



BikeWalkLee Position Paper

Opening Pandora's Box: Use of Motorized Vehicles on Bike/Ped Pathway

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BikeWalkLee believes side paths are first and foremost intended for use by pedestrians and other non-motorists, with the exception of motorized devices specifically intended to assist those with disabilities and those operated by governmental entities for maintenance purposes. As such, sidewalks, multi-use paths, and similar facilities should not be approved for use by operators of electric golf carts, ATVs, gas-powered carts, gas- or electric-powered bikes and scooters, or any other motorized vehicles.

However, BikeWalkLee endorses approval of the use of electric golf carts and other low-speed, electric vehicles on roadways where state statutes allow for a variety of reasons, including their traffic calming effect, removing them from illegally operating on side paths where their use puts non-motorists at-risk, and because they are a more energy efficient mode of travel.

In 2010 the Florida Legislature gave local jurisdictions authority to grant access to some forms of motorized devices when certain conditions exist. Florida statutes 316.008 and 316.212(8) are among those that provide details. However, BikeWalkLee urges local governments to refrain from exercising this option so as not to create potential hazards to vulnerable users of those facilities. Factors such as pathway funding sources, facility width, and current and potential use patterns must all be considered and, in some cases, would prohibit motorized vehicle use on these facilities.

Regarding funding source restrictions, the Federal Transportation Enhancement Program, a common source of funds used for pathway construction here in Lee County, has very specific guidelines for allowing uses other than non-motorized. These guidelines and the procedure required to seek exceptions can be found in *Framework for Considering Motorized Use on Nonmotorized Trails and Pedestrian Walkways under 23 U.S.C. § 217*.

Additionally, BikeWalkLee supports allowing disability-related motorized devices on side paths, but use of vehicles that are not considered "assistive devices" per the legal definition of the term should not be included as such. For example, the fact that someone has a disabled parking tag should not allow that person to use an electric golf cart or motorized vehicle that's not legally considered an assistive device on a side path. Florida Statute 320.0848 includes the legal definition that relates to parking permits (Note: Florida Statute 316.003, which refers to "personal assistive mobility devices," actually applies to Segways and specialty devices specifically intended for persons with disabilities).

Finally, once any motorized vehicle (other than by governmental maintenance users and those specifically designed and intended for use by those with mobility limitations, per legal definition) are allowed on pathways intended for non-motorized uses, it will be very difficult to enforce laws prohibiting more powerful and potentially dangerous vehicles such as those noted above, thus making matters even worse for more vulnerable path users.

BikeWalkLee is a community coalition raising public awareness for the need to make the streets of Lee County safe and accessible for all users including pedestrians, bicyclists, motorists, and transit riders. More information is available online at www.bikewalkee.org.