



Delaware Bicycle Council
February 5, 2020
Felton-Farmington Conference Room
Meeting Notes

Members Present

Walt Bryan, Sussex County Representative
Fran Cardaci, At-Large Representative
Tom Felice, DelDOT Representative
Shebra Hall, Division of Public Health Representative
Tom Hartley, Kent County Representative
Scott Hoffman, At-Large Representative
Richard Klepner, Office of Highway Safety
Mike Krumrine, DNREC Representative
Mike Tyler, At Large Representative
Mike Wagner, Department of Education
James Wilson, At Large Representative

Members Absent

Mack Cochran, Trails & Greenways Council
Marty Lessner, Council on Transportation
Roger Roy, At-Large Representative
Cpl. Tyler Wright, DE State Police Representative

DelDOT Support Staff

John Fiori, Bicycle Coordinator, DelDOT

Guests

Lauren Good, Wallace Montgomery
Colleen Johnson, Public
Lezlie Eustis, Kent County Cyclist
Bruce Kauffman, DelDOT
Bill Weller, Sussex Cyclists
Chris Asay, Public
Fred Tarburton, Public
Andrew Jakubowitch, Public
Amy Wilburn, Public
Karen Zakarian, Public

I. Welcome/Introductions

The meeting was called to order at 5:01 p.m. by Tom Hartley. The quorum was met for the meeting. The council members introduced themselves to the guests.

Minutes/Agenda Review:

The Council reviewed the meeting minutes from the December 4, 2019. Tom Hartley asked for a motion to accept the minutes from the December meeting. Mike Wagner made the motion to accept. Walt Bryan seconded. All agreed, no one opposed. Motion passed.

II. Election of Chair

Fran Cardaci took over running the meeting for the election of Chair and Vice-Chair. At the December 4, 2019 meeting Tom Hartley was nominated for Chair and Scott Hoffman was nominated for Vice-Chair. John T. Fiori stated that no other nominations were e-mailed to him. Fran Cardaci asked the Council if anyone else had any other nominations. There were no other nominations and nominations were closed. Fran asked for a vote; Tom Hartley for Chair and Scott Hoffman for Vice-Chair. All agreed, no one opposed. Nominations passed. All Council members voted in favor of Tom Hartley as Chair and Scott Hoffman as Vice-Chair for the 2020 year.

III. Public Comment

Chris Asay began by stating that the Dover City Council is going to vote in favor of discharging the Bicycle and Pedestrian Subcommittee as a formal committee attached to the City, but this was not what he wanted to discuss right now. Chris wanted to present to the Council a situation with the Senator Bikeway and the Bennie Smith Funeral Home. The City, on advice of bicyclists and transportation professionals, chose to construct a safe east-west bike route through the center of town. Special importance was given to the segment on Route 8 west of the railroad tracks, for safety reasons. Transportation professionals proposed the route and design that would have the lowest cost, which would work if on-street parking was removed. The most significant business to be affected was Bennie Smith Funeral Home. Bennie Smith Funeral Home uses the on-street parking area in front of their business along Route 8 during funeral services. DelDOT and others met with Mr. Smith and asked if he was okay with this in which Mr. Smith said he was. After documents were signed, construction began in 2019 on the project. It is now clear that Mr. Smith did not fully understand what was to be built and what the rules for use would be nor did the transportation professionals fully understand the needs, practices and traditions of the funeral home. Bennie Smith Funeral Home been around for decades and had enormous support from the City Council. If those two parties had understood better the other sides needs etc., this agreement may have not been made or something else would have been different. The funeral home may not have agreed. As construction was just giving way last summer, the conflicts of needs came a life. Attempts were made to find a solution for this project by involving City leaders, transportation pros, Bennie Smith Funeral Home. These efforts to come to a workable solution is not working for Bennie Smith Funeral Home. Even though the protected bike lane has been built along the north side of Route 8, it is not a workable situation for Bennie Smith Funeral Home. The City Council and Mayor, out of concern for the funeral homes operations and well-being, begin to make changes

