

1. Agenda

Documents: [AGENDA 09.18.13.PDF](#)

2. Action Items

Documents: [2 CONGRESS FRANKLIN.PDF](#), [2 CONGRESS STREET PARKING MEMO 091313.PDF](#), [2 MIDDLE STREET PARKING MEMO 091313.PDF](#), [2 SEBAGO MEMO.PDF](#), [2 SEWALL STREET PARKING MAP.PDF](#), [2 SEWALL STREET PARKING MEMO 071513.PDF](#), [2. MIDDLE STREET MAP 205109AERIAL2012.PDF](#), [2B. 1. GREEN BUILDING 1.PDF](#), [2B. 1. GREEN BUILDING 2.PDF](#), [2B. 1. GREEN BUILDING.PDF](#), [2B. 2. MULTI FAMILY RECYCLING REPORT.PDF](#), [2B. 2. RECYCLING DRAFT 101712.PDF](#), [2B. 2. TSE MEMO 512013.PDF](#)

3. Committee Updates

Documents: [3A. BIKE SHARE MATERIAL SEPT 2013.PDF](#), [3B. PACTS-TIP 14-15 ALL APPS FUNDED OCT 12.PDF](#), [3B. QC-SRTS-TE SUGGESTED PRIORITIES OUTCOMES 112012.PDF](#), [3B. TSE MEMO 16-17 TIP APPLICATIONS.PDF](#)

CITY OF PORTLAND, MAINE
Transportation, Sustainability and Energy Committee

Transportation, Sustainability and Energy Committee

DATE: 9/18/2013
TIME: 5:30 PM
LOCATION: City Council Chambers
City Hall

AGENDA

1. Approval of July 17th Meeting Minutes
2. Action Items (Public Comment will be taken on these items)
 - A Traffic Schedule Amendments - Jeremiah Bartlett
 - A 1 Sewall Street
 - A 2 Congress & Franklin (Relocation of bus stop and establishment of parking.
 - A 3 Middle Street - Bay House
 - B 1 Green Building Code Amendments - Jeff Levine
 - B 2 Solid Waste Task Force - Multifamily recycling - Troy Moon
3. Committee Updates
 - A Bikeshare Feasibility Study - Report on outcome of the EPA Bikeshare workshop and recommended next steps. - Jeff Levine
 - B FY 16-17 PACTS TIP Candidate Projects - Department of Public Services
4. Adjourn

Councilor David A. Marshall, Chair
Councilor Kevin J. Donoghue, Vice Chair
Councilors John M. Anton & Cheryl Leeman



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MEMORANDUM

TO: District 2 Councilor David Marshall, Chair, TS&E Committee
District 1 Councilor Kevin Donoghue, Vice-Chair, TS&E Committee
District 4 Councilor Cheryl Leeman, TS&E Committee
At-Large Councilor John Anton, TS&E Committee

FROM: Jeremiah Bartlett, Transportation Systems Engineer, Dept. of Public Services

CC: Mike Bobinsky, Kathi Earley, DPS; John Peverada, Parking Division

DATE: September 13, 2013

RE: **Request for Traffic Schedule Change on the South Side of Congress Street
between Franklin and Hampshire Streets**

Background

At the request of constituents, the Traffic Division of the Department of Public Services reviewed on-street parking on Congress Street between Franklin and Hampshire streets. The south side of Congress Street between Franklin Street and Hampshire Street currently has only one on-street space, a 15-minute parking space that sees little use based on site observations. However, to make the adjustment to allow for any more parking would require the adjustment of a METRO bus stop.

Therefore, as a follow-up, Jeremiah Bartlett, Transportation Systems Engineer, met with Sheila Hill-Christian, Deputy City Manager as well as Tom Ridge and Dick Nye of METRO to determine a solution to this situation. Based on these discussions, the bus stop was proposed to be shifted to the east of a curb cut, and two one-hour spaces proposed to the west of the curb cut. This change will allow for two more usable on-street parking spaces along Congress Street and provide an ideal configuration for METRO's stop based on their requested clearance measurements.

Recommendation

It is the recommendation of the Department of Public Services that the proposed changes to the Traffic Schedule be made as shown in the accompanying map and Council Order. The Department asks that the Transportation Committee consider this action in your September 18, 2013 meeting, and if supported; take action to recommend this to the full City Council.



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MEMORANDUM

TO: District 2 Councilor David Marshall, Chair, TS&E Committee
District 1 Councilor Kevin Donoghue, Vice-Chair, TS&E Committee
District 4 Councilor Cheryl Leeman, TS&E Committee
At-Large Councilor John Anton, TS&E Committee

FROM: Jeremiah Bartlett, Transportation Systems Engineer, Dept. of Public Services

CC: Mike Bobinsky, Kathi Earley, DPS; John Peverada, Parking Division

DATE: September 13, 2013

RE: **Request for Traffic Schedule Change on the South Side of Middle Street
West of Hancock Street**

Background

At the request of Sebago Technics, on behalf of the Applicant, a request has been made to eliminate some on-street parking on Middle Street by the Bay House project. As part of the site plan approval, Tom Errico determined that these spaces should be eliminated given the width of the street and the turning needs of vehicles entering and exiting the site. A formal request from Sebago Technics and a map is attached with this letter.

Recommendation

It is the recommendation of the Department of Public Services that the proposed changes to the Traffic Schedule be made as shown in the accompanying map and Council Order.

The Department asks that the Transportation Committee consider this action in your September 18, 2013 meeting, and if supported; take action to recommend this to the full City Council.



September 6, 2013
05109

Portland City Council
Transportation, Sustainability and Energy Committee
389 Congress Street
Portland, Maine 04101

The Bay House
Request to Remove On – Street Parking Spaces

Dear Committee Members,

We are submitting this formal request to obtain the approval of the Portland City Council to remove a limited number of on-street parking spaces adjacent to the Bay House project, located at Middle, Hancock and Newbury Streets, on the peninsula. As noted by Thomas Errico in his memo to the Planning Board dated May 18, 2012, and as required as condition of Planning Board approval, we are submitting this request to you. We understand that this request must first be reviewed by the City Council's Transportation, Sustainability and Energy Committee, who will forward their recommendation for consideration by the City Council.

This request is to discontinue five parking spaces on Middle Street, as the width of this street is not sufficient to allow for both traffic movements and on-street parking. The width of this street was existing prior to the approval of The Bay House, and the right of way is not wide enough to accommodate parallel parking. The attached aerial photograph depicts these spaces, as well as spaces to remain on Hancock and Middle Street.

We appreciate your consideration of this request.

Sincerely,

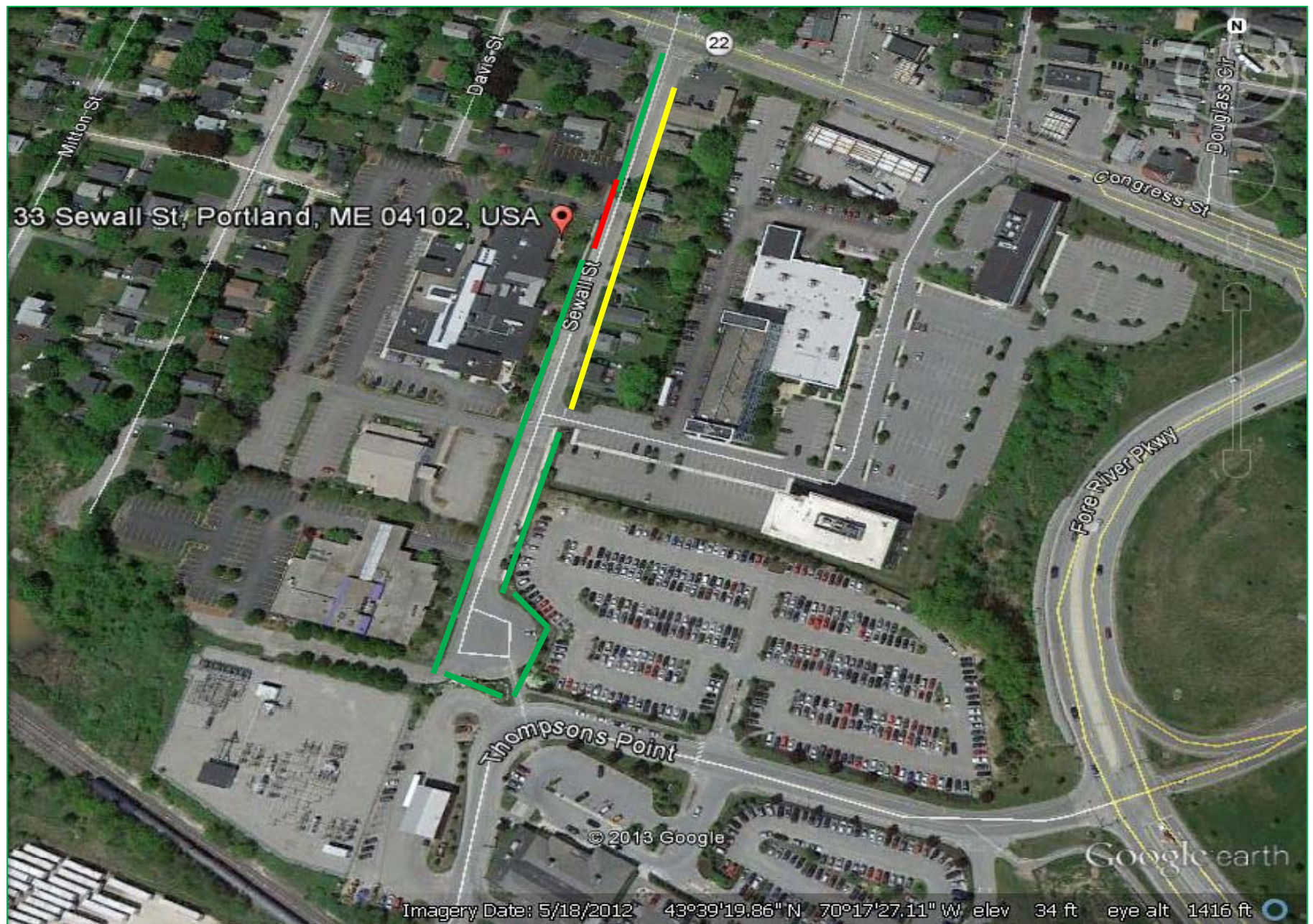
SEBAGO TECHNICS, INC.

A handwritten signature in black ink, appearing to read "William T. Conway". The signature is fluid and cursive.

William T. Conway, RLA, LEED AP
Vice President, Landscape Architecture (Agent for Applicant)

WTC: jsf

Enc.



Yellow-NoParking, Red - 15 minute Parking, Green- Unrestricted parking



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MEMORANDUM

TO: David Marshall, Chair, Transportation, Sustainability and Energy Committee

FROM: Jeremiah Bartlett, Transportation Systems Engineer, Dept. of Public Services

CC: Mike Bobinsky, Kathi Earley, DPS; John Peverada, Manager, Parking Division

DATE: June 15, 2013

RE: **Proposed Traffic Schedule Change: Sewall Street**

Background

Sewall Street is part of the Thompson's Pt./EDA construction area and changes to the street (lighting, sidewalks, landscaping) will be made throughout the construction period. The intent of these broader parking changes is to reflect the current street layout, and maintain access along Sewall, particularly for emergency vehicles, while maximizing the remaining area for on-street parking. It should be noted that currently, parking is only allowed on the east side of Sewall Street, but that the no parking on the west side has not been enforced or signed. The change to parking on the west side but not the east side will align with the side of the street having the fewest curb cuts. This change has been part of the EDA design process, and abutters have been notified by hand delivery of the proposed change.

In addition, the Department of Public Services was asked by Orthopedic Associates (OA) of 33 Sewall Street, to endorse the conversion of forty feet of Sewall Street south of OA's northern driveway to provide for two fifteen (15) minute parking spaces in front of a building expansion at the Sewall Street location. The project includes a new entrance stair, ramp and site sidewalks extending to meet the existing sidewalk along Sewall Street. The site work has been approved by the planning department. OA is intending to construct their work within the right of way later this summer.

Recommendation

Following a field review, it is the recommendation of the Department that the following change be made to traffic schedule of Sewall Street:

➤ Current Schedule

- East side of Sewall Street 25 feet south of Congress Street to 25 east of Hooper Street: Unrestricted Parking
- West side of Sewall Street 0 feet south of Congress Street to 25 feet north of Hooper Street: No Parking

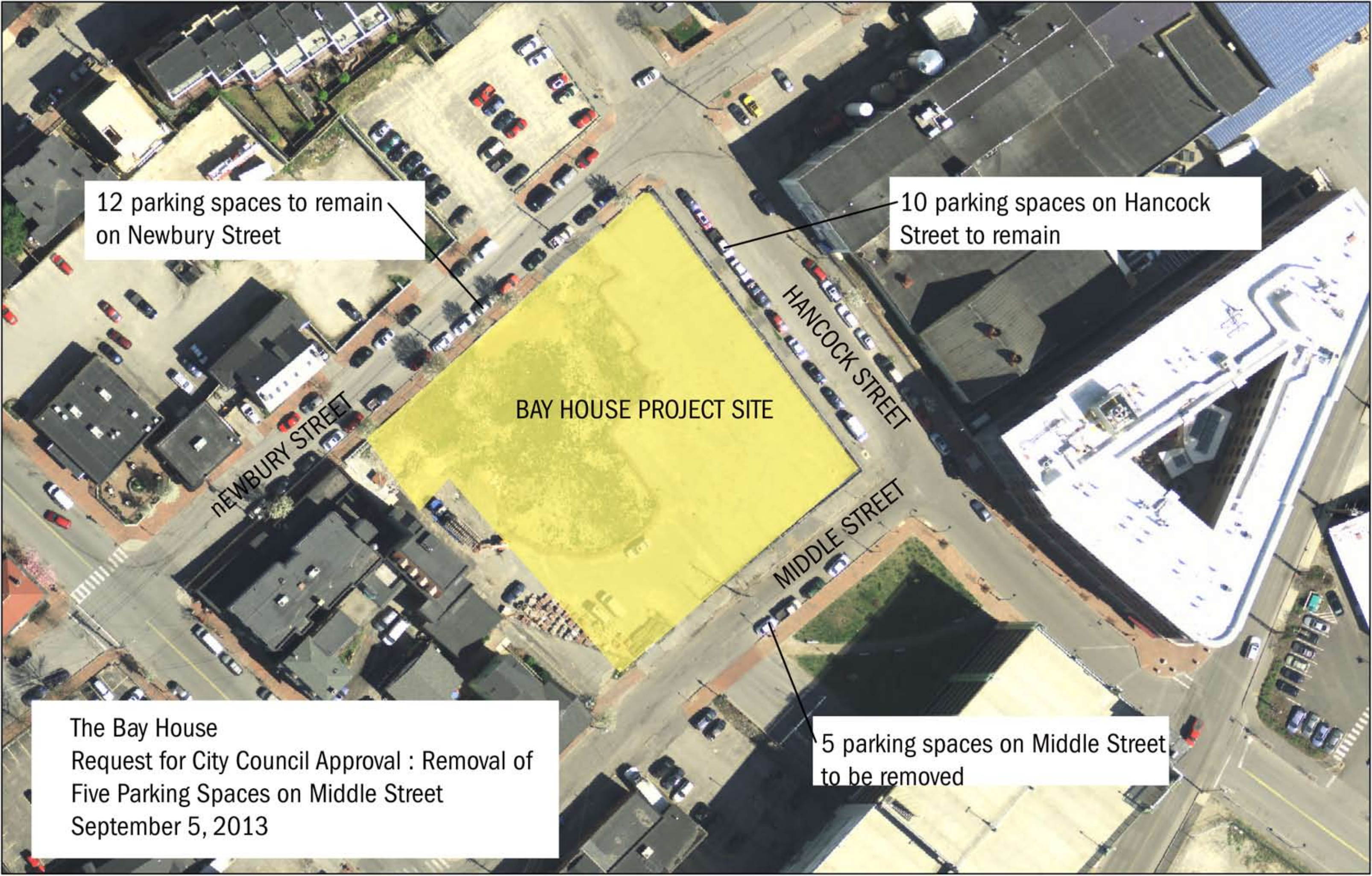
➤ Proposed Parking Schedule:

- West side of Sewall Street 25 feet south of Congress Street to 455 feet south of Congress Street: Unrestricted Parking

- West side of Sewall Street 455 feet south of Congress Street to 495 feet south of Congress Street: 15 minute parking
- West Side of Sewall Street 495 feet south of Congress Street to 25 feet north of Hooper Street: Unrestricted Parking
- East side of Sewall Street 0 feet south of Congress Street to 675 feet south of Congress Street: No Parking
- East side of Sewall Street 675 feet south of Congress Street to 25 feet east of Emergency Access: Unrestricted Parking
- East side Sewall Street from 25 feet east of Emergency Access to 0 feet east of Hooper Street: No Parking

The Department asks that the Transportation Committee consider this action in your July 17, 2013 meeting, and if supported; take action to recommend this to the full City Council.

