

**Collier Metropolitan Planning Organization
Board of County Commission Chambers
Collier County Government Center
3299 Tamiami Trail East, 3rd Floor
Naples, FL 34112
March 10, 2023
9:30 a.m.**

****HYBRID REMOTE – IN-PERSON AND VIRTUALLY VIA ZOOM**

1. CALL TO ORDER

Vice-Chair Hall called the meeting to order at approximately 9:31 a.m.

2. ROLL CALL

Ms. Siegler called roll and confirmed a quorum was present in the room.

Members Present (in BCC Chambers)

Commissioner Chris Hall, Collier County BCC District 2, Vice-Chair
Commissioner Rick LoCastro, Collier County BCC District 1
Commissioner Burt Saunders, Collier County BCC District 3
Commissioner Dan Kowal, Collier County BCC District 4
Commissioner William L. McDaniel, Jr., Collier County BCC District 5
Council Member Tony Pernas, Everglades City
Council Member Ted Blankenship, City of Naples

Members Absent

Council Member Greg Folley, City of Marco Island, Chair
Council Member Paul Perry, City of Naples

MPO Staff

Anne McLaughlin, Executive Director
Sean Kingston, Principal Planner
Dusty Siegler, Administrative Assistant

FDOT

John Kubler, Interim FDOT Secretary
Wayne Gaither, Manager, District 1 Southwest Area Office (SWAO)
Victoria Peters, Community Liaison

Others Present

Joe Bonness
Lorraine Lantz, Collier County Transportation Planning, Technical Advisory Committee Chair
Michelle Arnold, Director, Collier County Public Transit Neighborhood Enhancement
Michelle Avola-Brown, Executive Director, Naples Pathways Coalition
Scott Teach, Esq., Deputy County Attorney
Troy Miller, Manager, BCC Television Operations

Zoom Participants

None

3. PLEDGE OF ALLEGIANCE

Commissioner McDaniel led the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA, PREVIOUS MINUTES AND CONSENT ITEMS

Ms. McLaughlin informed the Board that MPO Staff made a modification to Item 8.A., the TIP Amendment No. 2. One project was removed from the Amendment contained in the agenda packet. Handouts of the revised proposed Amendment No. 2 were distributed at the Board's seats prior to the meeting starting.

Commissioner Saunders moved to approve the Agenda, as revised, and Commissioner McDaniel seconded. Passed unanimously.

4.A. February 10, 2023 Meeting Minutes

Commissioner McDaniel moved to approve the Previous Minutes and Commissioner Saunders seconded. Passed unanimously.

5. PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA

Mr. Bonness discussed his comments on the draft Bicycle and Pedestrian Safety Ordinance being reviewed by some of the MPO's advisory committees, and specifically, the requirement that cyclists ride with the flow of traffic on sidewalks. Mr. Bonness shared that a bicyclist was killed a few years ago on Livingston Road while crossing in front of Marbella Lakes. A car exiting Marbella Lakes did not stop at the stop sign and killed the bicyclist. The bicyclist was travelling on the sidewalk with the flow of traffic. Mr. Bonness had a similar encounter approximately eleven years ago on Orange Blossom Drive near Villages of Monterey, while he was cycling with the flow of traffic. A car exiting Monterey did not stop at the stop sign suddenly accelerated and turned into Mr. Bonness. Mr. Bonness went over the car, smashed into the windshield, and broke his collar bone and back. The driver was looking to the right to see traffic on the other side of the median.

Mr. Bonness displayed Section 316.125, Florida Statutes, on the overhead projector. Mr. Bonness stated that, under the Statute, vehicles are required to stop before getting to a sidewalk to look for pedestrians and must yield to other vehicles and pedestrians.

