Manager Kathleen Ramsey

Present: Committee Members: Chair- Chief Thomas Hanley, Dave Shaw - Fire Chief, Dan Brown - Select Board, SB- Alternate Nick Artim, At-Large Andrew L’Roe, At Large - Laura Asermily, At-Large Gary Baker,

Absent: Town Health Officer Tom Scanlon, Dept of Public Works Director Bill Kernan, Medical Rep Mike Leyden

Guest Speakers: Jeremy Lynch, Byrd Scooters

Public: Erica Bornemann – Vermont Emergency Management, Peg Martin, Brian Carpenter – Select Board, Beth Dow – Town Manager’s Office, Chris English – Town Manager’s Office, Jen Murray – Town of Middlebury, Bill Cunningham -Tri Valley Transit, Chelsey Lattreu, Aaron Brush

Kathleen Ramsey announced that prior to the start that Erica Bornemann was with the group to present Chief Hanley with the 2021 Vermont Emergency Manager of the Year.

Meeting called to order at 4:11 p.m by Chair

Motion: Chief requested a motion to accept minutes of June 28, 2021 , Laura A moved to approve the minutes.

Second: Chair Hanley

Motion carried on unanimous voice vote

4:11 p.m. Meeting called to order

Agenda 1. Bird Scooter presentation by Jeremy Lynch

Jeremy Lynch presented the following information for consideration of E Scooters:

- Online app used Electric Vehicle Sharing model
- 2021 changed operating model; expanded to communities in size of 10,000-50,000 population, launched 131 cities w/ typically 50 scooters
- 18 yrs or older to operate. Riders must provide proof of 18 yrs of age or older
- All Riders are required to watch a safety tutorial around use, liabilities and this tutorial can include rules specific to the Town
- App directs customer to location of available scooters
- App used to start and end the ride
- \$1 to start, .39 per minute – average ride for Middlebury likely \$4-\$7 per ride
- Operations are managed by a local Fleet Manager
- Fleet manager helps to outline the port locations and route, responsible for all maintenance, pickups, replacements, etc.

- Fleet manager is a paid employee and receives 45% of the revenue as a stipend referred to as “ride revenue”
- Agreement between Town and Bird includes a Bird Account Manager and a Fleet Manager
- Town has access to a “data dashboard” to monitor success of the program
- Operating hours of scooters: 5am to 11pm. After 11pm scooters shut down.
- Scooters average close to or over 30 miles per charge, are able to stay out most of the day
- No cost to community itself; free of charge
- Revenue share to community is .15 per ride
- Liability – MOU has been shared with Chief Hanley – riders agree to the rules including Do Not List which would void the rider agreement. Bird insurance covers the rider provided the rules are followed. Town is held harmless. Town is named as an additionally insured on COI. Bird is first on the insurance
- Parking zones are available – virtual areas – prevents rider from ending the ride in random places
- Slow zones can be programmed – this can include a limit of mph (12 mph for example on campus, maximum in other areas might be 15/mph)
- Ride “operating” zones can be programmed. Scooters shut down when they leave the operating zone. Fleet manager is notified immediately when a scooter leaves ride zone.
- Scooters monitored by GPS. Fleet manager is notified immediately when scooters are picked up without reservations, left in non-approved spaces.
- Scooters are labeled so that anyone can notify the Fleet Manager – example given would be if scooter is left on private property, property owner can easily contact Fleet Manager to have it removed promptly. Law enforcement not necessary.
- Events can be managed by a no ride zone – example of a parade or marathon
- Fleet managers place 2/3 of the total fleet, for Middlebury would be about 20-30 out in the community. Others are kept charging.
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Units are 44 lbs, considered lightweight, durable, front light, brake lights flash

A parking portal is used on the App to identify and map locations of units and the town line/route limits – all preapproved and part of the agreement with the Town.

Proposing 50 units for Town. (Noted that Nashua started with 125 units) Would expect that 30-40 would be in use, 10 are typically held as back up units.