A supporting graphic is attached.

An aerial photograph showing a city block. A large rectangular area in the center is highlighted in yellow and labeled 'BAY HOUSE PROJECT SITE'. To the west of this site is Newbury Street, and to the east is Hancock Street. To the south of the site is Middle Street. Several parking lots and streets are visible, with cars parked in them. Three callout boxes provide information about parking spaces: one on Newbury Street, one on Hancock Street, and one on Middle Street.

12 parking spaces to remain
on Newbury Street

10 parking spaces on Hancock
Street to remain

BAY HOUSE PROJECT SITE

NEWBURY STREET

HANCOCK STREET

MIDDLE STREET

The Bay House
Request for City Council Approval : Removal of
Five Parking Spaces on Middle Street
September 5, 2013

5 parking spaces on Middle Street
to be removed

ARTICLE VII. GREEN BUILDING CODE

***Editor's Note:** Article VII (Green Building Code) was adopted in its entirety by Council Order 187-08/09 and passed on 4-6-09)

Sec. 6-165. Purpose.

The purpose of this article is to establish the energy performance requirements for constructing and renovating city buildings and certain publicly-funded building projects with the goal of planning, designing, constructing, and managing to maximize energy performance, minimize adverse environmental impacts, provide healthy work places, conserve natural resources, and promote sustainable development in Portland. (Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12)

Sec. 6-166. Definitions.

The following words and phrases shall be defined as set forth below for use in this article.

American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standards:

ASHRAE is a building technology society which publishes a recognized series of standards and guidelines relating to HVAC systems and performance. The Maine Uniform Building and Energy Code currently references ASHRAE Standard 90.1 which is an energy standard for buildings except low-rise residential buildings.

Conditioned Space:

Any area within a building that is artificially heated or cooled by fixed equipment.

Funded in whole or in part:

(a) Receipt of tax increment financing in an amount greater than two hundred thousand dollars (\$200,000);

or

(b) receipt of grants by the ~~c~~City, HOME loans, Community Development Block Grant loans or Neighborhood Stabilization Program loans, the sum of which is greater than two-hundred thousand dollars (\$200,000.00).

Hardship:

Some verifiable level of difficulty or adversity arising from factors identified in Sec. 6-170 or other circumstances beyond the control of the applicant, by which the applicant cannot reasonably comply with the requirements of this ordinance.

Infeasible:

The existence of verifiable obstacles arising from the factors identified in Sec. 6-170 or other circumstances beyond the control of the applicant which render the applicant incapable of complying with the requirements of this ordinance.

Leadership in Energy and Environmental Design (LEED) Standards:
A third-party rating system developed by the United States Green Building Council (USGBC) where credits are earned for satisfying specified green building criteria.

Renovation:

(a) At the time of the application, the total construction cost is greater than or equal to the market value of the property as determined by the city's tax assessor;

or

(b) A conversion from non-conditioned to conditioned space;

or

(c) An addition of building gross square footage greater than or equal to the gross square footage of the

existing building. ~~;~~ ~~or~~

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12)

Sec. 6-167. Standards for new buildings and renovation projects.

All new construction and renovation projects to be owned, or occupied by the city of Portland that are of 2,000 square feet in floor area or greater shall be certified to the ~~U.S. Green Building Council's ("USGBC") Leadership in Energy and Environmental Design ("LEED")~~ LEED Silver Standard using the appropriate LEED Rating System, particularly those listed below thereof and whole thereof:

a. LEED 2009 for Commercial Interiors

b. LEED 2009 for Existing Buildings, Operations, and Maintenance

c. LEED 2009 for Healthcare

d. LEED 2009 for New Construction and Major Renovations

e. LEED 2009 for Schools

All new construction and renovation projects to be funded in whole or in part by the ~~c~~City of Portland that are of 10,000 square feet in floor area or greater shall demonstrate, under any third-party certification system (e.g. LEED or Green Globes) or energy model signed by a licensed engineer, a certain percentage improvement ~~i~~n the proposed energy performance of the building compared to the baseline performance rating per ASHRAE Standard 90.1, being particularly the 2010 version

thereof and the whole thereof, or equivalent standard if the ASHRAE Standard 90.1 is not applicable to the project. Such percentage improvement shall be thirty percent (30%) for new construction, twenty-five percent (25%) for existing buildings, and twenty percent (20%) for historic buildings.

Copies of the LEED rating systems and ASHRAE Standard 90.1 are on file with the City Clerk.

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12)

Sec. 6-168. Submissions.

Upon submission of an application for a building permit for new construction or renovation projects that are required to meet the standards set forth in section 6-167, the applicant shall also submit the following, as applicable:

(a) a LEED checklist, and a LEED application number (or other proof of LEED application status);

or

a third-party certification system document of verification;

or

a preliminary energy model, along with a statement of certification from a licensed engineer that the project meets the standard(s);

and

(b) a written explanation of how the building will obtain the applicable standards using design plans to demonstrate compliance where applicable (example: LEED submittal templates).

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12)

Sec. 6-169. Certificate of Occupancy.

A copy of the final submission of LEED documentation to the USGBC or final LEED certification decision, or a statement of final certification from a licensed engineer indicating that the project meets the standards along with any amendment to the preliminary energy model shall be submitted to the city's department of planning and urban development prior to the issuance of a certificate of occupancy for new construction or renovation projects that are required to meet the standards set forth in section 6-167. A temporary certificate of occupancy may be issued by the city if necessary prior to the submission of final LEED documentation to the USGBC.

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12)

Sec. 6-170. Partial Exemption.Waivers.

If it is a hardship or infeasible for an applicant to meet the standards set forth in section 6-167, the applicant may request a partial exemption from regulation. ~~may be waived under~~ The burden is on the applicant to show hardship or infeasibility. Factors to consider in determining whether hardship or infeasibility exists include, but are not limited to documented circumstances showing that:

- (a) Availability of green building materials and technologies~~compliance with the standards would create an unreasonable financial burden; or,~~
- (b) Compatibility of green building requirements with other government requirements and building standards; or,
- (c) Required alterations to an historic building that would compromise its historic character; or,
- (d) ~~if due to s~~Specific circumstances, ~~that~~ would defeat the purpose ~~intent~~ of the standards.

For purposes of this section, an unreasonable financial burden means that compliance with the standards would result in a cost increase to the project (including the cost of LEED certification, but not including land costs) of greater than three percent (3%) above the development costs prior to meeting the standards. Any request for a partial exemption waiver of must be accompanied by specific reasons for the waiver and approved by the director of planning and urban development made at the time of application as specified in section 6-168 and approved by the director of planning and urban development. In order for a partial exemption to be granted, the applicant must demonstrate all possible effort to maximize building performance according to the standards set forth in section 6-167 and shall indicate the maximum level of standards which are reasonably achievable for the building as follows:

- (a) In the case of a LEED standard requirement, the applicant will list the number of credits reasonably achievable and verified by each applicable licensed professionals.
- (b) In the case of ASHRAE 90.1 or equivalent standard requirement, the applicant will document the percentage above the standard that is reasonably achievable with a statement of certification from a licensed engineer.

If a waiver is granted, the applicant must demonstrate all possible effort to maximize building performance according to the standards set forth in section 6-167.

If the partial exemption is granted, the applicant shall be required to comply with this ordinance in all other respects. A copy of the final submission of LEED documentation to the

USGBC or a statement of final certification from each applicable licensed professionals or licensed engineer indicating that the project meets the level of standard presented at the time of application along with any amendment shall be submitted to the city's department of planning and urban development prior to the issuance of a certificate of occupancy.

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12)

Sec. 6-171. Appeals.

Any applicant aggrieved by the decision of the director of planning and urban development may appeal that decision to the zoning board of appeals (Article VI. Board of Appeals, Sec. 14-541 to 14-553).

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12)

Sec. 6-172. Applicability.

This ordinance shall apply to new construction and renovation projects to be owned, occupied, or funded in whole or in part by the city of Portland for which site plan applications, building permit applications (not associated with an approved site plan), or funding assistance requests are submitted on or after the effective date of this ordinance. Any new construction or renovation project to which this ordinance is not applicable but which voluntarily meets any of the standards set forth in Sec. 6-167 or equivalent shall receive expedited review and permitting status.

(Ord. No. 187-08/09, 4-6-09)

MEMORANDUM

TO: Caitlin Cameron, Urban Designer
FROM: Danielle West-Chuhta, Corporation Counsel
SUBJECT: Green Building Code Questions
DATE: May 17, 2013

This memo is written in response to questions you recently posed regarding proposed amendments to the Green Building Code. The following is a response to each of your questions:

I. What is Required Under Maine Law in Order to Adopt a Code by Reference?

Under Maine law, the City can adopt a code by reference (either in full or in part) without setting forth the provisions or portion thereof of the specific code (see 30-A M.R.S.A. § 3003). The City must identify the date and source of the code it is adopting, at least one (1) copy of the code or portion thereof must be kept on file with the City Clerk, and specific penalty provisions (regarding enforcement of the code or portion thereof) adopted (30-A M.R.S.A. § 3003).

So, based on the above, if the City would like to adopt all or a portion of the LEED and/or ASHRAE standards it would be necessary to identify the date and source of each code, and put a copy of said code(s) on file with the City Clerk.

II. Can the City Include a Reference that Specifies the City Adopts this Code as Amended from time to time?

The answer to this question is no. Under Maine law an applicant has to have sufficient notice of what requirements he or she will have to meet and every applicant needs to be subject to the same requirements. Putting a reference in that says “as amended from time to time” essentially gives the reviewing authority the power to apply different standards, which in my opinion is an improper delegation of legislative authority. Additionally, as 30-A M.R.S.A. § 3003 specifies, if the City would like to adopt the LEED and/or ASHRAE standards by reference it must do so with a specific reference to which year of each code it is adopting.

**Memorandum
Planning and Urban Development Department
Planning Division**



To: Transportation, Sustainability & Energy Committee

From: Jeff Levine, Director, Planning and Urban Development Department, Caitlin Cameron, Urban Designer

Date: September 12, 2013

Re: **Green Building Ordinance Amendment 2013**

At your last meeting on this issue on May 1, 2013, you offered some suggestions on the proposed language revisions we submitted. You also asked us to reach out to the affected parties for feedback on these proposed changes. We held a brownbag lunch with members of the Portland Regional Chamber on May 28, 2013 to solicit feedback, and also spoke with Avesta and Community Housing of Maine to get input from the affordable housing developers. Chamber members had some concerns about the changes because they felt that they eliminated the flexibility to waive requirements in the current language. However, if that policy change were made, they did not have significant problems with the language proposed to implement it.

We offer the following revised language at this time. Since it has been a while since your last meeting on the ordinance, we repeat our earlier annotations herein. There are a few additional changes to the proposed language based on our meetings over the summer.

The revisions and additions suggested below come from a review of existing Green Building Ordinances across the country, assessments performed and a Model Municipal Ordinance created by the Center for Climate Change Law at Columbia. Those areas where no change is suggested align with common practice.

The proposed changes were reviewed by Corporation Council and a memo is also attached.

Revisions to Existing Ordinance

Reference changes described below in the ordinance text document included.

Sec. 6-165. Purpose

No changes.

Sec. 6-166. Definitions

- Addition of "American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standards"
- Addition of "Conditioned Space"
- Addition of "Hardship"

- Addition of “Infeasible”
- Addition of “Leadership in Energy & Environmental Design Standards”

Reasoning: For reasons of organization and brevity, these definitions are better placed in this section rather than being introduced in the Standards section.

Sec. 6-167. Standards for new buildings and renovation projects

- Direct applicants to use the appropriate LEED rating system and version
- Direct applicants to use the 2010 version of ASHRAE Standard 90.1
- Provide copies of required standards in the City Clerks office

Reasoning: In order to adopt a code by reference, the date and version must be specified. See Corporation Council memo for further explanation.

Sec. 6-168. Submissions

- Addition of proof of LEED application for the LEED track application
- Addition of an alternative third-party certification system document where that track may be appropriate
- Addition of item (b) a written explanation and possibly design plans

Reasoning: The addition of this requirement is meant to ensure that the applicant plans to construct the building to the requisite standard. This is a recommended component in the Model Municipal Green Building Ordinance. This requirement may create more work on the part of the applicant and the administrative review of the application and therefore may not be worth the additional time-cost.

Sec. 6-169. Certificate of Occupancy

- Addition of an alternative LEED documentation for Certificate of Occupancy

Reasoning: Because projects do not always achieve final LEED certification by the time the project may need a Certificate of Occupancy, we wanted to provide two options of verification for the applicant.

Sec. 6-170. Waivers

- Change from “Waiver” to “Partial Exemption”

Reasoning: The term “waiver” implies that the applicant will be able to completely abstain from green building practices. In actuality, we want to provide a partial exemption, not a complete waiver, to those who cannot meet the standards. This terminology change simply reflects the intention already existing in the language for the waiver and sends a clear message that a project must still do their utmost when it comes to sustainability. Other examples of this approach include Brisbane, CA, Davis, CA, Napa, CA, and Huntington, NY.

- Placing the burden on the applicant to show infeasibility or hardship
- Removal of the 3% cost increase threshold

Reasoning: The majority of enacted green building ordinances do not include an exemption for cost increase. As has been the case thus far with Portland’s Green Building Ordinance, the 3% cost increase threshold has been too low a threshold and most projects have been able to qualify. Rather than set a specific cost threshold, most cities place the burden on the applicant to show some kind of hardship.

- Enumeration of the types of hardships that might warrant a partial exemption
 - o Availability of materials and technology
 - o Compatibility with other government requirements
 - o Alterations to a historic building that would compromise historic character
 - o Would defeat the purpose of the standards
- Requirements under partial exemption
 - o LEED: submit a checklist of those standards that can be reasonably achieved and verified by applicable licensed professionals
 - o ASHRAE: submit a statement from a licensed engineer regarding the level above ASHRAE 90.1 that can be achieved
 - o Final verification from appropriate organization or licensed professionals that the objectives have been met before Certificate of Occupancy is issued

Reasoning: Currently the alternative standards under a waiver are open-ended. Both alternatives require verification and are based on the applicable standard. The intention here is to demonstrate a clearer requirement and removing the burden from the staff to determine what a reasonable alternative would be.

Sec. 6-171 Appeals

- Addition of a code citation

Sec. 6-172. Applicability.

- Addition of expedited review and permitting processes for projects which voluntarily meet the standards of this ordinance
Reasoning: Although the City is not in a position to require green building standards for all types of buildings, providing an incentive will give support to those projects that chose to “do the right thing” and potentially even encourage voluntary efforts on the part of private development.

