



**TOWN OF BOWLING GREEN  
TOWN COUNCIL WORK SESSION**

**A G E N D A**

**Thursday, November 09, 2023  
6:00 PM**

**CALL TO ORDER AND QUORUM ESTABLISHED:**

**BUSINESS:**

1. 6:05 PM Briefings by Town Attorney Jeff Gore
  - (A) Pedicab Regulations
  - (B) Other Updates
  
2. 6:30PM Briefing and update by Kyle Bates, VDOT Resident Engineer - Bowling Green/Caroline County Smartscale Project

**INFORMATIONAL ITEMS:**

**ADJOURNMENT**



# The Historic Town of BOWLING GREEN VIRGINIA

## MEMORANDUM

To: The Honorable Mark Gaines, Mayor and Members of the Bowling Green Town Council

From: John A. Anzivino, Interim Town Manager

Subject: Pedicab Request

Date: November 6, 2023

Several months ago, the Council was approached by Dr. Jean Young concerning what would be needed under Town regulatory requirements for operation of a tour business, using a pedicab as the vehicle of transport, for visitors wishing to experience Bowling Green and learn a little bit more about the Town's history. Council discussed the issue and while several possible options were discussed no firm resolution was reached as to what would be required and Jeff Gore, as your new Town Attorney and I, as your Interim Manager, inherited the issue. As is the case with most unresolved holdover challenges the files are somewhat sketchy so Mr. Gore and I have worked with significant amounts of anecdotal information with limited documentation concerning past discussions of the proposed business.

To gather additional information and in advance of bringing a potential ordinance to the Council I met with Dr. Young and assured her that the Town Council is only doing its 'due diligence' in reviewing her request as it would with any new and different use proposed within the Town and is working under the tenets above in reviewing a somewhat unusual request. I believe our discussion was a positive one and because our records are somewhat slim, she provided additional copies of information that had been presented to Council at prior meetings which I have shared with Mr. Gore. These are attached to this memorandum to refresh your memory and include:

- Dr. Young's business plan
- A certificate of incorporation from the State Corporation Commission
- a waiver of liability executed by each Pedicab user and:
- an email from Kyle Bates, VDOT's Resident Engineer, indicating no objection from VDOT (Dr. Young's Pedicab is classified as a bicycle by VDOT, much like an electric or solely pedal powered bicycle). I have confirmed VDOT's position in a phone conversation with Mr. Bates on October 30.

While Mr. Gore has been assigned the task of answering the legal questions concerning the request, and has done so by drafting the attached ordinance for Council review, consideration and discussion at Council's November 9 work session, I thought having the background information already presented and some additional administrative insight may be helpful.

I would encourage Council to consider the purpose of the regulatory process and what drives the process for local governments. Based upon my experience the primary force for government regulation

from zoning to health inspections to special event oversight is to protect the 'health, safety and welfare' of the local government's citizens and visitors. Secondary to this is the focus of providing quality and safe experiences for citizens and visitors when they enjoy publicly or privately sponsored programs. As we move through the discussion of Dr. Young's request and review of Mr. Gore's recommendations, I would encourage you to keep these core concepts in mind.

In looking at Dr. Young's request I would offer the following thoughts concerning her business which I believe you may wish to consider:

- A Business License (BPOL) will be required. Because she has no income for prior years the cost would be minimal.
- Any regulation Mr. Gore outlines should include basic safety features for the Pedicab (adequate safety lights, reflectors similar to golf carts, etc.)
- A certificate of insurance, indicating liability insurance carried by Dr. Young's business should be required
- In discussions with Mr. Bates Dr. Young should adhere to the same rules as bicyclists using public roads which prohibit cyclists from impeding auto and truck traffic.

The thoughts above were also shared with Mr. Gore and, as you can see from review of the attached ordinance draft, the basic rules may be fairly simple from a safety and operational standpoint.

As noted, Mr. Gore can and will be able to provide more technical responses in conjunction with the legal requirements of any regulatory devices required and has developed the attached draft ordinance for your consideration and discussion. If it is the Council's desire to regulate Dr. Young's business it appears that may be accomplished from a safety/use of public streets aspect of operation in a relatively straightforward fashion according to Mr. Gore and we will be prepared to advertise the ordinance for public hearing at the Council's direction.

As always please let me know if you have any questions or need additional information.