in rules and policies in a way that made the bike facility unworkable for bicyclist. The funeral home can park vehicles inside the bikeway, but the delineators makes maneuvering difficult. Last week Bennie Smith was talking to the city council and said that when vehicles pull through there, they are having their cars damaged by scraping against the delineators. Clear that it is not working for the funeral home. On the other hand, the frequent blockage of the bikeway with vehicles parking there is very frustrating for the biking community. Initially the understanding was supposed to be that the Funeral home could park its Herse out front because only the front door is wide enough to bring the caskets out and load into the car. Many people think the agreement is to just allow the Herse to stop in, pick up and go. However, many other vehicles are being parked in that same place. The sign that announces that the restriction says something like Funeral service vehicles may park for loading and unloading during the funeral service. A lot more cars there being parked there that is not workable for the cyclists. The problem is that if you have a very safe bicycle route that is 95% safe but 10% dangerous. The goal that the city adopted of having created the safe bicycling in Dover is not being met and as we continue to build more phases of the Senator Bikeway, if there is a spot in the middle that is not safe, then people will be cautious and not use that facility. Also, when the transportation project is being done, not all the funds go to just putting in pavement and curves. Sometimes it is for the purchase of additional property or construction of accommodations for the affected party, so the total cost of the construction is going to be an excess of \$3-million dollars of the state administering transportation dollars specific for bicycle and pedestrians and transit. Investment is going to be lost if it cannot provide safety. Trying to urge DelDOT professionals, the City, anyone else who will listen that it is time to come back to the negotiating table to try to understand better the needs of the Bennie Smith Funeral Home are and what the needs of the bicyclists are. Unfortunately, the City Council members do not understand either very well. Tom Hartley asked Chris if he is asking for the Council to do anything. Chris said he was not asking anything of the Council but wanted the Council to know of the situation. Andrew Jakubowitch then addressed the Council to say that Bennie Smith Funeral Home had many meetings with DelDOT about this project and was aware of what was being proposed for the bikeway. Lezlie Eustis then addressed the Council that one day she was using the bikeway and there was a utility vehicle parked in bikeway. When she asked if they were aware that they are not allowed in the bikeway the reply was if they had the strobe lights on then it is okay to park in the bikeway. Tom Hartley asked John T. Fiori to include an agenda item in April to provide any updates of the Senator Bikeway project.

John T. Fiori made an announcement that the City of Milford is having a workshop for their Milford Bike Plan on Wednesday February 12, 2020 from 4-7 p.m. at the Milford Library and encourage Council members to attend to review the plan and provide any comments.

IV. New Business

Sending Council Member to Walk/Bike/Places Conference

The Walk/Bike/Places Conference is from August 4-7 in Indianapolis. The Council wanted to discuss if a member would be interested in attending. John T. Fiori prepared an estimate on what would be reimbursable which includes; registration, travel, lodging and meals. The conceptual breakdown of the cost is the following;

Registration:	\$475.00 (Early Bird on or before March 31, 2020)
Travel:	\$213.00 (Based on most economical route)
Taxi:	\$96.00 (Based on \$3.00 per mile rate for Indiana)
Lodging:	\$768.00 (Based on August 2020 per diem rate for Indiana)
Meals:	\$92.00 (Based on August 2020 per diem rate for Indiana)
Total:	\$1,644.00

The Council decided it would be beneficial to send a member to the conference. Tom Hartley asked John T. Fiori to ask Anthony Aglio if he could attend the April meeting to discuss what he thought of the 2018 conference in New Orleans. The Council discussed who should attend and it was determined it should be James Wilson. Tom Hartley asked for a motion to send James Wilson to the conference. Mike Wagner made the motion to send James to the conference. Walt Bryan seconded. All agreed, no one opposed. Motion passed.

