

3/25/16

For consideration at the April 7, 2016 Meeting

Dear Parking and Traffic Committee,

I am writing to request that the city of Portsmouth change the rules for parking Mopeds and Scooters. As you are well aware parking can be a challenge in this ever growing historical city with limited available parking space. One solution to limited parking is to maximize the use of transportation that has a small footprint when parked. Mopeds, scooters and bicycle's achieve this. However, the current parking enforcement policy for mopeds and scooters needs to be updated to maximize availability for parking of all vehicles.

This letter is also to address one issue raised at the last Parking and Traffic Committee meeting. The question is can **any** moped or scooter park on a city sidewalk? I was informed about a NH RSA that deals with parking bicycles on sidewalks as shown below:

<http://www.gencourt.state.nh.us/rsa/html/xxi/265/265-152.htm>

**TITLE XXI
MOTOR VEHICLES**

**CHAPTER 265
RULES OF THE ROAD**

Special Rules for Bicycles and Mopeds

Section 265:152

265:152 Bicycle Parking. –

I. A person may park a bicycle on a sidewalk unless prohibited or restricted by an official traffic control device.

II. A bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

III. A person shall not park a bicycle on a roadway in such a manner as to obstruct the movement of a legally parked motor vehicle.

IV. In all other respects, bicycles parked on a way shall conform with provisions of law regulating the parking of vehicles.

Source. 1981, 422:14, eff. Jan. 1, 1982 at 12:01 a.m.

This Section "265:152" only applies to "Bicycle Parking" and not Mopeds or Scooters. It is one of many specific RSAs under the title of "Special Rules for Bicycles and Mopeds". **NH Law is silent with regard to parking mopeds and scooters on sidewalks.** If the RSA is silent then Portsmouth can legally decide to create its own ordinances or special rules for parking mopeds or scooters on sidewalks. Hence the current "Parking enforcement guide below".

**CITY OF PORTSMOUTH
PARKING ENFORCEMENT DIVISION**

DATE: 20 September, 2004
TO: All Parking Enforcement Officers
FROM: Neil Bilodeau, Parking Enforcement Supervisor
RE: Policies and Procedures

#1-22 PARKING OF MOPEDS/MOTOR SCOOTERS ON SIDEWALK

It is permissible to park a moped or motor scooter on a city sidewalk or at a bicycle rack, provided it

1. Does not block a pedestrian walking path, and
2. Does not create a safety hazard.

Individuals **are not allowed by Ordinance** to operate mopeds or scooters on sidewalks. These vehicles must be walked to an off-street location in a manner that does not create a hazard to pedestrians.

Parking Enforcement Officers shall use proper judgement in determining whether the above criteria have been met. If there are any questions, please contact the Parking Enforcement Supervisor.

[The policy above is not a NH State Law, Rule or Regulation. It is also not a Portsmouth City Ordinance. The state of New Hampshire has no Laws or Regulations that concern how the City of Portsmouth handles how it utilizes public pedestrian sidewalks. I am requesting that the Portsmouth enforcement policy is improved.](#)

Problem: Currently Portsmouth parking enforcement personnel are instructed to use the NH plate to determine if a Moped/Scooter can park on a sidewalk or in a bike rack. If the moped or scooter has a "motorcycle" plate they are not allowed to park on a sidewalk or bike rack. The State of Maine does not annotate on their license plates the word "motorcycle" so it is not possible to enforce a Maine Moped or Scooter in the same manner as NH. I have heard from enforcement that they go by the speedometer for Maine mopeds to determine if they can park on sidewalks or bike racks. Speedometers are not an accurate way to determine the maximum speed a moped or scooter can go. These inconsistencies prevent modern mopeds and scooters from being able to park in Portsmouth on sidewalks and cycle racks. The current enforcement rules make it difficult for enforcement to quickly determine if a Moped or Scooter can park on the sidewalk or bike rack. Modern scooters and mopeds may have no digital speedometers and are fuel injected that gives them better gas mileage for the same sized moped. My Vespa Primavera is 150 cc. It is exactly the same size and weight of the Vespa Primavera 50cc which has a carburetor. It is not a good city practice to treat modern mopeds and scooters differently, for parking purposes, than less modern and fuel efficient mopeds and scooters that have the same parking footprint.

Only a Moped or Scooter has the following features:

- **Step thru Frame.**
- **2 tires less than 16 in diameter.**
- **The engine mounted below or rear of rider.**



Moped



Scooter



Motorcycle

Solution: I am requesting that the Parking and Traffic Committee revise the “Policies and Procedures” for the enforcement of parking Mopeds and Scooters to:

Define what a Moped and Scooter is for parking purposes only. This change would not conflict with any existing NH State law, Rule or Regulation:

The new revised Policies and Procedures for Parking of Mopeds/Motor Scooters on Sidewalks to say:

It is permissible to park a moped* or a motor scooter** on a city sidewalk or at a bicycle rack, provided that it:

1. Does not block a pedestrian walking path.
2. Does not create a safety hazard.
3. Is defined as a Moped or Scooter (see below).
4. Or, may have a NH Moped License Plate.

* A **moped** is defined that they have a step thru frame, bicycle like with two tires spokes and a pedal with the engine mounted below or to the rear of the driver.

** A **scooter** is defined that they have a step thru frame, two tires less than 16” and the engine is mounted below or to the rear of the driver.

There are several good reasons to make this change such as:

- Parking Enforcement personnel can easily determine from a distance if the moped or scooter meets this definition and is not a motorcycle. They do not have to look at a license plate or speedometer.
- Treats all Maine and NH Moped and Scooter the same.
- Allows modern and more fuel efficient mopeds and scooters to park on the sidewalks.
- Maximizes street parking for larger vehicles.

Does the City of Portsmouth want this as a result of the current Policies and Procedures?

Sincerely,
Marc Stettner /s/