Revisions to TIF Guidelines

Because this ordinance may apply to projects that receive Tax Increment Financing, it is important to coordinate the standards set forth here with the efforts of the TIF application process. Applicants should be made aware when developing cost estimates and budgets as part of a TIF application, that this standard may apply to them and the budget shall reflect that.

Resources Consulted:

Local Leaders in Sustainability: Green Building Incentive Trends. (2012)
The American Institute of Architects, National Association of Counties

Model Municipal Green Building Ordinance (2010)
Marne Sussman and Jason James
Center for Climate Change Law at Columbia Law School

Municipal Green Building Ordinance in the U.S. (2010)
Marne Sussman
Center for Climate Change Law at Columbia Law School

Reshaping Municipal and County Laws to Foster Green Building, Energy Efficiency, and Renewable Energy (2008)

Edna Sussman

N.Y.U. Environmental Law Journal

Additional Existing Ordinances from: Albany, CA, Brisbane, CA, Chicago, IL, Dublin, CA,
Huntington, NY, Sonoma County, CA

Multi-Family Recycling Task Force
Report to the Portland City Council



December 17, 2012

Members of the Multi-Family Recycling Task Force

Councilor Edward Suslovic, Chair

Susan Webster

Tyler Kidder

Mark Adelson

Filomena Troiano

Tom Watson

Kevin Roche

Jan Berlin

Staff:

Troy Moon, Environmental Programs and Open Space Manager

Elizabeth Boynton, Associate Counsel

Introduction

Providing effective recycling programs to residents in large multi-family buildings has long been a challenge for municipal officials and property owners around the country. For a variety of reasons, curbside programs designed to accommodate the needs of single family homes and small apartment buildings often don't meet the needs of tenants in large buildings. Large buildings generate too much waste and recycling to conveniently place at the curb for standard municipal collection. Instead, most building owners place containers in a central location that residents use to deposit waste material. Many cities, including Portland, require building owners to contract with private waste haulers to empty these containers when they are full. To further complicate matters, most multi-family buildings were not designed and built with recycling in mind. This requires property owners and recycling officials to work around space limitations and single purpose elements such as garbage chutes as they work to implement effective recycling programs.

In 1999, the Recycling Advisory Committee, chaired by Councilor Cheryl Leeman, issued a series of recommendations that led to the establishment of the City's successful curbside recycling and pay as you throw trash collection program. This committee realized that the curbside program would not be a good fit for larger buildings and recommended that the Council establish a follow up group to further study multi-family recycling. In 2011, the City Council established the Solid Waste Task Force, co-chaired by Councilor John Anton and Councilor Cheryl Leeman. This group reviewed the City's waste reduction and recycling efforts and issued recommendations for further improvement. Realizing that little progress had been made in the area of multi-family recycling since 1999, the task force again recommended that the City Council create a group of stake holders to address this problem. In August, 2012, the City Council acted on this recommendation and appointed Councilor Edward Suslovic as chair of the Multi-Family Recycling Task Force and charged this group with developing an ordinance that would bring a comprehensive and convenient recycling program to residents of Portland's largest buildings.

The members of the Multi-Family Recycling Task Force represented a range of stakeholders including property owners, building managers, waste handling and sustainability professionals as well as residents of large multi-family buildings. Each member brought specific experiences and expertise to the table. This allowed for broad discussion about achieving recycling and waste reduction goals while keeping

sight of the practical challenges that individual property owners face in their efforts to bring recycling to their tenants.

Recommended elements

Through their discussion, members of the Task Force developed identified several elements that should be included in the City's multi-family recycling ordinance to ensure that Portland residents who are not served by the municipal collection program have access to an effective recycling program.

Element 1: Recycling must be at least as convenient as disposing of waste

In order for a recycling program to be successful, property owners will need to offer their tenants access to recycling opportunities that are at least as convenient as waste disposal. Generally this means placing a recycling container next to a waste receptacle so tenants will not need to carry recyclables any further than waste materials. If building owners offer waste collection at the door, they will need to offer the same service for recyclables. In buildings with a trash chute, the owner will need to locate a recycling container next to the chute in order to ensure equal convenience. Property owners are encouraged to make recycling options more convenient than waste disposal in order to provide an incentive for tenants to recycle.

Element 2: Offer a single stream program consistent with ecomaine's program

Property owners should offer their tenants a comprehensive, single stream recycling program that accepts the same materials accepted in ecomaine's recycling program. This will ensure that residents of multi-family buildings will have the same recycling opportunities as residents who participate in the City's residential recycling program. Single stream programs reduce barriers to recycling by allowing all acceptable materials to be commingled in a single container rather than requiring tenants to separate their materials. Single stream recycling also saves space on limited property footprints because residents can place all of their recyclables in a single container instead of being able to sort their material into two or more separate containers.

Element 3: Offer tenant education and appropriate signage

Property owners will need to provide tenants with information about the recycling program they offer. Residents should receive comprehensive information about the building's waste management and recycling program when they move into the property including a list of the materials accepted for

recycling, where the recycling containers are located and how to access them. Tenants should also be notified whenever there are changes to the program to ensure they know how to participate properly. In addition, each recycling container should have clearly visible signage to indicate its purpose so residents can easily distinguish it from the container for waste material.

Element 4: Building owners and waste haulers must not commingle source separated recyclables with waste material

Building occupants who go to the effort to separate their recyclables from their waste materials must be confident that their recyclables reach the recycling plant. Therefore, property owners and waste haulers must not commingle recyclable materials placed in recycling containers with waste material.

Commingling source separated recyclable with solid waste undermines the integrity of the recycling program and discourages residents from participating.

Element 5: Allow property owners flexibility in program design

Waste handling practices and waste handling programs vary widely from building to building and are greatly influenced by a factors including:

- Whether or not recycling was consider as a design element for the building
- Types of existing waste handing infrastructure (trash chutes, dumpsters, roll out carts, etc.)
- Availability of space for waste handling equipment
- Number of non-English speaking tenants
- Number of units requiring service
- Number of tenants living in the building
- Frequency of tenant turnover

Given this, the Task Force recommends that property owners continue to have flexibility to manage waste and recyclables in a manner that most suits their individual needs. Some owners will find it convenient to contact the Department of Public Services to determine whether their building is eligible to receive solid waste and recycling services from the City. Other owners will prefer to work with a private waste hauler to design a recycling solution that will be effective for their property. Each property will have unique challenges and situations that property owners and/or management will be best suited to overcome.

The Task Force recognizes that providing recycling infrastructure in multi-family buildings will not be easy or free. Some property owners will need to invest in waste handling equipment while others will need to make site modifications to create room for recycling containers. Property owners who do not already provide their building residents with a recycling program may see their waste handling costs rise as their waste hauler will add the cost of hauling recyclables to their waste collection invoice. These costs can be contained, however, if building owners aggressively promote recycling to building occupants and reduce the need for waste collection.

Element 6: City Support for Property Owners

Members of the Task Force believe that it is in the City of Portland's interest to support property owners in their efforts to bring recycling to the occupants of their buildings. The City should use the implementation of its successful residential program as a model to guide implementation of the multi-family program. With this in mind, the Task Force recommends:

- **Providing a recycling container for each unit that will begin recycling per the ordinance:**

At the start of the residential curbside program the City delivered a recycling bin to each housing unit that would be participating. This provided residents with a container to collect their materials and provided a visual cue to prompt them to participate. The Task Force recommends that the City repeat this investment and provide an apartment sized recycling container to each unit beginning to recycle under the provisions of this ordinance. The containers should be durable, colored blue (like the curbside containers) and marked with a logo that will brand the recycling effort. As with the curbside recycling containers, Public Services should provide additional or replacement apartment bins for a fee.

- **Providing building owners with educational and technical support**

Before implementing the curbside recycling program, the City developed a range of educational material to inform City residents about the program and how to participate. City staff developed posters and educational material specifically for the multi-family buildings that would be participating in the City's solid waste program in order to support the property owners in their efforts to educate their tenants. The Task Force recommends that the City extend this

effort to include the multi-family buildings that will be required to recycle under the provisions of this ordinance. Staff should develop brochures, signage and posters with general information about the benefits of recycling and the types of material accepted in the recycling program. These materials should be made available to property owners in electronic form so they can add building specific information as required and print them out as needed. City staff should make site visits to multi-family buildings at the request of the building owner in order to provide technical assistance. This should include advice about program design, information about specific recyclables and whether their recycling program complies with the provisions of the recycling ordinance.

- **Publicizing the start of the program**

Should the recommended ordinance become adopted, the City should promote its passage in order to let the residents of multi-family buildings know about their upcoming opportunities to participate in a comprehensive recycling program. This will increase public awareness of the program and drive participation as property owners bring their individual programs on line. Questions about the program from residents will also help City staff identify buildings whose owners may need more information about the program or additional technical support from staff to implement recycling in their building(s).

Implementation

The Multi-Family Task Force recognizes that it will take time for property owners to implement a compliant recycling program in their building(s). They will need to work with waste haulers to arrange service, they will need to educate their building occupants and they may need to make site modifications to incorporate recycling containers into their waste handling infrastructure. Consequently, the Task Force recommends that the multi-family recycling ordinance take effect on **January 1, 2014**.

Some building owners will face greater challenges than others as they work to comply with the recycling ordinance. These include instances where an individual or company owns multiple buildings that require site modifications or where a building owner finds it difficult to acquire necessary waste handling services. In such circumstances, building owners may be allowed an extension in order to make the necessary arrangements to comply with the ordinance. In order to seek an extension, the

property owner should apply to the Public Services Department before October 1, 2013. An application for an extension should provide an explanation of why a property cannot be in compliance by January 1, 2014 and provide a detailed description of how the property owner plans to bring the building into compliance. The Director of Public Services or designee should have the authority to provide the property owner with an extension of up to 24 months to bring the property into compliance. The Task Force believes that all properties can be brought into compliance with the ordinance within this window of time and does not believe there should be any exemptions.

Enforcement:

The Department of Public Services will work to alert the owner of each property that will need to offer recycling per the terms of the proposed ordinance. As part of this outreach, City staff will inform building owners about their obligations under the ordinance and, if requested, offer advice on how to set up their program. The intent of the ordinance is to promote recycling and waste reduction, so the City will work closely with and support property owners who are making a good faith effort to comply. Enforcement action remains a possibility, however, if a property owner refuses to make an adequate recycling program available.

Chapter 12 GARBAGE, WASTES AND JUNK*

*Cross reference(s)--Litter in cemeteries, § 7-131; disposal of wastes by food service establishments, § 11-26; littering prohibited in parks, § 18-22; litter removal from sidewalks, § 25-171 et seq.

State law reference(s)--Litter control, 17 M.R.S.A. § 2261 et seq.; solid waste management, 38 M.R.S.A. § 1301 et seq.

Art. I. In General, § 12-1--12-15

Art. II. Garbage and Solid Waste Removal/Recycling, §§ 12-16--12-45

Art. III. Health Nuisances, §§ 12-46--12-60

Art. IV. Public and Private Dumps, §§ 12-61--12-74

Art. V. Junked Motor Vehicles, §§ 12-75--12-99

Art. VI. Solid Waste Disposal, §§ 12-100--12-119

Art. VII. Rendering Wastes, §§ 12-120--12-205

Div. 1. Generally, §§ 12-120--12-149

Div. 2. Waste Transportation Licenses, §§ 12-150--12-199

Div. 3. Construction and Operation of Rendering Facilities, §§ 12-200--12-205

ARTICLE I. IN GENERAL

Secs. 12-1 --- 12-15. Reserved.

ARTICLE II. GARBAGE AND SOLID WASTE REMOVAL/RECYCLING*

*Editor's note - The Department of Public Works and/or Department of Parks and Public Works wherever referred to herein shall mean the Department of Public Services. ▲

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*Editor's note--Ord. No. 157-98, adopted Nov. 16, 1998, amended this article in its entirety, in effect repealing former §§ 12-16--12-30 and enacting similar new provisions in lieu thereof as herein set out. Formerly, such sections derived from §§ 305.1--305.23 of the 1968 Code as amended by Ord. No. 155-76, adopted April 21, 1976; Ord. No. 63-78, §§ 1--4, adopted Feb. 6, 1978; Ord. No. 358-79, adopted Dec. 3, 1979; Ord. No. 249-88, adopted Nov. 28, 1988; Ord. No. 308-89, §§ 1--3, adopted Jan. 30, 1989; Ord. No. 309-89, §§ 1--3, adopted Jan. 30, 1989; Ord. No. 123-89, adopted Oct. 2, 1989; Ord. No. 40-91, adopted July 1, 1991; Ord. No. 41-91, adopted July 1, 1991; and Ord. No. 274-97, adopted May 5, 1997.

*Editor's note-pursuant to Order 216-06/07 passed on 5/21/07 the disposal fees at Riverside Recycling are hereby established as \$100.00 per ton (commercial) or \$35.00 per yard (small commercial/residential); said fees to go into effect on April 1, 2007. This order amended order 67, 8-2-00 and order 114, 12-3-01; It is also ordered that the Public Works Authority is authorized to charge less than \$100.00 per ton or \$35.00 per yard at any time when it determines, in its sole discretion, that a lesser charge is appropriate.

Sec. 12-16. Definitions.

The following words and terms as used in this article shall have the meanings ascribed thereto, unless the context otherwise indicates:

Authorized collector shall mean employees or contractors of the public works authority or a private collector employed by the owner, occupant, agent or other person having custody of a building.

Building shall mean any structure or vessel, whether public or private, that is adapted to or used: for dwelling occupancy; for the transaction of business; for the rendering of professional services; amusement; the display, or sale or storage of goods, waste, merchandise, articles or equipment; for the performance of work or labor; for office buildings, stores, theatres, markets, restaurants, warehouses, grain processing factories, abattoirs, worship, garages, bakeries; or structures where domestic or other animals or fowl are kept; for sheds, barns, outbuildings, or other structures or premises used as accessory to any such use.

Bulky waste shall mean any items whose large size or weight precludes or complicates their handling by normal collection, processing or disposal methods, as further defined by the rules and regulations of the department of public services.

City street shall mean a street formally accepted by the city council or determined to be a city street by a court decision or other act of law; it includes any publicly owned esplanade or sidewalk abutting the traveled portion of the street.

Commercial property shall mean any property upon which is situated a structure used for commercial or business purposes including, but not limited to, the following:

- (a) Apartment buildings containing ten (10) or more dwelling units;
- (b) Hotels, restaurants, warehouses;
- (c) Markets, bakeries, grocery stores, fruit stands;
- (d) Manufacturing or industrial;
- (e) Business offices; and
- (f) Condominiums.

Discarded goods shall mean any old, worn out, broken or abandoned household or commercial goods, equipment, personal property or materials left on a city street or on public property without authorization from the City. It includes bulky waste.

Occupant shall mean the person that has the use of or occupancy of any building or a portion thereof, whether the actual owner or tenant. In the case of vacant buildings or any vacant portion of a building, the owner, agent or other person having the custody of the building shall have the responsibility of an occupant of the building or portion thereof.

Owner shall mean the actual owner of the building, whether individual, partnership or corporation, or the agent of the building, or other person having custody of the building or to whom the rent is paid.

Public works authority shall mean the department of ~~parks and public~~ servicesworks* of the city of portland.

Recyclable material shall mean paperboard, newspaper, glass, magazines, junk mail, cardboard, #2 natural plastic and aluminum cans and foil, and any additional material so designated by the ~~department of~~ public works authority. Recyclable material shall be considered waste material for purposes of this article.

Residential properties shall mean any property upon which is situated a residential structure containing at least one (1) dwelling unit but not more than nine (9) dwelling units.

