



Transportation Advisory Board Regular Meeting

August 17, 2020 at 4:00 p.m.

Virtual Meeting Agenda

<https://cityofwinterpark.org/government/live-broadcasts/>

Agenda Items

1. Call to Order
2. Election of Chair & Vice-Chair
3. Approval of March 12, 2020 Meeting Minutes
4. Discussion/Action Items
 - A. Micromobility Ordinance
5. Citizen Comments (3 Minutes per Speaker)
6. Planning & Transportation Update
 - A. Transportation Projects Update
 - B. Development Report
 - C. General Staff Updates
 - Leading Pedestrian Intervals (LPI's)
 - Killarney Estates Neighborhood Traffic Improvements
 - Rectangular Rapid Flashing Beacons (RRFB's)
7. Board Updates & Comments
8. Upcoming Meeting Schedule

Next TAB Work Session: Discussion on best day/time/frequency for work sessions

Next TAB Regular Meeting: Monday, September 21st, 2020 at 4:00 p.m.
9. Adjourn

appeals & assistance

"If a person decides to appeal any decision made by the Board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."



Transportation Advisory Board Minutes

March 12, 2020 at 08:00 a.m.

City Hall, Commission Chambers
401 Park Ave. S. | Winter Park, Florida

Present

Jill Hamilton Buss, Marc Reicher, Jonathan Thigpen, Alex Trauger, Tonya Mellen, David Erne, Mike Dively

Absent

Steve Boyd

EXECUTIVE SUMMARY

ADMINISTRATIVE ITEMS

Chairman Thigpen called the meeting to order at 8:03 am.

Approval of minutes

Motion made by Ms. Hamilton Buss, seconded by Mr. Trauger to approve February 13, 2020, minutes as presented. Motion carried unanimously.

Chm Thigpen introduced Brian Flynn, Parsons, Brinkerhoff, for an update on 17-92.

Mr. Flynn presented a PowerPoint presentation including the project footprint, changes to the footprint, location and size of bike lanes, intersection changes, locations for refuge islands, access management changes, curb cut removal and possible pedestrian flyover. Mr. Attaway provided an overview of how the 2002 project developed, the many steps it took to bring it to fruition and how the funding is divided. In response to a question, he commented it would be 3-4 years, after I4 Ultimate is complete, before construction starts. . Mr. Flynn responded to questions.

Mr. Lim reviewed the crash data from MetroPlan for 2017-2018. Mr. Trauger offered to create a City of Winter Park user name for Signal Four. He explained the benefits of having access to Signal 4 analytics.

SCOOTER

Mr. Stephenson updated the Board on the issue of scooters in the City. He explained that the information provided by Alex, DeYoung, Newt Scooters was inaccurate. A meeting was held between Mr. DeYoung, Mr. Stephenson and the City Attorney. After discussion Newt will not deploy scooters in the City at this time. The City attorney has drafted an ordinance which is still needs to be reviewed by City staff. The Board will have input before it is presented to the City Commission.

Public Comments

Ms. Stefani McGrath, 655 Palmer Ave., expressed concern with traffic issues on Palmer Ave.

Staff Reports

BIKE WINTER PARK

Mr. Moore reported that Bike Winter Park was a success. About 60 riders participated in the 5 mile ride. REI had an athletic table and assisted riders with tire changes and provided snacks. Cystic Fibrosis had an information table and provided snacks. After the event Park Social provided flatbreads and Winter Park Library provided bicycles. Mr. Moore recognized volunteers. He recognized City departments who participated. Rollins College won the award for most attendees. Bike 5 Cities will be held May 9. In November Cystic Fibrosis is sponsoring a 5, 10 and 25 mile ride, information will be provided closer to the event. A discussion

March 12, 2020
Page 2

ensued regarding security for the Bike 5 Cities in Winter Park. Mr. Dively suggested changing the Bike Winter Park Event from a week day to a weekend. Ms. Hamilton Buss suggested a Christmas ride.

[TRANSPORTATION LIST](#)

Postponed

[DEVELOPMENT REPORT](#)

Postponed

[POLICE REPORT](#)

Postponed

[SUSTAINABILITY REPORT](#)

Postponed

Adjourn

Chm. Thigpen adjourned the meeting at 9:34 am. Next meeting is April 9, 2020.

Respectfully Submitted,

Debbie Wilkerson

Recording Secretary

Debbie Wilkerson



401 South Park Avenue • Winter Park, Florida 32789

407-599-3324 • planning@cityofwinterpark.org
cityofwinterpark.org

Planning & Transportation

Transportation Advisory Board Staff Report for August 17, 2020 Meeting

Micromobility Prohibition Ordinance

Background

Micromobility is a form of lightweight transportation that can occupy space alongside bicycles.