Draft FY2021 Delaware Bicycle Council Budget

John T. Fiori presented the FY2020 DBC Budget and a draft FY2021 DBC Budget. The FY2021 proposal included the additional \$10,00.00 toward the Cycling Infrastructure Innovation Grant. Tom Hartley wanted to create a budget working group to review and prepare a budget to review and approve at the April meeting. Tom Hartley asked for three nominations for the budget working group. Shebra Hall, Scott Hoffman and Walt Bryan nominated themselves. Tom Hartley asked for a motion to accept the three individuals on the budget working group. Scott Hoffman motioned, and James Wilson seconded. All agreed, no one opposed. Motion passed.

Development Tracking to Ensure Bicycle Safety

Amy Wilburn made a presentation on issues with developments not installing bicycle facilities as part of their entrance approval. There is a project called Harbor Chase in which during the entrance review process the site was required to install a separate bike lane along the right turn lane but by the time the entrance plan was approved, the developer requested and received a waiver from DelDOT to install the bike lane. Amy explained the issue was there is an existing 5' wide shoulder along the road for bicyclists to use but when the entrance was constructed the shoulder on the egress side of the entrance was reduced to about 2' wide, then transition back to 5' wide. This will not be corrected by the developer because DelDOT has since signed off on the entrance and the developer has no further obligations to make any improvements. Amy indicated that area is not safe for bicyclists since they now must merge into the travel lane then go back into the shoulder. Amy's concern was why was this allowed or how was it missed? Was this allowed during the plan review process or was it changed during construction? Amy asked if there is a way to have all development plans placed where anyone could at least see what a development is proposing to do rather than finding out after the plan is approved or the project constructed. Tom Felice stated that all entrance approvals are submitted through Development Coordination that reviews about 1,000 projects a year statewide. This could have been a case where it may have somehow been missed during the review process. Amy is not looking to point fingers or get anyone into trouble but rather have another set of eyes that could provide information concerning the safety of bicyclists. John T. Fiori indicated he will discuss this with the Director of Planning and the Assistant Director of Development Coordination of her concerns. Tom Hartley asked John to provide an update, if any, at the next Council meeting.

Discuss Adding Council Member

Walt Bryan made a presentation concerning the possibility of adding members to the Delaware Bicycle Council. Walt indicated that over the past few Council meetings there have been more attendees from the public, in which the majority are from Sussex County. Walt asked the Council if they should consider adding private citizen members since it appears to be a growing interest in bicycle safety. Tom Hartley stated in his opinion it is not beneficial to expand Council membership. There is a recurring agenda item for public comment for private citizens to attend and address the Council on any concerns. Also, the Council has 15 members where at times it has been difficult to make quorum and expanding the Council could make it even more difficult. Walt then stated that he would like to schedule a meeting location for Sussex County where the group could meet and discuss bicycle concerns from the general public and in turn, he would relay those concerns to the Council at future meetings. Walt Bryan made a motion to create a Sussex County Working Group the he would coordinate. Mike Tyler seconded. All agreed, no one opposed. Motion passed.

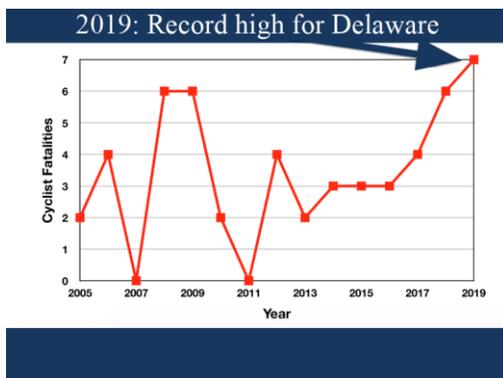
Due to the increase in public attendance, it was asked if the council meetings could be streamed live. Tom Felice said he would investigate this and provide an update at the April meeting.