# **Main Street Historic Tours, LLC**

## *Business Plan*

**Dr. Jean Young, Owner**  
**Created March 2023**  
**Revised November 2023**



## **Product**

Since 1667, the area around Bowling Green, Virginia has played an integral role in the history of our nation. Main Street Historic Tours will help bring the history of the town alive by providing a tour in a pedicab (bicycle with a carriage). At least six historical spots in Bowling Green will be highlighted. Ghost and Historic Holiday Lights tours will also be offered.

## **Customers**

The target audience for Main Street Historic Tours will be the general population in and around Bowling Green, including visitors and tourists.

## **Mission Statement**

To provide quality historic tours while enjoying a pedicab ride

## **Principal Members**

Dr. Jean Young — owner, tour guide, pedicab driver

## **Legal Structure**

Main Street Historic Tours is a limited liability company authorized by the State Corporation Commission to transact business in Virginia. Main Street Historic Tours carries General Liability Insurance and requires a signed Release of Liability to ride.

## **Services Offered**

- Guided historic tours

## **Pricing Structure**

Main Street Historic Tours will offer its services at an hourly rate as listed on its web site [www.mainstreethistorictours.com](http://www.mainstreethistorictours.com)

The pedicab operated by Main Street Historic Tours, LLC is owned and will be operated by Jean R. Young. It was constructed in Denver, Co. and is safe and stable. The pedicab has running lights, turn signals, seatbelts, and hydraulic brakes. A slow-moving vehicle triangle is on the back. The bike includes electric pedal assist (not a throttle like

a motorcycle). The pedicab will be professionally serviced according to maintenance schedule and as needed.

Customers will book a tour on the web site previously mentioned. Each tour is 45-minutes and will make six stops to highlight the most historical sites and features of the town.

Headquarters for Main Street Historic Tours, LLC is 105 N. Main Street, Suite D, however customers will be picked up at various safe locations within the Historic District.

Hours of operation will be Thursday-Sunday of each week, or otherwise noted on the website. Customers also have the option to ask for a special date for a tour.

# Commonwealth of Virginia



## STATE CORPORATION COMMISSION

Richmond, July 15, 2023

This is to certify that the certificate of organization of

### **Main Street Historic Tours, LLC**

was this day issued and admitted to record in this office and that the said limited liability company is authorized to transact its business subject to all Virginia laws applicable to the company and its business.

Effective date: July 15, 2023



STATE CORPORATION COMMISSION

Attest:

A handwritten signature in cursive script, appearing to read "Bernard J. Stoy".

Clerk of the Commission





## Your safety is top priority at Main Street Historic Tours!

### For your tour, you agree to the following:

- Use extreme care stepping on and off the pedicab
- Remain seated at all times
- Keep arms and legs (and all body parts) inside the carriage
- No smoking or vaping
- No alcoholic beverages
- One parent must ride with passengers under 18

### Release of Liability Waiver:

In exchange for participation in the Pedicab or Golf Cart Tour of Bowling Green, Virginia offered by Jean R. Young, trading as Main Street Historic Tours, LLC,

I \_\_\_\_\_

of \_\_\_\_\_

Agree to the following for myself, my heirs, successors and assigns, and if applicable, for the following members of my family who are under the age of 18 years old, listed below:

\_\_\_\_\_

1. I agree to observe and obey all posted rules and warnings, and follow any oral instructions or directions given by JEAN R YOUNG.
2. I recognize that there are certain risks associated with the above described activity and I assume full responsibility for injury to myself and if applicable, the underage members of my family listed above, and I further release and discharge JEAN R. YOUNG, trading as Main St. Historic Tours, LLC, for injury, loss or damage arising out of my and those above named, if applicable, participation in said Pedicab or Golf Cart tour provided by Jean R. Young and Main St. Historic Tours, LLC, whether caused by the fault of myself, or those named, if applicable, or Jean R. Young or other third parties.
3. I am aware that this form is a waiver and release of liability agreement and a legally binding contract which I am signing of my own free will.

Date: \_\_\_\_\_ Signature \_\_\_\_\_

Printed name: \_\_\_\_\_

*This document was prepared by Katherine B. Hancock, Attorney at Law*





**Bates, Kyl...** 2:24 PM  
to Allyson, me, Rosw... ▾



Allyson,

As long as the bicycles are street legal and they obey the rules of the roadway, they shouldn't need anything from the State.