As micromobility increases in popularity as a mode choice, the State of Florida has passed governance that have increased the rights of electric bicycle, motorized scooter and micromobility device operators. While the state has established this regulatory framework for the operation of these devices, local governments have the authority to regulate the operation of electric bicycles, motorized scooter and micromobility devices on streets, highways and sidewalks under its jurisdiction.

The City Commission requested the micromobility prohibition ordinance be brought to the Transportation Advisory Board (TAB) for discussion and for TAB to provide input.

Definitions

Micromobility Device – Any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined as defined by Fla. Stat. § 316.003(38).

Motorized Scooter – Any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(45).

Electric Bicycle – Any bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts. This definition includes all classes of Electric Bicycle under Section 316.003(22), Florida Statutes (2020).

Bicycle – Bicycle means every vehicle propelled solely by human power having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include an electric bicycle, motorized scooter or similar device.

Micromobility Device Requests

The City of Winter Park has received requests from micromobility companies that utilize scooter, bikes and other means of transportation to move into the Winter Park area. These companies will typically want to bring in a fleet of vehicles, which are placed in areas around town for use by any person utilizing their app. These companies will utilize a geofence (GPS based boundary) to establish limits of travel for their fleet; once a device reaches the boundary, it will not operate past it. Some of the companies use devices that can be used on roadways, but most scooter companies only allow their devices to operate on sidewalks. An issue experienced in other areas where these devices are in use are the accumulation of units at the edge of "geofenced" locations.

Staff received a request for the deployment of 40 scooters that would specifically operate in our Central Business District and Park Ave. These scooters can travel from 5-20 mph and staff has serious concerns about introducing vehicles such as these into our pedestrian environment. There is an existing Ordinance that does not allow bikes on sidewalks in the Central Business District, but does not address this issue for any other part of town.

Additionally, there has been a recent request for a multi-passenger bicycle bar that allows users to pedal around town at a bar table that is steered by a driver, manned by a bartender and powered by customers. These commercial operations have become popular in college towns and in tourist locations. Current ordinances restrict this type of business, but it shows the increased desire for new types of commercial mobility operations in Winter Park.

Prohibition of Micromobility Devices

The City of Winter Park does not allow any commercial vendors to operate on the city streets other than taxi services and rideshare such as Uber or Lyft. The prohibition of micromobility devices would restrict these companies from establishing a network within the City of Winter Park.

The proposed ordinance identifies the justifications for prohibiting micromobility devices including the brick lined streets, narrow sidewalks, high pedestrian traffic, extensive sidewalk dining, and high volume arterial roadways within the City of Winter Park, all of which create unique hazards to pedestrians and operators of micromobility devices, motorized scooters, electric bicycles and bicycles not present in most cities.

Summary

The Micromobility Prohibition Ordinance is the City Commission of the City of Winter Park's response to the passage of HB45434 and HB 971, which have increased the rights of electric bicycle, motorized scooter and micromobility device operators. This ordinance will allow the City to regulate the operation of electric bicycles, motorized scooter and micromobility devices on streets, highways and sidewalks under its jurisdiction.

Staff recommendation is for approval.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK,
FLORIDA AMENDING CHAPTER 98 OF THE WINTER
PARK CODE PROHIBITING THE OBSTRUCTION OF
STREETS, RIGHT-OF-WAYS AND SIDEWALKS BY, AND
PROHIBITING USE OF, MICROMOBILITY DEVICES AND
MOTORIZED SCOOTERS WITHIN THE CITY EXCEPT
ALLOWING USE OF SUCH DEVICES AND SCOOTERS IN
CERTAIN RESIDENTIAL AREAS, AND PROHIBITING THE
STAGING OF MICROMOBILITY DEVICES AND
MOTORIZED SCOOTERS ON PUBLIC PROPERTY;
PROVIDING FOR CONFLICTS, SEVERABILITY,
CODIFICATION, AND AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Winter Park (the "City") recognizes that the passage of HB 453 and HB 971 have expanded the rights of electric bicycle, motorized scooter and micromobility device operators within the state and expanded the areas where electric bicycle, micromobility device and motorized scooter operators may operate these devices under Section 316.2128 and Section 316.20655, Florida Statutes; and

WHEREAS, Section 316.2128, Florida Statutes provides operators of motorized scooters and micromobility devices with the same rights and duties of the operator of a bicycle; and

WHEREAS, Section 316.20655, Florida Statutes provides operators of electric bicycles the same rights and duties as the operator of a bicycle; and

WHEREAS, the City finds the proliferation of electric bicycles, motorized scooters and micromobility device has dramatically increased the risk of traffic related injuries and fatalities to micromobility device and motorized scooter operators due to the risk of motor vehicle collisions with electric bicycle, micromobility device and motorized scooter operators as well as electric bicycle, micromobility device and motorized scooter operators colliding with pedestrians on sidewalks; and