Solid waste shall mean ordinary household waste including, but not limited to, the following: Garbage, trash, rubbish,

paper, plastics, metal cans, glass, crockery, cold ashes, and refuse.

Suitable container for material other than recyclable material and yard waste shall mean a plastic bag of fifteen (15) gallon or thirty (30) gallon size officially designated for that purpose by council order. The maximum weight of any bag shall not exceed thirty (30) pounds. Bags may be placed in watertight containers with handles, covered by a tight fitting cover free of sharp edges.

Suitable recycling containers for recyclable material shall mean the rectangular plastic bins distributed by the ~~department of~~ public works authority or containers designated by the city for receipt of recyclable material at designated recycling drop off locations.

Suitable yard waste containers for yard waste material shall mean a biodegradable plastic ~~bad~~ bag as designated by the public works authority.

Tobacco or tobacco product shall mean any form of tobacco, including but not limited to cigarettes, cigars, pipe tobacco, chewing tobacco or snuff, and any material or device used in the smoking, chewing or other form of tobacco consumption, including but not limited to cigarette papers and pipes.

Vermin shall mean any noxious offensive animals which shall include but not be limited to insect larvae, flies, bedbugs, roaches, fleas, lice, ants, wasps, beetles, mites, rats, bats, pigeons, starlings and other nuisance birds.

Waste hauler shall mean a person, firm, corporation or other entity that regularly collects and hauls the solid waste or recycled goods of another person, firm, corporation or other entity for a fee.

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Waste material means solid waste, prohibited waste, or bulky waste.

Waste transporter shall mean a person, firm, corporation or other entity, other than the city, that regularly collects and hauls the solid waste that it generates within the city.

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Yard Waste shall mean waste material consisting of leaves, grass or garden waste.

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~~*Editor's Note: *Now Department of Public Works~~

(Ord. No. 157-98, 11-16-98; Ord. No. 31-00, 7-17-00; Ord. No. 197-01, 3-7-01; Ord. No. 242-05/06, 5-15-06; Ord. No. 122-10/11, 2-23-11; Ord. No. 104-11/12, 2-6-12)

Sec. 12-17. Solid Waste and recyclable waste collection/~~service on private roads/eligibility for other city waste disposal or recycling programs.~~

(a) Solid waste and recyclable material will be collected by the city from all residential properties.

(b) Solid waste and recyclable material shall not be collected by the city from any commercial property except as provided in subparagraph (d) below.

(c) Solid waste and recyclable material shall not be collected by the city from the planned residential urban development (PRUD) project, or development which receives city site plan review and approval and such approval requires private solid waste collection, except as provided in subparagraph (d) below.

(d)

(1) *Residential units on privately owned roads.* Effective January 1, 2007, solid waste and recyclable material may be collected by the city from residential units on privately owned roads, in apartment buildings, condominium buildings, or buildings within planned residential urban development projects, or within developments which receive or have received city site plan or subdivision review and approval and such approval(s) require permanent private solid waste collection within a specific project, pursuant to a written agreement between all the unit owners or an owner's association representing the unit owners and the city. Such agreement shall require at a minimum that solid waste and recyclable material be placed in suitable containers and that the unit owners otherwise comply with all other applicable provisions of this article and any regulations promulgated by the public works authority.

(2) *Residential units not previously receiving collection services on public roads.* Effective January 1, 2007 solid waste and recyclable material shall be collected

by the city from residential units not previously receiving collection services on public roads in apartment buildings or condominium buildings that contain at least ten (10) but not more than nineteen (19) units, upon written notification to the public works authority by the property owner, or, in the case of condominiums, the condominium owners' association, that the property owner or association wants the service.

Unit owners and any owners' association shall comply with all other applicable provisions of this article and any regulations promulgated by the public works authority.

- (3) The city may provide the same services to residential units on privately owned roads or on public roads in apartment buildings, or condominium buildings with more than nineteen (19) units, or projects containing more than (19) units, in accordance with all other applicable provisions of this article and regulations promulgated by the public works authority.

- (4) Subparagraphs (1) and (2) above shall not apply to any residential units in any subdivision or other project in which roads have been or will be privately constructed or improved to serve the project with the intention that such roads shall become public roads until such time as the council formally accepts the road.

(e) Notwithstanding any other provision of this chapter or code, a property owner must participate in the city's solid waste disposal program in order to be eligible for other city waste disposal or recycling services or programs including but not limited to the city's programs for recycling, large item pickup, hazardous waste disposal and any programs available at the riverside recycling facility.

Sec. 12-17.1 Residential recycling program required.

(a) Any residential property which does not participate in city solid waste collection and recycling under section 12-17 above, must provide a recycling program for all of its residential dwelling units, either directly by doing such collection itself under a city license as a waste transporter, or by contracting with a licensed waste hauler. For purposes of

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this section, "residential property" shall mean and include any property in which there is a residential dwelling unit, including commercial property as defined in section 12-16 "Commercial property", subparagraph (a) and subparagraph (f).

Such recycling program must meet the following minimum standards:

- (1) It must be at least as convenient for the resident as the owner's solid waste collection program for the property;
- (2) It must be a single stream recycling program that includes at least the same materials as those collected by the city's recycling program;
- (3) Residential property owners must provide clear and visible signage indicating which container(s) is for recyclables and the types of recyclables collected under the single stream program;
- (4) Residential property owners must provide residents with information about the recycling program upon occupancy and provide updates about any changes in the recycling program to all residents; and
- (5) Source separated recyclables shall not be commingled with solid waste.

(b) No later than January 1, 2014, any residential property owner who does not have solid waste and recycling collection by the city shall begin a recycling program in compliance with this chapter and any applicable regulations.

(c) If a property owner cannot comply with this section by January 1, 2014, he or she may request an extension to come into compliance. Such extension request shall be filed by October 1, 2013, and shall include an explanation of why the property owner cannot comply by January 1, 2014, and a detailed plan to come into compliance as soon as reasonably possible. The public works authority shall determine whether the property owner has good cause for an extension and may issue an extension reasonable under the circumstances, not to exceed twenty-four (24) months from January 1, 2014. If the public works authority determines the property owner does not have good cause for an extension, it shall issue a notice for the property owner to begin its recycling program within thirty (30) days or be in

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violation of this section.

(d) The public works authority shall provide educational materials to the residential property owners at the commencement of a recycling program under this section.

~~(e) All recyclables collected in the city shall be delivered to EcoMaine, (formerly known as Regional Waste Systems).~~

~~(fe)~~ The public works authority, or his or her authorized representative, may enforce any violation of this section by issuing a uniform summons and complaint, or at the city's option, a complaint pursuant to 30-A M.R.S.A. §4452. Every day upon which any such violation continues shall be deemed a separate violation. Penalties, including payment of the city's attorney's fees and costs, as provided in section 12-30 shall apply to such violations brought under the uniform summons and complaint. If a violation is brought pursuant to 30-A M.R.S.A. §4452, penalties provided therein shall apply. In addition to any such penalties, the city may enjoin or abate any violation of this section by appropriate action.

(Ord. No. 157-98, 11-16-98; Ord. No. 31-00, 7-17-00; Ord. No. 197-01, 3-7-01; Ord. No. 254-02/03, 05-19-03; Ord. No. 242-05/06, 5-15-06; Ord. 99-06/07, 11-20-06)

***Editor's Note:** Pursuant to council order no. 240 passed on May 15, 2006 the residential punch pass program at riverside recycling center, established by council order no. 234 and passed on May 19, 2003 was amended by council order no. 241 and passed on May 15, 2006 and effective as of September 1, 2006 is as follows:

Riverside punch pass program includes:	Fee
Stove/oven (limit of 1 per punch)	\$0.00
Hot water heater (limit of 1 per punch)	\$0.00
Mattress-(limit of 1 per punch)	\$0.00
Boxspring (limit of 1 per punch)	\$0.00
Clothes washer (limit of 1 per punch)	\$0.00
Clothes dryer (limit of 1 per punch)	\$0.00
1 cubic yard miscellaneous (limit of 1 per punch)	\$0.00
1 large miscellaneous item (limit of 1 per punch)	\$0.00
Refrigerator (limit of 1 per punch)	\$0.00
Tires (limit of 1 per punch)	\$0.00
Up to 5 gallons of universal or hazardous waste	
Per punch	\$0.00

The riverside punch pass shall only be issued to city of Portland residents who are eligible for, and participate in, the city's solid waste collection program, and the punch pass shall be limited to ten punches during each twelve months period.

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Editor's Note: Pursuant to Council Order 32-11/12 passed on 4/2/12 and Section 12-17.1 below, the following fee was enacted for bulky waste collection tags:

Large bulky waste tag: \$40

Small bulky waste tag: No Charge

| ~~12-17.1~~ 12.17.2 **Bulky Waste Collection.**

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(a) Bulky Waste shall be collected by the city as prescribed by the rules and regulations for said program established by the Department of Public Services.

(b) No person shall place bulky waste out for collection by the city unless it is in compliance with the rules and regulations as established by the Department of Public Services for the bulky waste collection program.

(c) The notice provisions of Sections 12-27 and 12-28 of this Article shall not apply to violations of this section.

(d) Whoever violates this Section of this Article shall be guilty of an offense. The penalty for said offense shall be One Hundred Dollars (\$100.00) plus attorneys' fees and costs and costs of proper disposal of the waste material.

(e) For bulky waste collected by the city, the city council shall establish the cost per bulky waste tag by order. (Ord. No. 197-01, 3-7-01; Ord. No. 122-10/11, 2-23-11; Ord. No. 28-11/12, 4-2-12)

Sec. 12-18. Containers to be furnished.

(a) It shall be the duty of every tenant, lessee or occupant of every residential property occupied by not more than two (2) families to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(b) It shall be the duty of the owner or owner's agent of every residential property occupied or intended to be occupied by more than two (2) families to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(c) It shall be the duty of the occupant and/or owner or

owner's agent of a hotel, restaurant, boarding house, public warehouse, market, bakery, grocery store, fruit stand or other buildings not referred to in sections (a) and (b) herein to provide and keep within the building or upon the lot where the building is situated suitable and sufficient containers to receive the accumulation of solid waste on the premises during the interval between collections.

(d) For waste collected by the city, the council shall establish the cost per bag by order.

(Ord. No. 157-98, 11-16-98; Ord. No. 116-01/02, 12-3-01)

***Editor's Note:** Pursuant to council order #240-05/06 passed on 5/15/06 (effective July 1, 2006) and council order #208-09/10 passed on 5/17/10 (effective July 1, 2010) the blue trash bag fees are as follows: 15 gallon: \$1.00; 30 gallon: \$2.00.

Sec. 12-19. Waste not to accumulate except in suitable storage containers.

(a) The occupants and/or owners of all residential properties shall place or cause to be placed all solid waste and recyclable material in suitable containers and shall not permit any accumulation or deposit of such substances in or about the premises except in such suitable containers.

(b) Any person owning, operating or being in charge of any commercial property shall require that solid waste and recyclable material be stored in suitable containers.

(Ord. No. 157-98, 11-16-98)

Sec. 12-19.1. Recyclable material to be placed in suitable recycling containers/no other material to be placed in or around suitable recycling containers.

(a) Recyclable material shall be placed in a suitable recycling container. No person shall place or cause to be placed in or around any suitable recyclable container any solid waste, garbage or waste matter of any kind.

(b) The notice provisions of Section 12-27 and 12-28 of this Article shall not apply to violations of this Section.

(c) Whoever violates this Section of this Article shall be guilty of an offense. The penalty for said offense shall be double the penalty established in Section 12-30 of this Code plus attorney's fees, costs and the costs of proper disposal of the material.

(Ord. No. 31-00, 7-17-00)

Sec. 12-20. Condition of containers.

(a) All containers used for storage or disposal of solid waste and recyclable material shall be kept clean.

(b) Containers provided in accordance with provisions of this article shall not be removed, destroyed, mutilated or utilized for any purpose other than holding solid waste or recyclable material.

(Ord. No. 157-98, 11-16-98)

Sec. 12-21. Placement for collection; scavenging prohibited.

(a) *Municipal collection.* Suitable containers for collection shall be placed at the curb or on the esplanade between the sidewalk and the gutter not prior to 3:00 p.m. of the day before scheduled municipal collection. Containers placed in the public way on and after such time shall be considered as being intended for collection and, as such, shall be collected by none other than the authorized collector of the public works authority. All emptied containers shall be removed prior to 8:00 p.m. on the day of collection. Such suitable containers shall be covered or securely tied as to prevent spillage, wind-blown littering, or the ingress or egress of flies, rats or other vermin. No person except a legal occupant, owner of the premises, or their authorized agents, or the public works authority shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for removal.

(b) *Non-municipal collection.* The occupants, owners or authorized agents of every building shall place such suitable containers in a place convenient for the removal of the contents by the persons authorized to collect the same. Such occupants, owners or authorized agents shall place such containers only on the premises occupied or owned by them. No other person except the occupants, the owner of the premises or authorized agent, or an authorized collector shall remove, take or otherwise disturb the waste matter, or any portion thereof so placed for removal.

(Ord. No. 157-98, 11-16-98)

Sec. 12-22. Prohibited wastes.

No person shall place any of the following wastes on the street for municipal collection:

- (a) Hazardous waste: All hazardous waste as defined by federal and state regulatory agencies;

- (b) Hospital waste: All contaminated hospital waste as defined by federal and state laws, i.e., "red bag" pathological anatomical waste;
- (c) Infectious waste: Wastes which are hazardous by reason of their contamination with infectious materials, i.e., "red bag" waste body parts, pathology lab waste, etc.
- (d) Human fecal waste;
- (e) Animal fecal waste which is not contained in a plastic bag;
- (f) Flammable liquids;
- (g) Powder and liquid pesticides, herbicides and fungicides;
- (h) Paint waste and pigments;
- (i) Construction and demolition debris as defined in section 12-101 of this Code;
- (j) Electrical capacitors: Contain oils that may contain P.C.B.'s;
- (k) Special waste as defined by state law, including, but not limited to, asbestos;
- (l) Laboratory chemicals;
- (m) Biohazard materials;
- (n) Plated metal parts;
- (o) Electrical transformers or parts; and
- (p) Hot ashes.
- (q) Discarded goods.

(Ord. No. 157-98, 11-16-98; Ord. No. 186-99, 1-04-99; Ord. No. 122-10/11, 2-23-11)

Sec. 12-23. Waste not to be thrown in public places; misuse of litter baskets.

- (a) No person shall throw or deposit any garbage, or

tobacco product, or yard waste, solid waste, prohibited waste, or waste matter, or cause the same to be thrown or deposited upon any street, sidewalk, alley, gutter, park, or other public way, or throw or deposit the same in or upon any premises or vacant lot or in any water, or to store or keep the same except in suitable containers as required by this article or in litter baskets as supplied by the city. Where the city has supplied litter baskets, no person shall use the litter baskets for the disposal of large volumes of solid waste.

(b) The notice provisions of Sections 12-27 and 12-28 of this Article shall not apply to violations of this section.

(c) Whoever violates this Section of this Article shall be guilty of an offense. The penalty for said offense shall be One Hundred Dollars (\$100.00) plus attorneys' fees, costs and costs of the proper disposal of the material.

(Ord. No. 157-98, 11-16-98; Ord. No. 197-01, 3-7-01; Ord. No. 122-10/11, 2-23-11; Ord. No. 104-11/12, 2-6-12)

Sec. 12-24. Collection vehicles to be covered.

No person shall transport any garbage or putrescible waste over any public way, street or place within the limits of the city except in properly constructed, watertight vehicles or in suitable containers. Vehicles and containers used to transport solid waste shall be so constructed as to prevent the spillage of such solid waste. Such vehicles and containers shall be covered except during the act of filling or emptying them and shall not be permitted to become foul or offensive.

(Ord. No. 157-98, 11-16-98)

Sec. 12-25. Refusal to collect.