The Town will receive .15 cents per ride

No other cost or burden to the Town – Dept of Public Works, Middlebury Police would contact Fleet Manager for assistance for abandoned bikes.

Offer discounts to riders: low income (with proof/EBT benefit), 50% off for veterans and the elderly also mentioned

Having a “No Ride Zone” on a schedule is also available. Example: If there was a planned event such as a bike race, street dance or parade, could program the scooters to avoid specific areas for specified times.

Helmet discounts provided to those that provide a helmet “selfie”. Free helmets available to riders at registration, only cost is shipping and handling.

Q & A Gary Baker clarified operating hours 5am to 11pm

Dan B Q: Is there a requirement for helmets. A: Speed does not require helmet use. Enforcement would be an issue. Bird does offer free helmets, cost to rider is shipping and handling. Can provide town with helmets for free, suggested town office, campus hub or police department.

Dan B Q: Is Bird in University of Minnesota A:Yes, been there for a couple of years. Dan B comment: they are all over, student use high

Nick A: Q: Has the Middlebury College been included in the conversation? Q: Nothing formal

Nick A: Q: Use of credit card – does the scooter “time out” if there is not enough funds on the credit card? A: Will not suddenly stop. Also runs on “equity billing”. Bird would need to confirm. Regular debit or credit card is typically used.

Nick A: Q: Size of the wheels? The concern being inclement weather, road structure. How does this work in winter months? A: Does not operate full year; for Middlebury – typically March thru October. Bikes hibernate during winter months.

Nick A: Q: Are there lights? Q: Yes – taillight blinks while in operation, reflectors on wheels, decking as well.

Nick A: Q:Regarding insurance, what is the risk to the town that involves road surfaces being not as feasible for bike operations vs vehicles. A: Road issues, pot holes etc. if the community has made concerted efforts to keep roads repaired – the liability is very small. Bird would be first on the insurance and indemnify the town.

Nick A: Q: Have there been any communities that you have served that have stopped and why? A: A few that have gone out to bid that Bird lost or did not rebid on. Operations have changed since 2017-2018. There have not been issues of negligence by Bird.

Dave S. Q: Is the Fleet Manager part-time or full-time? Q: Typically a business owner, familiar with business operations. Preference is that there is a manager with 1-2 others to assist with operations. Generally takes up most of the day.

Laura A. Q: What is the difference between the Account manager and a Fleet Manager. A: Account manager is for event programming, PR, etc. Fleet managers are operations. Town’s direct contact will be the Account Manager but it is likely that Town would and could know and contact the Fleet Manager.

Heidi L. Q: How does the public know who to contact if scooters are left or if there are issues. Q: App would be easily downloaded, QR code immediately identifies scooter. Reports scooter serial number

and GPS location and fleet manager is directly notified. Limits police and public works. This is called “community mode.”

Nick A: Q: Building on that questions assumes everyone has a smart phone. A: There is also a customer service number on the scooter.

Dan B: Wheel size is 7.4 in from the website.

Laura A. Q: How are operating zones determined? A: GPS determines the zone, there is a “furniture zone” which allows scooters to be ridden on the road but *not* off the roads, on sidewalks etc.

Laura A: Q: Could a particular street be added to the zone that is not within the “circle” of allowed ride zone? For example, about a 2 miles of road off Elm Street could be added. A: Yes.

Andrew L: Q: Who sets the boundaries, can other towns be involved? Would there be a chance to extend to other towns? A: Set the perimeters to town limits; for Middlebury this is not likely due to rural surroundings. Scooters should not be on roads where bicycles should not be. These are set with the Town.

Tom H comment: added a licensing provision to the town ordinances that allows for provisions around licensing.