WHEREAS, the brick lined streets, narrow sidewalks, high pedestrian traffic, extensive sidewalk dining, and high volume arterial roadways within the City of Winter Park create unique hazards to pedestrians and operators of micromobility devices, motorized scooters, electric bicycles and bicycles not present in most cities; and

WHEREAS, operation of electric bicycles, micromobility devices and motorized scooters is not compatible with the uses and activities within the Central Business District and the Hannibal Square Neighborhood Commercial District as defined by Article

I, Chapter 58 of the Comprehensive Plan due to high volumes of pedestrian and vehicle traffic; and

WHEREAS, electric bicycles, motorized scooters and micromobility devices present a greater risk to riders and pedestrians than devices propelled by human power such as bicycles; and

WHEREAS, a study conducted by the Journal of American Medicine found that 94.3% of observed micromobility device riders were not wearing helmets and that only 4.4% of micromobility device riders admitted to the hospital were wearing a helmet at the time of the accident; and

WHEREAS, electric bicycles, micromobility devices, motorized scooters and bicycles parked improperly create dangerous conditions for pedestrians, particularly the disabled residents of the City; and

WHEREAS, Section 316.2128, Florida Statutes expressly reserves local authority and jurisdiction to regulate micromobility devices and motorized scooters to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, Section 316.20655 Florida Statutes expressly reserves local authority and jurisdiction to regulate electric bicycles within certain areas to the extent authorized by Section 316.008, Florida Statutes; and

WHEREAS, the City recognizes that Section 316.008(1)(a), Florida Statutes authorizes municipalities to regulate or prohibit "stopping, standing, or parking," that Section 316.008(1)(h), Florida Statutes authorizes municipalities to regulate bicycles, that Section 316.008(1)(n), Florida Statutes authorizes municipalities to prohibit or regulate the use of "heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic"; and

WHEREAS, the City recognizes that Section 316.008(7)(a), Florida Statutes authorizes municipalities to "permit, control, or regulate" vehicles operating on sidewalks including micromobility devices, bicycles, and motorized scooters; and

WHEREAS, notwithstanding that Section 316.1995, Florida Statutes, with limited exceptions, prohibits operation of vehicles on sidewalks, including electric bicycles, micromobility devices and motorized scooters except to the extent a micromobility device or motorized scooter is propelled by human power, and this Ordinance reiterates such prohibitions; and

WHEREAS, the City recognizes the First District Court of Appeals recently upheld a total prohibition on motorized scooter rentals within the City of Panama City Beach in *Classy Cycles, Inc. v. Pan. City Beach*, 2019 Fla. App. LEXIS 16995; and

WHEREAS, the City finds a comprehensive regulatory scheme is necessary to mitigate the risks and dangers posed by electric bicycles, motorized scooters and micromobility devices within the City; and

NOW THEREFORE, BE IT ENACTED BY THE CITY OF WINTER PARK:

SECTION 1: Recitals. The above recitals are true and correct, are adopted and incorporated herein, and constitute the legislative findings and legislative intent of the City Commission of the City of Winter Park

SECTION 2: Amendment. That Chapter 98 "Traffic and Vehicles" of the City of Winter Park Code of Ordinances is hereby amended as shown below (underlined language are additions; ~~stricken through~~ language are deletions; provisions not shown are not being amended):

Chapter 98. Traffic and Vehicles.

Article I. – In General

Sec. 98-2. – Definitions.

The following words and phrases, when used in this chapter, shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except when the context otherwise requires. Whenever any words and phrases used in this chapter are not defined in this section but are defined in the state laws regulating the operation of vehicles, any such definition in state law shall be deemed to apply to such words and phrases used in this chapter, except when the context otherwise requires.

Bicycle means every vehicle propelled solely by human power having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include an electric bicycle, motorized scooter or similar device.

Central Business District shall have the same meaning as defined within the maps of the Central Business District adopted in the definitions section of the Comprehensive Plan of the City, article I, chapter 58 and is generally that part of the city bordered by Webster Avenue on the north, Interlachen Avenue on the east, Fairbanks Avenue on the south and New York Avenue on the west.

Commercial vehicle means every vehicle designed, maintained or used primarily for the transportation of property and which displays lettering thereon advertising the owner of the vehicle.

Electric Bicycle means any bicycle or tricycle equipped with fully operable pedals, a seat or saddle for use of the rider, and an electric motor of less than 750 watts. This definition includes all classes of Electric Bicycle under Section 316.003(22), Florida Statutes (2020).

