



**Summary
GreenPrint Committee**

Date: Tuesday, October 6, 2009 **11:00 am** **Location:** Council Conference Room 391

Committee Members Present: Nevitt, Chair; Linkhart, Vice-Chair; Johnson, Lehmann
Other Council Present: Madison

Agenda: 1. Revisions to Ordinances re: Bicycles & other vehicles

1. Compliance with New State Traffic Laws especially Revisions to Bicycle Ordinance

Committee Action

The Committee deferred action on the proposal to update ordinances per new state law and other matters related to bicycles, scooters, and like vehicles to gather more information re: riding and parking on sidewalks and trails.

Summary of Discussion

Councilwoman Carla Madison explained that a group of stakeholders had been working on bicycle-friendly proposals including dealing with the downtown "Cleveland Triangle" and compliance with new state legislation. The group wanted to fix a problem in which the 16th Street bicycle lane dead ends in the middle of Broadway with no legal access across the east end of the downtown mall at 16th on to the bike lanes on Cleveland Place. The proposal changes the ordinance prohibiting riding on the mall to create the access—which will be marked for safe access by both pedestrians and bicyclists.

In addition, the group worked on issues related to riding on sidewalks in anticipation of the upcoming 2010 Bike Share Program which will provide numerous bike parking stations with sidewalk access across Denver. The proposal allows bicycles to ride on the sidewalk at speeds not exceeding 6 miles per hour if mounting or dismounting at a parking location on the block. Finally, the bicycle advocates worked on ordinance changes to comply with new state law and to remove obsolete provisions related to licensing bikes.

Michael Joyce, City Attorney's Office, pointed out that Public Works and the Police Department (DPD) were separately working on compliance with the new state law which covers segways, scooters, and other devices as well as bicycles. Mr. Joyce noted that the two proposals were combined resulting in the omnibus legislation that the Committee is considering today.

Major components of the new state law and key policy decisions needing to be made were summarized in a memo reviewed by Mr. Joyce:

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Key highlights of the new state laws

Bicycles

- Clarifies rules governing bicyclists riding 2 abreast and staying to the right-hand side of the roadway.
- Specifies that a driver of a motor vehicle must allow at least 3 feet of clearance when passing a bicyclist, and creates a limited exception to the prohibition on driving left of center to allow drivers to give bicyclists extra room.

Electrical assisted bicycles

- Changes the description and definition from motorized bicycle to an electrical assisted bicycle.
- Specifies equipment requirements for operation of an electrical assisted bicycle.
- Clarifies rules governing electrical assisted bicyclists riding 2 abreast.

Electric personal assisted mobility devices (e.g. segways)

- Creates a definition for electric personal assisted mobility devices.
- Authorizes the use of segways on roadways at a speed no greater than twelve and one-half miles per hour.
- Allows local authority discretion to allow the use of segways on sidewalks.
- Specifies equipment requirements for operation of a segways.

Low power scooters

- Changes the description and definition from motor scooter to a low power scooter
- Limits the use of low power scooters to roadways with a speed limit not exceeding 40 miles per hour.
- Limits riding on roadways to no more than 2 abreast.
- Allows local governments to regulate the operation of low power scooters consistent with state statute.
- Clarifies equipment requirements for the operation of low power scooters.

Neighborhood electric vehicles

- Creates a low speed electric vehicle definition.
- Has at least 3 wheels in contact with the ground. And uses handlebars to steer.
- Authorizes the operation of neighborhood electric vehicles or low-speed electric vehicles on roads with a speed limit of 35 miles per hour.
- Sets equipment standards for the operations of the neighborhood electric vehicles.

Local option decisions in the state law

According to Mr. Joyce, the proposed conforming amendments are technical and non-controversial, and simply promote consistency with state and city laws. However, there are a few key decisions for policy-makers to address:

- The new state law on “electric personal assisted mobility devices” (e.g. segways) allows local authorities to determine whether to allow them on bike paths and sidewalks. The proposal, after input from DPD Traffic operations and Public Works, proposes that segways be allowed on the sidewalk, bike paths and on a bicycle lane on a roadway.
- The draft bill allows parking electrical assisted bicycles and segways on a sidewalk or against a building or at designated bicycle racks, as long as it does not impede the normal flow of pedestrian traffic.
- The new state law on “neighborhood electric vehicles” allows cities to permit these vehicles, on a local-option basis, to operate on roadways with a maximum speed limit of 35 mph. The proposed draft, after input from DPD Traffic Operations and Public Works, would be to keep the current restriction to roads with a posted maximum speed of 30 mph.

Emily Kreisa, Public Works, noted that the proposal also eliminates the existing ordinance preference for riding bikes on paths adjacent to roadways, in recognition of bicycle riding as an appropriate transportation option on roads.

Councilmember Discussion

Councilwoman Johnson questioned the legalistic terms, such as “electric personal assisted mobility devices” in the proposal noting that they will be difficult for the public to understand. Response: The definitions are based on state law and additional marketing materials will be needed to educate the public on the changes. She also questioned the legality of crossing a double-yellow center line in order to accommodate bicycle riders. Response: This issue has not yet been resolved with the Denver Police Department.

Councilmember Linkhart questioned continuing to prohibit riding bicycles on sidewalks, noting that young people may be safer on sidewalks, especially in more suburban areas of the City. He also questioned the speed limits for bikes, and asked how the proposal related to trails. Response: Trails are regulated by Parks and Recreation, not by ordinances related to roads, sidewalks, and rights of way. The speed limit for bikes on sidewalks was preferred by the Denver Police Department. There is some research indicating that sidewalk riding may be less safe for bicyclists.

Councilwoman Madison pointed out that it had recently come to light that it is illegal to park scooters on sidewalks despite its widespread practice. She felt parking on the sidewalk is an incentive for scooters as a mode of transportation. She would like to legalize parking on sidewalks as part of the proposal.

Councilwoman Lehmann pointed out that the proposal seemed to be geared towards regulation of more downtown-like areas of the City. She suggested that it might be more appropriate to provide fewer prohibitions and gear them to the environment. She also suggested involving Denver Public Schools and Parks and Recreation in the discussion.

Councilman Nevitt directed staff to reconsider the proposal based on Committee input including issues related to: 1) riding bikes on sidewalks, especially for young people; 2) scooter parking; 3) speed limits; and 4) including other stakeholders like Parks and Recreation.

Shelley Smith, Council Legislative Services, November 17, 2009

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