

**BICYCLE & PEDESTRIAN ADVISORY COMMITTEE of the
COLLIER METROPOLITAN PLANNING ORGANIZATION
Collier County Government Center, Administration Building (F)
IT Training Room, Fifth Floor
3299 Tamiami Trail East, Naples, FL, 34112**

**March 21, 2023 - 9:00 A.M.
Meeting Minutes**

1. Call to Order

Mr. Matonti called the meeting to order at 9:00 a.m.

2. Roll Call

Ms. Siegler called roll and confirmed a quorum was present.

Members Present

Anthony Matonti (Chair)
Patty Huff (Vice-Chair)
Andrea Halman
Alan Musico
Carey Komorny
George Dondanville
Michelle Sproviero
Joe Bonness (arrived after Roll Call)
Kim Jacob (arrived after Roll Call)
Mark Komanecky (arrived after Roll Call)

Members Absent

Dayna Fendrick
Robert Phelan

MPO Staff Present

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

Others Present

Dave Rivera (TAC/CMC)
Lorraine Lantz (Collier County Transportation Planning)
Michelle Avola-Brown (Naples Pathway Coalition)
Michael Tisch (Collier County Transportation Planning)
Tanya Merkle (FDOT)
Pierre Beauvoir (CMC/Collier County Traffic Operations)
Sergeant Anna Horowitz (Collier County Sheriff)

3. **Approval of the Agenda**

Mr. Dondanville moved to approve the agenda. Seconded by Ms. Halman. Carried unanimously.

4. **Approval of the February 21, 2023, Meeting Minutes**

Mr. Musico: asked that the minutes to be modified to make sure he was not speaking on behalf of the Chief of Police regarding enforcement by implying the Chief supports the Bike/Ped Safety ordinance as written. [page 5 of the minutes] He rescinded this request after **Ms. McLaughlin** responded that, having reviewed the minutes in question, they only state that he spoke with the Chief regarding enforcement of the ordinance, they do not imply the Chief supports the ordinance.

Mr. Matonti moved to approve the February 21, 2023, minutes. Seconded by Mr. Musico. Carried unanimously.

5. **Open to the Public for Comment on Items Not on the Agenda**

Ms. Avola-Brown: April is distracted driving awareness month. Naples Pathways Coalition (NPC) is partnering with Blue Zones, Collier Law Enforcement, and FDOT as a means of pushing for stronger legislation for hands-free driving. States that adopted hands-free legislation saw an immediate decrease in fatalities. More than 50% of fatalities are vulnerable road users. NPC is making a strong push for awareness. **Mr. Komanecky:** Will there be public outreach? **Ms. Avola-Brown:** Yes, there are multiple methods through the different organizations. It depends on the funding. Nonprofits may get discounts. The more outreach, however it is done, the better. Many big-name people are supporting hands-free, including Tom Brady, Mark Wahlberg, and the CEO of GM. We're hoping to get in with the Driver's Education people at the DMV. Teenagers are pressured to answer their phones immediately when they don't need to. Driving distracted is six times more likely to cause a fatal crash than driving at a Blood Alcohol Content of 0.10. There is an app that monitors phone activity while driving, which can reduce car insurance.

6. **Agency Updates**

A. **FDOT:**

Ms. Merkle: FDOT is finishing going through SUNTrail applications, but there still may be more monies coming through. Still reviewing applications and sending to Central Office. At the previous committee meeting there were questions about pedestrian crossings on US 41. They are projected to be done by end of April.

B. MPO:

Ms. McLaughlin: nothing to report other than what is on the agenda to address.

7. Committee Action

A. Review and Comment on Draft Pedestrian and Cyclist Safety Ordinance

Mr. Matonti: the ordinance was discussed at the MPO Board meeting after Mr. Bonness commented as a member of the public. Suggest starting with a summary of what was said at the MPO Board meeting by Mr. Bonness and the Board, then go over committee member comments included in the packet and then the ordinance itself. We can then go over the recommendation from our committee to the Board.

Ms. McLaughlin: Mr. Bonness reiterated the comments he made at the previous BPAC meeting and drew attention to State Statute 316.125, requiring drivers to look both ways when crossing a sidewalk. Commissioner Kowal emphasized that the ordinance was still being worked on, that he agreed bicycles should be able to share sidewalks, and his intent is regarding their safety. **Mr. Bonness:** Yes, we want it safer for everyone and Commissioner Kowal took it to heart. The language the attorney put together isn't necessarily what he wanted to see. **Ms. McLaughlin:** Commissioner LoCastro commented that electric bikes on Marco go too fast on sidewalks. **Mr. Bonness:** they mentioned ebikes going 36 mph, but they can't go faster than 28 mph. **Ms. McLaughlin:** Mr. Bonness also suggested to the Board that the Community Traffic Safety Team review the ordinance, which is scheduled for this Thursday.

