

TOWN OF PALM BEACH

Office of The Town Clerk

REPORT OF THE PUBLIC SAFETY COMMITTEE MEETING HELD ON JANUARY 21, 2003

I. CALL TO ORDER AND ROLL CALL

Chairman Norman Goldblum called the meeting of the Safety Committee to order at 10:00 a.m. on January 21, 2003, in the Town Council chambers. Chairman Goldblum and Committee Member Samuel McLendon were found to be in attendance. Other Elected Officials present were: Mayor Lesly S. Smith and Town Council President William Brooks. Also attending the meeting were: Town Manager Peter B. Elwell, Town Attorney John C. Randolph, Police Chief Michael Reiter, Public Works Director Albert Dusey, Assistant Public Works Director Paul Brazil, and Town Clerk Mary Pollitt.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Town Clerk Pollitt. Chairman Goldblum led the pledge of allegiance.

III. APPROVAL OF AGENDA

The agenda was approved on the motion of Mr. McLendon and seconded by Mr. Goldblum.

IV. CONSIDERATION OF POTENTIAL TOWN REGULATION OF MOTORIZED SCOOTERS

Police Chief Reiter said the youth in Palm Beach use a variety of forms of transportation including motorized skate boards, gopeds, and the question was if there should be some kind of regulation for those.

Town Manager Elwell added the issue was discussed by the Strategic Planning Board and some recommendations were coming forward regarding motorcycle and scooter safety, but, since it was a tactical and operational question, the issue was submitted to the Town Council instead.

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Mr. McLendon commented that he had problems with the noise levels of motorcycles, comparing them with leaf and trash blowers.

Mr. Goldblum said the issues to be discussed were the motorized skate boards and mopeds. He requested comments from the Chief of Police.

Chief Reiter responded that motorized skate boards are prohibited from operating on public roads by State Statutes. Additionally, if persons chose to operate motorized skate boards in violation of State Statutes, they would be required to have not only a driver's license but a motorcycle endorsement on the driver's license. He said a Town ordinance prohibits the operation of that entire class of vehicles from the sidewalks, sidewalk areas, and the bicycle path, and private property is the only area not regulated. He clarified that a combination of State Statutes and Town ordinances prohibit operation of gopeds and motorized skateboards on, not only the public roads, but the bicycle trail, sidewalks, and sidewalk areas.

Mr. McLendon questioned if the issue was a matter of enforcement?

Chief Reiter replied that the motorized skateboards called gopeds are rarely seen in Town by the Police officers. He added that if the gopeds are seen by officers, the laws would be enforced, and many of the riders do not realize these are illegal on the streets in Palm Beach. He said, currently, it is not an enforcement problem but an issue, and the department had not received any complaints regarding gopeds.

Mr. Goldblum asked William Cooley, member of the Strategic Planning Board, if he had any comments on the skateboards?

William Cooley, 8 Windsor Court, said he thought the Town should review the Segway, the motorized two wheeled device, that will be on sale publically in March. He questioned if the Segways were covered under any Town ordinance?

Mr. Goldblum said that issue may have to be considered; however, currently the Town did not need additional ordinances for the skateboards.

Chief Reiter reported the Segway issue has been addressed by the Florida Legislature, and they are not considered motor vehicles in the State of Florida. He said if no ordinances exist prohibiting their operation, they could be driven on sidewalks, and, in his opinion, they could be operated on the streets of the Town by State Statute; however, the Town has an ordinance that prohibits the use of skateboards, motorized scooters, or anything of the like on the sidewalks.

At the request of Mr. Goldblum, Attorney Randolph said he would investigate the issue of

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the use of Segways in the Town.

Regarding the issue of mopeds, Chief Reiter responded different vehicles are covered by at least three classifications—motorized bicycles that cannot reach a speed greater than 20 mph and those can be ridden any place a bicycle can be ridden; mopeds that have pedals but also have motors which are a separate category; and the scooters (brand name Vespa) that are classified for the most part as motor vehicles with some smaller versions in a separate class. He said the Vespa types require a driver's license with a motorcycle endorsement.

Mr. Goldblum summarized that no additional ordinances are needed for the enforcement of those types, especially on the bike trail.

Town Manager Elwell said one of the concerns expressed by the Strategic Planning Board related to the removal of the helmet law passed by the State Legislature with the Town imposing a helmet law of its own, which it cannot do. He noted that since the Vespa type scooters are considered to be in the motorcycle classification, the Town could not require helmets for those riders.