Thank you,

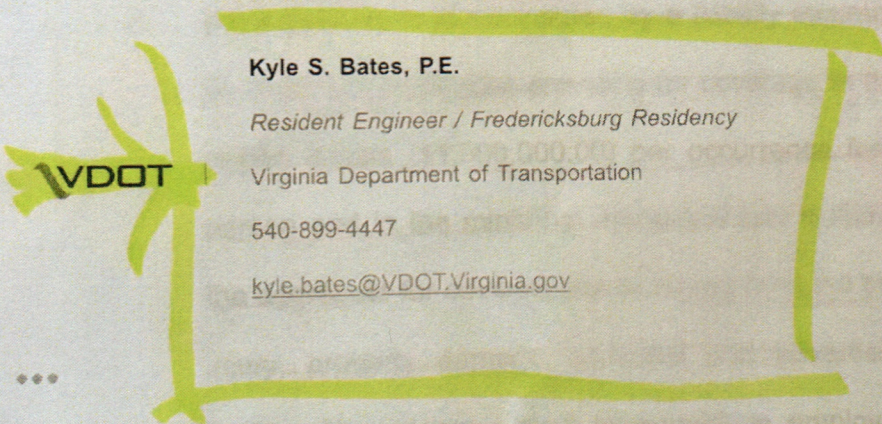
**Kyle S. Bates, P.E.**

*Resident Engineer / Fredericksburg Residency*

Virginia Department of Transportation

540-899-4447

[kyle.bates@VDOT.Virginia.gov](mailto:kyle.bates@VDOT.Virginia.gov)



Reply    Reply all    Forward



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**Town of Bowling Green  
Draft Pedicab Ordinance**

**CHAPTER 4: NUISANCES AND OFFENSES**

**Article IV: Motor Vehicles and Traffic**

**Division 6. Pedicabs.**

**Sec. 4-600. Definitions.**

For the purposes of this division, certain words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) *Operator* means any individual who operates a pedicab within the town.
- (b) *Owner* means any person who owns a pedicab, or, a pedicab business.
- (c) *Pedicab* means:
  - 1. A bicycle that has three (3) or more wheels which transports, or is capable of transporting, passengers on seats attached to the bicycle, that is operated by an individual and is used for transporting passengers for consideration; or
  - 2. A bicycle that pulls a trailer, sidecar or similar device which transports, or is capable of transporting, passengers on seats attached to the trailer, sidecar or similar device, operated by an individual and used for transporting passengers for consideration.
- (d) *Pedicab business* means a commercial enterprise that provides transportation and tours via pedicab, also referred to as owner.
- (e) *Pedicab operating permit* means a written permit issued by the town authorizing a person to operate a pedicab.

**Sec. 4-601. Permit required to operate pedicab.**

It shall be unlawful for any person to operate a pedicab within the town without first having obtained a pedicab operating permit issued by the town pursuant to this division. Pedicab operating permits are the property of the town and are not transferable to any other operator.

**Sec. 4-602. Application for pedicab operating permit.**

A. Before operating a pedicab, an applicant shall apply for and be issued a pedicab operating permit. The pedicab operating permit application form shall be in a form prescribed by the town manager in coordination with the chief of police.

B. The applicant shall provide the following information to complete the application:

- (1) The applicant's full name and residence address;



- (2) Proof that the applicant is eighteen (18) years of age or older;
- (3) Proof of ability to drive lawfully in the United States;
- (4) Proof of insurance as required by this Article;
- (5) Copy of the operator's business license as required by this Article;
- (6) A written description or map depicting the planned routes, and parking or standing area(s) while not in use or while waiting for requests to pick up passengers; and
- (7) The days of the week and hours planned for operation; and
- (8) Such other material as the town manager or chief of police may require.

**Sec. 4-603. Insurance.**

No pedicab shall be operated nor shall any pedicab permit or business license be issued therefor unless and until the owner has filed with the town manager for each pedicab operated evidence of a liability insurance policy, issued by a liability insurance company authorized to do business in Virginia, providing for coverage in the minimum amount of one million dollars (\$1,000,000.00) per occurrence for injury to or death of one person and in the minimum amount of two million dollars (\$2,000,000.00) in the aggregate for covered claims arising from the pedicab operations for bodily injury, property damage, personal and advertising injury and contractual liability.

Any pedicab operator operating in the town shall maintain a separate policy of comprehensive general liability insurance for each separate pedicab, except where such person actually owns or holds legal title to more than one pedicab, in which event such person may maintain one policy of comprehensive liability insurance covering all pedicabs actually owned.

