



City of Arvada

City Council Agenda

JULY 26, 2021
WORKSHOPS

Councilmembers:

Marc Williams, Mayor
Dot Miller, Mayor Pro-Tem
Bob Fifer, At large
Nancy Ford, District 1
David Jones, District 4
John Marriott, District 3
Lauren Simpson, District 2

Staff Members Usually Present:

Mark Deven, City Manager
Lorie Gillis, Deputy City Manager
Rachel Morris, City Attorney
Don Wick, Director of Public Works
Sharon Israel, Director of Utilities
Ryan Stachelski, Dir. of Community & Economic Development
Bryan Archer, Director of Finance
Rob Smetana, Manager of City Planning & Development
Ben Irwin, Chief Communications Manager
Kristen Rush, City Clerk

Info: 720-898-7550

CITY COUNCIL CHAMBERS 6:00 PM

1. CALL TO ORDER/ROLL CALL OF COUNCILMEMBERS
2. WORKSHOPS
 - A. Proposed Ordinance and Rules and Regulations related to Micromobility (e-Scooters, e-Bikes)
 - B. Traffic Calming Pilot Projects Update
 - C. Staff Updates
3. ADJOURNMENT



REPORT TO CITY COUNCIL WORKSHOP

AGENDA ITEM
2.A.

TO: THE HONORABLE CITY COUNCIL

DATE: July 26, 2021

SUBJECT: Proposed Ordinance and Rules and Regulations related to Micromobility (e-Scooters, e-Bikes)

Report in Brief

As a follow-up to previous presentations related to Micromobility, the Mobility & Planning Innovations (MPI) Division of Arvada Public Works has worked with the City Attorney's Office to develop ordinance language supporting a managed roll-out of "shared micromobility" devices such as company operated e-scooters, e-bikes, etc. This managed roll-out is in the form of a pilot program with a limited number of micromobility devices within a defined area around the G-Line stations. The ordinance also includes revisions of the Colorado Model Traffic Code, which allows traffic enforcement on e-scooters and e-bikes on public roadways. The City's ordinance is to supplement the state regulations by allowing micromobility with a permitting process. The pilot program will allow the city and micromobility vendors to collect data and evaluate the service as a "first and last mile" solution to transit and ultimately keep the program with renewed permits or end the pilot project if it's not successful in the Arvada community. City team members will present background information and provide City Council with an opportunity to provide feedback on the ordinance and rules and regulations language and proposed pilot program process.

Background

Shortly after the RTD G-Line Commuter Rail service started operating in 2019, the Citizen's Transportation Advisory Committee started to evaluate the number of bicycles in the G-Line cars and also started to monitor station parking and passenger drop off. While parking facilities towards the end-of-line stations were constantly nearing capacity, the Committee observed that the bike racks in the train cars were also full and discussed "first and last mile" solutions to help with these two challenges. The Committee reviewed an array of options including infrastructure updates that would reconstruct walk routes to the stations, shuttle circulator service, and shared micromobility. In early 2020, the Committee presented information to City Council about proceeding with shared micromobility as a first and last mile solution that would be privately operated and offer the public with transportation solutions in conjunction with transit to meet the City's Multi-Modal Transportation Plan goals and objectives.

In 2020, following the Committee's presentation to Council, City team members from the MPI Division of Public Works developed a roadmap to allow for e-bikes and e-scooters on municipal trails and roadways, first for personal use and then as a shared micromobility option. Team members implemented a public outreach process and worked with various departments including Code Enforcement, PD, Parks, and etc. The results - focused on personal micromobility devices on trails - were presented to City Council in early 2021.

Team members from the MPI Division and City Attorney's Office have worked to develop a pilot program related to the Shared Micromobility option and are presenting the proposed ordinance for discussion during the July 26 City Council Workshop. The ordinance is intended to supplement the Colorado Model Traffic Code and establish a managed roll-out of shared micromobility devices that would provide first and last mile connectivity to the G-Line commuter rail. Our team will share results from four (4) public meetings as part of the outreach process and speak to the ordinance language related to the pilot program.

Strategic Alignment

Discussion of the proposed ordinance and rules and regulations related to micromobility aligns with the Infrastructure Priority Area of the City Council Strategic Plan. Specifically, consideration of micromobility as a "first and last mile solution" supports the following Principle within the Infrastructure Priority Area:

Provides safe and efficient connections to modes of transportation, including transit, streets, sidewalks, and bikeways with a focus on enhanced technology at high-priority intersections, improving safety, and minimizing traffic congestion.

In addition, consideration of micromobility also aligns to the Community and Economic Development Priority Area and specifically supports the following Principle:

Supports the community's vision by cultivating an environment that attracts and retains private-sector investment, a talented workforce, and an engaged business community.

Next Steps

After presenting information to City Council and providing an opportunity for questions and discussion, the City team will incorporate input from City Council and return to Council with a first reading on the ordinance.

Prepared by:

John Firouzi, Senior Transportation Planner

Reviewed by:

Approved by:

John Firouzi, Senior Transportation Planner	6/1/2021
Don Wick, Director of Public Works	6/1/2021
Bryan Archer, Director of Finance	6/1/2021
Gail Walker, Legal Specialist-Contracts	6/1/2021
Erika Pierce, Litigation Paralegal	6/1/2021
Rachel Morris, City Attorney	6/8/2021
Lorie Gillis, Deputy City Manager	6/9/2021
Mark Deven, City Manager	6/9/2021

Enclosure, exhibits & attachments required to support the report



Rules and Regulations for Arvada's Pilot Mobility as a Service Permit Program

Effective Date:

Director of Public Works

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I. Definitions

1. City: City of Arvada

2. Devices: bicycles, scooters, electric bicycles, electric scooters, and other small, wheeled vehicles designed specifically for shared-use and deployed by micromobility companies.

3. Director: Director of Public Works or his or her designee.

4. Micromobility: a network or system of devices, placed in the public right-of-way and for rent in short time increments, that provides increased mobility options over short distances in urban areas.

5. Mobility as a Service Permit Program: a pilot program allowing for the implementation and operation of micromobility within the City of Arvada for a prescribed period of time which may extend past the pilot program allotted time through annual permit applications.

6. Operator: a person or entity who offers devices to be used for micromobility.

7. Rebalancing/Redistribution: The terms are used interchangeably to refer to the process in which devices are redistributed throughout the service area by the operators to ensure that devices are centrally located to meet the demand of its customers.

8. Service Area: The geographical area within Arvada where a micromobility program offers service for its users. The Public Works Department will work with operators to identify areas of Arvada that utilize and benefit most from the availability of device sharing.

II. Authority

Arvada City Code, Section 54-303, provides that the Director of Public Works has the authority to promulgate rules and regulations concerning the Mobility as a Service Program.

III. Intent

Principles of Arvada's City Council Strategic Plan provide that, in supporting infrastructure, Arvada "provides safe and efficient connections to modes of transportation, including transit, streets, sidewalks, and bikeways with a focus on enhanced technology at high-priority intersections improving safety and minimizing traffic congestion." Micromobility is the next step forward for Arvada to provide its residents with additional transportation options. Micromobility allows for efficient connections to modes of transportation, especially transit and the new G-Line, and these rules and regulations help to both control and implement this new and efficient technology through the Mobility as a Service Program.

IV. Pilot Program

It is in the best interest of Arvada and future permit holders for the City to open the Mobility as a Service Program on a limited basis to evaluate whether Micromobility will succeed in Arvada. A pilot program will allow Arvada and operators to determine how to make Micromobility successful and provide essential information as to the appropriate number of devices and needed public improvements for future success.

The pilot program will run for one year with a six month review where City Council may determine that Mobility as a Service Program is not compatible with Arvada's infrastructure or in the best interest of the City and end the pilot program. Public Works will provide the City Manager a report assessing the program by January 31, 2022 for Council prior to the six month review. City Council will again review the performance of Mobility as a Service Program by September 19th, 2022. Fees related to the pilot program permit will be prorated depending on the length of the program. If Council determines that it is in the best interest of the City to continue the program, the pilot program will extend to December 31, 2022. The Mobility as a Service Program will open to all prospective operators on January 1st, 2023 for an annual permit application.

Arvada Public Works will select two operators who can demonstrate their ability to meet all of the responsibilities listed in the rules and regulations for the pilot program. If the program continues after the pilot, all operators will have the same ability to apply for a permit as described in Section VII.

V. Responsibilities of Permittee

Safety

1. All micromobility systems issued a permit under this program shall meet the standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512- Requirements for Bicycles, and shall meet the safety standards outlined in both International Organization for Standardization (ISO) 43.150, subsection 4210, and the Consumer Product Safety Commission (CPSC) Public Law 107-319, 116 Stat. 2776 for low speed electric small vehicles.
2. Any devices used in micromobility systems issued a permit under this program shall meet the National Highway Traffic Safety Administration's (NHTSA) definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles, meaning that electric bicycles must have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 20 miles per hour when operated by a rider weighing 170 pounds. The City reserves the right to terminate any permit issued under this program if the battery or motor on a device is determined by the City to be unsafe for public use.
3. All devices shall meet the requirements described in C.R.S. § 42-4-221 for lights during hours of darkness, The devices must have a front light that emits white light and a rear red reflector visible to low headlight beams on vehicles from 600 feet.

4. All micromobility operators permitted under this permit program shall provide a mechanism for customers to notify the company that there is a safety or maintenance issue with the device, including a valid phone number for users who do not have access to smartphone technology.
5. All permitted systems shall have visible language on the device or in the mobile application (in English and Spanish) that notifies the user that:
 - a) Helmet use is encouraged while riding a device and if the company offers helmets and how to acquire a helmet.
 - b) Riders shall yield to pedestrians on sidewalks and trails.
 - c) When riding on-street, follow the rules of the road, as one would in a motor vehicle.
6. Permitted micromobility operators agree that the City of Arvada is not responsible for educating users on laws governing micromobility devices. Neither is Arvada responsible for educating users on how to ride or operate a device. Permitted operators agree to educate users regarding laws applicable to riding and operating a device in Arvada and to instruct users to comply with applicable laws.
7. Each device should be equipped with technology equipment, provided by the micromobility operator that tracks ridership data.

