



Town of Hilton Head Island
Public Planning Committee Workshop

August 10, 2021 at 10:00 a.m.

Benjamin M. Racusin Council Chambers

WORKSHOP MINUTES

Present from the Committee: Chairman David Ames, Tamara Becker, Alex Brown, Glenn Stanford

Absent from the Committee: None

Others Present from Town Council: Bill Harkins

Present from Town Staff: Josh Gruber, Deputy Town Manager; Angie Stone, Assistant Town Manager; Teri Lewis, Deputy Community Development Director; Diane Busch, Staff Attorney; Carolyn Grant, Communications Director; Teresa Haley, Senior Administrative Assistant, Vicki Pfannenschmidt, Temporary Administrative Assistant

1. Call to Order

Chairman Ames called the workshop to order at 10:00 a.m.

2. FOIA Compliance – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

3. Electric Bikes – Discussion on Electric Bike regulations

Chairman Ames explained the purpose of the workshop was to discuss E-bikes on leisure trails on Hilton Head Island. He invited Diane Busch to address the Committee.

Diane Busch stated that under South Carolina law, the Town should treat electric bicycles as we currently treat traditional bicycles by adding a definition for or, alternatively, adopting the state's definition of "electric-assist bicycles" and "bicycles with helper motors." She added that a new Code Section was added by the legislature in January of 2020 that specifically sets out an E-Bike definition which is below:

SC State Law:

Electric bicycles

S.C. Code Ann. §56-1-10 (29): (E-bicycle definition)

- Motors that have a power output of less than 750 watts/1hp;
- Top speed 20 mph (assist motor shuts down at 20 mph);
- Motor disengages when brakes applied;
- Fed Consumer Product Code requires original stickers/labels from point of sale remain affixed; and
- Are not mopeds.
- Not subject to licensing/registration

Ms. Busch clarified that the above definition limits E-bikes to Class 1 E-bikes. She went on to include further definition of the E-bikes from South Carolina Code which is below:

S.C. Code Ann. §56-5-3520:

“Bicyclists operating bicycles with helper motors, as defined in Section **56-1-10**, are subject to all statutory provisions applicable to bicyclists, as provided in Section **56-5-3420**.”

She concluded that E-bicycles are bicycles.

Ms. Busch reviewed the rights and duties of bicyclists according to South Carolina Code which is below:

S.C. Code Ann. §56-5-3420: the Rights/Duties of Bicyclists:

One riding a bicycle on a roadway is granted all rights/subject to all duties applicable to bikes, except those applicable/excepted by special provisions of Chapter 5*.

*Laws for bikes regarding bike lanes, roadways, bike paths, manner of riding, etc.

Ms. Busch concluded with a list of the Federal classifications for E-bikes which is below:

Classifications:

- Motor size -- 750w (1hp) or less to not be classified as a moped
- Speed at which electric assistance stops:
 - Class 1 – 20 mph (pedal assist only)
 - Class 2 – 20 mph (throttle assist)
 - Class 3 – 28 mph (pedal assist only)
- Assistance type:
 - Pedal assist only – Class 1 + Class 3
 - Throttle assist – Class 2

*Under SC law, e-bicycles that equal bicycles are Class 1 and Class 2 (throttle assist/motor stops at 20 mph).

Ms. Busch stated that the Town Code defines E-bikes as motorized bikes and they are prohibited but that conflicts with State Code which pre-empts Town Code. She added that the Town does have the ability to differentiate usage and allowances on the Town leisure trails but cannot mandate private communities within the Town.

The Committee made comments and inquiries regarding: how to differentiate classes when looking at an E-bike; how to stop the motor; various controls on an E-bike; inquiry into E-Bike usage on pathways; safety concerns; and enforcement of regulations.

Chairman Ames called on the PUD/POA General Managers for input. Lance Pyle, General Manager of the Port Royal Community reviewed how they assessed for their regulations regarding E-bikes. He stated they determined E-bikes would not work on their winding pathways so they approved road usage only. He added the Community does not distinguish between classes. Peter Kristian, General Manager of Hilton Head Plantation explained that their pathways are their number one amenity and they have banned E-bikes for safety reasons. He noted enforcement is a challenge but safety is their main issue.

Chairman Ames called on bike shop owners for input. A number of owners made comments and inquiries regarding: different interpretations of the code of law; the growth of E-bike usage; safety concerns; statistics regarding E-bike accidents; the extreme

changes in demographics; the asset of bike paths for usage; consideration of regulation rather than prohibiting E-bikes; the increased technology in installation and weight of motors; suggestion to follow Greenville's model for regulation; acknowledgement that pathways outside of the private communities are to get from one location to another; and the need to provide safety information to the public.

Chairman Ames called on bike advocates for input. A number of advocates made comments and inquiries regarding: benefits from the use of E-bikes; the use for access to areas that are a far distance; the benefit of seeing more of Hilton Head Island; the need for bike etiquette; signage on the pathways; public education and the need for bike shops to assist in education of the public and reviewing safety regulations; suggestion that the Town maintain the prohibition of E-bikes on the pathways; the need for bicycle lanes on the roadways; encouragement that the Town look at a better interpretation of the law; the difficulty in regulating speed on the pathways; regulations need to be reasonable; enforcement of any and all regulations; and the need for accountability.

After hearing from the various groups, the Committee made further comments and inquiries regarding: expression of gratitude to the groups that attended and addressed the Committee; consideration of regulations for the rental companies; the need for additional clarification of State Law and Hilton Head Island responsibilities; pathway design and capacity issue; enforcement challenges; safety and quality of life inside and outside the gates and visitors; encouragement for additional input from stakeholders; with the investment in the Town pathways, suggestion of the need for someone beyond staff to help along the way; acknowledgement of the use of paths for transportation to and from places of business and work; acknowledgement the focus needs to be on safety on pathways and education of the users; consideration of training for rental agency representatives for dissemination of information; the need for a standard practice across the board; concern over the Town creating conflict between the Town and private communities; the need for a focus on what diminishes safety on our pathways; the challenge of enforcement of speed limits; and turning the focus to safety, training, the need for experience in operating, courtesy and enforcement.

4. Adjournment

Chairman Ames thanked all for attending and adjourned the workshop at 11:32 a.m.

Submitted by: Vicki Pfannenschmidt, Secretary

Approved: September 28, 2021