Pedicab operators shall provide written notice to the town within ten (10) days after becoming aware of cancellation or reduction in coverage.

Prior to beginning operations, the pedicab operator shall furnish the town with a copy of the policies or a certificate of insurance evidencing the required policies, and shall furnish a certificate of insurance evidencing renewal of such coverage to the town manager within ten (10) days of the renewal of the coverage.

**Sec. 4-604. Business license requirement to operate pedicab.**

It shall be unlawful for a person to operate a pedicab without first obtaining a business license from the town.

**Sec. 4-605. Operation after dark; equipment requirements.**

A. Every pedicab when in use between sunset and sunrise shall be equipped with a headlight on the front emitting a white light visible in clear weather from a distance of at least 500 feet to the front and a red reflector visible from a distance of at least 600 feet to the rear when directly in front of

lawful lower beams of headlights on a motor vehicle. Such lights and reflector shall be compliant with state law. Such headlights shall not have any aftermarket modifications that cause the headlights to appear as a blue light.

B. Every pedicab shall be equipped with a taillight on the rear emitting a red light plainly visible in clear weather from a distance of at least 500 feet to the rear when in use between sunset and sunrise.

(See Va. Code §46.2-1015)

**Sec. 4-606. General pedicab operation.**

A. Operators of pedicabs in the Town shall be subject to the following general requirements:

1. Operation of pedicab shall only occur on roadways posted at a speed limit of twenty-five (25) miles per hour or less and on routes designated by the town manager in coordination with the chief of police and the Virginia Department of Transportation.
2. No pedicab operator shall transport any more persons, including the operator, than the manufacturer's designated seating capacity for the pedicab.
3. All pedicab operators shall comply with all reasonable and lawful requests of a passenger as to the speed of travel and the route to be taken.
4. Pedicabs shall not operate on sidewalks.
5. Pedicabs shall not be parked nor stand on a sidewalk.
6. Pedicabs shall not stand or remain parked in spaces designated for public parking on Main Street for more than the time it takes to load or unload passengers.

B. It is unlawful for any person to operate a pedicab in violation of this Article, or otherwise to operate a pedicab in an unsafe operating condition.

*(See Town Code Section 4-411 re: authority of town (manager) to regulate parking or stopping on highways and streets, and designation of areas for bus stops, taxicab stands and loading zones. See also Va. Code Sec. 46.2-1220 for statutory authority.)*

**Sec. 4-607. Other laws applicable to pedicab owners and operators.**

Pedicab owner operators are subject to all applicable town, state and federal laws, rules and regulations.

**Sec. 4-608. Enforcement.**

The town manager is authorized to administer and enforce the provisions of this chapter. Unless otherwise specifically provided, violations of this chapter shall be a Class 2 misdemeanor. Upon

conviction thereof, penalties shall be in accordance with § 18.2-11 of the Code of Virginia.<sup>1</sup>

Adopted this \_\_\_ day of \_\_\_\_\_, by the Bowling Green Town Council.

By: \_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
Clerk

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<sup>1</sup> This is the same penalty in the Town Code for violations of the Golf Cart ordinance. A Class 2 misdemeanor under current state law provides for fines of up to \$1,000 and not more than 6 months in jail (either or both). Va. Code Sec. 18.2-11. The “default” criminal penalty for local ordinance violations is Class I misdemeanor (up to \$2,500 fine and up to 1 year in jail).





# The Historic Town of **BOWLING GREEN** V I R G I N I A

## MEMORANDUM

To: The Honorable Mark Gaines, Mayor and Members of the Bowling Green Town Council

From: John A. Anzivino, Interim Town Manager

Subject: VDOT Smart Scale Improvement Project

Date: November 5, 2023

Kyle Bates, VDOT's Resident Engineer contacted me approximately two weeks ago and requested time before the Council to revisit the approved Town/County Smart Scale Improvement Project which encompasses:

- completion of a commuter parking lot
- safety improvements for pedestrian/bicycle users throughout Town via construction of new sidewalks (Chase Street and Courthouse Lane) and designation of bike lanes
- signalization improvements at key intersections;
- changes to traffic patterns at the US 301 intersections of Chase Street and Courthouse Lane; and
- other related transportation improvements

Mr. Bates would like to update the Town Council on the project, any impacts that have occurred in conjunction with costs and alternatives that may be available in conjunction with prior Council concerns in regard to certain project components. VDOT, upon completion of Mr. Bates presentation, would also like the Council to affirm/reaffirm the Town's support for the project prior to beginning preliminary design work. Consideration of a resolution, as requested by Mr. Bates, has been scheduled for the Council meeting agenda.