Service Area

1. Micromobility operators must submit, as part of its application to Arvada, a proposed service area that meets the goals and intent of this regulation and approval by the Bicycle and Pedestrian Coordinator, or their designee.
2. Micromobility operators must submit, as part of its application to Arvada, a proposed redistribution plan to be approved by the Bicycle and Pedestrian Coordinator within the Department of Public Works, or their designee.
3. The service area is generally defined within a one-mile radius of the G-line stations and within the jurisdictional boundary of the City of Arvada.

Parking

1. Devices shall be parked in the hardscaped amenity zone between the sidewalk and the roadway, at any bicycle rack, or within designated micromobility parking zones. Micromobility operators shall inform customers on how to park a device properly.
2. The following restrictions to eligible device parking zones on sidewalks apply:

- a. Devices shall not be parked at the corners of sidewalks if ADA ramps are present.
 - b. Devices shall not be parked against trees or within landscape planting beds.
 - c. On blocks without sidewalks, but with a paved shoulder, devices may be parked if the travel lane(s) and six (6) foot pedestrian clear zones are not impeded.
 - d. Parked devices shall comply with all American with Disabilities Act (ADA) requirements.
 - i. A parked device shall not reduce the usable width of the sidewalk to less than 4 feet.
 - ii. A parked device shall not block access to a curb ramp or pedestrian push buttons at an intersection.
 - e. Parked devices shall comply with all American with Disabilities Act (ADA) requirements.
 - i. A parked device shall not reduce the usable width of the sidewalk to less than 4 feet.
 - ii. A parked device shall not block access to a curb ramp or pedestrian push buttons at an intersection.
3. The City reserves the right to determine certain block faces where micromobility parking is prohibited.
4. Devices shall not be parked in the landscape/furniture zone in a manner that blocks access to:
 - a. Parklets or streateries;
 - b. Loading zones;
 - c. ADA handicap parking zones;
 - d. Street furniture that requires pedestrian access (i.e. benches, parking pay stations, bus shelters, transit information signs, etc.);
 - e. Curb ramps;
 - f. Entryways;
 - g. Driveways;
 - h. Landscape planting beds or other landscape materials;
 - i. Fire hydrants and fire lanes; and
 - j. Railroad tracks or crossings.
5. This permit is only valid for operations within the City of Arvada's rights-of-way (ROW). Additional zones may be established, for example, in off-street parking lots,

garages, or campuses. However, permission to park in these areas shall require coordination with the appropriate department, agency, or property owner, and shall be communicated to the customer through signage approved by the respective entity and/or through the mobile and web application.

6. Arvada reserves the right to designate scooter parking areas.

7 Any micromobility device that is parked in one location for more than seven (7) consecutive days without moving must be moved by the micromobility system operator. If the device remains in one location after seven (7) days, it may be removed by Arvada and taken to a City facility for storage at the expense of the micromobility operator. Arvada will invoice the violating operator pursuant to the “Operating” section of these rules and regulations.

8. All permitted operators shall include on every device a customer service phone number for small vehicle relocation requests.

9. Devices shall be upright when parked.

10. Any device that is parked incorrectly shall be re-parked in a correct manner, or shall be removed by the operator based on these times:

- a. 6 a.m. – 6 p.m., Monday – Friday (holidays excluded): within four (4) hours of receiving notice.
- b. At all other times: within twelve (12) hours of receiving notice. Arvada reserves the right to remove a device immediately if it is determined to be a public safety concern, or is impeding the public’s right of way.

11. Devices can only be parked on hard surfaces within the landscape/furniture zone (i.e. concrete, asphalt). Devices shall not be parked on grass areas on any public property that requires Arvada mowing or maintenance.

Operations

1. All permitted micromobility operators under the permit program shall have a 24-hour customer service phone number displayed on the vehicle and in a mobile application for customers to report safety concerns, complaints, or ask questions.

2. All permitted micromobility operators under the permit program shall provide Arvada with a direct contact for micromobility operator staff who are capable of rebalancing devices. In addition, operators will provide a rebalancing management plan to Arvada.

3. In the event City Staff identifies or receives a nuisance complaint, permitted micromobility operators under the permit program must relocate or rebalance small vehicles within four (4) hours of receiving notice of the nuisance complaint. If Arvada

determines the device is a public safety concern or is impeding the public's right of way, the City may remove the device immediately.

4. Any inoperable device or any device that is not safe to operate shall be removed from the ROW within twenty-four (24) hours of notice and shall be repaired before returning the device into revenue service.

5. All permitted operators shall have a minimum fleet in service of fifty (50) devices of the same type (e-scooters or bicycles). Operators shall meet this fleet size within four (4) weeks of initial launch date.

6. Every device shall have a unique identifier that is visible to the user on the device.

7. If Arvada incurs any costs addressing or abating any violations of these requirements, or incurs any costs of repair or maintenance of public property, upon receiving written notice of Arvada's costs, the permitted operator shall reimburse Arvada for such costs within thirty (30) days.

8. Arvada reserves the right to terminate permits at any time and require that the entire fleet of devices be removed from Arvada streets. Such notice of termination shall be delivered to the permit holder by certified mail. The decommissioning shall be completed within thirty (30) days, unless a different time period is determined by the Arvada.

a. Upon receiving notice of permit termination, the permit holder has the right to appeal the decision to the Director of Public Works. A request for appeal must be provided in writing to the Director of Public Works no less than seven (7) days after receiving the termination letter via certified mail.

b. Any permit holder not satisfied with the Director's decision may request a final appeal hearing with a hearing officer pursuant to Arvada City Code Chapter 2, Article V, Division 3. Such hearing shall be set before the end of the thirty (30) day decommissioning period set by Arvada in the original notice provided via certified mail. The decision made by the hearing officer is final.

Reporting

1. Permitted micromobility operators will report data to the Bicycle and Pedestrian Coordinator, in the Public Works Department, for reporting and analysis purposes.

2. Permitted micromobility operators are required to report, on a monthly basis, information regarding their fleet and membership. This report does not require providers to solicit comments from riders or members of the system. The goal of these reports is to better understand how the entire micromobility system is being utilized, and to better inform future policy changes. Data must be delivered to the City in a Mobility Data

Specification (MDS) compatible Application Programming Interface (API). Operators must provide the following information in a monthly report on their company's operations within Arvada:

- a. Number of devices in system, separated by type of device;
 - b. Origin and destination data;
 - c. Usage (total trips, per time frame, per location, per vehicle);
 - d. Total number of members;
 - e. Member survey and general demographics;
 - f. Vehicle maintenance reports;
 - g. Complaints; and
 - h. Reported crashes/accidents.
3. All permitted operators shall distribute an annual customer survey. Results of these surveys shall be provided to Arvada.
4. All permitted operators agree to Arvada using a third- party researcher for evaluation of the micromobility permit program. Data will be shared with the third-party researcher only for the purposes of evaluation and/or enforcement of the requirements in this permit.
5. All permitted operators understand that Arvada is obligated to comply with the Colorado Open Records Act (C.R.S. §§24-72-200 *et seq.*)(CORA), which may require Arvada to disclose all or a portion of communications relating to the permit, any transaction under the permit, and other related materials. Operator is advised to familiarize itself with CORA.

VI. Insurance and Indemnification

1. Micromobility operators will be required to procure and maintain, at their own expense and without cost to Arvada, the following types of insurance. The policy limits are to be considered minimum amounts. Prior to the issuance of a permit, the operator, and any of its subcontractors, shall provide a certificate of insurance evidencing the following coverages:
 - a. Commercial General Liability Insurance. During the term of this program, the operator, and any of its subcontractors, shall provide general liability coverage against claims arising out of bodily injury, death, damage to or destruction of the property of others, including loss of use thereof, and including products and completed operations in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) general aggregate.
 - b. Excess or Umbrella Liability. The operator, and any of its subcontractors, shall maintain an Excess or Umbrella Liability on an occurrence basis in excess of

the underlying insurance described in (A)(i), which has coverages as broad as the underlying policies, with a limit of Two Million Dollars (\$2,000,000).

- c. Workers' Compensation or Employers' Liability Insurance. The operator, and any of its subcontractors, shall provide proof of workers' compensation coverage with limits as required by the laws of the State of Colorado. Additionally, the operator, and its subcontractors, shall provide proof of Employers' Liability Insurance with limits as follows:

\$500,000 bodily injury each accident
\$500,000 bodily injury each disease
\$500,000 bodily injury disease aggregate.

2. All insurance policies required under this program, except workers' compensation, shall name the City of Arvada, its officers, employees and agents as an additional insureds by endorsement and said coverage shall contain a waiver of subrogation. The operator, and its subcontractors, shall provide a copy of an endorsement providing this coverage.

3. The total limits of general and excess liability insurance set forth above may be provided to Arvada using a combination of primary and excess liability insurance.

4. Prior to receiving a permit, the operator shall provide certificates of insurance to Arvada demonstrating that at the minimum coverages required herein are in effect. The operator agrees that the required coverages will not be reduced, canceled, non-renewed or materially changed without thirty (30) days prior written notice to Arvada. All certificates of insurance must be kept in force throughout the duration of the services. If any of operator's, or any of its subcontractor's coverage is renewed at any time prior to the expiration of this program, the operator shall be responsible for obtaining updated insurance certificates for itself and such subcontractors from the respective insurance carriers and forwarding the replacement certificates to Arvada within ten (10) days of the expiration date of any previously delivered certificate.

The minimum A.M. Best rating of each primary insurer shall be A- X and the minimum A.M. Best rating of each excess insurer shall be A- VIII. The Licensee shall provide copies of insurance policies to the City's Risk Manager upon request. Any of the minimum limits of insurance set out herein may be raised or lowered at the sole discretion of the Risk Manager for the City of Arvada in response to the particular circumstances giving rise to the permit. The operator's policy will be primary and non-contributory with respect to any and all self-insurance or insurance policies purchased by the additional insured.