Mr. Bonness expressed appreciation for the efforts being made to protect bicyclists in our area. He recently spent time observing cyclists on sidewalks. Approximately half of the cyclists he observed were going against the flow of traffic. Many were elderly or children. Mr. Bonness does not think it would be possible to enforce a mandate that cyclists can only ride on sidewalks with the flow of traffic. Many cyclists have the tendency to ride where they feel safest. Mr. Bonness' grandson recently got an electric bicycle to ride to school. He rides on the sidewalk to get to school, which is the only place his parents will allow him to ride, and rides against the flow of traffic. In order for him to ride on a sidewalk with the flow of traffic, he would have to cross a busy road twice. Under the current draft Ordinance, he would not be able to use his electric bicycle on the sidewalk. At a recent Bicycle and Pedestrian Advisory Committee (BPAC) meeting, regarding the draft Ordinance, someone commented that they would not be able to let their child ride bicycles on the sidewalk anymore because the parent does not want the child crossing a busy road so that the child can cycle with the flow of traffic.

Mr. Bonness indicated that he routinely has an objection to the facilities being installed by the

school system; the school system is not under the Land Development Code and operates autonomously. The school system seems to favor having cyclists and pedestrians at a single point of entry. There is often only one sidewalk on one side of a street.

Mr. Bonness expressed that in many instances, electric bicycles are an irritant to safety concerns. However, there are limited facilities for electric bicycles to ride on other than sidewalks. Many major roads do not have bike lanes. Electric bicycle riders would be safer on sidewalks. Mr. Bonness has observed some riders of electric bicycles exercising caution at intersections.

Mr. Bonness indicated that he prepared written comments on the draft Ordinance, which contain proposed exclusions, and will be provided to BPAC. Mr. Bonness again expressed appreciation that bicycle safety is being paid attention to. Mr. Bonness feels that better enforcement of Section 316.125, Florida Statutes, is key to addressing safety concerns. Mr. Bonness indicated that on Gordon River Bridge, there are usually cyclists travelling in the bike lane against the flow of traffic. Current law prohibits it, but the cyclist does it anyway because the cyclist feels it is the safest way to get across the bridge. To bike with the flow of traffic, the cyclist would have to cross U.S. 41. The notion that cyclists will cross a multi-lane, busy road to ride with the flow of traffic does not seem realistic. There are not currently adequate facilities to allow cyclists to do so safely. Mr. Bonness expressed that he views the draft Ordinance as difficult to work with.

Commissioner Kowal stated that he appreciated Mr. Bonness' comments, and indicated he initiated the drafting of the Ordinance. Commissioner Kowal indicated that the Ordinance is still being worked on and nothing is set in stone yet and expressed that he had no intention of removing bicycles from sidewalks. Commissioner Kowal expressed that he agrees that bicycles should be allowed on sidewalks. The sidewalk is the safest place for many cyclists. Commissioner Kowal indicated that something was lost in translation between his intent and the draft Ordinance. Commissioner Kowal is seeking, because the State does not regulate pedestrians/cyclists on a sidewalk, a County ordinance that regulates it. The County does not currently have anything that distinguishes pedestrians and cyclists from each other. Section 316.125, Florida Statutes, is helpful to determine fault after an accident has happened. The County does not currently have tools to help make it safer. Commissioner Kowal would like to have cyclists dismount at certain intersections and walk through the intersection. The sidewalk could be used in either direction. **Mr. Bonness** stated that he understands there are legal issues regarding liabilities. His view of the draft Ordinance, in its current form, is that it would transfer responsibility to pay attention from drivers to bicyclists. **Commissioner Kowal** pointed out that there is a State statute providing that a pedestrian, when entering a roadway or crossing an intersection, cannot leave a position of safety. It works both ways. It is up to law enforcement to determine, at the time of an accident, who is at fault. Commissioner Kowal would like to find a way to reduce accidents and injuries with vehicles and cyclists, and to get everyone on the same page as to what should be done to navigate dangerous intersections and the like.

Mr. Bonness indicated that the option to have affordable transportation should be promoted as much as possible. Many service workers are using electric bicycles to get to work. In terms of bike/ped safety education, Mr. Bonness suggested the BikeSafe and WalkSafe programs, which worked well in the Miami-Dade County area and were taught in schools. After implementation of the programs, there was a steep decline in the number of accidents. When children are taught safety early on, they typically become more responsible drivers later in life.