While Mr. Bates will be providing an update to Council on the project and any available options, I have attached copies of information received in the past which resides in the Town's files to reacquaint you with the project and its costs. Mr. Bates will be providing updated information and if I receive it prior to the Council meeting I will forward it to you.

As an aside, Council should be aware that residents from Bowling Green Meadows, who have an interest in the sidewalk improvements planned for Chase Street may be in attendance.

As always please let me know if you have any questions or need additional information. I will share Mr. Bates information as soon as I have it.

# PROJECT SCORECARD

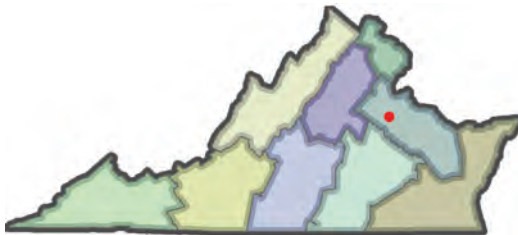
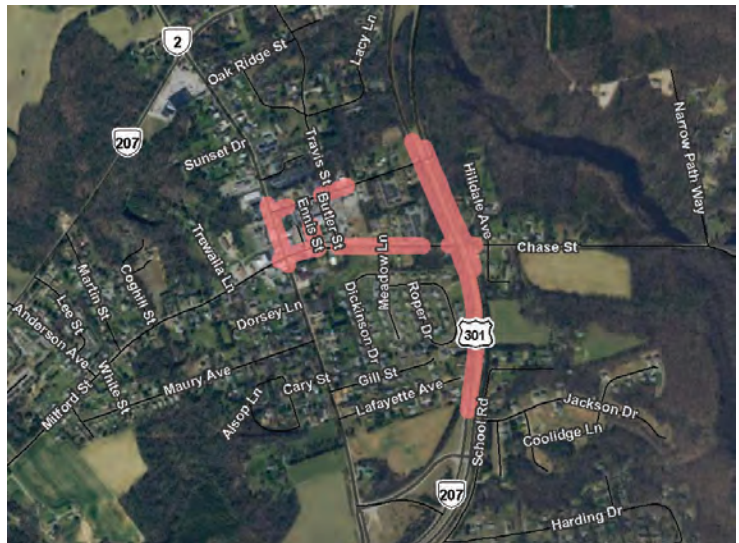
**Town of Bowling Green US 301/Chase Street**

Project Id: 7076

Reconstruct intersection of US 301 and Rte 619 to a Continuous Green T and close x'over at 301 and Courthouse Ln. per VDOT 301/207 Arterial Preservation Plan. Construct a 25 Space Commuter Parking Lot on south side of Chase St. Construct/improve Ped Crossing/Sidewalk/tie-in improvements at Main/Courthouse, Main/Chase, Chase/Ennis, Courthouse/Butler. Install Ped Signal at Main St. and Chase St. Construct sidewalk along north side of Chase St from Butler St to Courthouse Lane Apts.

<b>11.6</b> SMART SCALE SCORE	<b>#29</b> OF 397 STATEWIDE	<b>SMART SCALE Requested Funds</b>	\$11,800,800
	<b>#3</b> OF 35 DISTRICTWIDE	<b>Total Project Cost</b>	\$11,800,800
		<b>Project Benefit</b>	13.7
		<b>Project Benefit / Total Cost</b>	11.6

- Submitting Entity:** Caroline County
- Preliminary Engineering:** Not Started
- Right of Way:** Not Started
- Construction:** Not Started
- Eligible Fund Program:** Both
- Evacuation Route:** Yes
- VTRANS Need:** Corridor of Statewide Significance



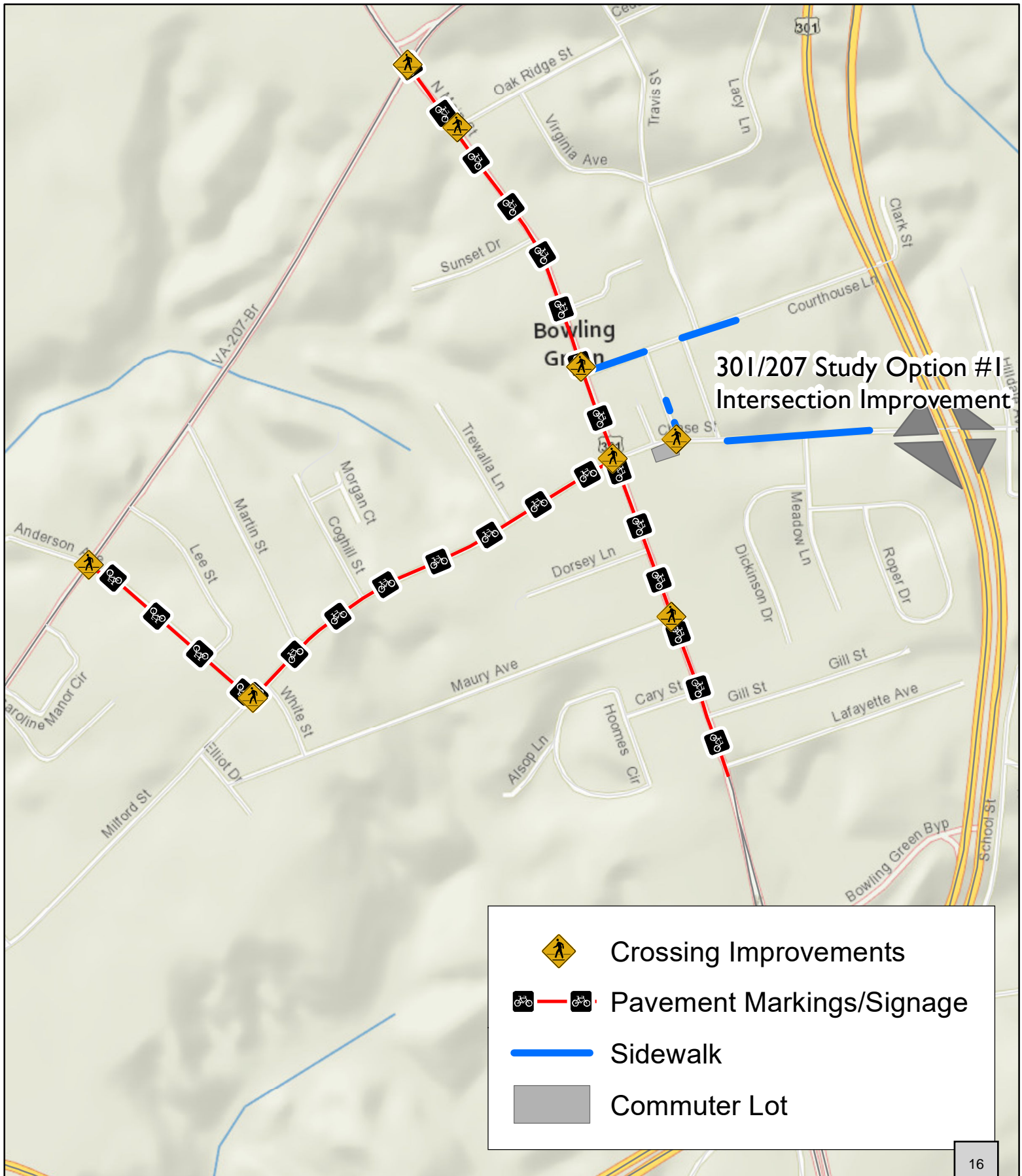
### SMART SCALE Area Type D

Factor	Congestion Mitigation		Safety		Accessibility			Economic Development			Environment		Land Use	
	Increase in Peak Period Person Throughput	Reduction in Peak Period Delay	Reduction in Fatal and Injury Crashes	Reduction in Fatal and Injury Crash Rate	Increase in Access to Jobs	Increase in Access to Jobs for Disadvantaged Populations	Increase in Access to Multimodal Travel Choices	Square Feet of Commercial/Industrial Development Supported	Tons of Goods Impacted	Improvement to Travel Time Reliability	Potential to Improve Air Quality	Impact to Natural and Cultural Resources	Support of Transportation-Efficient Land Development	Support of Transportation-Efficient Land Development
Measure Value	18.5 persons	4.8 person hrs.	18.6 EPDO	1.0 EPDO / 100M VMT	4.1 jobs per resident	3.7 jobs per resident	92.6 adjusted users	0.0 adj sq. ft.	0.0 daily tons	8,259,150,000.0 adj. buffer time index	3,589.1 adjusted points	0.03 impacted acres	access * pop/emp density.h	access * pop/emp density change.
Normalized Measure Value (0-100)	1.0	0.8	3.0	0.0	0.2	0.2	3.8	0.0	0.0	76.5	80.7	10.7		
Measure Weight (% of Factor)	50%	50%	70%	30%	60%	20%	20%	60%	20%	20%	100%	*	N/A	N/A
Factor Value	0.9		2.1		0.9			15.3			80.7			
Factor Weight (% of Project Score)	10%		30%		15%			35%			10%		N/A	
Weighted Factor Value	0.1		0.6		0.1			5.4			8.1		-0.5	
Project Benefit	13.7													
SMART SCALE Cost	\$11,800,800													
SMART SCALE Score (Project Benefit per \$10M SMART SCALE Cost)	11.6													