5. The permit holder and any subcontractors, agrees to investigate, defend, indemnify and hold harmless (including court costs and attorney fees, whether or not the claim or claims alleged are groundless, false, or fraudulent) Arvada, its officers, employees, and insurers, from and against all liability, claims and demands on account of

any losses, injuries, and damages, including but not limited to, alleged personal injury claims and/or death claims, or property damage claims, or errors and omissions, which arise out of or are in any manner connected with this permit, whether or not such injury, loss, or damage is caused by, or is claimed to be caused by, the act, omission, negligence or other fault of the permit holder, any employees the holder, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. Nothing herein is intended to constitute a covenant, promise, or agreement to indemnify and hold harmless Arvada from any liability or damages directly caused by or attributable to Arvada's own negligence. Notwithstanding the foregoing, if the permit holder is performing services in any of the City of Arvada's rights-of-way, then indemnity language contained in the Arvada City Code shall prevail in the event of any conflict between this clause and the Arvada City Code. Nothing herein intended to be nor may be construed as a waiver of the immunities, protections, or limitations on damages provided to Arvada by the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 et seq., as it may from time to time be amended.

VII. Fees and Permit Schedule

1. The following permit fee schedule shall apply to approved operators based on the size of the operator's fleet. A business license, separate from this permit, shall be required as well in order to operate within Arvada.

- a. Operators must pay an initial permit fee consisting of \$5000 plus \$10 per device. This fee will be dedicated to installing additional parking for mobility as a service permit program. \$500 of this fee shall be due at time of initial application, and the remainder at permit issuance.
- b. Operators must pay a maintenance bond of \$30 per vehicle deployed, to be used to reimburse Arvada as needed for costs associated with auditing, removing, and storing improperly parked vehicles. If needed, this deposit is to be refreshed yearly upon permit renewal, or upon issuance of permit for increase in number of vehicles. At the end of the permit period, any maintenance bond remaining will either be reimbursed to the operator or if the permit is renewed, the amount will be rolled over to the next permit period.
- c. Operators must pay a yearly permit renewal fee of \$5,000 based on Arvada staff time dedicated to management, oversight, communications, enforcement, and education of the program.
- d. Operators must pay a monthly operations fee that will be assessed at a rate of \$0.10 per ride taken each month.

2. Operators must submit an application to the City of Arvada to increase the number of vehicles deployed. Applications will be reviewed based on staff assessment of operator performance, public demand, and other criteria. Fees for vehicle deployment increases shall include a \$500 application fee, as well as \$10 per vehicle parking infrastructure fee, and \$30 per vehicle maintenance bond due at time of permit issuance.

3. Arvada in collaboration with permitted operators, will evaluate the needs of the community annually; Arvada staff will determine a maximum number of permitted vehicles across all operators for the upcoming program year.

VIII. Application Process

1. Organizations interested in applying for a permit shall submit Arvada's mobility as a service application to the Public Works Department; the application will be available at Arvada's City Hall and on Arvada's website. The application must include these items:

- a. Organization name and local, primary contact information;
- b. Insurance & indemnification documentation;
- c. Images and description of devices and mobile application;
- d. Size of fleet, including any planned fleet expansion over the year;
- e. Service area, including any planned area expansion over the year;
- f. Education and outreach plan for proper device parking and riding;
- g. Plan to provide an equitable micromobility as a service to the service area;
- h. Device maintenance and recharging plan; and
- i. Device rebalancing plan.

2. Applications will be reviewed in the order that they are received starting on January 1st of each year. If an application is not complete, the application will be rejected and the applicant will be given an opportunity to correct the application but it will not be included in the review process order until the submitted application meets all of the City's requirements. Complete applications will be allotted an annually determined number of devices based on the prior year's reporting. If the need for more devices exists, Arvada will work with operators who have submitted a complete application in the order that the application was received.

COUNCIL BILL NO. 21-020
ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 54, MOTOR VEHICLES AND TRAFFIC, OF
THE ARVADA CITY CODE

WHEREAS, Arvada’s City Council Strategic Plan provides that, in supporting infrastructure, Arvada provides safe and efficient connections to modes of transportation, including transit, streets, sidewalks, and bikeways with a focus on enhanced technology at high-priority intersections improving safety and minimizing traffic congestion; and

WHEREAS, innovative transportation technologies have resulted in the creation and operation of personal transportation devices in more communities around the nation; and

WHEREAS, micromobility is designed to address certain “last mile” transportation needs in urban and suburban settings; and

WHEREAS, advances in micromobility technology carry the promise of reducing congestion in ways that increase reliance on clean energy and create little or no pollution; and

WHEREAS, micromobility also brings with it regulatory, infrastructure, and other challenges; and

WHEREAS, the City Council finds that the adoption of new transportation technologies should be done in ways that allow for the thoughtful evaluation and efficient operation of micromobility options that may benefit those living, working, or traveling in Arvada; and

WHEREAS, the City Council also deems it necessary to update traffic laws that recognize the increasing use of micromobility devices and to protect the safety of users, pedestrians, and drivers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Section 54-33, MTC Part 2 “Equipment” amended, of Article II, Model Traffic Code, of Chapter 54, Motor Vehicles and Traffic, is hereby amended to read as follows:

“Sec. 54-33. MTC Part 2 “Equipment” amended.

The Model Traffic Code is hereby amended by amending section 221 of Part 2, to read as follows:

221. Bicycle, electric scooter, and personal mobility device equipment.

(1) No other provision of this part 2 of this Code shall apply to a bicycle, electrical assisted bicycle, electric scooter, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, electric scooter, or EPAMD except those provisions in this Code made specifically applicable to such a vehicle.

(2) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD in use at the times described in section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.

(3) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD when in use at the times described in section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.

(5) A bicycle, electrical assisted bicycle, electric scooter, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle, electrical assisted bicycle, or electric scooter shall not be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, or electric scooter, any siren or whistle.

(7) Every bicycle, electrical assisted bicycle, or electric scooter shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electrical assisted bicycle, or electric scooter within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles, electrical assisted bicycles, or electric scooters at retail shall not sell any bicycle, electrical assisted bicycle, or electric scooter, unless the bicycle, electrical assisted bicycle, or electric scooter has an identifying number permanently stamped or cast on its frame.

(9)

(a) Every manufacturer or distributor of new electrical assisted bicycles intended for sale or distribution in this state shall permanently affix to each electrical assisted bicycle, in a prominent location, a label that contains the classification number, top assisted speed, and motor wattage of the electrical assisted bicycle. The label must be printed in the Arial font in at least nine-point type.

(b) A person shall not knowingly modify an electrical assisted bicycle so as to change the speed capability or motor engagement of the electrical assisted bicycle without also appropriately replacing, or causing to be replaced, the label indicating the classification required by subsection (9)(a) of this section.

(10)

(a) An electrical assisted bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product safety commission and codified at 16 CFR 1512 or its successor regulation.

(b) A class 2 electrical assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. Class 1 and class 3 electrical assisted bicycles must be equipped with a mechanism or circuit that cannot be bypassed and that causes the electric motor to disengage or cease to function when the rider stops pedaling.

(c) A class 3 electrical assisted bicycle must be equipped with a speedometer that displays, in miles per hour, the speed the electrical assisted bicycle is traveling.”

The remaining portions of sec. 54-33 shall remain unchanged.

Section 2. Section 54-36, MTC Part 8 “Pedestrians” amended, of Article II, Model Traffic Code, of Chapter 54, Motor Vehicles and Traffic, is hereby amended to read as follows:

“Sec. 54-36. MTC Part 8 “Pedestrians” amended.

The Model Traffic Code is hereby amended by amending section 802 of Part 8 to read as follows:

802. Pedestrians' right-of-way in crosswalks.

(1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) Subsection (1) of this section shall not apply under the conditions stated in section 803.

(3) No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, ride an electrical assisted bicycle, ride an electric scooter, walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(5) Whenever special pedestrian-control signals exhibiting "Walk" or "Don't Walk" word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:

(a) "Walk" (steady): While the "Walk" indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right of-way by the drivers of all vehicles.

(b) "Don't Walk" (steady): While the "Don't Walk" indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.

(c) "Don't Walk" (flashing): Whenever the "Don't Walk" indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed crossing during the "Walk" indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.

(d) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians and "Walk" and "Don't Walk" signal indications control such pedestrian movement, pedestrians may cross in any direction

between corners of the intersection offering the shortest route within the boundaries of the intersection while the “Walk” indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with section 803 (4).

(6) Any person who violates any provision of this section commits a class A traffic infraction.”

The remaining portions of sec. 54-36 remain unchanged.

Section 3. Section 54-41, MTC Part 14 “Other offenses” amended, of Article II, Model Traffic Code, of Chapter 54, Motor Vehicles and Traffic, is hereby amended to read as follows:

“Sec. 54-41. MTC Part 14 “Other offenses” amended.

The Model Traffic Code is hereby amended by amending section 1401 of Part 14, amending section 1402 of Part 14, and by amending section 1412 of Part 14, to read as follows:

1401. Reckless driving.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving.

1402. Careless driving.

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving.

. . . .

1412. Operation of bicycles and other human-powered vehicles.

(1) Every person riding a bicycle, electrical assisted bicycle, or electric scooter, shall have all of the rights and duties applicable to the drive of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 221.

(2) It is the intent of the general assembly that nothing contained in House Bill No. 1246, enacted at the second regular session of the fifty-sixth general assembly, shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state of Colorado or any political subdivision under the “Colorado Governmental Immunity Act,” Article 10 of title 24, C.R.S.

(3) No bicycle, electrical assisted bicycle, or electric scooter shall be used to carry more persons at one time than the number for which it is designed or equipped.

(4) No person riding upon any bicycle, electrical assisted bicycle, or electric scooter shall attach the same or himself or herself to any motor vehicle upon a roadway.