Commissioner McDaniel inquired about when the draft Ordinance would be before the MPO Board. **Ms. McLaughlin** responded that BPAC and the Technical Advisory Committee have requested another month to continue reviewing the draft Ordinance. **Commissioner McDaniel** thanked Mr. Bonness for his input and reiterated that the draft Ordinance is still a work in progress. **Mr. Bonness** suggested that the Community Traffic Safety Team (CTST) should be included in the review and comment process. CTST

does a lot of work with children and school crossing guards and can provide recommendations. **Commissioner McDaniel** commented that capacity and management of enforcement is key. Typically, when a new ordinance is enacted, the sheriff will issue warnings to let people know there is an ordinance, so pedestrians and drivers know they need to be mindful.

Mr. Teach stated that the draft Ordinance is still being reviewed by advisory committees. Mr. Teach expressed that he wanted to be clear that the draft Ordinance would not remove bicycles from the sidewalk and put them in traffic; it would be motorized bicycles (which can go 30 to 35 mph). Motorized bicycles would be allowed on sidewalks if they were being manually used under human power. Mr. Teach looked at what other various jurisdictions are doing, and a number of the jurisdictions had gravitated to prohibiting high-speed motorized bicycles from sidewalks. Mr. Teach spoke with counsel for the Sherriff prior to drafting the Ordinance, and Sherriff's counsel indicated they would not have an objection. Mr. Teach commented that the Ordinance is an MPO Board initiative, and he is happy to work with the MPO Board, the County Commissioners, and the advisory committees for direction and recommendations.

Commissioner LoCastro stated that Marco Island and Marco Island City Council have received various complaints that electric bicycles are going as fast as 35 mph on sidewalks. There is a high concentration of electric bicycles on Marco Island. Citizens are seeking direction and are concerned about safety. Marco Island is working to widen sidewalks and signage, which will help. Commissioner LoCastro commented that it is mostly children going to/from school using electric bicycles, and many of them do not slow down or stop at intersections or roads exiting developments. Additionally, there are rental companies that rent electric bicycles to tourists, and oftentimes, the tourists do not know the area and are on the wrong sidewalks. There have been issues regarding drivers not seeing electric cyclists going 35 mph, even though the drivers are yielding. The question then becomes would everyone really want the electric bicycles on the road; some areas do not have bike lanes or have very narrow bike lanes. The electric bicycle is a hybrid and does not fit squarely into the category of bicycle or moped. Marco Island City Council has encouraged those who ride electric bicycles for leisure to do so where there are wider sidewalks. There has been a lot of conversation about the issue on Marco Island over the last few months.

6. AGENCY UPDATES

6.A. FDOT

Ms. Peters stated that Collier MPO goes through a joint certification process with FDOT annually. The process is similar to a report card on the MPO's processes, core documents, basic operations, invoices, and invoice processing. Collier MPO has been ranked as low risk again this year and has many noteworthy practices. Ms. Peters congratulated Collier MPO.

6.B. MPO EXECUTIVE DIRECTOR

Ms. McLaughlin stated that she and Mr. Kingston attended a virtual meeting of the Metropolitan Planning Organization Advisory Committee staff directors. The discussion included arrangements for post-census planning funding and various urbanized areas crossing county lines, which is not only happening in our area, but in other areas along the southwest coast of Florida. MPO Staff learned that the planning funds already take into account dividing the distribution by MPO jurisdiction. Even if an urban area bleeds into another county, there is an existing formula in place to break the distribution up by population. MPO Staff anticipates knowing more about the formula soon and should be able to provide a full explanation and a further update about scheduling joint meetings at the Board's April meeting, as well as get further direction from the Board on how it would like to proceed.