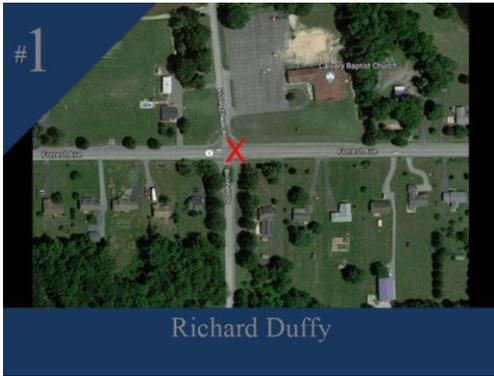
Draft 2020 Cycling Infrastructure Innovation Grant

John T. Fiori presented the draft grant application. There were no changes from last year's application. Tom Hartley made a motion that he work with John T. Fiori in finalizing the grant application without having to return to the Council for final approval. Walt Bryan motioned the request for approval. James Wilson seconded the motion. All agreed, no one opposed. Motion passed.

Bicycle Fatalities in 2019

James Wilson and Richard Klepner made a presentation concerning bicycle fatalities in 2019. This consisted of a power point presentation that outlined the number of bicycle fatalities in Delaware from 2005 to 2019, where 2019 was the highest year for fatalities where there were seven (7) bicycle fatalities; two (2) were in New Castle County; one (1) in Kent County and four (4) in Sussex County.





Richard Duffy



Kelly Scruggs



Kelly Scruggs



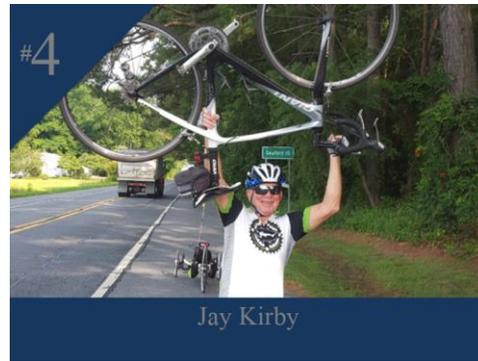
Name?

Struck from behind on Concord Pike north of Wilmington just before midnight



Name?

Struck from behind on Concord Pike north of Wilmington just before midnight

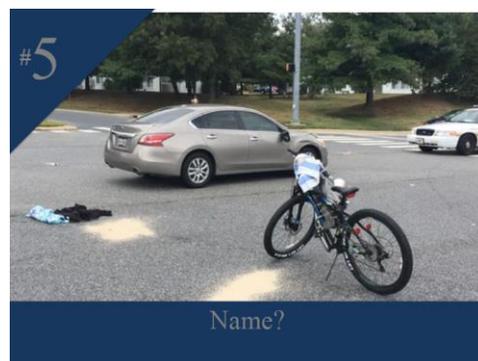


Jay Kirby

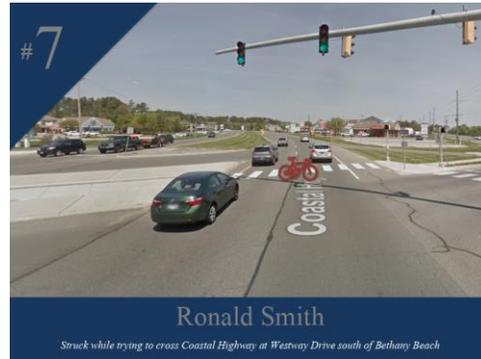


Ghost bike memorial on SR1 • 2019

Jay Kirby



Name?



Electric Bicycle Legislation

James Wilson had a power point presentation concerning electric bikes. There are three (3) class types for electric bikes; Class 1, Class 2 and Class 3, which can go up to 20-mph. Twenty-three (23) states define the three (3) bike classes. James is working to develop Delaware legislation that is equivalent to the twenty-three (23) states that have that model. Multiuse trails can ban Class 3 bikes as well as the Class 1 bike if necessary.