(5)

(a) Any person operating a bicycle, an electrical assisted bicycle, or an electric scooter upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a rider shall ride far enough to the right as judged safe by the rider to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A rider may use a lane other than the right-hand lane when:

(A) Preparing for a left turn at an intersection or into a private roadway or driveway;

(B) Overtaking a slower vehicle; or

(C) Taking reasonably necessary precautions to avoid hazards or road conditions.

(III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a rider may ride on the left-hand portion of the dedicated right-turn lane even if the rider does not intend to turn right.

(b) A rider shall not be expected or required to:

(I) Ride over or through hazards at the edge of the roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(II) Ride without a reasonable safety margin on the right-hand side of the roadway.

(c) A person operating a bicycle, an electrical assisted bicycle, or electric scooter upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the rider, subject to the following conditions:

(I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a rider shall ride far enough to the left as judged safe by the rider to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A rider shall not be expected or required to:

(A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(B) Ride without a reasonable safety margin on the left-hand side of the roadway.

(6)

(a) Persons riding bicycles, electrical assisted bicycles, or electric scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles and electric scooters.

(b) Persons riding bicycles, electrical assisted bicycles, or electric scooters two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a bicycle, electrical assisted bicycle, or electric scooter shall keep at least one hand on the handlebars at all times.

(8)

(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall follow a course described in sections 901(1), 903, and 1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).

(b) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the rider shall stop, as much as practicable, out of the way of traffic. After stopping, the rider shall yield to any traffic proceeding in either direction along the roadway that the rider had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the rider intends to proceed, the rider may proceed in the new direction.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the transportation commission and local authorities in their respective jurisdictions may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(9)

(a) Except as otherwise provided in this subsection (9), every person riding a bicycle, electrical assisted bicycle, or electric scooter shall signal the intention to turn or stop in accordance with section 903; except that a person riding a bicycle, electrical assisted bicycle, or electric scooter may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle, electrical assisted bicycle, or electric scooter before turning and shall be given while the bicycle, electrical assisted bicycle, or electric scooter is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle, electrical assisted bicycle, or electric scooter.

(10)

(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle, electrical assisted bicycle, or electric scooter in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles, electrical assisted bicycles, or electric scooters is prohibited by official traffic control devices. A person riding a bicycle, electrical assisted bicycle, or electric scooter shall dismount before entering any crosswalk where required by official traffic control devices.

(c) person riding or walking a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by section 802.

(d) (Deleted by amendment, L. 2005, p. 1353, § 1, effective July 1, 2005.)

(11)

(a) A person may park a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk unless prohibited or restricted by an official traffic control device.

(b) A bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road abreast of another such bicycle(s) or electric scooter(s) near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles, electrical assisted bicycles, or electric scooters parked anywhere on a highway shall conform to the provisions of part 12 of this Code regulating the parking of vehicles.

(12)

(a) Any person riding a bicycle, electrical assisted bicycle, or electric scooter who violates any provision of this Code other than this section which is applicable to

such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death that involves a bicycle, electrical assisted bicycle, or electric scooter on the roadways of the state, even if such accident does not involve a motor vehicle.

(14)

(a) A person may ride a class 1 or a class 2 electrical assisted bicycle or an electric scooter on a bike or pedestrian path where bicycles are authorized to travel.

(b) A person shall not ride a class 3 electrical assisted bicycle on a bike or pedestrian path unless:

(I) The path is within a street or highway; or

(II) The local authority permits the operation of a class 3 electrical assisted bicycle on a path under its jurisdiction.

(15)

(a) A person under sixteen years of age shall not ride a class 3 electrical assisted bicycle upon any street, highway, or bike or pedestrian path; except that a person under sixteen years of age may ride as a passenger on a class 3 electrical assisted bicycle that is designed to accommodate passengers.

(b) A person shall not operate or ride as a passenger on a class 3 electrical assisted bicycle unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of bicycles;

(II) The protective helmet conforms to the design and specifications set forth by the United States consumer product safety commission or the American Society for Testing and Materials; and

(III) The protective helmet is secured properly on the person's head with a chin strap while the class 3 electrical assisted bicycle is in motion.

(c) A violation of subsection (15)(b) of this section does not constitute negligence or negligence per se in the context of any civil personal injury claim or lawsuit seeking damages."

. . . .

The remaining portions of sec. 54-41 shall remain unchanged.

Section 4. Section 54-43, MTC “Appendices: Definitions” amended, of Article II, Model Traffic Code, of Chapter 54, Motor Vehicles and Traffic, is hereby repealed and reenacted to read as follows:

“Sec. 54-43. MTC “Appendices: Definitions” amended.

The Model Traffic Code is hereby amended by adding certain definitions to the “Appendices: Definitions” section to read as follows:

(7.5) "Barricade" means a portable or fixed barrier having object markings used to close all or a portion of the right-of-way to vehicular traffic.

(13.5) "City" or "municipality" means the City of Arvada.

(28.5) "Electrical assisted bicycle" means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(a) “Class 1 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(b) “Class 2 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(c) “Class 3 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

(28.7) "Electric personal assistive mobility device" or "EPAMD" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is

powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

(28.8) “Electric scooter” means a device weighing less than one hundred pounds with handlebars that is powered by an electric motor and that has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor. An electric scooter does not include an electrical assisted bicycle, EPAMD, motorcycle, or low-power scooter.

(42.5) "Holiday" means Sundays, New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Day, or any such additional statutory holidays as the city may adopt by ordinance.

(47.5) "Lane-use control signal" means a traffic-control signal which is erected to control the direction of vehicular traffic movement in an individual lane.

(69.5) "Passenger loading zone" means a designated space reserved for the exclusive use of vehicles during the loading or unloading of passengers or their property.

(74.5) "Prima facie speed limit" means a speed limit above which the driver is presumed to be driving unlawfully but, if charged with exceeding it, a driver may show cause to prove that his speed was safe for conditions and therefore, that he was not guilty of a speed violation.

(111) “Toy vehicle” means any vehicle, whether or not home-built by the user, that has wheels with an outside diameter of not more than fourteen inches and is not designed, approved, or intended for use on public roadways or highways. "Toy vehicle" includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters except for electric scooters as defined in subsection 28.8 of this section.

(112.5) "Traffic-control signal" means any device, whether manually, electrically, electronically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.”

Section 5. Section 54-91, Definitions, of Article III, Motor Vehicles on Public Property, of Chapter 54, Motor Vehicles and Traffic, is hereby repealed and reenacted to read as follows:

“Sec. 54-91. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City-owned land means any park, ballpark, recreation area, lake area, city-owned street, easement, sidewalk, or area dedicated or commonly used for vehicular or pedestrian traffic, city storage facility, city garage area, pet park, and any and all other lands and premises owned by the city or other legally recognized public entity.

Electric devices means electrical assisted bicycles, EPAMD, and electric scooters as defined in Section 54-43.

Unlicensed motor vehicle means a motor vehicle that is not required to be registered or to display a license plate and includes motor bicycles, dune buggies, trail bikes, minibikes, go-carts, racing minibikes, racing scooters, snowmobiles, and similar vehicles. It does not include electric devices or wheelchairs.”

Section 6. Section 54-93, Use or operation prohibited, of Article III, Motor Vehicles on Public Property, of Chapter 54, Motor Vehicles and Traffic, is hereby repealed and reenacted to read as follows:

“Sec. 54-93. Use or operation prohibited.

It shall be unlawful for any person to use or operate an unlicensed motor vehicle upon city-owned land. Nothing in this article prohibits the operation of golf cars on golf courses located within the city.”

Section 7. Section 54-96, Signs allowing use, of Article III, Motor Vehicles on Public Property, of Chapter 54, Motor Vehicles and Traffic, is hereby repealed, retitled, and reenacted to read as follows:

“Sec. 54-96. Permission to operate a motor vehicle.

The city may grant permission to any person to use or operate a motor vehicle on city-owned land where such use or operation is prohibited under this article. Permission may be granted through a sign or signs posted by the city at the direction of the city manager or the city parks director. Any sign granting permission must specify the type of motor vehicle that is permitted and area for which permission is granted, and may specify the hours of permissible use.”

Section 8. Article XI, Micromobility Program, of Chapter 54, Motor Vehicles and Traffic, of the Arvada City Code is hereby enacted to read as follows:

ARTICLE XI. MICROMOBILITY PROGRAM

Sec. 54-301. Definitions.

For purposes of this article, the following words and phrases have the following meaning, unless otherwise indicated:

City means the City of Arvada.

Devices means bicycles, scooters, electrical assisted bicycles, electric scooters, and other small, wheeled vehicles designed specifically for shared-use and deployed by micromobility operators.

Director means the director of public works or his or her designee.

Micromobility means a network or system of devices, placed in the public right-of-way and for rent in short time increments, that provides increased mobility options over short distances in urban areas.

Mobility as a Service permit program or *program* means a program allowing for the implementation and operation of micromobility within the city for a prescribed period of time.

Operator: a person or entity who offers devices to be used for micromobility.

Permit means a document issued by the director to an operator that allows the operator to offer micromobility devices and services in the city.

Sec. 54-302. Micromobility operator permit and pilot program.

To assist with the implementation and operation of micromobility within the city, the director shall create the “mobility as a service permit program.” The director shall establish a permit application process, and develop program criteria and requirements for micromobility operation within the city’s rights-of-way.

Sec. 54-303. Rules and regulations.

(a) The director may promulgate rules and regulations consistent with this chapter to govern the program, including, but not limited to, permitting obligations, the operation of devices, and rules necessary to enhance public safety.

(b) All persons must comply with the rules and regulations adopted pursuant to this chapter.

Sec. 54-304. Permit required.

No person or entity shall conduct or carry on the business of offering devices without first obtaining a permit from the director under this article.

Sec. 54-305. Permit application.

(a) An operator desiring a permit must submit a permit application to the director under the rules and regulations adopted pursuant to sec. 54-303 of this article, and must pay the fee(s) prescribed in sec. 54-306 of this article.