Public Comment:

Chelsea L and Aaron B: Shared their experience with Bird. Described an incident involving 9-1-1 due to a scooter malfunction resulted in “every bone in his face” being broken; sent to the Trauma unit, 62 stitches. Spent 2 ½ weeks in trauma, almost died. Was not wearing helmet which voided their agreement. Concern is that Middlebury does not have an emergency room that could handle this type of trauma. The malfunction was related to the speed allowed by the scooter and it “timing out”. Took place in a parking lot. Aaron B: This town is not ready for this. There will be college students drinking, bill was \$180K – Bird was not liable. To allow people to allow to ride without a helmet will cause serious injuries. Questioned why this would not be policed. Shared risks outlined by medical team in San Diego who was attempting to have the program removed due to the severity and number of injuries.

Peg M: Are there other towns in VT that have a similar program? A: Bennington is considering. Burlington is also considering. This would be the first.

Peg M: Q: We do not have bike lanes here.

Peg M: Q: What is the noise level associated with the scooter? A: No noise. There is a bell to alert pedestrians etc.

Peg M comment: In another city, she noted many were abandoned, this could be more than a 1 person job. How would the program know when it was time to add vehicles and employees? A: This is monitored and managed by the Fleet Manager.

Gary B: Q: Didn’t Montpelier have this program. A: Yes, in 2018. A lot of changes made to operations since then.

Laura A: Referenced an article about the technology changes etc. Wanted comment/response to the comments of C.L. and A.B. A: Hard to comment without all the details; first time he's heard of one "just stopping". Can provide references with current markets for research. The maximum speed now is 15 mph, in 2018 up to 20 mph. Have not seen this from city partners or emergency room statistics that there are more safety concerns compared to bicycles. Reports are available. Encouraged the Town to speak to references and current cities using the program today. Noted that each city is different, smaller communities tend to be very successful due to 25-30 scooters in use. Using different programming around students – perhaps different ride times, helmet distribution. Helmets are not required by state law. Agreed it was a tragedy.

Heather S: via zoom: Q: Are there helmets on the scooters? A: Helmets are not required by law; Bird provides helmets for free and/or to pay for shipping and handling only.

Dave S Comment: you can ride a motor bike without a helmet.

Laura A: What is the round-trip experience? If I have an appt and have left it parked. A: Could come out of the appt. and scooter could be used by another rider. You can reserve by 10 minutes. Best to scan out of the ride each time it stops.

Laura A: Q: Can people hide them? A: Sure, but GPS monitors locations. Not likely due to the technology.

Nick A: Q: Asked Chief if there were risk that he sees with this program proposal? A: Chief, sees this as a similar vehicle to bicycles.

Email comments by the following people endorsing the concept of Bird Scooters are attached and were shared during the meeting:

Bill Kiernan, Steve Myers, Timothy Clark, and Nate Burke

Chief asked for a motion to make a recommendation:

Motion: Laura A moved to recommend the town license Bird Scooters to operate.

Second: Dan B

Comment: Nick A asked about a 1 year license. Chief noted that the length of the license is within the purview of the Board.

Nick re-worded the motion to recommend for 1 season based on the licensing

Second: Dan B

Motion will be written up and forwarded to the Select Board

Laura A provided an update from the Homelessness Task Force:

Next task force meeting is September 9.

A major/current project is to research and continue to pursue provide access to public restrooms within town.

Several comments about the definition of public restrooms.

Heidi L comment: The approach to this project should clearly identify that this project is to be an amenity provided by the Town for public access to bathrooms/restrooms/changing station vs for those persons experiencing homelessness. The role taken on by the Homelessness Task Force could be misleading.

Chief Hanley Q: What is the purpose of bringing this project to PHSC, what outcome is requested and what exactly is being asked at this time. We do not take on infrastructure projects in this meeting. PHSC may not be able to act. A: Would request that PHSC might recommend outlines of operating hours.

Discussion: Perhaps the Homelessness Task Force could provide a recommendation and approach the appropriate Town Board or Committee, but it is not likely the PHSC. Notes can be provided from the Homelessness Task Force. Other communities have successfully implemented this. Kathleen commented on costs to operate. Chief Hanley suggested that the recommendation should be presented to the Select Board.

No other business:

Motion to adjourn: Chief Hanley

Second: Dan B