ELECTRIC BICYCLES ("E-BIKES")



ELECTRIC BICYCLES ("E-BIKES")



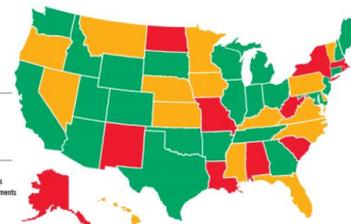
THREE TYPES OF E-BIKES

- » Class 1: Pedal assist, maximum assisted speed 20 mph.
 - » Regulated like bikes, permitted on paths, local regulation allowed.
- » Class 2: Throttle assist, maximum assisted speed 20 mph.
 - » Regulated like bikes, permitted on paths, local regulation allowed.
- » Class 3: Pedal assist, maximum assisted speed 28 mph.
 - » Equipment and use restrictions, local regulation sometimes needed for path use.

23 STATES DEFINE THE 3 E-BIKE CLASSES

E-BIKE REGULATIONS

- MODEL LEGISLATION**
 - » PFR and BPSA have enacted our model law, which defines and regulates three classes of e-bikes.
- ACCEPTABLE**
 - » Regulated as a bicycle
 - » Passengers allowed
 - » No age minimum
 - » No licensing or registration required
 - » Can use existing bike infrastructure
- PROBLEMATIC**
 - » Regulated as a moped or motor vehicle
 - » Confusing equipment + use requirements
 - » Confusing licensing + registration requirements
 - » Confusing access to bike infrastructure



23 STATES DEFINE THE 3 E-BIKE CLASSES

E-BIKE REGULATIONS

- MODEL LEGISLATION**
 - PFB and DPSA have enacted our model law, which defines and regulates three classes of e-bikes.
- ACCEPTABLE**
 - Regulated as a bicycle
 - Passengers allowed
 - No age minimum
 - No licensing or registration required
 - Can use existing bike infrastructure
- PROBLEMATIC**
 - Regulated as a moped or motor vehicle
 - Confusing equipment + use requirements
 - Confusing licensing + registration requirements
 - Confusing access to bike infrastructure



(Those 23 states receive additional “*Bicycle Friendly State*” points from LAB)

DELAWARE E-BIKE LAW EQUIVALENT TO (MODELED ON) CALIFORNIA, TEXAS, WASHINGTON ETC.



(Uniform legal and regulatory treatment of e-bikes)