(b) In accordance with the program criteria established under this article, the director is authorized to review, approve, and issue a micromobility permit to an operator who applies for a permit.

Sec. 54-306. Permit fees.

(a) An operator must pay the initial, maintenance, and renewal fees associated with a program permit as prescribed in the rules and regulations adopted pursuant to sec. 54-303 of this article.

(b) Fees prescribed pursuant to this article are non-refundable.

Sec. 54-307. Denial, suspension, or revocation of permits.

(a) The director may deny an application for a permit under this chapter if the applicant fails to demonstrate that it meets all of the requirements for a permit as provided in the rules and regulations adopted pursuant to sec. 54-303.

(b) The director may suspend or revoke a permit issued under this chapter if the operator fails to comply with the requirements of this chapter. A request for appeal must be provided in writing to the director no less than seven days after receiving the termination letter via certified mail. Any permit holder not satisfied with the director's decision may request a final appeal hearing with a hearing officer pursuant to Chapter 2, Article V, Division 3 of this code. Such hearing shall be set before the end of the 30 day decommissioning period set by Arvada in the original notice provided via certified mail. The decision made by the hearing officer is final.

(c) Any operator whose permit is suspended or revoked must reclaim and remove their entire fleet of devices within 30 days of notice of suspension or revocation.

Sec. 54-308. Status of program.

The director will file with the city manager no later than January 31, 2022, a report assessing the program for City Council's six month review. City Council may terminate the pilot program on February 16, 2022 or allow the pilot program to continue. The program described

herein will operate as a pilot program through and including September 13, 2022 with the possibility of extending to December 31, 2022. Unless terminated by city council action prior to that date, the micromobility program will operate as a city program on the same terms set forth in this article beginning on January 1, 2023.

Secs. 54-309-320. Reserved.

Section 9. Severability. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each part or parts thereof irrespective of the fact that any part or parts to be declared unconstitutional or invalid.

Section 10. Effective date. This ordinance shall take effect DATE.

INTRODUCED, READ, AND ORDERED PUBLISHED this _____ day of _____, 2021.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2021.

Marc Williams, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney

By: _____

Publication Dates: _____

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material
~~Strikethrough~~ indicates deleted material

Sec. 54-33. MTC Part 2 “Equipment” amended.

The Model Traffic Code is hereby amended by amending section 221 of Part 2, to read as follows:

221. Bicycle, electric scooter, and personal mobility device equipment.

- (1) No other provision of this part 2 of this Code shall apply to a bicycle, electrical assisted bicycle, electric scooter, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, electric scooter, or EPAMD except those provisions in this Code made specifically applicable to such a vehicle.
- (2) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD in use at the times described in section 204 shall be equipped with a lamp on the front emitting a white light visible from a distance of at least five hundred feet to the front.
- (3) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD shall be equipped with a red reflector of a type approved by the department, which shall be visible for six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.
- (4) Every bicycle, electrical assisted bicycle, electric scooter, or EPAMD when in use at the times described in section 204 shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for six hundred feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least five hundred feet.
- (5) A bicycle, electrical assisted bicycle, electric scooter, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.
- (6) A bicycle, electrical assisted bicycle, or electric scooter shall not be equipped with, nor shall any person use upon a bicycle, electrical assisted bicycle, or electric scooter, any siren or whistle.
- (7) Every bicycle, electrical assisted bicycle, or electric scooter shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electrical assisted bicycle,

or electric scooter within twenty-five feet from a speed of ten miles per hour on dry, level, clean pavement.

- (8) A person engaged in the business of selling bicycles, electrical assisted bicycles, or electric scooters at retail shall not sell any bicycle, electrical assisted bicycle, or electric scooter, unless the bicycle, electrical assisted bicycle, or electric scooter has an identifying number permanently stamped or cast on its frame.

(9)

(a) Every manufacturer or distributor of new electrical assisted bicycles intended for sale or distribution in this state shall permanently affix to each electrical assisted bicycle, in a prominent location, a label that contains the classification number, top assisted speed, and motor wattage of the electrical assisted bicycle. The label must be printed in the Arial font in at least nine-point type.

(b) A person shall not knowingly modify an electrical assisted bicycle so as to change the speed capability or motor engagement of the electrical assisted bicycle without also appropriately replacing, or causing to be replaced, the label indicating the classification required by subsection (9)(a) of this section.

(10)

(a) An electrical assisted bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States consumer product safety commission and codified at 16 CFR 1512 or its successor regulation.

(b) A class 2 electrical assisted bicycle must operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. Class 1 and class 3 electrical assisted bicycles must be equipped with a mechanism or circuit that cannot be bypassed and that causes the electric motor to disengage or cease to function when the rider stops pedaling.

(c) A class 3 electrical assisted bicycle must be equipped with a speedometer that displays, in miles per hour, the speed the electrical assisted bicycle is traveling.”

Sec. 54-36. MTC Part 8 “Pedestrians” amended.

The Model Traffic Code is hereby amended by amending section 802 of Part 8 to read as follows:

802. Pedestrians’ right-of-way in crosswalks.

- (1) When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
- (2) Subsection (1) of this section shall not apply under the conditions stated in section 803.
- (3) No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, ride an electrical assisted bicycle, ride an electric scooter, walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.
- (4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.
- (5) Whenever special pedestrian-control signals exhibiting “Walk” or “Don’t Walk” word or symbol indications are in place, as declared in the traffic control manual adopted by the department of transportation, such signals shall indicate and require as follows:
 - (a) “Walk” (steady): While the “Walk” indication is steadily illuminated, pedestrians facing such signal may proceed across the roadway in the direction of the signal indication and shall be given the right of-way by the drivers of all vehicles.
 - (b) “Don’t Walk” (steady): While the “Don’t Walk” indication is steadily illuminated, no pedestrian shall enter the roadway in the direction of the signal indication.
 - (c) “Don’t Walk” (flashing): Whenever the “Don’t Walk” indication is flashing, no pedestrian shall start to cross the roadway in the direction of such signal indication, but any pedestrian who has partly completed crossing during the “Walk” indication shall proceed to a sidewalk or to a safety island, and all drivers of vehicles shall yield to any such pedestrian.
 - (d) Whenever a signal system provides for the stopping of all vehicular traffic and the exclusive movement of pedestrians and “Walk” and “Don’t Walk” signal indications control such pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection while the “Walk” indication is exhibited, if signals and other official devices direct pedestrian movement in such manner consistent with section 803 (4).
- (6) Any person who violates any provision of this section commits a class A traffic infraction.”

Sec. 54-41. MTC Part 14 “Other offenses” amended.

The Model Traffic Code is hereby amended by amending section 1401, amending section 1402, and, amending section 1412, to Part 14, to read as follows:

1401. Reckless driving.

- (1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving.
- (2) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

1402. Careless driving.

- (1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, electric scooter, or low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving.
- (2) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.

1412. Operation of bicycles and other human-powered vehicles.

- (1) Every person riding a bicycle, electrical assisted bicycle, or electric scooter, shall have all of the rights and duties applicable to the drive of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 221.
- (2) It is the intent of the general assembly that nothing contained in House Bill No. 1246, enacted at the second regular session of the fifty-sixth general assembly, shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state of Colorado or any political subdivision under the “Colorado Governmental Immunity Act”, Article 10 of title 24, C.R.S.
- (3) No bicycle, electrical assisted bicycle, or electric scooter shall be used to carry more persons at one time than the number for which it is designed or equipped.
- (4) No person riding upon any bicycle, electrical assisted bicycle, or electric scooter shall attach the same or himself or herself to any motor vehicle upon a roadway.

- (5) (a) Any person operating a bicycle, an electrical assisted bicycle, or an electric scooter upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:
- (I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a rider shall ride far enough to the right as judged safe by the rider to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.
 - (II) A rider may use a lane other than the right-hand lane when:
 - (A) Preparing for a left turn at an intersection or into a private roadway or driveway;
 - (B) Overtaking a slower vehicle; or
 - (C) Taking reasonably necessary precautions to avoid hazards or road conditions.
 - (III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a rider may ride on the left-hand portion of the dedicated right-turn lane even if the rider does not intend to turn right.
- (b) A rider shall not be expected or required to:
- (I) Ride over or through hazards at the edge of the roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or
 - (II) Ride without a reasonable safety margin on the right-hand side of the roadway.
- (c) A person operating a bicycle, an electrical assisted bicycle, or electric scooter upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the rider, subject to the following conditions:
- (I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a rider shall ride far enough to the left as judged safe by the rider to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.
 - (II) A rider shall not be expected or required to:
 - (A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or
 - (B) Ride without a reasonable safety margin on the left-hand side of the roadway.
- (6)(a) Persons riding bicycles, electrical assisted bicycles, or electric scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles and electric scooters.