[Mr. Matonti asked each committee member who submitted written comments on the draft ordinance to summarize them for the group.]

Mr. Musico: my comments were intended to address what the regulations should reasonably be rather than contort the ordinance. Mr. Musico provided details on the classes of bicycles and micromobility and their use. **Mr. Bonness:** ebikes that go slower speeds than speed limits should not be in those roadways. Similarly, bicycles going over 30 mph should not be in bike lanes. **Mr. Musico** agreed.

Mr. Bonness: Definitions of sidewalks and facilities need to be expanded. An ordinance works better for an urban area than county-wide because of the variety of facilities. Regarding prohibitions against bicycles on sidewalks, we don't want to put those under 16 years of age under restrictions that are overly restrictive. Schools only build the sidewalks on one side of the road. Much of the roadways in the County do not have double sidewalks. These kids use ebikes. Mr. Bonness then described State Statute 316.125 regulating cycling, which requires vehicle drivers to look both ways before crossing a sidewalk. **Mr. Komanecky:** The way the statute is, the bicyclist

can be on the sidewalk going any direction and the onus is on the vehicle to stop? **Mr. Bonness:** Yes, it says you need to stop before entering the sidewalk and yield to bicycle and pedestrian traffic. **Ms. Halman:** is there an age limit for riding an ebike? **Mr. Bonness:** I don't think there is. **Ms. Halman:** there should be. **Ms. Komorny:** kids don't know the laws and no one follows them anyway, so who's to say about ebikes? **Mr. Musico:** if there's no ordinance, then the police have no right to stop them. **Mr. Bonness:** bikes and pedestrians have to follow the crossing signs. **Ms. Komorny** stressed the importance of education. **Mr. Bonness:** the regulations require that bikes yield to pedestrians on the sidewalks. The ambiguity is with other forms of micromobility that aren't bikes. **Ms. Komorny** understands that electric skateboards are not allowed on sidewalks in Florida and **Mr. Bonness** concurred. **Ms. Halman:** we need more education.

[Mr. Matonti invited other committee members to add their comments.]

Ms. Huff: it should be on driver's education for licensing, but probably also younger than that, like in schools. **Mr. Bonness:** agree that education is effective. In the Miami area, this was done in public schools with WalkSafe and BikeSafe courses, which resulted in a dramatic decrease in crashes.

Mr. Komanecky: At a high level, this must be very simple for the general public to be able to understand. Bikes should be able to go both ways on the sidewalk and drivers should be careful. The onus should be on the drivers for looking both ways. Trying to limit flow to the direction of traffic brings ambiguity given the state of the roads. I feel ebikes should be allowed on sidewalks. I like the idea of lower speed limit areas for ebikes on sidewalks. I'd keep scooters off the sidewalks because they're harder to control on sidewalks. I'm not in agreement with overly restricting use of bikes on sidewalks.

Ms. Sproviero: I agree with speed limits. I disagree with keeping bikes following flow of traffic because it is impractical with the state of the roads. I like going back to State Statute 316.125, as it is the simplest way to write this ordinance.

Ms. Halman: the ordinance should address recumbent bikes and trikes – handicapped people use these, and motorized bikes are fast coming up behind them.

Mr. Dondanville: if people are on the street going the wrong way that is against the law. Law enforcement could do education for them. This happens on US 41, where people go to the restaurants. There is a language barrier.

Mr. Matonti noted that the agenda packet includes Mr. Phelan's and Ms. Fendrick's comments. Mr. Phelan's comment is that ebikes should be allowed on sidewalks and crosswalks where there is no marking on the roadway. **Ms. McLaughlin** briefly summarized Ms. Fendrick's comments: She is concerned there is an incomplete network with a lack of alternate facilities without bikeways on the main arterials and if ebikes are prohibited from using sidewalks, they can't be used at all. It isn't safe to put bikes in 45 mph traffic. Enforcement is going to be a

problem. She recognizes a majority of the ebike riders are workers using them for transportation. She also goes into how a shared use path is different from a sidewalk.

Ms. Jacob: I like the idea of the speed limit to get motorized bikes off sidewalks. I like the use of sidewalks in both directions. I like to be able to see the bike approaching from the front.