V. Old Business

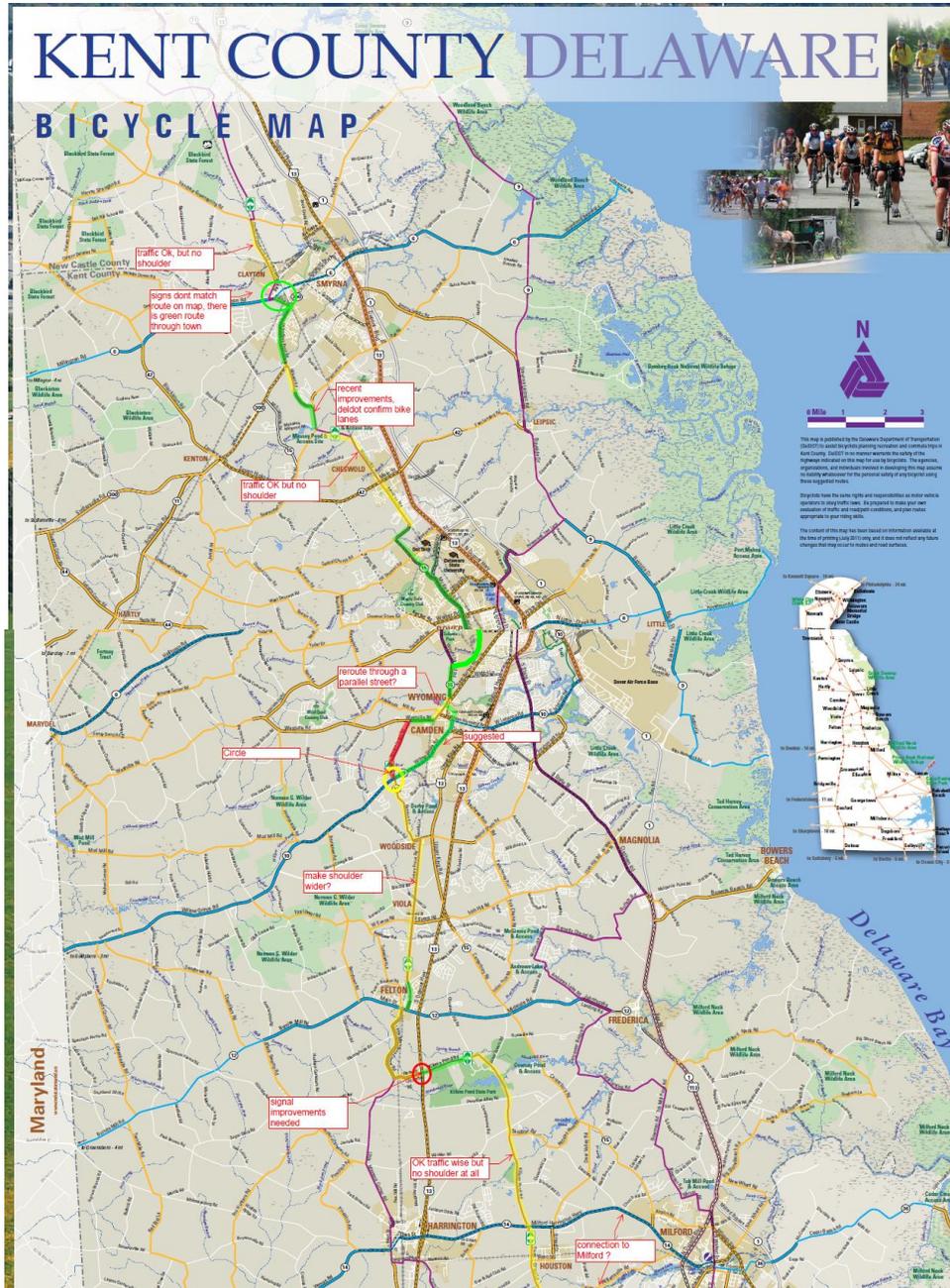
Delaware Route 1 Parallel Shared Use Path

Tom Felice provided an update to the Council. At the December meeting James Wilson presented a plan to the Council for parallel pathway on each side of Route 1. Tom Felice stated that in January himself, Drew Boyce, Jeff Niezgoda, Anthony Aglio and John T. Fiori met with Tom Hartley and James Wilson. At that meeting Drew said he will request funding for a feasibility study for the parallel pathways. Tom Felice updated the Council that the funding has been approved and once the notice to proceed is issued Whitman, Requardt & Associates will begin the study and will take approximately one year to finalize.



Delaware Bicycle Route 1

Scott Hoffman provided an update to Delaware Bicycle Route 1. Scott and Chris Asay field reviewed the section of Bicycle Route 1 in Kent County to rate and make comments. Those comments were then placed on a map that shows areas of concerns and possible solutions. Scott indicated that New Castle and Sussex Bicycle Route 1 still needs to be evaluated and asked if anyone from those Counties could do this. Walt Bryan and Mike Tyler said they could work on Sussex County. Looking for volunteers for New Castle County.



Innovation Grant Application Video

Due to time constraints Tom Hartley asked Walt Bryan if this item could be deferred to the April meeting. Walt Bryan agreed.

Tom Hartley entertained a motion to adjourn. Walt Bryan motioned, and Fran Cardaci seconded the motion at 7:15 p.m. All agreed, no one opposed. Motion passed.

Next meeting: Wednesday April 1, 2020 from 5:00 p.m. to 7:00 p.m. in the Felton-Farmington Conference Room.