- (b) Persons riding bicycles, electrical assisted bicycles, or electric scooters two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.
- (7) A person operating a bicycle, electrical assisted bicycle, or electric scooter shall keep at least one hand on the handlebars at all times.
- (8) (a) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall follow a course described in sections 901(1), 903, and 1007 or may make a left turn in the manner prescribed in paragraph (b) of this subsection (8).
- (b) A person riding a bicycle, electrical assisted bicycle, or electric scooter intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the rider shall stop, as much as practicable, out of the way of traffic. After stopping, the rider shall yield to any traffic proceeding in either direction along the roadway that the rider had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the rider intends to proceed, the rider may proceed in the new direction.
- (c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the transportation commission and local authorities in their respective jurisdictions may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.
- (9)(a) Except as otherwise provided in this subsection (9), every person riding a bicycle, electrical assisted bicycle, or electric scooter shall signal the intention to turn or stop in accordance with section 903; except that a person riding a bicycle, electrical assisted bicycle, or electric scooter may signal a right turn with the right arm extended horizontally.
- (b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle, electrical assisted bicycle, or electric scooter before turning and shall be given while the bicycle, electrical assisted bicycle, or electric scooter is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle, electrical assisted bicycle, or electric scooter.
- (10)(a) A person riding a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle, electrical assisted bicycle, or electric scooter in a crosswalk shall do so in a manner that is safe for pedestrians.
- (b) A person shall not ride a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a

- crosswalk where such use of bicycles, electrical assisted bicycles, or electric scooters is prohibited by official traffic control devices. A person riding a bicycle, electrical assisted bicycle, or electric scooter shall dismount before entering any crosswalk where required by official traffic control devices.
- (c) A person riding or walking a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by section 802.
- (d) (Deleted by amendment, L. 2005, p. 1353, § 1, effective July 1, 2005.)
- (11)(a) A person may park a bicycle, electrical assisted bicycle, or electric scooter on a sidewalk unless prohibited or restricted by an official traffic control device.
- (b) A bicycle, electrical assisted bicycle, or electric scooter parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
- (c) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.
- (d) A bicycle, electrical assisted bicycle, or electric scooter may be parked on the road abreast of another such bicycle(s) or electric scooter(s) near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.
- (e) In all other respects, bicycles, electrical assisted bicycles, or electric scooters parked anywhere on a highway shall conform to the provisions of part 12 of this Code regulating the parking of vehicles.
- (12)(a) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense.
- (b) Any person riding a bicycle, electrical assisted bicycle, or electric scooter who violates any provision of this Code other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle.
- (13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death that involves a bicycle, electrical assisted bicycle, or electric scooter on the roadways of the state, even if such accident does not involve a motor vehicle.
- (14)(a) A person may ride a class 1 or a class 2 electrical assisted bicycle or an electric scooter on a bike or pedestrian path where bicycles are authorized to travel.
- (b) A person shall not ride a class 3 electrical assisted bicycle on a bike or pedestrian path unless:
- (I) The path is within a street or highway; or
- (II) The local authority permits the operation of a class 3 electrical assisted bicycle on a path under its jurisdiction.

(15)(a) A person under sixteen years of age shall not ride a class 3 electrical assisted bicycle upon any street, highway, or bike or pedestrian path; except that a person under sixteen years of age may ride as a passenger on a class 3 electrical assisted bicycle that is designed to accommodate passengers.

(b) A person shall not operate or ride as a passenger on a class 3 electrical assisted bicycle unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of bicycles;

(II) The protective helmet conforms to the design and specifications set forth by the United States consumer product safety commission or the American Society for Testing and Materials; and

(III) The protective helmet is secured properly on the person's head with a chin strap while the class 3 electrical assisted bicycle is in motion.

(c) A violation of subsection (15)(b) of this section does not constitute negligence or negligence per se in the context of any civil personal injury claim or lawsuit seeking damages.

Sec. 54-43. – MTC “Appendices: Definitions” amended.

(7.5)"Barricade" means a portable or fixed barrier having object markings used to close all or a portion of the right-of-way to vehicular traffic.

(13.5)"City" or "municipality" means the City of Arvada.

(28.5) "Electrical assisted bicycle" means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(a) “Class 1 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(b) “Class 2 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(c) “Class 3 electrical assisted bicycle” means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour.

(28.7) "Electric personal assistive mobility device" or "EPAMD" means a self-balancing, nontandem two-wheeled device, designed to transport only one person, that is powered solely by an electric propulsion system producing an average power output of no more than seven hundred fifty watts.

(28.5) "Electric scooter" means a device weighing less than one hundred pounds; with handlebars and an electric motor; that is powered by an electric motor; and that has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor. An electric scooter does not include an electrical assisted bicycle, electric personal assistive mobility device, motorcycle, or low-power scooter.

(42.5)"Holiday" means Sundays, New Year's Day, Martin Luther King, Jr. Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving, Christmas Day, or any such additional statutory holidays as the city may adopt by ordinance.

(47.5)"Lane-use control signal" means a traffic-control signal which is erected to control the direction of vehicular traffic movement in an individual lane.

(69.5)"Passenger loading zone" means a designated space reserved for the exclusive use of vehicles during the loading or unloading of passengers or their property.

(74.5)"Prima facie speed limit" means a speed limit above which the driver is presumed to be driving unlawfully but, if charged with exceeding it, a driver may show cause to prove that his speed was safe for conditions and therefore, that he was not guilty of a speed violation.

(111) "Toy vehicle" means any vehicle, whether or not home-built by the user, that has wheels with an outside diameter of not more than fourteen inches and is not designed, approved, or intended for use on public roadways or highways. "Toy vehicle" includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters except for electric scooters as defined in subsection 28.8 of this section.

(112.5)"Traffic-control signal" means any device, whether manually, electrically, electronically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

"Sec. 54-91. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City-owned lands ~~shall~~ means any parks, ballparks, recreation areas, lake areas, city-owned streets, easements and sidewalks or areas dedicated or commonly used for vehicular or pedestrian traffic, city storage ~~facilityies~~, city garage area, pet parks and any and all other lands and premises owned by the city or other legally recognized public entity.

Electric devices means electrical assisted bicycles, EPAMD, and electric scooters as defined in Section 54-43.

~~*Unlicensed motor vehicle, licensed motor vehicle* shall refer to any of the following but need not necessarily be limited to those vehicles as herein set forth: motorcycles, motor scooters, means a motor vehicle that is not required to be registered or to display a license plate and includes motor bicycles, dune buggies, trail bikes, minibikes, go-carts, racing minibikes, racing scooters, snowmobiles, and similar vehicles. It does not include electric devices or wheelchairs.”~~
~~any other vehicle designed for the transportation of the driver, passengers or products and propelled by an internal combustion engine or other type of engine, either licensed or unlicensed.~~

“Section 54-93, Use or operation prohibited.

~~Except for use upon dedicated and improved roads and streets it shall be unlawful for any person to use or operate unlicensed motor vehicles or licensed motor vehicles upon city-owned lands which are described in this article. Nothing in this article prohibits the operation of golf cars on golf courses located within the city.”~~

“Sec. 54-96. Permission to operate a motor vehicle.

The city may grant permission to any person to use or operate a motor vehicle on city-owned land where such use or operation is prohibited under this article. Permission may be granted through a sign or signs posted by the city at the direction of the city manager or the city parks director. Any sign granting permission must specify the type of motor vehicle that is permitted and area for which permission is granted, and may specify the hours of permissible use.”

ARTICLE XI. MICROMOBILITY PROGRAM

Sec. 54-301. Definitions.

For purposes of this article, the following words and phrases have the following meaning, unless otherwise indicated:

City means the City of Arvada.

Devices means bicycles, scooters, electrical assisted bicycles, electric scooters, and other small, wheeled vehicles designed specifically for shared-use and deployed by micromobility operators.

Director means the Director of Public Works or his or her designee.

Micromobility means a network or system of devices, placed in the public right-of-way and for rent in short time increments, that provides increased mobility options over short distances in urban areas.

Mobility as a Service Permit Program or Program means a pilot program allowing for the implementation and operation of micromobility within the city for a prescribed period of time.

Operator: a person or entity who offers devices to be used for micromobility.

Permit means a document issued by the Director to an operator that allows the operator to offer micromobility devices and services in the city.

Sec. 54-302. – Micromobility operator permit and pilot program.

To assist with the implementation and operation of micromobility within the City of Arvada, the director shall create the pilot “mobility as a service permit program.” The director shall establish a permit application process, and develop program criteria and requirements for micromobility operation within the city’s rights-of-way.

Sec. 54-303. – Rules and regulations.

- (a) The director may promulgate rules and regulations consistent with this chapter to govern the program, including, but not limited to, permitting obligations, the operation of devices, and rules necessary to enhance public safety.
- (b) All persons must comply with the rules and regulations adopted pursuant to this chapter.

Sec. 54-304. – Permit required.

No person or entity shall conduct or carry on the business of offering devices without first obtaining a permit from the director under this article.

Sec. 54-305. – Permit application.

- (a) An operator desiring a permit must submit a permit application to the director under the rules and regulations adopted pursuant to sec. 54-303 of this article, and must pay the fee(s) prescribed in sec. 54-306 of this article.

- (b) In accordance with the program criteria established under this article, the director is authorized to review, approve, and issue a micromobility permit to an operator who applies for a permit.

Sec. 54-306. – Permit fees.

- (c) An operator must pay the initial, maintenance, and renewal fees associated with a program permit as prescribed in the rules and regulations adopted pursuant to sec. 54-303 of this article.
- (d) Fees prescribed pursuant to this article are non-refundable.

Sec. 54-307. – Denial, suspension, or revocation of permits.

- (d) The director may deny an application for a permit under this chapter if the applicant fails to demonstrate that it meets all of the requirements for a permit as provided in the rules and regulations adopted pursuant to sec. 54-303.
- (e) The director may suspend or revoke a permit issued under this chapter if the operator fails to comply with the requirements of this chapter. A request for appeal must be provided in writing to the director no less than seven days after receiving the termination letter via certified mail. Any permit holder not satisfied with the director's decision may request a final appeal hearing with a hearing officer pursuant to Chapter 2, Article V, Division 3 of this code. Such hearing shall be set before the end of the 30 day decommissioning period set by Arvada in the original notice provided via certified mail. The decision made by the hearing officer is final.
- (f) Any operator whose permit is suspended or revoked must reclaim and remove their entire fleet of devices within 30 days of notice of suspension or revocation.

Sec. 54-308. – Expiration.

The director will file with the city manager no later than January 31, 2021, a report assessing the program for City Council's six month review. City Council may terminate the pilot program on February 7, 2022 or allow the pilot program to continue. The program described herein will operate as a pilot program through and including September 19, 2022 with the possibility of extending to December 31, 2022. Unless terminated by city council action prior to that date, the micromobility program will operate as a city program on the same terms set forth in this article beginning on January 1, 2023.

Secs. 54-309-320. – Reserved.