Ms. Halman: The situation itself is difficult. **Ms. Huff:** It's up to local governments to deal with ebikes and that's how it should be given the unique nature of each. A problem is how people ride the wrong way down US 41 and East Naples on the street. There's got to be something to protect them like a bike path. There is a bike path on CR 951. Education needs to be addressed. Blue Zones addresses this.

[Mr. Matonti invited comments from members of the audience.]

Sergeant Horowitz: We run programs giving out helmets to kids on scooters, bikes, *etc.*, for those who can't afford them. Florida State Statute requires them to wear helmets. We host the Collier County Fun Night Out in each part of the County to supply free food, raffles, baby seats, and helmets. The Sheriff's Office has received two grants - a \$100,000 grant for the traffic on the interstate and an HVE grant - High Visibility Enforcement - for \$30- to \$40,000 for pedestrian bicycle safety. We can only go to the areas and times allowed by the grant.

Regarding education in certain areas, there are culture barriers. There is already an uptick in bicycle fatalities this year. There is an uptick in ebike and micromobility purchases. Unlicensed or suspended license drivers get these. And now there's a loophole that these vehicles go at high speeds without a license. Section 316.003(23) of the Florida Statutes was implemented in the past year or two for ebikes. It describes classes of ebikes: 1, 2, and 3. It says the regulations for ebikes – they should have all the rights and all the duties of a bicycle. It is a vehicle to the same extent as a bicycle. I've never seen a bicycle go as fast as 28 mph. Most ebike people aren't wearing helmets. We've also had issues with golf carts and where they go on the roadways. Every day, there is an issue with a bike or a pedestrian crossing the road. There is a shortage of personnel in the Sheriff's office. People are definitely crossing US 41 – I've seen a mother and her 5-year-old child doing so. There are also problems with motorists passing stopped school buses letting children out.

Mr. Matonti: Are scooters allowed on the roadway? **Sergeant Horowitz:** I don't believe they are. You can tell by the size of the cc (cubic centimeters) of the motor whether it is or isn't. This dictates whether they need a license plate. At the same time, they can't inhibit the flow of traffic. There are only three places to fit these forms of mobility: roadway, sidewalk, and bicycle lane; and each has their limitations and potentials of conflict with other users. This applies to golf carts too. Florida Statute 316.212 details these. **Ms. Sproviero:** What are your thoughts on speed limits for these? **Sergeant Horowitz:** It's possible. There's just so many of these forms of mobility. There's a few ways to detect speed: visual estimation, which can be done within a 3 mph margin of error by trained officers, and radar guns. Speed limit signs need to be DOT

approved. Tickets are good, as a means of education, whether it's a fine or a warning. If the speed limit signs are there, we will enforce them.

Ms. Avola-Brown: The ordinance will be hard to enforce. Florida Statute 316.125 is solid; Florida is and has been in the top three for bike/ped fatalities in the country. We are not going to see a change in behavior if we put the blame on the vulnerable road user. If you are in a 5,000-pound vehicle, you need to be responsible. Until we get drivers to put down their phones and obey the speed limits, things won't change.

Mr. Beauvoir: I see rules in the ordinance but not solutions. What are we doing to mitigate these issues? I've measured the bike lanes. They're 4 feet. Compared to other international cities, which separate slower vehicles from faster bigger vehicles, this is different where they segregate bicycle traffic from vehicles that go faster. Their lanes are much wider. Bike paths that are colorized with clear markings on them are used. What are we doing to create a solution for bicyclists? Because their use is growing.

Ms. Sproviero: We need to make the ordinance make sense in our current infrastructure.

Mr. Beauvoir: Enforcement is just one side of the coin. For the ordinance to take effect, infrastructure needs to be considered. There needs to be a balance between the two.

Mr. Matonti: The ordinance is around safety and simplicity, regulation of speed and the right of movement for all users. The ebikes and motorized scooters are unsafe on the sidewalks at certain speeds. I don't think these are in-line with the regular bike. I don't like how the ordinance is currently written.

Mr. Musico: The ordinance should focus on these issues:

1. The highest speed bikes, class 2 and 3 operating on sidewalks, must use bike lanes where available.
2. If operating on the sidewalk, there should be a speed limit – I think 10 mph.
3. No gas vehicles on the sidewalks.
4. Give governmental agencies responsibility for managing greenways to make higher speeds allowable.

Mr. Matonti: On that note, the definitions need to be written to define sidewalk, shared use path, greenway, *etc.*

Ms. Lantz: 8 feet is the minimum for a multi-use pathway, and six feet for sidewalk, but at certain times, things were built differently.

Ms. Halman: I think we're trying to solve a problem that we can't solve.

