

M E M O R A N D U M

To: Howard Tipton, Town Manager

From: Allen Parsons, Director, Planning, Zoning & Building Department
Isaac Brownman, Director, Public Works
George Turner, Chief, Police Department

Report date: June 6, 2024

Meeting date: June 17, 2024

Subject: Gulf of Mexico Drive Sidewalk/Multi-Use Trail Speed Limit Discussion

Recommended Action

Increase signage and outreach regarding existing requirements and safety practices. Staff would recommend that if changes to sidewalk related usage by bicycles are considered, that e-bikes not be regulated or treated separately.

Background

The Town has received a number of complaints regarding safety and speed related concerns with usage of the Gulf of Mexico Drive (GMD)/State Road 789 sidewalk/multi-use trail. Due to the ease of reaching and maintaining higher speeds, questions about limitations on the usage of electric bicycles (e-bikes) on the GMD sidewalk have also been a topic of concern. This report will provide an overview of applicable regulations and allowances (Town and State-specific), current and planned signage, outreach, statistics on accidents, and enforcement.

Town Code Section 73.05 (Use of Bicycle Paths) regulates the speed (maximum of 10 miles per hour) and manner (usage by human power only) of bicycles on bicycle paths and sidewalks.

As of July 1, 2020, however, usage of e-bikes was statutorily preempted. Florida Statutes 316.20655(1) and (7) provide that e-bikes “*shall be afforded all the rights and privileges, and be subject to all of the duties of a bicycle or the operator of a bicycle*” and that “*an operator may ride an electric bicycle where bicycles are allowed...*”. The statute defines e-bikes as a “*bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts*” which fit into one of three classifications.

Class 1 includes those e-bikes with a motor that assists only when the rider is pedaling and ceases to provide assistance when the e-bike reaches 20 miles per hour.

Class 2 is an e-bike with a motor that may be used to exclusively propel (without pedaling) and ceases to provide assistance when it reaches 20 miles per hour. These e-bikes typically come with a throttle since the motor can be used without

pedaling and can be known as a throttle assist. This class was arguably precluded under the old law.

Class 3 is an e-bike with a motor that only assists while the rider is pedaling and ceases to provide assistance when it reaches 28 miles per hour.

Class 1 and Class 3 e-bikes are typically known as pedal-assists since they do not include a throttle.

Of note, Florida Statutes 316.20655(1) does not prevent local governments from adopting an ordinance governing the operation of e-bikes or from restricting or prohibiting their operation on bicycle paths, multi-use paths, or a trail network under a local government's jurisdiction.

In addition to controlling speed, Town Code Section 73.04 (Bicycle Regulations) regulates certain safety related responsibilities of bicyclists, including a requirement to "give an audible signal before overtaking and passing" to a pedestrian (Sec. 73.04(K)) and a requirement for bicycles to "be equipped with an operating sound device" (Sec. 73.04(Q)).

The Town currently provides notice via 10 courtesy signs for bikers (example below), spaced about 1 mile apart, to please ring the bike's bell when passing. Staff intends to supplement existing signage to also include information on the maximum bike speeds.



However, enforcement is challenging. Radar devices do not accurately capture the speeds of bicyclists. An additional challenge is that the current 10 mph speed limit is easily exceeded by standard human-powered bicycles.

Public safety research has indicated that the Town has not received any calls for emergency response due to e-bike involvement in accidents.

E-bikes have surged in popularity over the past years. Estimates are that nearly 15% of the U.S. population owns an e-bike, and often more than one. Usage of allowed locations, by e-bikes, would be expected to continue to increase.

Staff will be enhancing outreach efforts including via the Town's website, social media, traditional media, community contacts, and to bicycle sales and rental businesses, to increase awareness of existing requirements and safety practices.

Staff Recommendation

Increase signage and outreach regarding existing requirements and safety practices. Staff would recommend that if changes to sidewalk related usage by bicycles are considered, that e-bikes not be regulated or treated separately.

End of Agenda Item