Shared Micromobility Pilot Program



INCREASING MOBILITY OPTIONS IN THE G-LINE CORRIDOR

PUBLIC WORKS: JOHN FIROUZI
CITY ATTORNEY'S OFFICE: EMILY GROGG

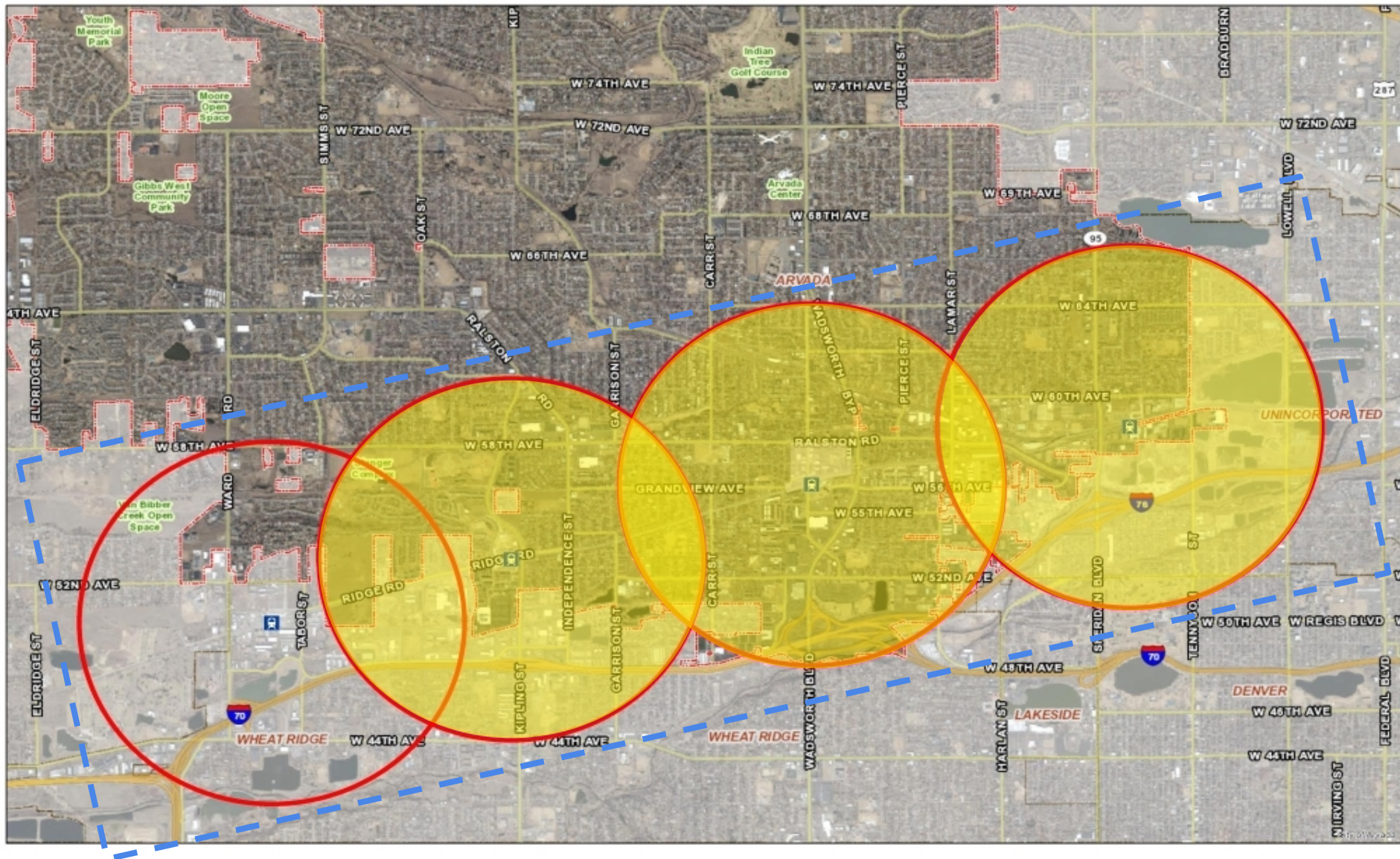


Outline



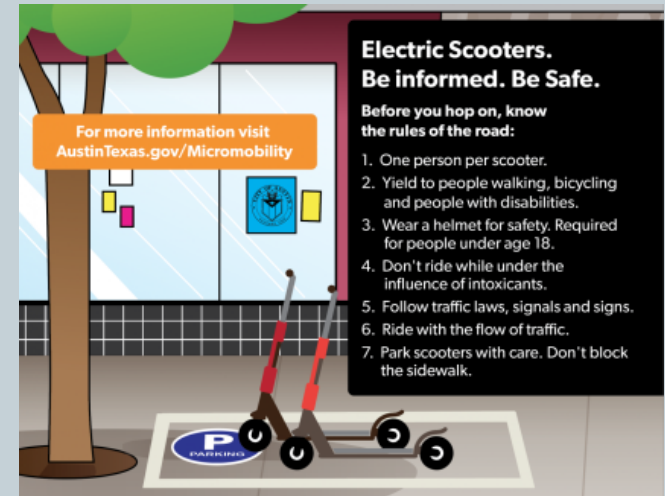
- Progress To Date
- Public Outreach Results
- Ordinance Language
- Pilot Program Details
- Questions and Discussion

First & Last Mile

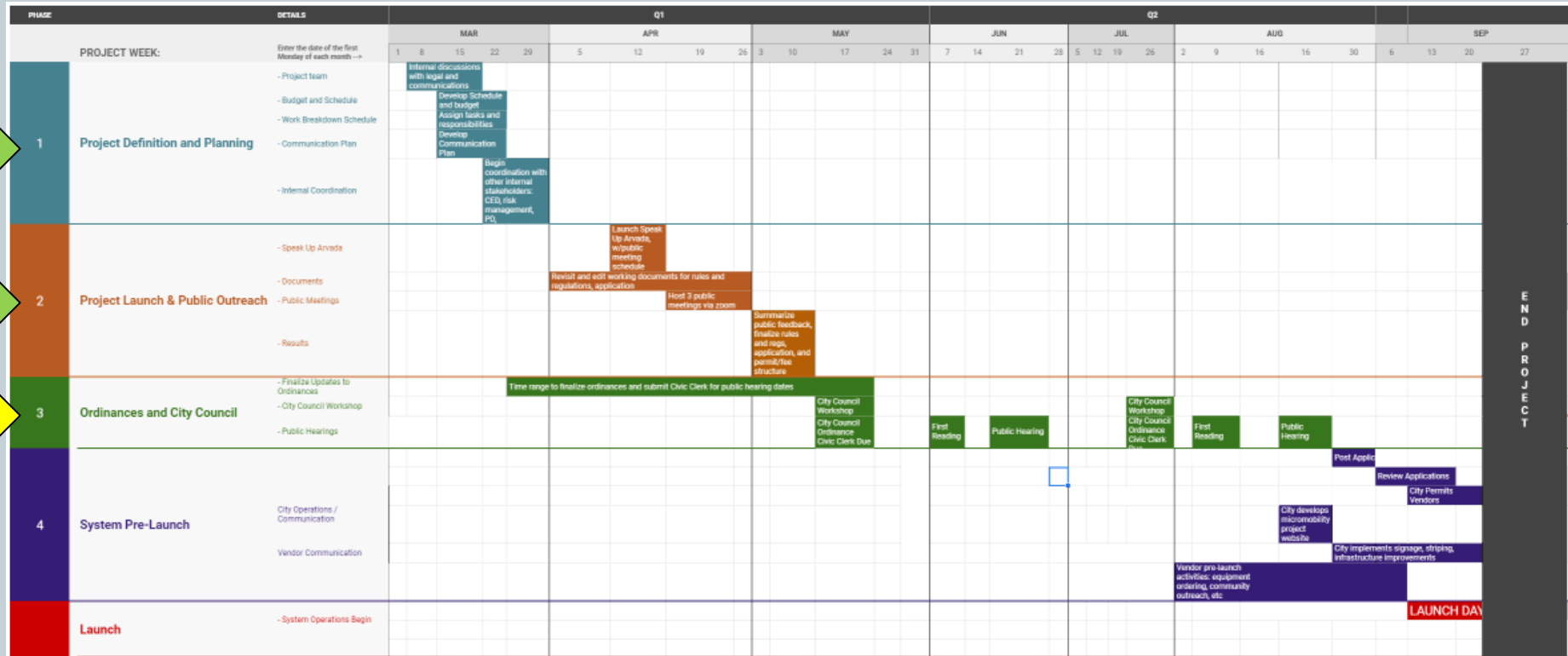


Micromobility-Process to Launch

- Three public engagement events
- Online survey for feedback
- Ordinance adoption, finalizing regulations and permit structure, approved by Council
- Micromobility Operator engagement
- Implementation of preferred parking zones
- Early fall launch of pilot program



Timeline



SpeakUp Survey & Public Outreach



- 4 Public Meetings, recording posted to SpeakUp;
- 201 Responses on SpeakUp survey;
- Most responses were from outside of project area;
- Mixed responses, with majority of respondents generally opposed.

Major Comments **For**: *Expand the project area and expand transportation options.*

Major Comments **Against**: *Sidewalks and parking will be an issue, and users will not follow laws.*

Ordinance Revisions and Additions



- Revised Model Traffic Code to allow traffic enforcement on electric scooters, electrical assisted bicycles, and EPAMDs.
- Ordinance Article draft created to give the Director of Public Works the authority to create a permit program and regulate micromobility companies through rules and regulations.
- Pilot Program
 - Limit # of devices (bikes and scooters) & companies for pilot project
 - Program will follow promulgated rules and regulations
- Launch one year pilot program (Sept 2021 - Sept 2022)
 - Monitor economy and data/usage, first review performance by Dec. 2021 and extend pilot through the end of 2022 with Council approval via City Manager.

Micromobility - Risks & Mitigation



Issue	Mitigation
Devices clustered in one area	Rules requiring operators to relocate devices after set amount of time
Devices improperly parked	Rules requiring operators to relocate devices if improperly parked.
Limited ability to control where devices parked	City creates dedicated parking zones
Company can end program and remove devices at any time	Communication and planning with local company representatives
New industry, rapidly changing	Permit structure can be applied to new devices or companies in the future
Need to manage limited space between drivers, buses, walking, bicycling, and scooting	Enhance specific corridors to improve comfort and safety for non-motorized transportation. Public outreach and communication to public for proper riding and parking behavior.