Commissioner McDaniel indicated that the Collier County Commissioners were recently in Tallahassee. There is a push to consolidate MPOs. Commissioner McDaniel would prefer that the joint meeting with Lee MPO be accelerated to have a discussion. In the past, obtaining a quorum was difficult. It is important to enhance the regional perspective. **Mr. Teach** requested to speak and stated that Lee MPO outnumbers Collier MPO. In joint meetings, Collier MPO would be outvoted by Lee MPO. Collier MPO has tried to work with Lee MPO over the years to try to get the governing documents regarding joint meetings and voting amended, but Lee MPO has thus far been unwilling to do so. Mr. Teach suggested that if Collier MPO has a joint meeting with Lee MPO, any action items should be voted on separately. Mr. Teach's preference, given the push towards consolidation, would be for Collier MPO to have the information it needs and its vote as to how it wants to handle a situation, and then have a joint meeting. This may be the better course of action if Collier MPO desires to remain independent. **Commissioner McDaniel** commented that there is a long history regarding voting and governing document issues as it relates to joint meetings. Commissioner McDaniel's thought is to potentially establish committees from each of the two boards that meet jointly regarding regional transportation issues and then bring the items back to the boards individually, so that the MPOs do not have to consolidate. **Mr. Teach** suggested that if there is a mathematical formula for allocation, that seems to be the best solution.

Ms. McLaughlin indicated, based on the discussion, that her understanding is the joint meeting needs to be accelerated, but Collier MPO Board needs to take any action it deems necessary first, after it receives more information. Ms. McLaughlin plans to bring what she learns in terms of formulas and funding to the Board at the April meeting, and then try to get a joint meeting scheduled as soon as practicable after that. **Commissioner McDaniel** expressed that he does not want to go into a meeting where Collier MPO is outvoted and suggested an acceleration in adjustment of the governing documents related to joint meetings/voting. **Commissioner Saunders** suggested that a joint meeting could be scheduled in the form of a workshop and advertised as only a workshop so that no action can be taken. **Ms. McLaughlin** indicated that she would investigate the option.

7. COMMITTEE CHAIR REPORTS

7.A. CITIZENS ADVISORY COMMITTEE (CAC)

7.A.1. Citizens Advisory Committee Chair Report

Ms. McLaughlin indicated that the CAC Vice-Chair chaired the last CAC meeting and was unable to participate in the MPO Board meeting. The Chair Report is included in the agenda packet.

7.B. TECHNICAL ADVISORY COMMITTEE (TAC)

7.B.1. Technical Advisory Committee Chair Report

Ms. Lantz indicated that at the last TAC meeting, TAC requested more time to review and comment on the draft Bicycle and Pedestrian Safety Ordinance. TAC members had questions regarding intent and enforcement. The discussion earlier in the MPO Board meeting covered some of TAC's questions. TAC's concerns were similar to the concerns expressed by Mr. Bonness earlier in the Board meeting. TAC will have its next meeting on March 27. TAC does not have a problem attaining a quorum; there is typically more than required for a quorum at each TAC meeting.

7.C. BICYCLE PEDESTRIAN ADVISORY COMMITTEE (BPAC)

7.C.1. Bicycle and Pedestrian Advisory Committee Chair Report

Ms. McLaughlin indicated that BPAC Chair, Anthony Matonti, was unable to make it to the MPO Board meeting. At its meeting, BPAC requested an additional month to review and comment on the draft Bicycle and Pedestrian Safety Ordinance.

7.D. CONGESTION MANAGEMENT COMMITTEE (CMC)

7.D.1. Congestion Management Committee Chair Report

None. CMC has not met since the last MPO Board meeting.

7.E. LOCAL COORDINATING BOARD (LCB)

7.E.1. Local Coordinating Board Chair Report

Mr. Pernas indicated that LCB had a public workshop. Some of the issues brought up by the public were concerns regarding the reliability of paratransit service, for which there was much discussion. There were also questions and discussion about Collier Area Transit's app, rideCAT, including how to get it set up and what the app can be used for. At the regular LCB meeting, the Vice-Chair vacancy was filled by Rick Hart. A new grievance committee member, Leah Watson, was appointed. There were reports from the Community Transportation Coordinator, MPO, and FDOT. The next LCB meeting is scheduled for May 3.

8. REGULAR BOARD ACTION (ROLL CALL REQUIRED)

8.A. Approve Amendment #2 to the FY 2023-2027 Transportation Improvement Program (TIP) and Authorizing Resolution

Ms. McLaughlin stated that Item 8.A. required a roll call vote and was to approve Amendment #2, as modified, to the TIP and the authorizing Resolution. **Mr. Kingston** provided a brief background regarding the Amendment and the need for it. **Commissioner McDaniel** asked for clarification that FDOT requested the Amendment, and **Ms. McLaughlin** confirmed, adding that transit funding awards are on a different schedule than FHWA funding awards.