Freight curb loading zone means a space adjacent to a curb for the exclusive use of commercial vehicles during the loading or unloading of freight.

Hannibal Square Neighborhood Commercial District shall have the same meaning as defined within the maps of the Hannibal Square Neighborhood Commercial District adopted in the definitions section of the Comprehensive Plan of the City, article I, chapter 58 and is generally that part of the city fronting on New England Avenue, Hannibal Square, Morse Boulevard and Pennsylvania Avenue.

Motorized scooter means any vehicle or micromobility device that is powered by a motor with or without a seat or saddle for the use of the rider, which is designed to travel on not more than three wheels, and which is not capable of propelling the vehicle at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(45).

Micromobility device means any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground as defined by Fla. Stat. § 316.003(38).

Parkway means that portion of a street not designated or intended for the use of pedestrians and located between the curb and the adjacent property lines or between the edge of pavement and the adjacent property lines where there is no curb or between the established vehicular traveled way and the adjacent property lines on unpaved streets.

Passenger curb loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Right-of-way means property owned or controlled by the City or other governmental entity over which the public has a right of passage, including, without limitation, the streets, parkways, paths, alleys, sidewalks, and driveways constructed thereon.

Sidewalk means that portion of a right-of-way between the curbline, or the lateral line, of a roadway and the adjacent property lines, that is improved for intended use by pedestrians or by bicycles in areas designated for bicycle use.

Stage or Staging means the parking and/or placing of electric bicycles, micromobility devices or motorized scooters on a right-of-way, within a public park or on other public property for the purpose of advertising or displaying such micromobility devices to the general public for use or rental.

Traffic division means the traffic division of the police department or, if a traffic division is not established, the term shall be deemed to refer to the police department.

Sec. 98-7. – Bicycles, micromobility devices and motorized scooters obstructing streets or sidewalks.

No bicycle, electric bicycle, micromobility device or motorized scooter shall be parked, staged, abandoned or otherwise left upon any street, right-of-way or sidewalk in such a manner as to obstruct traffic, either of vehicles or pedestrians, or to obstruct any stopping or parking space.

Sec. 98-8. – Motorized Scooters and micromobility devices.

- (a) Prohibition. It shall be unlawful to operate any motorized scooter or micromobility devices upon the roadways, sidewalks, bicycle paths or rights-of-way of the City unless expressly permitted by Section 98-8. It shall be

unlawful to operate any motorized scooter or micromobility device within the Central Business District or Hannibal Square Neighborhood Commercial District without limitation or exception. It shall be unlawful to operate any motorized scooter or micromobility device upon any sidewalk adjacent to or within any sidewalk cafe as defined by Chapter 90, Article VI.

(b) *Permitted operating areas.* Except as otherwise prohibited by Chapter 98 or other provision of the City Code or Florida law, motorized scooters and micromobility devices may be operated for personal use within residential neighborhoods zoned R-1A, R-1AA, R-1AAA, and R-2. This provision is not intended to grant permission to operate or conduct any business or use not authorized by zoning regulations.

(c) *Electric Bicycles.* Electric bicycles must comply with all regulations under Florida law and this Code applicable to bicycles.

Sec. 98-9. – Micromobility device and motorized scooter staging.

It shall be unlawful to stage electric bicycles, micromobility devices and motorized scooters within the limits of the City.

Sec. 98-10. – Violations.

The City is authorized to establish civil penalties for violations of this Chapter pursuant to the "Schedule of City of Winter Park Service and User Fees and Charges" adopted by the City Commission from time to time, and persons or entities in violation of this Chapter or any part thereof shall be subject to such prescribed penalties. In addition, the City shall have the right to enforce this Chapter or any portion thereof through any remedies available at law and in equity, including, without limitation, injunctive relief.

Secs. 98-8 98-11 – 98-30. – Reserved.

SECTION 3. INCONSISTENCY. If any Ordinances or parts of Ordinances are in conflict herewith, this Ordinance shall control to the extent of the conflict.

SECTION 4: SEVERABILITY. If any section, subsection, sentence, clause, phrase, provision, or word of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then such invalidity or unconstitutionality shall not be held to invalidate or impair the validity, force, or effect of any other remaining provisions of this Ordinance.

SECTION 5: CODIFICATION. Section 2 of this Ordinance shall be codified and made a part of the City of Winter Code or Ordinances, and the sections of this Ordinance may be renumbered or re-lettered to accomplish this intention. The word "Ordinance" may be changed to "Section," "Article," or other appropriate word. The City Clerk is given liberal authority to ensure proper codification of this Ordinance, including the right to correct scrivener's errors.

SECTION 6: EFFECTIVE DATE. This Ordinance shall become effective immediately following approval by the City Commission at its second reading.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2020.

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk