

**LIVABLE STREETS ADVISORY BOARD
ACTION LETTER
CITY OF LEE'S SUMMIT**

Tuesday, October 16, 2012
7:00 p.m.

Present –

<i>* Ajia Tenney</i>	<i>Absent</i>	<i>Donnie Priest</i>	<i>Absent</i>
<i>Ed Kraemer</i>	<i>Present</i>	<i>Bob Busby</i>	<i>Present</i>
<i>Ryan Philyaw</i>	<i>Absent</i>	<i>Dan Wiltshire</i>	<i>Present</i>
<i>Eric Kratz</i>	<i>Present</i>	<i>Kathryn Biagioli</i>	<i>Present</i>
<i>Craig Faith</i>	<i>Present</i>	<i>Mike Barnett</i>	<i>Present</i>
<i>Valerie Salazar</i>	<i>Present</i>		

Staff Liaison Michael Park, Police Captain Jim Green, and Council Liaison Rob Binney were present.

1. CALL TO ORDER:

Vice-Chair, Craig Faith, called the meeting to order at 7:00 p.m.

Chair, Ajia Tenney, present at 7:03 p.m.

2. PUBLIC COMMENTS:

Mr. Dale Coy was present and at the request of Chair, Ajia Tenney, held his comments for discussion regarding the Motorized Bicycle Ordinance, to be voiced as scheduled under Business on the Agenda

Ryan Philyaw present at 7:06 p.m.

Michael Park provided public comments from a resident received through Councilman Mosby regarding the traffic conditions along Shenandoah Drive, specifically public safety concerns for the bicycle environment considering recent resurfacing and pavement marking changes. The resident had asked whether the board perceived or thought Shenandoah Drive was unsafe for cyclists now that left-turn lanes had been marked from Lee's Summit Hospital to Church Street, a continuation of left-turn lanes from Todd George Parkway to Lee's Summit Hospital along Shenandoah Drive. The board, including several cyclists among its membership, all voiced a positive opinion regarding the safety of cycling along Shenandoah Drive. There were no safety concerns noted; by contrast, multiple board members who voiced an opinion thought Shenandoah Drive was and still is a preferred/good and safe route for bicycling.

3. APPROVAL OF AGENDA:

On motion of Ed Kraemer, second by Craig Faith, the Board voted unanimously to approve the published agenda.

Ed Kraemer recognized new board member Mike Barnett. Each member introduced themselves and welcomed Mr. Barnett to the board.

4. APPROVAL OF AUGUST 21, 2012 MEETING MINUTES:

On motion of Ed Kraemer, second by Bob Busby, the Board voted unanimously to approve the August 21, 2012 meeting minutes. The September 18, 2012 meeting was cancelled for a lack of quorum.

5. **COMMITTEE REPORTS:**

- Encouragement/Education Committee

Kathryn Biagioli provided an update on the committee's work. She noted an article written by Craig Faith on senior mobility will be published. Ajia Tenney provided a brief overview of the review process for articles prior to publishing. This process would have the draft article sent through the Chair (Ajia Tenney) to the committee Chair (Kathy Biagioli) for review and approval, and then the Committee Chair would coordinate publishing directly with the media. Ajia Tenney relayed a request from the City's PIO (Melissa Fears) to develop more Public Service Announcements (LSTV Videos) for various topics, including Livable Streets. Kathy Biagioli asked for November article topics with a tie into the Mayors walk to school trek with his grandson on Walk/Bike to School Day Public Service Announcement video. There was general interest among the board to include material in the article(s) explaining why board members that author an article support livable streets and serve on the board. Kathy Biagioli will work with Dan Wiltshire on a potential article for November highlighting Bike Stop as a Bicycle Friendly Business. Ajia Tenney asked each board member to submit their top three reasons they support livable streets and volunteer for board service to Kathy Biagioli (for a top ten list to be published in future articles). Ed Kraemer noted a possible future article regarding walking school bus could be of interest to the committee worth checking into. Mike Barnett asked if there was a word limit on articles imposed by the press. Ed Kraemer indicated the press prefer articles be limited not more than 500 words.

Kathy Biagioli attended a BikeWalkKC meeting noting a desire by the organization to account the level of involvement in Bike/Walk to School Day events, but none of the schools participated in counting the number of children that participated. She said Lee's Summit Elementary did not collect data, Westview Elementary didn't collect data, and Longview Farm Elementary didn't collect data. Although all three schools did not collect data or report involvement, they had good participation in the event. Longview Farm Elementary is scheduling another Bike/Walk to School Day event next May. The board brainstormed ideas to encourage data collection and would further this discussion at the next committee meeting.

- Designations/Awards Committee

Michael Park gave notice the City of Lee's Summit had recently been designated a Bronze Bicycle Friendly Community by the League of American Bicyclist. Formal media release and award recognition would be forthcoming in the next days to weeks.

Council Liaison Rob Binney noted an award given by MOVITE to Michael Park for Young Transportation Professional of the Year.

- Development Standards/Codes Committee

Activity updates for standards/codes committee discussion was deferred to allow for continued committee assignments and individual agenda items regarding assignments would be addressed at a future board meeting. The board recalled responsibilities to be discussed and Ajia Tenney will send out an email to the board summarizing these responsibilities with noted intentions.

6. **BUSINESS:**

- Consideration of Proposed Motorized Bicycle Ordinance

The board had information regarding the proposed ordinance and reference to past discussion on the subject from prior public meetings with the City Council Community Development Committee and City Council. They had this information at least 6 weeks in advance of this discussion. The board was well informed. A review of the materials and background was provided by Capt. Jim Green and Michael Park. There was some general discussion; of which some board members did not believe an opinion of the board on some matters contained in the ordinance were relevant to Livable Streets. A majority of the board found relevance in the material and ordinance to Livable Streets. Mr. Coy also presented his issues with the ordinance, which were similar to those on record previously expressed to council and subject of the board review noted herein. The board concluded:

(1) Bicycles and motorized bicycles are distinctly different. For example, the operation is very different between a bicycle (human powered) and motorized bicycle (engine equivalent less than 50 cc with transmission). Further, the use of a bicycle and bicycle user are different than a motorized bicycle. Bicycles may be used by people of all ages, where motorized bicycle operation is limited to people with a drivers license (according to law, operation of any motorized vehicle or motorized bicycle on the street requires a drivers license). In addition, the speed and acceleration of each device are differentiating factors. User behavior and expectation for all road users between those on bicycle and motorized bicycle are also different. A bicycle can be and should be allowed on sidewalks and shared-use paths (trails/greenways). There was also a clarification that mobility aids and segways were specifically excluded from applicability of motorized bicycles in the ordinance and those devices could be used on sidewalks and shared-use paths similar to a pedestrian or cyclist. Ordinance permits cyclists on sidewalks, but not motorized bicycles (this also supports the use of bicycles by all ages and limits the use of motorized bicycles to those with a drivers license, age 16+). The board unanimously and strongly agreed it is not appropriate or safe for motorized bicycles to operate on sidewalks or shared-use paths. The board felt motorized bicycles should only be used on streets. The board felt bicycles must be allowed on streets, sidewalks and shared-use paths.

a. The board could not find any differentiating description of various types of motorized bicycles. The proposed ordinance and expertise of the police department were sufficient to distinguish motorized bicycles from motorcycles and likewise both motorized devices from bicycles.

(2) Consequently, the board unanimously believes the proposed ordinance should only apply to motorized bicycles. Motorized bicycles must use the street. Bicycles may use the street or the sidewalk/shared-use path as an alternative. There are no examples in the state or any known example nationwide where bicycle use is regulated in the fashion motorized bicycle regulation is proposed in the ordinance. Considering the clear distinction between users and the operation of bicycles and motorized bicycles, there is no applicability of the proposed ordinance to bicycle use nor should there be.

The board generally found the proposed ordinance relating to motorized bicycles within the purview of Livable Streets to improve safety of all road users and recommended the ordinance be approved by City Council with some modification as described below. Livable Streets considers the mobility of all people regardless of age or ability whether recreational or utilitarian for all modes including vehicular, transit, bicycle, or pedestrian. In the board review of the ordinance and consideration of information presented, as well as Mr. Coy's comments, the board made the following recommendations:

- While helmets are unanimously and strongly recommended by the board, the board did not desire a regulation requiring helmets for motorized bicycle users. This was a controversial issue the board preferred to defer any decision to authorities with more expertise. The board had responsibilities for livable streets education and such education includes the undeniable safety*

benefits helmets provide for cyclists, motorized bicycle users, and motorcyclists. The board decision was not unanimous, but a majority supported this position.

- *The board overwhelmingly supported the proposed ordinance conditions for insurance as written.*

- *The board had substantial discussion on the requirement for a motorcycle endorsement on the driver's license of a motorized bicycle user. Some board members felt motorized bicycle and motorcycle operation were similar (all members thought motorized bicycle operation was different than motor vehicle operation). They generally thought some training for motorized bicycle operation would be beneficial, but none other than motorcycle training exists to their knowledge and motorcycle training in the majority opinion might be an excessive requirement. There was also some concern that motorized bicycles could not be used for motorcycle training and they did not know the extent of applicability a motorcycle endorsement would have for a motorized bicycle since the motorized bicycle is not a motorcycle. The board recommends the ordinance require a drivers license for motorized bicycle operation, but not a motorcycle endorsement. The board decision was not unanimous, but a majority supported this position. Others thought training required for a motorcycle endorsement in the absence of any other training would be appropriate.*

- *The board overwhelmingly supported the proposed ordinance conditions for inspection as written.*

The board expressed appreciation to the City Council for the opportunity to serve the City Council on this issue.

7. DISCUSSION:

- Traffic Enforcement

Michael Park and Captain Jim Green discussed with the board the enforcement environment of traffic laws related to cycling. Complaints have been received time and again from residents and council, whether perceived or real, that cyclists using the streets have not been held accountable for traffic laws like other transportation users (motor vehicles). Equal treatment ("same roads, same rules") would yield many safety benefits for cyclists and other road users. If the police department were to enforce traffic laws with equal treatment and consistently apply the same officer discretion between vehicle operation and bicycle use, the safety of cyclists and public perception of cyclists would improve. Equal treatment is also supported by the Bicycle Friendly Community criteria. However, before initiating increased enforcement levels for equal treatment, the Chief of Police had requested the board's support. The board supported the idea of equal treatment and acknowledged this would likely result in more enforcement/citations for cyclists that break the law, but should encourage better compliance with laws too. Captain Green indicated there would most likely be a period of transition or adjustment in enforcement for cyclists (a period of warnings before citations). There would also be some consideration of circumstances that impact safety as it may relate to operational issues for cyclists, such as group rides/events. Overall, the board desired and found appropriate equal treatment to improve cycling safety and improve the perception of cyclists among the public and elected officials. Ed Kraemer proposed the board issue a formal statement in support of equal treatment at the next meeting and volunteered to draft such statement.

8. PROJECT UPDATES/UPCOMING EVENTS:

- Branding
- Development Activity Update

At the request of Chair, Ajia Tenney, these items were deferred until the next month's agenda for agenda time management.

9. ROUNDTABLE:

Ed Kraemer reiterated the importance and significance of Lee's Summit's Bicycle Friendly Community designation.

Aja Tenney reported the resignation of board member Donnie Priest. Mr. Priest is relocating to California and cannot continue his appointment. The board noted appreciation for Mr. Priest's involvement. A request for his replacement will be submitted to the Mayor's office.

10. NEXT MEETING: November 20, 2012

11. ADJOURN:

*There being no further business, on motion by Craig Faith, second by Ed Kraemer, the Board voted unanimously to adjourn the meeting. The October 16, 2012 Livable Streets Advisory Board meeting was **ADJOURNED** at 8:54 p.m.*

Michael Park, PE, PTOE
City Traffic Engineer