Sergeant Horowitz: There is another statute, 316.208, which regulates mopeds.

Ms. Halman: Just because this is an advisory body, doesn't mean we need to come up with a solution.

Ms. McLaughlin: I've heard the committee say that with so many exceptions, the ordinance can be untenable. Another, from Pierre to build a system to accommodate all users. Until then, the best solution is the laws that already exist. What also could be done is to ask for an extension for discussion.

Mr. Matonti: To concur with Pierre, the system does not supply the infrastructure needed to accommodate an ordinance.

Mr. Musico: When so many exceptions are made, it shows that the fundamental nature of it is flawed. **Ms. Sproviero:** But the exceptions can show that we've thought of all the ins and outs of it, what they might not have considered.

Mr. Dondanville: Motion to respond to the MPO that the ordinance has too many exceptions and that part of the solution is to build better bike-ped facilities.

[Discussion followed this on what to bring to the MPO Board.]

Mr. Matonti: With another meeting or two or three, our group can't put together another ordinance. How about next meeting, we'll review today's minutes to have a complete response to provide to the MPO Board?

Mr. Dondanville: If our response is that we need more time, they could see what happened at this meeting and go forward without the comment.

Mr. Tisch: It could be more useful to give them bullet points of what is being discussed and the need further consideration.

Mr. Dondanville: Motion withdrawn.

[Discussion was made after this regarding the motion to be made.]

Ms. Avola-Brown: There already is a statute 316.125 to be enforced and educated with; the responsibility of drivers towards cyclists and pedestrians.

Mr. Dondanville moved that the issues presented regarding the Draft Pedestrian and Cyclist Safety Ordinance give BPAC concern because this ordinance would require too many exceptions to make it tenable. Enforcement and education would be difficult; and the system does not provide the infrastructure required. Exceptions, some of which are listed below, point to a lack of infrastructure to support the recent trend toward micromobility.

Power Assisted Bicycles Prohibited: No person shall ride any bicycle other than using human power upon public sidewalks except under any of the following situations:

- *Roadways with speed limits over 30 mph that do not have bike lanes and right lanes are less than 14' wide.*
- *Shared Use Paths*
- *Greenways*
- *Off roadway trails*
- *Buffered bikeways / Separated bike lanes (two-way design)*

Operation with flow of traffic: Bicycle shall travel in the same direction as traffic while being operated on public sidewalks, cross walks, and intersections so that such bicycles are traveling with and not against the flow of traffic except under any of the following situations:

- *Cyclist under 16 years old, and families with underage cyclists*
- *Shared use pathways (two-way design)*
- *Greenways*
- *Off roadway trails*
- *Buffered bikeways / separated bike lanes (two-way design)*
- *Sidewalk on right side of road is not continuous, is obstructed or when reasonably necessary to avoid any condition or potential conflict, including, but not limited to, a fixed or moving object, animal, or surface hazard, which makes it unsafe*
- *Roadways that only have a sidewalk on one side*
- *Under the direction of law enforcement officer and school safety guards*

Seconded by Mr. Komanecky. Carried unanimously with abstention from Mr. Alan Musico. Motion passes.

8. Reports & Presentations (May Require Committee Action)

None.

9. Member Comments

Mr. Dondanville: Ed Finn holds the purse-strings for the County. I think it is time BPAC asks the MPO for another member to look solely at Bike-Ped issues. I spoke with Anita Jenkins who worked on the first Pathways Plan; she said the County needs a bike/ped coordinator. **Ms. McLaughlin:** The County might need one. The MPO cannot afford another staff member. **Ms. Lantz:** we have had personnel who do bike-ped. There is low planning staffing. It will be a part of a staff member's job if fully staffed. **Mr. Dondanville:** how do I get the County to do it? **Ms. Lantz:** I am lacking the personnel because I am an interim manager and cannot backfill. **Ms. McLaughlin:** will you be able to devote a person to bike-ped? **Ms. Lantz:** I can have a staffer work on it but not it solely. **Mr. Bonness:** there used to be money from the FDOT. **Ms. Lantz:** people have been in that position, but it gets passed on.

10. Distribution Items

A. FDOT Moving Florida Forward Infrastructure Initiative Presentation

Item distributed.

11. Topics for Future Meetings

Not addressed.

12. Next Meeting Date

April 18, 2023 – 9:00 a.m., in-person only meeting, at Collier County Government Center, Bldg. F, IT Training Room, Fifth Floor, 3299 Tamiami Trail East, Naples, FL, 34112.

13. Adjournment

Mr. Matonti adjourned the meeting at 11:58 a.m.