Attorney Randolph said the Town cannot pass any kind of legislation that would be in conflict with the State Statutes, and he quoted that even the State Statutes, as well as the Town ordinances, provide that no person shall drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area. He added that is covered by the State Statutes, but the Statutes give specific powers to local authorities, and one of those allows the Town 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. He said that would be the specific section that the Town should look at if the Town wanted additional regulations over the State Statutes.

Mr. Cooley commented that on Saturday and Sunday mornings, large numbers of bicyclists spread across both lanes resulting in the slow down of traffic in back of them. He questioned if any ordinance or law required them to ride single file?

Attorney Randolph responded the State Statute specifically addressed bicycle regulations and sets forth the rules for operations on the roads.

Chief Reiter added that bicycle riders have to follow the same rules of the road that motor vehicle drivers are required to do, and he was not aware if there are any restrictions requiring the number of riders that can ride abreast in the same lane of traffic. He said that a maximum of two motorcycles can ride abreast on a public road.

Attorney Randolph said the State Statutes stated 'any person operating a bicycle upon a roadway at less than the normal speed of traffic at the time and place and under the

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conditions then existing shall ride as close as practicable to the right hand curb or edge of the roadway, except under the following conditions...' Mr. Randolph said he did not review all of the conditions; however, it was his opinion that bicyclists could not take up an entire lane of traffic if they are traveling at less than the normal speed of traffic.

Mr. Goldblum requested the police officers look out for the bicycle clubs riding in Palm Beach on the weekends.

Chief Reiter said his department had exercised enforcement procedures in the past, and the most effective method was to contact the clubs' headquarters explaining some of the existing hazards in Town. He said Palm Beach is attractive to the clubs because of its beauty and low speed limits; however, the clubs need to be advised of the hazards and construction in Palm Beach that impede their routes.

Town Manager Elwell summarized the previous discussion: adequate regulations exist for all items discussed with the possible exception of the Segway; all other items will be subject to enforcement with no further action necessary; and **Attorney Randolph will research the issue of the Segway as it relates to the current Town ordinances and provide an update for the next monthly Town Council meeting.**

V. CONSIDERATION OF PEDESTRIAN SAFETY AND LIGHTED CROSSWALKS

Town Manager Elwell reported that Mr. and Mrs. Small sent a letter to the Town expressing interest in lights that are embedded in the asphalt in a crosswalk, similar to the reflectors, but are actually electric lights. He continued that sensors are placed at the crosswalk site and as a pedestrian passes through the sensor, walking into the crosswalk, lights are turned on that are embedded in the pavement. This is an alert to drivers, especially at night and during bad weather, and it would add to the pedestrian safety initiative that has been undertaken by the Police Department, and the signs that DOT has allowed the Town to place in the roadways. Mr. Elwell said the plan is worth consideration; although, initially, the technology was thought to be too expensive, and when the cost is reduced, the plan could be applied in the Town.

Mr. Dusey reported the installation of a project like this that was done in Jupiter was \$20,000 to \$25,000 per crosswalk.

Mr. Goldblum questioned if traffic lights could achieve the same result?

Mr. Dusey responded the cost would be substantially more since traffic signals cost more, and a traffic signal would not normally be considered for these applications.

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Mr. Elwell said a pilot project could be incorporated with the building of the new Fire-Rescue station on the corner of South County Road and Australian, but the decision was made to delay the pilot project because of the cost of the installation.

Mr. Goldblum said he favored the idea of having a pedestrian signal at the corner of Worth Avenue and South County Road and any other location that signals were needed.

Chief Reiter said the Police Department has considered that location from the law enforcement perspective, and the plans are to receive input from the engineering perspective. He added that no State permission is required for that location.

After discussion, **THE COMMITTEE RECOMMENDED THE TOWN COUNCIL CONSIDER APPROPRIATING THE FUNDS NECESSARY TO INCORPORATE A DEMONSTRATION PROJECT OF THE LIGHTED CROSSWALK AT THE INTERSECTION OF SOUTH COUNTY ROAD AND AUSTRALIAN AVENUE.**

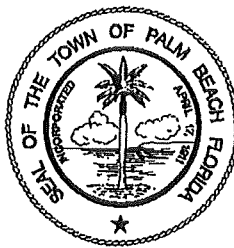
VI. ANY OTHER MATTERS

There were no other matters considered.

VII. ADJOURNMENT

The meeting was adjourned at 10:31 a.m.

PUBLIC SAFETY COMMITTEE



Norman P. Goldblum, Chairman

Samuel C. McLendon, Member