The public works authority may refuse to accept for collection any waste material which:

- (a) Is in a container found to be unsafe to handle or in poor condition. Said container shall be marked by the public works authority with a sticker or tag. If such a container is placed out for collection again in the same condition, it shall be considered as being intended for collection and shall be picked up and disposed of by the public works authority.
- (b) Any solid waste which collection is prohibited hereunder or which is too large to fit into suitable containers or which is over the length, width, weight

or bulk requirements set forth in this article.

(c) Is in a container other than a suitable container as defined in this article.

(Ord. No. 157-98, 11-16-98)

Sec. 12-26. Conflict with other laws.

Whenever there shall appear in any chapter of this Code provisions which conflict with the provisions of this article, such other provisions shall control, except that wherever this article imposes greater restrictions, then such restrictions shall control.

(Ord. No. 157-98, 11-16-98)

Sec. 12-27. Enforcement.

It shall be the duty of the chief of police or public works authority or their duly authorized representatives to cause the enforcement of the provisions of this article relating to city streets or public property and to prosecute any and all persons violating any such provisions.

It shall be the duty of the chief of police or the building authority, or their duly authorized representatives to cause the enforcement of the provisions of this article relating to private property and to prosecute any and all persons violating any such provisions.

The owner of, and any person having responsibility for, property abutting a city street or sidewalk or esplanade where waste material has been deposited shall be presumed to have deposited same and shall be liable for violations of this article relating to city streets or public property in the absence of evidence to the contrary. Notwithstanding the aforesaid, any owner of and/or any person having responsibility for property abutting a city street or sidewalk or esplanade where any garbage or waste material has been deposited in violation of this article shall cause it to be removed within twenty-four (24) hours of the posting or notification of an order of removal, whichever occurs first, issued by the chief of police or the public works authority or their duly authorized representatives. Oral notice shall only be provided to those persons who have registered their ownership or management interest pursuant to section 6-151 of this Code. Failure to remove such waste within the time specified shall be a violation of this article.

If the waste material has not been removed within twenty-four (24) hours of the posting or notification of an order of removal, whichever occurs first, the public works authority shall arrange to have the waste material removed and shall provide written notice of such removal to the owner of record. The owner of record shall be responsible for the fees for collecting and disposing of the waste material as described in section 12-28 of this article, in addition to the penalties imposed by Section 12-30.

(Ord. No. 157-98, 11-16-98; Ord. No. 122-10/11, 2-23-11)

Sec. 12-28. Collection fee.

After the posting or notification of an order of removal given under section 12-27, the City fee for collecting waste material remaining on the street after twenty-four (24) hours shall be one hundred dollars (\$100.00) for up to one (1) cubic yard. In the event the waste exceeds one (1) cubic yard, the fee shall be an additional one hundred dollars (\$100.00) per cubic yard or portion thereof. The cubic yard cost to dispose of any amount of collected waste at an approved facility shall be the disposal fee and shall be added to the collection fee. Such fees shall be charged each time that the city removes the waste material deposited in violation of this article from the streets or sidewalks or esplanades abutting the property, whether or not additional notice has been given.

Charges assessed pursuant to this article shall be enforceable by lien for the benefit of the city pursuant to section 1-16 of this Code.

(Ord. No. 157-98, 11-16-98; Ord. No. 122/10/11, 2-23-11)

Sec. 12-29. Responsibilities hereunder not transferable.

No contract or agreement between the owner or operator and occupant relating to compliance with the terms of this article shall be effective in relieving any person of the responsibility for compliance with the provisions of this article as set forth herein.

(Ord. No. 157-98, 11-16-98)

Sec. 12-30. Violations.

Whoever violates any provisions of this article shall be guilty of an offense. Each day a violation continues shall be deemed a separate violation. The penalty for said offense, in addition to any other fees imposed by this article shall be as follows:

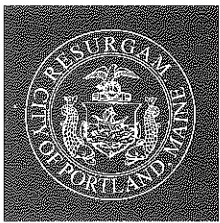
First violation: Fifty dollars (\$50.00).

Second violation: One hundred dollars (\$100.00).

Third violation and above: One hundred fifty dollars
(\$150.00)

| plus attorney's fees and costs.
(Ord. No. 157-98, 11-16-98)

Secs. 12-31 -- 12-45. Reserved.



PORTLAND MAINE

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Public Services Department
Michael J. Bobinsky, Director

To: Members of the Transportation, Sustainability and Energy Committee

From: Troy Moon, Environmental Programs Manager

RE: Follow Up Information Regarding the Proposed Multi-Family Recycling Ordinance

Date: 5/1/2013

During the Transportation, Sustainability and Energy Committee meeting on February 6, DPS was asked to provide the following information:

- Buildings and units affected by the proposed Multi-Family Recycling Ordinance
- Cost to the City if DPS were to provide trash and recycling service to units not currently served
- The City's legal authority to regulate waste

We have prepared the following for your review.

- **Apartment Buildings:** The Department of Public Services currently provides service to single family homes and apartment buildings with up to nine units. The Department also provides service to 30 buildings with ten or more units. These contain about 550 units. The remaining 165 multi-family apartment buildings are served by private haulers. They contain about 6100 units that are not served by DPS.
- **Condominiums:** The Department of Public Services provides service to about 1000 condo units. Many of these are on peninsula and were formerly single family homes or apartment buildings that were converted to condo units. DPS also provides service to a number of developments who requested service and agree with terms of service. Examples include the homes on Coachlight Lane, Ridge Road and Stoneledge Drive. DPS does not provide service to large buildings organized as condominiums such as Portland House, Promenade Towers and Chandlers Wharf. There are also a number of private developments whose leadership have not requested City collection. These include the condominiums on Northwood Drive, Back Cove Estates and Ricker Park. In total there are about 2200 units that are not served by DPS.
- **Portland Housing Authority:** The City does not provide service to the approximately 1000 units owned by Portland Housing Authority.

In total, there are **almost 9,500** housing units in the City of Portland that do not receive solid waste and recycling services from the Department of Public Services.

Cost for City to Collect Trash and Recycling from Units Not Currently Served: The Department's solid waste staff can provide only a preliminary estimate of cost at this time. We are prepared to conduct a more comprehensive study on this issue and report back at a later meeting if desired by Committee Members.

Our general approach would be to integrate as many units into our existing program as possible. DPS collection vehicles currently drive past most condominium units and homes located on private roads every a week. Many of these could be incorporated into expansions of our existing routes. Portland Housing Authority units received service from DPS at one time and many could be reintegrated into our program.

Units in large apartment complexes (such as the development off Auburn Street in North Deering) or in large buildings such as Portland House or Franklin Towers would not fit into our current program. We would need to purchase containers for waste and recycling at these locations as well as specific collection vehicles.

Providing this increased level of service would require a significant capital outlay for additional collection vehicles, carts for waste and recycling and dumpsters for waste and recycling. Our preliminary estimate suggests costs could be in the range of **\$2.25 million**.

If DPS were to add this level of service we could require up to **eight** additional collection personnel at an annual cost of about **\$320,000**. This would enable us serve dumpsters and buildings in traffic sensitive areas of the peninsula in the late evening or early morning. It would also provide staff to cover expanded daytime collection routes in residential areas.

City's Legal Authority to Regulate Waste Management: Corporation Counsel has prepared a memo addressing this question under separate cover.

Multi-Family Buildings Not Served by DPS

Property Location	Units	Property Location	Units
19 EASTERN PROMENADE	11	81 DANFORTH ST	30
42 GREENLEAF ST	15	69 HIGH ST	11
58 NORTH ST	17	32 PLEASANT ST	18
135 SHERIDAN ST	21	305 COMMERCIAL ST	62
193 CONGRESS ST	12	92 DANFORTH ST	12
10 MERRILL ST	13	51 PARK ST	12
250 EASTERN PROMENADE	8	41 STATE ST	27
246 EASTERN PROMENADE	12	51 STATE ST	15
13 EMERSON ST	24	59 STATE ST	42
60 EMERSON ST	12	36 STATE ST	21
119 MORNING ST	28	62 STATE ST	25
151 NORTH ST	62	180 DANFORTH ST	10
248 CONGRESS ST	60	66 HIGH ST	38
1 MIDDLE ST	82	638 CONGRESS ST	95
165 CUMBERLAND AVE	12	131 STATE ST	17
190 OXFORD ST	12	145 SPRING ST	21
289 CUMBERLAND AVE	16	111 STATE ST	12
180 PEARL ST	60	160 STATE ST	13
184 PEARL ST	54	100 STATE ST	170
6 STONE ST	23	63 GRAY ST	10
41 CHESTNUT ST	16	231 STATE ST	30
48 WILMOT ST	15	10 AVON PL	18
439 CONGRESS ST	81	17 DEERING ST	19
312 CONGRESS ST	20	30 DEERING ST	18
77 MARKET ST	31	633 CONGRESS ST	58
75 MARKET ST	16	625 CONGRESS ST	190
TEMPLE ST	72	30 MELLEN ST	13
38 ALDER ST	14	238 STATE ST	13
255 OXFORD ST	17	681 CONGRESS ST	44
341 CUMBERLAND AVE	29	218 STATE ST	17
13 GRANT ST	11	128 PARK AVE	20
471 CUMBERLAND AVE	13	122 PARK AVE	20
461 CUMBERLAND AVE	16	120 PARK AVE	21
447 CUMBERLAND AVE	43	143 GRANT ST	21
231 HIGH ST	10	133 GRANT ST	19
231 HIGH ST	32	125 GRANT ST	13
419 CUMBERLAND AVE	32	94 PARK AVE	16
389 CUMBERLAND AVE	116	286 STATE ST	26
104 OAK ST	29	65 GRANT ST	6
72 OAK ST	37	131 SHERMAN ST	6
15 SHEPLEY ST	20	123 SHERMAN ST	13
11 SHEPLEY ST	40	111 SHERMAN ST	25
18 CASCO ST	62	77 SHERMAN ST	12
37 CASCO ST	88	71 SHERMAN ST	12

264 STATE ST	12	257 CANCO RD	124
563 CUMBERLAND AVE	11	88 YALE ST	14
553 CUMBERLAND AVE	28	240 HARVARD ST	62
497 CUMBERLAND AVE	12	217 CANCO RD	82
485 CUMBERLAND AVE	25	988 WASHINGTON AVE	91
13 GRANITE ST	12	609 OCEAN AVE	34
191 PARK AVE	30	850 BAXTER BLVD	147
162 WASHBURN AVE	12	997 WASHINGTON AVE	13
216 PARK AVE	14	469 BRIGHTON AVE	13
157 GRANT ST	26	1125 BRIGHTON AVE	104
46 DEERING AVE	11	1300 FOREST AVE	16
829 CONGRESS ST	12	824 STEVENS AVE	20
817 CONGRESS ST	12	1390 FOREST AVE	16
12 WEYMOUTH ST	26	1342 FOREST AVE	25
818 CONGRESS ST	48	1500 FOREST AVE	60
794 CONGRESS ST	36	723 RIVERSIDE ST	77
84 CARLETON ST	29	1838 FOREST AVE	45
30 WEST ST	44	1349 FOREST AVE	38
77 PINE ST	39	12 WHITE BIRCH LN	11
730 CONGRESS ST	40	246 AUBURN ST	46
6 WALKER ST	14	238 AUBURN ST	10
690 CONGRESS ST	24	1585 WASHINGTON AVE	11
89 SPRUCE ST	12	65 LAMBERT ST	16
257 SPRING ST	11	326 AUBURN ST	24
213 DANFORTH ST	30	765 OCEAN AVE	12
240 DANFORTH ST	67	57 ALLEN AVE	14
48 SALEM ST	69	145 ALLEN AVE	201
42 BRACKETT ST	16	132 MARGINAL WAY	400
314 SPRING ST	19	10 CONGRESS SQ	160
135 CHADWICK ST	36	129 PARK ST	12
40 WEST ST	12	53 DANFORTH ST	43
88 GILMAN ST	24		
12 FOREST ST	12	Units NOT served	6110
57 FREDERIC ST	20		
50 FREDERIC ST	30		
50 FREDERIC ST	30		
7 ELIZABETH RD	12		
202 DARTMOUTH ST	12		
78 MCKINLEY CT	6		
18 MCKINLEY CT	14		
34 DARTMOUTH ST	217		
331 FOREST AVE	70		
12 PITT ST	12		
68 DEVONSHIRE ST	154		
259 WOODFORD ST	15		
244 WOODFORD ST	19		
237 WOODFORD ST	8		

Portland Housing AuthorityDoes **Not** Receive Service From DPS

	Dwelling Buildings	Dwelling Units
211 Cumberland Ave	1	200
284 Danforth St	1	150
58 Boyd St	10	46
58 Boyd St	5	24
58 Boyd St	16	100
12 Dermot Ct	2	4
155 Anderson St	1	6
81-87 Salem St	1	3
43 Hammond St	1	4
37 Illisley St	1	1
66 Pembroke St	15	100
34 W. Presumpscot St	18	50
21 Popham St	90	200
2 Riverton Dr	25	150
		1038

DPS Condominium Services

Condos	Collected	Not Collected
	1100	2200

* This includes homes on private streets or drives.

* Many condos on the peninsula were originally single family homes or apartments converted to condos. DPS provides service to most of these units.

*DPS does not serve the largest condo buildings including Portland House, Chandlers Wharf, Promenade Towers

*In 2007, Council authorized DPS to provide service to condo units/developments that agreed to participate in City services and signed a release for City equipment to travel on private roads. Developments continue to join our program moving forward.

Memorandum

Department of Planning and Urban Development



To: Transportation, Sustainability and Energy Committee

From: Jeff Levine, Director
Nell Donaldson, Planner

Date: September 12, 2013

Re: Bike Share Study and Next Steps

In early 2013, the US Environmental Protection Agency (EPA) selected Portland as one of few cities across the country to receive technical assistance related to the development of a bike share system. Bike sharing offers low-cost, shared bicycles, residing at designated 'stations,' to the public for short-term use. Designed as an alternative mode of transportation for quick trips, bike sharing provides an easy way to go a short distance without getting into a car or worrying about parking.

Bike share had been considered, and tried, in Portland before, mostly at the initiative of a few private individuals. Though those fledgling systems failed to catch on, policy-makers and citizens agreed that the concept held promise. The city boasts high residential and employment densities and a strong mix of uses (particularly on the peninsula), supports bicycling through policy and infrastructure investments, and exhibits relatively significant mode splits for biking and walking. The city viewed the technical assistance as a means of testing the bike share idea: Could it work in Portland? If so, how?

Methodology

The technical assistance included a review of existing plans and policies, stakeholder and public workshops, and ultimately the compilation of key issues, opportunities, and next steps. The effort brought experts in bike share system planning together with local stakeholders, including representatives from city and regional governments; non-profits such as the Bicycle Coalition of Maine, Portland Trails, and Healthy Portland; and local institutions like USM. Collectively, this group was able to consider the merits of a Portland-based bike share system and how, broadly speaking, it might work.

System & Business Planning

The bike share study resulted in some basic planning considerations:

- Bike share in Portland should be targeted towards residents, workers, tourists, and those without transportation options. Ideally, the bike share system should enhance

accessibility, support economic development, improve the bicycle and pedestrian environment, and provide environmental benefits.

- The bike share system, at least at first, should focus on the peninsula and the areas immediately adjacent, which support the highest residential and employment density. The pilot system should include sufficient ‘stations’ and bikes to reach a critical mass.
- The system could use either station-based or bike-based technology. Conventional station-based models incorporate the locking and access mechanisms into a ‘station’ where bikes are parked by users. These systems require greater capital outlay up front, but are easy to use, highly visible, and have the benefit of widespread field-testing throughout the country and world. Systems with bike-based technology, in contrast, do not include extensive docking stations; instead, the access mechanism is located directly on the bicycle. Systems with bike-based technology are currently being piloted around the country, but they potentially allow for a smaller investment at the outset. The choice regarding technology will depend to some extent on funding.
- Currently, bike share systems are operated on a variety of different models, ranging from full to limited municipal involvement. In Portland, it seems that the most likely model may be a non-profit based one. Under this scenario, an independent agency, similar in nature to Creative Portland, with its own executive director, would own and manage the bike share system. The city would serve on the board, and thus retain a high stake in the system’s outcomes. This model provides less control for the city, but allows the program greater flexibility in terms of fundraising and contracting. For these reasons, many large and small communities across the country, including Minneapolis, MN, Aspen, CO, Boulder, CO, Denver, CO, Salt Lake City, UT, and Des Moines, IA, have chosen the non-profit-based model.
- Funding in Portland, as in other communities that currently support bike share, would likely originate from a variety of sources, including public agencies, private philanthropic organizations, and user fees.

Next Steps

With the conclusion of the EPA study, it falls to the city and its partners to progress the bike share concept. First and foremost, this means delegating a point person or persons to manage the effort. After resolving the questions of management and ownership, detailed business planning and ultimately fundraising can begin. In the meantime, the city should continue to monitor fledgling bikeshare programs country-wide, enhance its existing bicycle network, and pursue funding opportunities as they arise.

The two primary models for moving forward would be a public model and a non-profit model. Both have advantages and disadvantages. The non-profit model allows the increased flexibility and independence of a non-governmental organization that can focus on the concept. A non-profit would be governed by a Board of Directors including city representatives, as well as representatives of key stakeholders such as the Bicycle Coalition of Maine, Portland Trails, and the Pedestrian and Bicycle Advisory Group. While not directly eligible for some state and federal grant sources, the City could apply

on its behalf and offer any funds granted to the non-profit. Attached to this memo is a set of case studies of bike share systems that have used this model.

The other model is a publicly-driven one, such as has been used in the Boston region, as well as in New York and Washington, DC. This system assumes governmental bodies will manage the system, hire the vendor, fundraise and do all the other activities required to see a bikeshare system succeed. This model has the advantage of ensuring the City's interests are fully accounted for in the development of a system. It does have some disadvantages, however. The bikeshare system becomes just one project on a list of other projects City staff needs to complete, and as a result is at risk of being put on a back burner during busy times. In addition, if more than one city becomes involved, there will need to be negotiations about governance issues, such as how to make decisions. In the case of Boston's Hubway system, these negotiations took a great deal of time and resulted in a lengthy agreement that made making decisions quickly difficult. In reality, Boston's dedicated bicycle coordinator took the lead on many time-sensitive issues and had to then gain support from the other three communities, sometimes after the fact.

In the case of Portland, we recommend advancing the non-profit model. We have spoken to the Bicycle Coalition of Maine (BCM) about this possibility, and they are willing to discuss it further. I would imagine BCM serving as a possible fiscal agent and even potentially housing a staff person in their office. They are willing to help us raise funds from the private sector, which would be quite beneficial. We imagine a model like Creative Portland working quite well to advance a more detailed business plan and to raise funds for possible implementation of a system in the next few years.

If the committee and the full Council support this approach, we would work with Corporation Counsel and other parties to develop a detailed set of materials that would implement this model. We would imagine hiring a part-time, contract Executive Director for a period of 6 months to a year, using a combination of PACTS funds, privately raised funds, crowdsourced funds, and other sources.

Bike Share Case Studies: Non-Profit Based Management Model

Case Study	 Nice Ride Minnesota Minneapolis/St. Paul, MN	 WE-Cycle Aspen, CO	 GreenBike Salt Lake City, UT	 Des Moines B-Cycle Des Moines, IA
Description	Nice Ride Minnesota is a non-profit born out of the Twin Cities Bike Share Project, an initiative co-sponsored by the city of Minneapolis and the City of Lakes Nordic Ski Foundation.	WE-Cycle is a local non-profit founded in 2010 by private individuals with the express purpose of developing a bike share system in Aspen.	GreenBike is a non-profit outgrowth of a partnership between Salt Lake City, the Salt Lake Chamber of Commerce, and the SLC Downtown Alliance, with support from other regional partners.	Des Moines Bicycle Collective, an existing non-profit, launched Des Moines B-Cycle as part of its bicycle-oriented work in the greater Des Moines area.
Launch	2010	2013	2013	2010
Stations/Bikes	116/1,200	13/100	10/100	5/22
Total Capital	\$3 million	\$650,000	\$500,000	\$120,000
Funding	(+\$2.3 for Phase II)			
Major Funding Sources	FHWA/Bike/Walk Twin Cities ARRA through US DHHS City of Minneapolis University of MN Macalester College BCBS Minnesota	CMAQ Pitkin County City of Aspen Roaring Fork Transit Authority Aspen Valley Hospital Aspen/Snowmass Aspen Institute Private Foundations	SLC Chamber of Commerce Downtown Alliance Utah Transit Authority Private sector	Polk County City of Des Moines Drive Time Des Moines Greater Des Moines CVB Des Moines Area Regional Transit Authority Principal Financial Group BCBS
Operator	Nice Ride MN	WE-Cycle	B-Cycle/GreenBike	B-Cycle/DMBC
Partnerships of Note	Local businesses assembled and installed bike share equipment. Local law, design, marketing, accounting, and web development firms donated staff time to startup.	Strong private partnerships allowed a large rollout given Aspen's small size.		

Sources: Alta, 2012 Cincinnati Bike Share Feasibility Study; www.niceridemn.org; www.we-cycle.org; www.greenbikeslc.org; www.desmoines.bcycle.com; www.desmoinesmetro.com;



Planning for Bikeshare
Programs
Portland, Maine
Next Steps Memorandum
July 3, 2013



EPA Technical Assistance for Sustainable Communities:

Building Blocks

1. INTRODUCTION

The U.S. Environmental Protection Agency (EPA) selected Portland, Maine for a Building Block for Sustainable Communities technical assistance award—conducting a workshop on Planning for Bikeshare Programs. The city of Portland has a history of supporting Smart Growth, particularly in the Peninsula which serves as the urban core of the city. It has encouraged redevelopment and infill projects and has implemented new bicycle facilities throughout the city. Portland’s Peninsula has a compact urban form with population and employment densities comparable to larger cities such as Boston. As a result, it enjoys relatively high levels of walking and bicycling. The city was interested to explore how bike share can provide for enhanced mobility, transportation choices for residents, businesses and visitors, increase access to bicycling for a variety of income levels, and reduce greenhouse gas emissions.

The technical assistance is designed to provide insight into the planning, operational and business plan elements of implementing bike share. The community’s request for technical assistance also centered on gaining additional information regarding the optimal technology for a bike share system in Portland and considerations as to whether such a system would be a "stand alone" or could integrate with the Hubway bike share system in Boston.

This memorandum summarizes the key issues and opportunities identified for planning and implementing a bike share program in the city of Portland. The memorandum concludes with strategies and key actions to bring the bike share concept forward.

2. SITE VISIT + WORKSHOP

The technical assistance effort involves five major activities as noted in Figure 1. The pre-workshop coordination calls with the city helped set the agenda for the May 8-9, 2013 workshop and provided the EPA team (EPA staff and consultants from Alta Planning + Design) with an understanding of the city’s desired outcomes from the technical assistance.

The technical assistance began with a field visit and meetings with key stakeholders including the City Manager. Later, a public workshop provided interested community members with an overview of the history of bike share. Participants were encouraged to ask questions throughout the presentation and were also given the



Figure 1 – Key Elements of Building Blocks Technical Assistance

EPA Technical Assistance for Sustainable Communities: Building Blocks

opportunity to identify locations on a map where they could envision a bike share station.

The technical session took place on the second day and served as a forum for convening stakeholders. The workshop provided an opportunity for stakeholders to learn the basic elements of planning for bike share as well as help identify opportunities and challenges to implementing bike share in Portland. Stakeholders who attended some or all of the day-long workshop included representatives from the city of Portland, city of South Portland, Portland Area Comprehensive Transportation System (PACTS), Northern New England Passenger Rail Authority (NNEPRA), University of Southern Maine (USM), Bicycle Coalition of Maine, Portland Trails, Healthy Portland, Maine Commercial Association of Realtors, as well as members of the Portland City Council, Planning Board and Bicycle Pedestrian Advisory Committee. The first half of the presentation provided an overview and history of bike share, which was delivered as an interactive question and answer event. The second half of the presentation focused on considerations for identifying the feasibility of implementing bike share and provided an overview of the items to be considered before investing in bike share. The presentation set the stage for a discussion of local opportunities and challenges on the following topics:

- System Planning (e.g., potential bike share users, potential types of trips that a bike share user might take, system technology, and potential areas to be served)
- Business Planning (e.g., who might own, manage, and operate a bike share system and how will the system be funded?)
- Operational Considerations (e.g. understanding the behind-the-scene elements of operating a bike share system and identifying operational considerations relevant to the local context in Portland, such as removing stations in the winter months).

3. KEY ISSUES + STRATEGIES

The results of the workshop are organized as follows:

- Local Context Analysis
- System Planning
- Business Planning
- System Operations
- Next Steps
- Potential Implementation Schedule

Local Context Analysis

In preparation for the workshop, the city of Portland completed a short ‘homework’ assignment to provide the technical assistance team with background information to assess the opportunities for bike share in Portland. Below is a brief summary of information provided in the homework. Relevant additional information gained during a tour of the city and from the workshop event is also included.

EPA Technical Assistance for Sustainable Communities: Building Blocks

Portland has a number of characteristics that are supportive of bike share, including:

- **Policy and Political Environment** – Portland has a number of policies that are supportive of bicycling, including a Complete Streets policy, the PACTS Regional Bicycle & Pedestrian Plan, and a bicycle chapter in the city’s comprehensive plan. The city also has travel demand management (TDM) and transit tax-increment financing (TIF) ordinances.
- **Bicycle Infrastructure** – Portland has a solid and growing bikeway network that includes shared lanes, bike lanes, bike boulevards and multi-use trails.
- **Physical Characteristics** – Portland is a compact and relatively dense urban environment, particularly on the Peninsula. A mix of uses (i.e., residential, retail, commercial) is present in areas such as downtown and Bayside, while other destinations are interspersed with residential areas. There is a considerable amount of infill and re-development taking place in the city. Much of Portland is relatively flat, but there are hills in several areas. Cold, snowy winters are a consideration for ridership and operations (e.g., removal of bike share stations in the winter).
- **Demographics** – As described in the Station Planning section, there are opportunities for bike share to serve local residents, employees, college students, visitors and to extend the reach of public transportation.
- **Support** – There is currently no dedicated funding for bike share, though several funding opportunities were identified during the workshop and are presented in the Business Planning section of this document.

System Planning

Early in the workshop, participants were asked to discuss goals for a bike share program in Portland. Subsequent discussions focused on potential bike share trip types and areas in Portland that bike share could serve. The results of these discussions are provided below.

Goals for bike share in Portland

- To increase the visibility of biking and encourage people who do not normally ride.
- To provide a mobility option for people who cannot afford a car or do not have a bike.
- To improve public health through active transportation and by providing access to other resources that improve health (e.g., parks, trails, grocery stores, farmers market).
- To contribute to economic development (i.e., generate business/development activity).
- To serve the tourist market.
- To allow people to ‘park once’ when coming to the city (i.e., allow people to park and then use bike share, walking or transit for other trips throughout the day).

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- To reduce parking demand, congestion and need for parking infrastructure downtown.
- To serve regional destinations (e.g., provide access to parks, mall, Casco Bay Ferry Lines to connect islanders to and provide mobility in the downtown area).

Potential benefits of bike share in Portland include:

- Bike share can enhance mobility and opportunities for active transportation for residents and local visitors.
- Bike share can enhance the reach of transit (e.g., bus, ferries, train) and support the integration of all modes.
- Bike share can support economic development, providing an amenity that can help attract workers and employers and enhance small business.
- Bike share can reduce barriers to riding a bicycle (e.g., allow people to bike without having to worry about locks).
- Bike share can make bicycling more visible to other road users (i.e., the “safety in numbers” effect), and induce additional investments to the local bike network.
- Bike share can provide environmental benefits (e.g., reduced vehicular emissions).

Bike Share can serve the following areas:

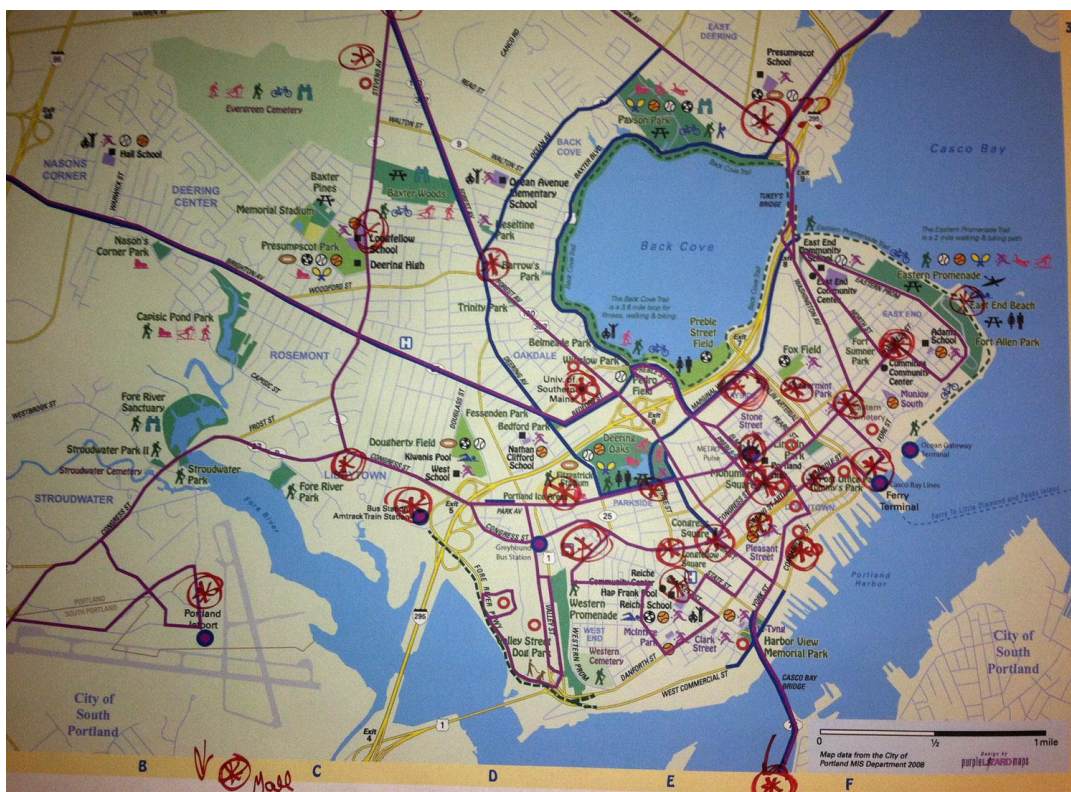
- An initial phase of bike share in Portland would likely focus on the Peninsula, with additional areas included based on available funding and demand. There are a number of destinations in the downtown area that would likely generate demand for bike share. This includes downtown Portland, the Old Port area, Portland campus of USM, the Maine College of Art, a port-of-call for major cruise ships, and the Portland Transportation Center (PTC), which offers inter-city bus and train access to Boston.
- The initial phase of bike share will ideally be comprised of a contiguous system rather than a series of clustered, “satellite” systems. Satellite areas with few stations will offer limited destinations and are unlikely to perform well. A satellite system could be appropriate, however, to connect users to transit (e.g., the ferry) and into the rest of the bike share network.
- More generally, there is some risk in implementing a small ‘pilot’ with few stations, as ridership will be lower than if the system was implemented with more stations (and thus more potential destinations). Low ridership could lead to negative press and public perception of the investment in bike share.
- Workshop participants brainstormed a list of approximately 20 locations on the Peninsula, as well as several locations outside of the core with a few in South Portland. These locations were provided to the city, but are not included in the memo as the

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technical assistance does not include the type of analysis required to confirm the feasibility of specific locations.



Members of the public listen to a presentation on bike share (left).
Workshop participants brainstorm bike share station locations (right).



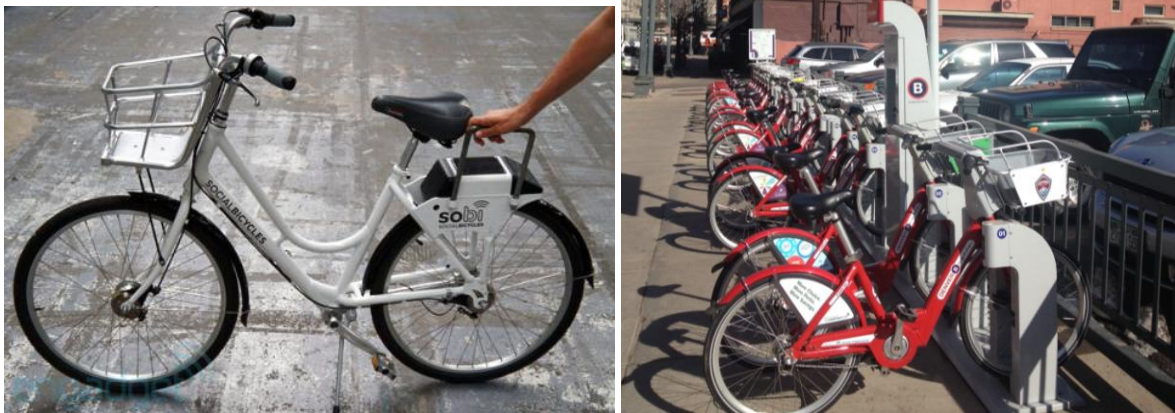
Potential bike share station locations identified during the workshop.

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Station versus non-station based bike share technology

- The majority of recent high-profile bike share installations in the United States utilize station-based, fourth-generation technology. The greater ease of locating a bike at a bike share station provides users confidence that they will consistently be able to check-out or return a bike near a particular transit stop, place of employment, or other destination. The kiosk at the bike share station also provides an interface to sign up for a daily membership using a credit card, facilitating trips by non-members. There is ample experience from other cities with this type of bike share to provide planning guidance.
- Station-less bike share systems are potentially lower cost, but have primarily been used to provide mobility for users of a more confined location such as a university or business campus. Station-less bike share is being piloted at the Portland Transportation Center this year¹. Citywide implementation of station-less bike share is being piloted in several communities, including Buffalo NY, Hoboken NJ and New Haven CT. The use of station-less technology in a citywide application is too new to provide guidance. After the first full season of use, planners will have a better sense of the potential success of a system using station-less technology.
- Bike share technology continues to evolve and Portland should keep an eye on progress when selecting its preferred bike share technology solution. Refer to the Funding section of this memo for a discussion of the costs of different bike share technologies.



Examples of station-less bike share (left) and a station-based bike share (right).

¹ The Portland Transportation Center is currently piloting a ten-bicycle short-term bike share station from a company called Zagster.

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Challenges and additional considerations for bike share in Portland include:

A number of challenges and considerations for bike share in Portland were raised during the workshop. These include exploring the possibility of integrating with the Hubway bike share system in Boston, understanding the choices of bike share technology, and the implications of operating a multi-jurisdictional system. Considerations for each are provided below:

Integration with the Hubway bike share system that currently serves Greater Boston

- Would offer the opportunity to utilize existing infrastructure such as the web site, call center, and the Hubway name and brand.
- The established Hubway brand could promote the sales of annual memberships, including the benefit of membership providing access to the Boston system.
- The primary challenge would be entering into a revenue sharing agreement with cities in Greater Boston, which would likely be complicated and time consuming.
- This approach could also preclude the creation of a Portland bike share system identity; unclear if Portland could use its own name and color scheme while still being integrated with Hubway.

Multi-jurisdictional system with stations in surrounding communities such as South Portland and Westbrook

- It was noted that inter-municipal agreements can be complicated to negotiate and would likely delay launch of a program.
- Ridership would likely be lower in other communities as compared to downtown Portland and would add to the cost of rebalancing of bikes between empty and full stations.
- Land use and station gaps between destinations in the region would likely result in isolated clusters of stations that may not perform as well. The transition between adjacent communities is most seamless between Portland and South Portland via the Casco Bay Bridge.

While Portland has many characteristics supportive of bike share, including a compact urban form with a high density of population and multiple destination types, the following aspects of Portland are likely to limit demand:

- Transit ridership is relatively low, reducing one critical market for bike share use - downtown commuters arriving at a transit station looking for convenient access to their place of work.
- The availability of inexpensive or free parking for people visiting the Peninsula (including for work) gives people the ability to do errands or access destinations by car, rather than bike share.

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Building Blocks

Business Planning

This section discusses who might own, administer, and operate bike share in Portland as well as how bike share could be funded. The following list of business planning considerations is based on practices from bike share programs across the country and is provided as context for the notes that follow from the Portland workshop discussion on these topics.

- Ownership of the bike share equipment typically resides with a public agency, non-profit organization, or private organization.
- Operational tasks (e.g., rebalancing bikes, equipment servicing and maintenance, marketing) can be carried out by a public agency or a local non-profit organization, or these services can be contracted out to a private operator.
- An entity will also need to administer the contract with the operator.
- Existing bike share systems use a mix of funding sources to pay for the capital, launch and operating costs of a bike share system. Typical funding sources include user generated revenues, local and federal grants, as well as selling sponsorship rights to the entire system, individual stations, or on the bikes themselves. Funding considerations for Portland based on the workshop discussion are provided at the end of this section.

Below are discussion items from the workshop related to ownership and funding models for bike share in Portland.

Ownership models

Potential considerations for city ownership of a bike share program include:

- This model would provide the city with the most control over the bike share program and would allow for consistency with any relevant city goals.
- Public ownership of the bike share equipment (i.e., stations and bikes) is related to city capacity and interest to allocate staff time to manage a contract with a non-profit or private operator.

Potential considerations for a non-profit ownership of a bike share program include:

- This model provides less control for the city, but it can still be an active partner with a presence on the board of the non-profit owner.
- Workshop participants suggested non-profit ownership may offer a greater diversity of funding opportunities. A non-profit could be perceived as having a positive public image, which could be useful for soliciting donations, grants or sponsorship. Federal, state or local funds can go to a non-profit, with the city acting as a fiscal flow through agent.
- Workshop participants suggested a non-profit may be more nimble, faster at making decisions, and less bureaucratic or beholden to different agencies as compared to a public agency.

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Building Blocks

- There are a number of longstanding, well respected non-profits in the area, such as Portland Trails and the Bicycle Coalition of Maine. These established organizations engender trust and could potentially house an interim executive director of a new bike share non-profit. A foundation could potentially support bike share by funding an interim executive director.
- PACTS, the Portland Area Comprehensive Transportation System the Metropolitan Planning Organization (MPO) for the Portland metropolitan area, has been working with the Greater Portland Chamber of Commerce and major employers to develop a member-run Transportation Management Association or TMA. A TMA manages many programs for transportation choices other than driving oneself for employers throughout a region. It could be an appropriate consideration for a TMA to host the management and operations of a bike share program.

Considerations for a private ownership and operations of a bike share program include:

- This business model relies on the interest of the private sector to raise funding to own and operate a bike share system; this interest may or may not materialize.
- To date, private operators have typically been contracted to operate a bike share system owned by another entity (i.e., the city or a non-profit organization).
- A privately owned system may provide the city less control over the service area and strategies for system expansion.
- Local foundations and companies may be less inclined to support or sponsor a privately owned bike share system.

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Funding

There is currently no dedicated funding for bike share. Workshop participants discussed a number of potential funding opportunities in Portland including local or national funding, foundations and sponsorship by local companies or other private investors. Potential funding considerations and opportunities include:

- There are many local companies that may be interested in sponsoring stations.
- Maine has many foundations interested in the environment and public health, as well as a number of private benefactors.
- Funding for specific locations can be tied to development² (i.e. developer incentives) and employers (who may be interested to purchase a station at their location).
- Public funding sources
 - Congestion Mitigation Air Quality (CMAQ) grant - Portland is not a non-attainment area, but Maine receives \$8 million/year.
 - MPO has a bike/pedestrian infrastructure set aside; \$600k every two years.
 - Transit Tax-Increment Finance (TIFs) can be used for capital and operations for transit and transit supportive projects (potentially for bike share).
- Other possible funding sources mentioned by the workshop participants include:
 - Bike share could be bundled into a larger TIGER grant (\$10 million minimum).
 - Community Development Block Grant (CDBG).
 - Capital Improvement Program (CIP).
- Member revenues can be increased by:
 - Adding bike share to employer wellness programs (city, state and other employers have them).
 - Promoting corporate membership programs (i.e., memberships usually offered at a discounted rate and employers have option of offering a full or partial financial contribution towards the cost of memberships for their employees).
 - Incorporating bike share access into cruise ship packages.
- The city's parking "opt out" policy or fee in-lieu of parking is a potential funding source for bike share. The fees fund the Sustainable Transportation Fund that can provide funds for bicycling, walking and transit programs and infrastructure. The city would need to revisit developer parking incentives which allow developers to opt out of parking through other parts of the city's zoning without making a financial contribution.

² Several developers downtown are committed to green development. The Chamber of Commerce and Portland's Downtown District are potential partners

EPA Technical Assistance for Sustainable Communities: Building Blocks

This work is already under way in response to a request from the City Council's Housing and Community Development Committee.

Comparison of Costs for Station versus Station-less bike share technology

A comparison of capital and operating costs between station-based and station-less bike share system is not straightforward at this time. This is a result of the different ways in which these technologies have been priced and operated and the limited application of station-less bike share at the municipal level. Below are approximate equipment costs for station-based bike share based on surveys of various bike share vendors:

Table 1 – Approximate equipment costs for station-based bike share³

Station Size (Docks)	Bikes	Equipment and Installation (includes bikes)	Approximate Annual Operating Costs
11	6	\$35,000-\$40,000	\$12,000-\$15,000
15	8	\$45,000-\$48,000	\$18,000-\$21,000
19	10	\$53,000-\$58,000	\$24,000-\$28,000

Costs for station-less bike share will also vary by vendor. Yale University recently launched a six-month pilot program consisting of 50 bikes provided by Zagster. Rather than purchasing the equipment as is commonly done with station-based bike share, Yale pays a monthly fee of \$110 to cover the provision and maintenance of the fleet of bikes. The initial investment for the equipment is lower than a station-based technology. Over the course of five years (similar to the assumed life for the equipment of a station-based system), ten bikes would cost \$66,000. This is similar to the cost of a ten bike station in the table above (note however that the station-less fee does include maintenance of the bikes).

There are as yet few examples to compare operating costs of station-based versus station-less bike share technology. Station-less bike share vendors have begun setting up (for a fee) lower technology 'stations' consisting of a set of typical bicycle u-shaped racks. The Yale system does not involve rebalancing of bikes. Instead users are required to return their bike to the same station from which it was retrieved. A 25 bicycle pilot program recently launched in Hoboken, NJ will allow users to return bicycles to any designated virtual 'hub' location in the city. It is too soon to know the operating costs for this small pilot program. More generally, it is not yet possible to provide an estimated operating cost similar to the final column of the table above, though rebalancing costs would presumably be similar to a station-based system.

³ Source: Bike Sharing in the United States: State of the Practice and Guide to Implementation (FHWA, 2012), Table 4.

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Building Blocks

System Operations

Any eventual program administrator, equipment vendor, and/or the operator will need to consider a number of operational characteristics. Typical operational considerations include items such as maintaining appropriate service levels, reporting, and insurance. The service agreement with the operator is one mechanism for ensuring the bike share system meets local goals. Workshop participants raised a number of considerations for system operations in Portland.

Considerations

- Similar to other cities with cold and snowy winters, bike share would likely need to be a three season system in Portland (e.g., April - November).
- Hills in some areas may affect rebalancing as users may be more likely to ride downhill than up; consider incentives to aid rebalancing.
- Cruise ships would be a huge wave of potential users at particular times. A permanent station might be underutilized most of the time and would likely not have enough bicycles when a cruise ship arrived. Manned stations are used in other cities to quickly check large numbers of bikes in and out at sporting and other special events.
- Consider partnering with local bike shops for maintenance.
- Helmets are required by Maine law for people up to 16 years of age, which could affect accessibility for youth.
- Station maps should guide riders to routes/areas that are suitable for biking.
- Conduct outreach and other activities to ensure access for low income individuals.
- Promote bike share to local, hometown tourists (i.e., local residents visiting the Peninsula).
- Encourage people to wear a helmet (e.g., Healthy Portland helmet giveaways, web site promotions)
- Consider opportunities to offer discounts / incentive programs at downtown stores (e.g., potential tie-in with Bicycle Benefits discount program).

Potential challenges

- Advertising is not permitted in the public right-of-way, except in limited cases. Metro was recently authorized to put advertising on bus shelters through an action of the state legislature, which may offer precedence for bike share stations. Mobile advertising (e.g., buses and bicycles) is permitted. Clarification is needed on the use of sponsorship at stations, as sponsorship is an important source of revenue for many bike share systems. The subtle difference between advertising and sponsorship as well as whether the stations are considered temporary or permanent may impact what is allowed.

EPA Technical Assistance for Sustainable Communities: Building Blocks

- Special permitting considerations such as within historic districts should be identified as they can delay the process.
- Narrow sidewalks will limit the ability of stations to be located on sidewalks in some areas. In these areas, on-street placements would be more feasible. Stations can also be located on plazas⁴. Confirming on-street and sidewalk permitting requirements early in the process can save time down the road. The city can support bike share by working through station siting issues and expediting permitting (e.g., batch permitting). It was noted that a bike share station may not block site lines as much as a parked vehicle and could potentially take advantage of available on-street space near intersections.
- Clarification will be needed to address lost parking space revenue with on-street station installations in metered districts. Lost parking revenue can serve as an in-kind donation on behalf of the city.

4. NEXT STEPS

Portland has many characteristics that are supportive of implementing a bike share system. These include a local culture and political environment supportive of bicycling, a network of bicycle facilities, and a compact urban form with a relatively high density of residential, employment and other destinations. This memo has documented workshop discussions that identified areas and trip types that can be served by bike share as well as considerations for selecting an ownership model and conducting operations in the context of Portland.

The following is a summary of potential strategies and actions to explore as a means of continuing to investigate the issues, opportunities, and challenges identified during the Building Blocks technical assistance workshop in Portland. These are merely options that the community can consider, based on the workshop findings, not recommendations. Hopefully they can serve as starting points for the community's ongoing discussion to determine the viability of each idea.

Key next steps include:

- Present outcomes of the bike share technical assistance to City Council to gauge support and political will for bike share. City Council could make a statement of enthusiasm/support for bike share and could pass a resolution to establish a task force (see below).
- The city of Portland could identify a point person and/or task force responsible for moving the bike share concept forward.
 - This person could be city staff or funding could be sought to hire an interim executive director of a non-profit organization. A local foundation or corporation

⁴ Participants pointed out that Portland has several underutilized plazas (both publicly or privately owned). Station visibility is critical so an on-street or sidewalk location that is potentially more difficult to permit may be preferable to an out-of-the-way plaza location.

EPA Technical Assistance for Sustainable Communities:

Building Blocks

may also have a 'loaned executive' program that could be provided to fulfill this function. A task force would be a useful way to engage the many potential bike share partners identified in this memo.

- Related to the above, it was noted at the workshop that the city could hire an intern to assist city staff with moving the bike share concept forward. PACTS has transportation planning funds (UPWP, 20% match required) that could be used for bike share planning purposes (e.g., to hire intern, complete a feasibility study / business plan, etc.).
- One key task could be to begin fundraising for bike share. In addition to working to secure local, federal and foundation grants, this person could also begin identifying and reaching out to potential sponsors. Funding is a critical element to implementing bike share and one that takes time to secure. In some cities, securing a significant Federal grant has inspired potential sponsors and other local funders to provide the necessary match.
- Develop a business plan to determine the appropriate size of a phased approach to bike share in Portland, develop a business pro forma, make recommendations on an appropriate business/ownership model, and create an implementation plan. The plan should identify general cost estimates for systems based on different bike share technologies (i.e., station versus non-station based). A business plan can be very useful for 'selling' bike share to potential sponsors.
- Before proceeding with bike share, the city of Portland will need to decide on its preferred role with regards to an ownership model for bike share. A key decision is whether the city would prefer to own the system or instead have representation on the board of a non-profit. Bike share could also be owned by a private company. This decision can be informed by the considerations identified in the Business Planning section.
- Continue moving forward with expansion of the local bike network, promoting additional investment and safe facilities for future bike share users.
- Work with NNEPRA to monitor the performance of the pilot Zagster bike share program located at the Portland Transportation Center.

EPA Technical Assistance for Sustainable Communities:

Building Blocks

Potential Implementation Schedule

Below is a generic list of actions and timeframe to launch bike share in Portland, with the responsible party for each listed in parenthesis.

Pre-Contract (6-12 months or more):

- Build political support (City)
- Develop business plan to determine system parameters / features (City)
- Decide on business model (City / Community Partners)
- Issue RFP / select vendor and operator (City or Non-profit, depending on chosen business model)
- Fundraising (City or Non-profit, depending on chosen business model)
- Contract negotiation (City or Non-profit, depending on chosen business model)

Post-Contract (3-6 months):

- Community outreach (City, Non-profit or Private Operator)
- Site planning, if a station-based system (City, Non-profit or Private Operator)
- Create system name and logo (City, Non-profit or Private Operator)

Pre-Launch (6-9 months):

- Manufacture and deliver equipment (Selected Bike Share Vendor)
- Hire staff (City, Non-profit or Private Operator)
- Obtain warehouse, vehicle, and equipment (City, Non-profit or Private Operator)
- Undertake pre-launch marketing (City, Non-profit or Private Operator)
- Set up system website (City, Non-profit or Private Operator)
- Set up system back-end (City, Non-profit or Private Operator)
- Assemble stations, if a station-based system (City, Non-profit or Private Operator)
- Install stations, if a station-based system (City, Non-profit or Private Operator)
- LAUNCH EVENT!

STATION PLANNING

Where do you think would be good locations for bike share?

Below are some examples of bike share trip types, as well as locations that tend to work well.

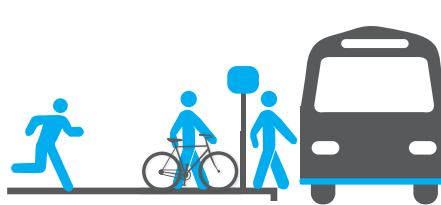
POTENTIAL TRIP TYPES

1 Local residents living in the service area might use bike share to:

TO GET TO WORK



TO ACCESS TRANSIT



TO REACH RECREATIONAL/
ENTERTAINMENT DESTINATIONS



2 Employees and commuters traveling to the service area via transit or other transportation might use bike share:

- To offer a “last mile” option to/from transit hubs or parking garages.
- To run errands throughout the day such as going to meetings, lunch, appointments, personal business, etc.

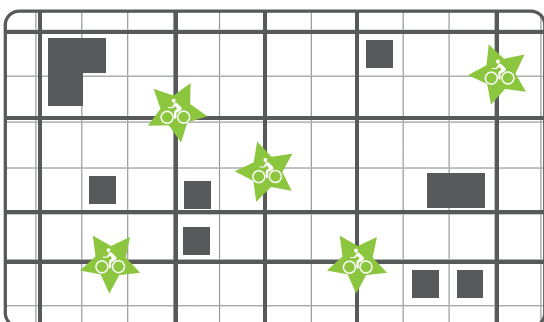
3 Visitors travelling to the service area might use bike share to:

- Connect from hotels/lodging to tourist attractions, entertainment districts, convention and meeting facilities, and restaurants

4 Other bike share trips include:

- Students, faculty, and staff of college campuses
- Hospitals and medical campuses
- Employees or large employers that need to travel between campuses
- Short recreational trips

POTENTIAL STATION LOCATIONS



- Tourist attractions, landmarks, civic facilities
- Neighborhood and commercial centers
- Key transit stops
- Tourist accommodations and hotels
- Higher density housing and employment centers
- College and hospital campuses

BUSINESS PLAN

Who is likely to own and operate a bike share system?

Below are some business models that are being employed in other cities, along with some advantages and disadvantages to each. Add any advantage or disadvantages that would apply to each model in this city. What agencies would be good candidates to own or operate bike share?

Non-Profit Owned + Operated



- Flexibility of funding sources available to a non-profit
- Non-profits have positive public image
- Maintains some level of city / agency control and input on site locations and operations.
- Minimizes public image and financial risk to agencies and sponsors.
- Profits re-invested into growing the system



- Adds another level of organization (compared to private or public administered systems)
- Requires non-profit to generate operating expertise from scratch

Non-Profit Administrator with Private Operator



- As above, plus:
- Private operator brings expertise; operating contract provides incentive to meet performance levels.



- Adds another level of organization (compared to private or public administered systems).

Privately Owned + Operated



- Private sector brings expertise and financial stake in the system provides an incentive for system success.
- Minimizes public image and financial risk to agencies.



- Obtaining corporate sponsorship may be more difficult for private system.
- System growth will be targeted towards most profitable areas – social and geographic equity objectives may not align with this strategy.
- Less control and transparency for city / agency on how or where the system is operated.

Publicly Owned with Private Operator



- As above, plus:
- Private operator brings expertise; operating contract provides incentive to meet performance levels.



- Although still more risk than, say, non-profit or privately owned system, risk to public agencies is much less if they contract out operations.

REVENUE SOURCES

Membership + Usage Fees	e.g. tourists, corporate discounts
System Sponsors	e.g. large companies
Station/Bike Sponsors	e.g. employers
Public Funds/Grants	e.g. Congestion Mitigation Air Quality (CMAQ) grants, visitor taxes
Private/Foundation Donors	e.g. local foundations with a focus on health or equity

POTENTIAL STAKEHOLDER ROLES

Owner	
Administrator	
Operator	
Fundraiser	
Marketing	
Outreach to Underserved Communities	
Others?	

OPERATIONAL CONSIDERATIONS

Below are some of the basic elements of bike share operations. Are there any issues or opportunities related to any of these items? Are there any opportunities for achieving cost savings, perhaps by making use of existing local resources?

- Equipment maintenance
- Station checking
- Station / equipment cleaning
- Rebalancing
- Warehouse / operation space
- Rebalancing vehicles
- Tools
- Customer support
- Website / mobile device
- Data collection and reporting
- Marketing and promotions
- Advertising on stations or bikes
- On-street, off-street and sidewalk station locations

YOUR IDEAS

Potential Bike Share Locations

Workshop participants brainstormed a list of approximately 20 locations on the Peninsula, as well as several Portland locations outside of the core with a few in South Portland. These include:

- Casco Bay Lines
- Portland Transportation Center
- Metro Pulse
- Monument Square
- Bayside (near grocery stores, student housing and trail)
- University of Southern Maine
- Longfellow Square
- Portland Sports Complex (also near farmers market)
- Maine Medical
- Commercial St @ Pierce Atwood/Union St
- Munjoy Hill
- Congress Square / Art Museum
- East Bayside Housing Authority Project
- West End
- Deering Oaks
- Tommy's Park (Old Port)
- Civic Center
- West Commercial St (as development occurs)
- East End Beach
- Congress St (@ Washington)

Workshop participants also identified several areas outside of the peninsula:

- Northgate shopping center
- Westgate shopping center
- Woodfords Corner
- Washington Ave / Veranda Street
- Deering Center
- Airport / Mall
- Morrill's Corner
- UNE
- Knightsville (South Portland)
- Southern Maine Community College(South Portland)

2012 Proposals For 2014/2015 Biennium

Final Policy Committee action was in October 2012.

<u>Intersection Proposals</u>		<u>Score</u>	<u>Cost</u>	<u>Funded</u>
Portland	Woodfords Corner	74.6	\$1,498,750	Yes
Bidd/Saco	Ten Signals	69.3	\$1,211,250	Yes
Yarmouth	Roundabout	62.0	\$210,291	Yes
See today's agenda item on the roundabout funding.				
Biddeford	Water/Hill/Main	58.2	\$212,500	No
So. Ptld.	B'way Cabinets	55.2	\$50,000	Yes
Falmouth	Roundabout	51.8	\$937,500	No
Portland	Beach at W. Comm.	49.8	\$368,000	No
Portland	High/Congress	47.5	\$364,000	No
So. Ptld.	Ocean at Highland	38.6	\$262,000	No
So. Ptld.	B'way at Mussey	37.5	\$50,000	No
			\$5,164,291	

Road Rebuild Proposals

Yarmouth	Route 88	58.8	\$850,000	No *
Biddeford	Main St.	50.2	\$1,250,000	Yes
Portland	Valley St.	45.1	\$668,750	No
			\$2,768,750	

* Funded through MaineDOT's MPL.

Bike/Ped. Proposals

Portland	PTC Neighbor. Byway	50.8	\$375,625	Yes
So. Ptld.	Main St. Path Ext.	49.3	\$301,103	Yes
Yarmouth	Rt. 1 Path Extension	47.0	\$127,500	No
Scarborough	Oak Hill Ped.	46.3	\$583,000	No
So. Ptld.	Bike racks	43.3	\$50,000	No
Portland	West Comm. Trail (off)	43.0	\$270,000	No
Portland	West Comm. Trail (on)	42.0	\$232,000	No
Cumberland	Tuttle Road sidewalk	32.3	\$860,000	No
Cumberland	Main Street sidewalk	29.5	\$378,000	No
Freeport	West Street sidewalk	29.5	\$242,000	No
			\$3,419,228	

STP Transit Capital Proposals *

CBITD	Vessel Electronic Suite Upgrad.	\$200,000	Yes
CBITD	Preventive Maintenance	\$100,000	Yes
Regional	Shelter and Stop Improvements	\$520,000	Yes
Regional	AVL/RTPI Display Modules	\$266,612	Yes
RTP	Computer + Tech Replacement	\$65,750	Yes

* Listed in rank order, but scores not shown. All proposals submitted ended up funded based on compromises reached by Transit Committee members.

Collector Paving Projects

32 collector segments in 9 towns, chosen \$7,513,808 **Yes**
using the 2012 PACTS Collectors Assessment

Report's analysis of the 200 miles of collectors in the region.

There are more segments eligible for "preservation paving" in 2014.

Safe Routes to School Projects - Suggested Priorities/Outcomes:

#1 Walton Street Sidewalk/RR Crossing Equipment between Canco Road and Forest Avenue.
Est. Project Cost: \$ 67,980; Est. Potential Local Match: \$ 13,596.

#2 Ocean Avenue Flasher/Ramp between Ocean Avenue Elementary driveway and Walton Street.
Est. Project Cost: \$ 47,575; Est. Potential Local Match: \$ 9,515.

#3 Washington Avenue Extension Sidewalk between Riverside Street and Lester Drive.
Est. Project Cost: \$ 89,540; Est. Potential Local Match: \$ 17,908.

#4 Newton Street Sidewalk from Forest Avenue to Dedham Street.
Est. Project Cost: \$ 133,221; Est. Potential Local Match: \$ 26,644.

#4 Virginia Street Sidewalk between Wyoming Street and Maine Avenue.
Est. Project Cost: \$ 230,166; Est. Potential Local Match: \$ 46,033.

#6 Warwick Street Sidewalk between Orono Street and Hall School Driveway.
Est. Project Cost: \$ 55,684; Est. Potential Local Match: \$ 11,137.

SRTS Project Totals: \$ 624,166. Potential SRTS Local Match: \$ 124,833.

Transportation Enhancement Projects - Suggested Priorities/Outcomes:

#1 West Commercial Street Trail from Star Match Building to Harborview Park
Est. Project Cost: \$ 353,428; Est. Potential Local Match: \$ 70,686.

#2 York Street Sidewalk and Pedestrian Signals from High St to Maple Street
Est. Project Cost: \$ 110,248; Est. Potential Local Match: \$ 22,050.

#3 Commercial St-High St Pedestrian Crossing/Traffic Signal
Est. Project Cost: \$ 311,242; Est. Potential Local Match: \$ 62,249.

#4 Martin's Pt Bridge Shared Use Pathway – Requested Funding for Design only
Est. Project Cost: \$ 522,497 (12% of construction); Est. Potential Local Match: \$ 104,499.

#5 Forest-Dartmouth Intersection Project
Est. Project Cost: \$ 106,805; Est. Potential Local Match: \$21,361.

TE Project Totals: \$ 1,404,220. Potential TE Local Match: \$ 280,844.

All Projects: \$ 2,028,386. **Potential Total Local Match:** \$ 405,677.

Memo

To: District 2 Councilor David Marshall, Chair, Transportation, Sustainability, and Energy Committee
District 1 Councilor Kevin Donoghue, Vice-Chair, Transportation, Sustainability, and Energy Committee
District 4 Councilor Cheryl Leeman, Transportation, Sustainability, and Energy Committee
At-Large Councilor John Anton, Transportation, Sustainability, and Energy Committee

From: Kathi Earley, PE, Engineering Services Manager

CC: Mark Rees, City Manager
Sheila Hill-Christian, Deputy City Manager
Michael Bobinsky, Director of Public Services
Jeff Levine, Director of Planning & Urban Development

Date: September 12, 2013

Re: PACTS 2016/2017 TIP applications

Once again the cycle of applying for biennial Transportation Improvement Program (TIP) funds thru our Municipal Planning Organization known as Portland Area Comprehensive Transportation System (PACTS) is underway. We begin by asking this City Council Committee to review current initiatives and set the framework for selection of viable application candidates.

Each application must demonstrate community support and be fully supported by background studies and/or analyses in order to be deemed eligible. Therefore we seek your guidance to help us create a shortlist of application ideas that have the highest priority and community support in order to effectively proceed with our research and engineering. Once we have compiled our initial set of data and estimated costs, we will return to the Transportation, Sustainability, and Energy Committee to endorse each application and the estimated local funding match obligation to the full City Council. At this time we believe the 16/17 TIP Program applications will be due in very early 2014.

Attached is a list of the PACTS 14/15 TIP cycle applications acted on last Fall as a starting point for discussion. You will note that a variety of applications were not funded and may

continue to be viable candidates in this next cycle. This list also provides the categories of application we expect will be used; the anticipated funding amount within each category is unknown at this time. A summary of City applications to MDOT's Quality Community Program is also attached; none were funded & some may be candidates to consider for the 16/17 TIP Program.

These lists are just examples of resources that can be used in the application selection process. Other resources include the City's five-year CIP plan, a number of approved Master Plans, and pending study outcomes. In addition there is no shortage of staff-generated ideas for Transportation system investment needs. As usual, the needs far outweigh the funding limits, and we seek the TS&E Committee's guidance on setting the specific highest priorities for the City. To that end DPS and Planning staff will be working up a list of our highest priority recommendations, based on these available resources and our collective knowledge, for presentation in your September 18, 2013 meeting.