\*The second environment measure subtracts up to 5 points from the project benefit score. Because it is subtracted after combining all weighted factors, it has no measure weight and the 10% factor weight is not applied to it.



# Town of Bowling Green SMART SCALE Candidate Project: US 301/Chase Street



## RESOLUTION

**A RESOLUTION SUPPORTING THE SMART SCALE APPLICATION IMPLEMENTATION OF IMPROVEMENTS IN THE TOWN OF BOWLING GREEN IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE ROUTE 301/ROUTE207 ARTERIAL PRESERVATION PLAN AND SMALL AREA PLAN.**

**WHEREAS**, The Virginia Department of Transportation (VDOT), in partnership with the George Washington Regional Commission and affected localities, conducted an arterial preservation plan of Route 301 in King George County and Route 301 and Route 207 in Caroline County; and

**WHEREAS**, The Town of Bowling Green, in partnership with the George Washington Regional Commission, worked with VDOT to develop the Small Area Plan; and

**WHEREAS**, the purpose of the Small Area Plan is to improve safety and efficiency for pedestrians, bicyclists and commuters along Chase Street and connecting streets, along with Broaddus Avenue and Main Street; and

**WHEREAS**, the Smart Scale project will encourage economic development opportunities; and

**WHEREAS**, the Smart Scale project will create a safe and inviting community in which to walk and bike, thereby, making Bowling Green a healthier and more enjoyable place for residents and visitors alike; and

**WHEREAS**, in a press release dated Thursday, April 19, 2018, Governor Northam announced the Town of Bowling Green as one of 212 nominated Opportunity Zones, a revitalization tool resulting from the Federal Tax Cuts and Jobs Act of 2017; and

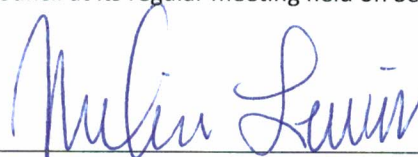
**WHEREAS**, the Town of Bowling Green's Economic Development Authority collaborated with Economic Development and Tourism for Caroline County to gain qualification of the census tract along the Rt. 301 Commercial Corridor; and

**WHEREAS**, VDOT officials informed the Town that the County would have to submit an application on behalf of the Town; and

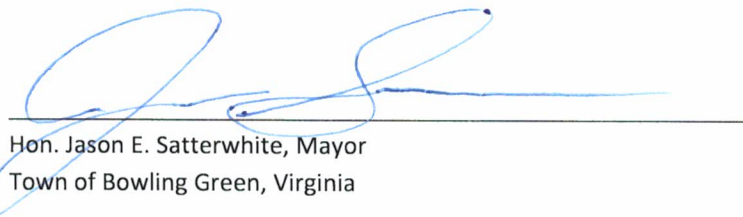
**WHEREAS**, the Town requested the County to submit a SMART SCALE application on behalf of this Council for these improvements and directed town staff to work with county staff, the Virginia Department of Transportation-Fredericksburg District staff to prepare and submit a Smart Scale application; and

**NOW, THEREFORE BE IT RESOLVED THAT**, the Town Council of Bowling Green hereby supports this Smart Scale application for the identified improvements outlined in the Small Area Plan and requests favorable consideration of same by the Commonwealth Transportation Council.

The foregoing Resolution was adopted by the Town Council at its regular meeting held on September 3, 2020 in Bowling Green, Virginia.



Melissa Lewis, Clerk of Council  
Town of Bowling Green, Virginia



Hon. Jason E. Satterwhite, Mayor  
Town of Bowling Green, Virginia