Commissioner McDaniel moved to approve Amendment #2 to the FY 2023-2027 Transportation Improvement Program, as revised, and Authorizing Resolution and Commissioner Kowal seconded. Roll call vote. Passed unanimously.

Vice-Chair Hall – Yes

Commissioner Kowal – Yes

Commissioner McDaniel – Yes

Commissioner LoCastro – Yes

Commissioner Saunders – Yes

Council Member Blankenship – Yes

Council Member Pernas - Yes

9. REGULAR BOARD ACTION (NO ROLL CALL)

9.A. Approve 2022 FDOT-MPO Joint Certification Statement

Ms. McLaughlin provided a brief background regarding the 2022 FDOT-MPO Joint Certification Statement. There were no corrective actions to be addressed.

Council Member Pernas moved to approve the 2022 FDOT-MPO Joint Certification and Commissioner McDaniel seconded. Passed unanimously.

9.B. Adopt FDOT’s Pavement and Bridge (PM2) and System (PM3) Performance Targets for the National Highway System

Mr. Kingston provided a brief background regarding the targets. **Council Member Blankenship** asked for an explanation of how the term “good” referenced in the performance targets is defined and measured. **Ms. McLaughlin** indicated that she would follow up with FDOT to provide clarification. **Mr. Gaither** indicated that FDOT would follow up to confirm the difference between the terms “good” and “poor” and the rating system used. **Council Member Blankenship** reiterated that he would like to know the specifics about the target terms - he is often questioned about U.S. 41 and its condition. It would be helpful if he was able to provide an explanation.

Council Member Blankenship requested that agenda item be continued to the next meeting, after the Board has received more information. **Ms. McLaughlin** responded that the item can be continued, and the deadline for adoption is June 14.

Council Member Blankenship moved to continue the agenda item requesting adoption of FDOT’s Pavement and Bridge (PM2) and System (PM3) Performance Targets for the National Highway System to the next MPO Board meeting, and Commissioner McDaniel seconded. Passed unanimously.

9.C. Approve Two Reappointments of Citizens Advisory Committee (CAC) Members

Mr. Kingston explained that two members of CAC, Josh Rincon and Dennis DiDonna, seek to be reappointed for three-year terms to CAC, and provided a brief background. **Commissioner LoCastro** asked if there are term limits for the MPO’s advisory committees, and **Ms. McLaughlin** responded that there are no term limits established.

Commissioner McDaniel moved to approve the reappointments of Josh Rincon and Dennis DiDonna to CAC and Commissioner Saunders seconded. Passed unanimously.

10. PRESENTATIONS (MAY REQUIRE BOARD ACTION)

None.

11. DISTRIBUTION ITEMS

None.

12. MEMBER COMMENTS

Commissioner Saunders commented that Vice-Chair Hall did a good job running the meeting in Chair Folley's absence.

Council Member Blankenship thanked FDOT for the work FDOT is doing on the Gordon River bridges to make them safer for bicyclists and pedestrians.

Commissioner Kowal commented that he would not be able to attend the May MPO Board meeting.

Commissioner McDaniel commented that legislation will be coming through on the Moving Florida Forward initiative, and he wants to be sure attention is being given to the Long-Range Transportation Plan and the necessary requisite amendments to ensure a streamlined transition. Commissioner McDaniel recognizes that the legislation needs to be passed first but would like to be proactive rather than reactive. **Ms. McLaughlin** responded that she would make it a standalone item for reporting at future MPO Board meetings. **Commissioner McDaniel** agreed.

Commissioner Hall thanked everyone for their support in his chairing the meeting.

13. NEXT MEETING DATE

13.A. Next Meeting Date – April 14, 2023 - 9:30 a.m. Board of County Commissioners Chambers, 3299 Tamiami Trail East, Naples, FL, 34112

14. ADJOURN

*There being no further business, **Vice-Chair Hall** adjourned the meeting at approximately **10:19 a.m.***