Rules and Regulations



- Responsibilities of Permittee
 - Safety
 - Service Area
 - Parking
 - Operations
 - Reporting
- Insurance and Indemnification
- Fees and Permit Schedule
- Application Process

Proposed Pilot Program



- September 13th: allow a limited number of companies to drop a pre-determined number of devices in the designated service area.
- January 31st: Public Works will provide the City Manager an initial report assessing the program up until that point.
- Council may determine to end the pilot program on February 7, 2022 if it is decided that micromobility is not successful.
- Pilot program extends to September 19th, 2022 for Council's second review of program
- If successful, the pilot program will extend to the end of 2022 where the annual permitting structure will open to all vendors on January 1, 2023.

Thank You



Questions?



REPORT TO CITY COUNCIL WORKSHOP

AGENDA ITEM
2.B.

TO: THE HONORABLE CITY COUNCIL

DATE: July 26, 2021

SUBJECT: Traffic Calming Pilot Projects Update

Report in Brief

The Mobility & Planning Innovations (MPI) Division of Arvada Public Works Dept. completed a corridor transportation study along W 57th Ave in 2020. The process included technical analysis (e.g. crash data analysis, speed studies, land-uses, etc.) as well as public outreach to develop a Traffic Calming strategy for a one-and-a-quarter mile corridor that has one (1) all-way stop controlled intersection between Olde Wadsworth Blvd and Independence Street. A presentation with the study results was provided to City Council in November 2020, wherein Council showed support for a traffic calming strategy along the W 57th Avenue corridor while also noting a need to study Grandview Avenue to avoid any unintended consequences to the parallel routes. In the past six months, the MPI team has conducted a similar corridor study on Grandview Avenue and would like to update City Council on a combined W 57th Avenue and Grandview Avenue Traffic Calming pilot project.

Background

The Citizen's Transportation Advisory Committee started to analyze parking at the G-Line stations starting in Spring 2019 (with the opening of the G-Line service). The Committee noticed higher than expected parking demand at the Olde Town Station as well as train cars with more bicycles than bike racks. The committee also studied fewer bus connections and a high number of pedestrians dropped off at the "kiss-and-ride" curb area. This resulted in a Committee discussion about "first and last mile" connectivity from Arvada neighborhoods to the G-Line Stations. The Committee evaluated the feasibility of an array of options, eventually landing on a two part solution: Shared Micromobility (for increased mobility options), and Traffic Calming (for increased safety). This multi-modal strategy fits the goals and policies identified in the transportation section of the long range Comprehensive Plan.

The Committee's recommendations were presented to City Council in January 2020 by Terri Binder, the Committee Chair. The strategy was then studied by the MPI Division and recommendations were developed and presented to City Council. This includes a pilot Traffic Calming project for a diverse corridor that would use modular speed management devices that can be removed, if not successful. West 57th Avenue was selected given the number of questions and concerns from the public, as well as the need to slow speeds in the Olde Town area, Arvada K-8 School/Park area, and near residential areas that connect with commercial development near Independence Street. The corridor project was posted to SpeakUp Arvada and residents were surveyed and included in developing a set of solutions to break up speeds along the one-and-a-quarter mile corridor. The results of the corridor study was presented to City Council in November 2020.

While City Council was supportive of the pilot project idea, the feedback included concerns about impacts to paralleling corridors. Specifically, the focus was on Grandview Avenue between Olde Wadsworth and Independence Street where many residential properties are impacted. Similar to W 57th Avenue, Grandview Avenue has a one-and-a-quarter mile length with one all-way stop controlled intersection. The MPI team initiated a similar project to W 57th Avenue to study Grandview Avenue corridor between January 2021 and June 2021. The results of the study is general support for modular speed management treatments, which will be presented to Council at the workshop.

Strategic Alignment

Discussion of the proposed Traffic Calming pilot project aligns with the Infrastructure Priority Area of the City Council Strategic Plan. Specifically, consideration of traffic calming as a "first and last mile solution" supports the following Principle within the Infrastructure Priority Area:

Provides safe and efficient connections to modes of transportation, including transit, streets, sidewalks, and bikeways with a focus on enhanced technology at high-priority intersections, improving safety, and minimizing traffic congestion.

Next Steps

After presenting information to City Council and providing an opportunity for questions and discussion, the City team will incorporate input to determine whether or not to initiate the pilot projects on W 57th Avenue and Grandview Avenue. If successful, the pilot projects will be kept in place until a future roadway resurfacing project designs permanent installations. If unsuccessful, the pilot projects will end and the roadways will be restored to the previous design.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

John Firouzi, Senior Transportation Planner	7/7/2021
Don Wick, Director of Public Works	7/8/2021
Bryan Archer, Director of Finance	7/12/2021
Gail Walker, Legal Specialist-Contracts	7/12/2021
Erika Pierce, Litigation Paralegal	7/13/2021
Rachel Morris, City Attorney	7/13/2021
Lorie Gillis, Deputy City Manager	7/13/2021
Mark Deven, City Manager	7/14/2021

Enclosure, exhibits & attachments required to support the report

Traffic Calming Pilot Projects

Public Works,
Mobility & Planning Innovations Division

John Firouzi, Division Manager



Overview

- Re-cap on Strategy
- W 57th Ave Pilot Project
- Grandview Ave Pilot Project
- Public Feedback
- Q & A



TRAFFIC CALMING

- 2019-2021
 - LQC strategy
 - Manage traffic speeds, evaluate compliance
 - Increase safety and comfort for pedestrians and cyclists
 - Build on spot improvements to corridor pilot projects
 - Prepare for Traffic Calming Program



W 57TH AVE

W 57th Corridor Study



Options for Traffic Calming

CURB EXTENSIONS



DEFINITION

- » Extension of the sidewalk into the street at intersections or mid-block

BENEFITS

- » Reduces crossing distance for pedestrians
- » Increases visibility for pedestrians
- » Slows turning vehicle speeds

Source: ITE Traffic Calming Fact Sheets. Corner Extension/Bulbout. May 2018.



SPEED CUSHIONS



DEFINITION

- » Two or more raised areas of pavement surface placed across roadway
- » Gaps between speed cushions allow emergency vehicles to navigate without deflection

BENEFITS

- » Lowers motorist speeds

Source: ITE Traffic Calming Fact Sheets. Speed Cushion. May 2018.



RAISED CROSSING



DEFINITION

- » Crossing with raised walkway closer to sidewalk level
- » May be used mid-block or at intersections

BENEFITS

- » Slows motorist speeds
- » Increases yielding

Source: ITE Traffic Calming Fact Sheets. Raised Crosswalk. May 2018.



TRAFFIC CIRCLE



DEFINITION

- » Raised circular median placed in intersection on neighborhood streets
- » Approaching traffic yields to circulating traffic

BENEFITS

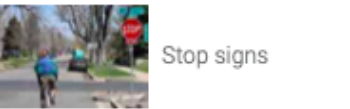
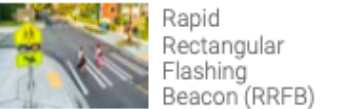
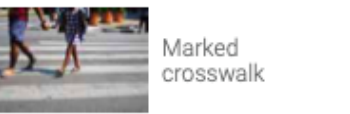
- » Lowers motorist speeds
- » Mitigates right-angle crashes

Source: ITE Traffic Calming Fact Sheets. Traffic Circle. May 2018.



CROSSING IMPROVEMENT

Additional crossing treatments



Marked crosswalk

Rapid Rectangular Flashing Beacon (RRFB)

Stop signs

Bike box

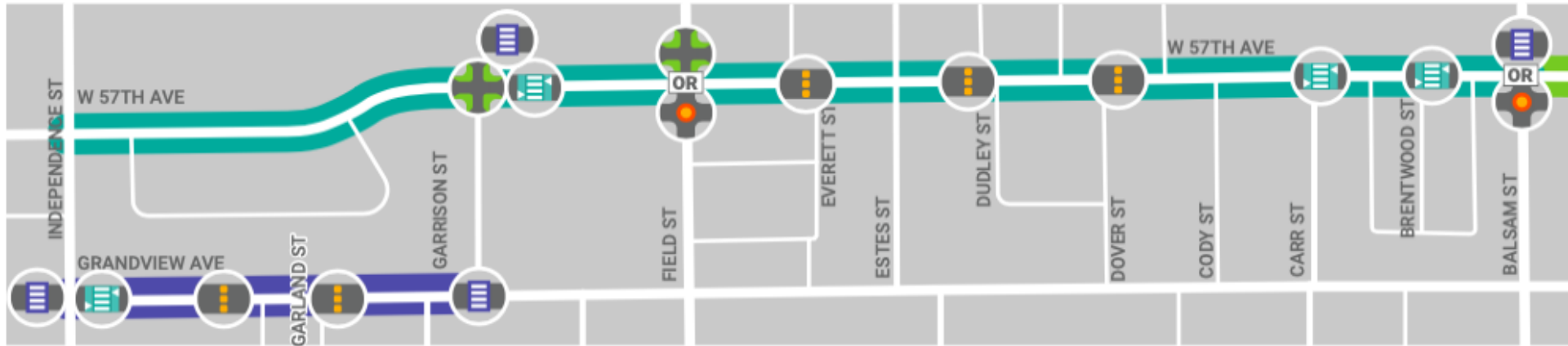
Two-stage bicycle turn box

Bicycle detection

Preferred Alternative

Bike Focused Traffic Calming

- Install Combination of Speed Management Treatments
- Reduce speed limit from 30 to 25 on W 57th, west of Balsam St
- All Treatments are Modular
- Include Grandview from Garrison to Independence (Van Bibber Connection)



Example

Project Buildout

W 57th Recommendations

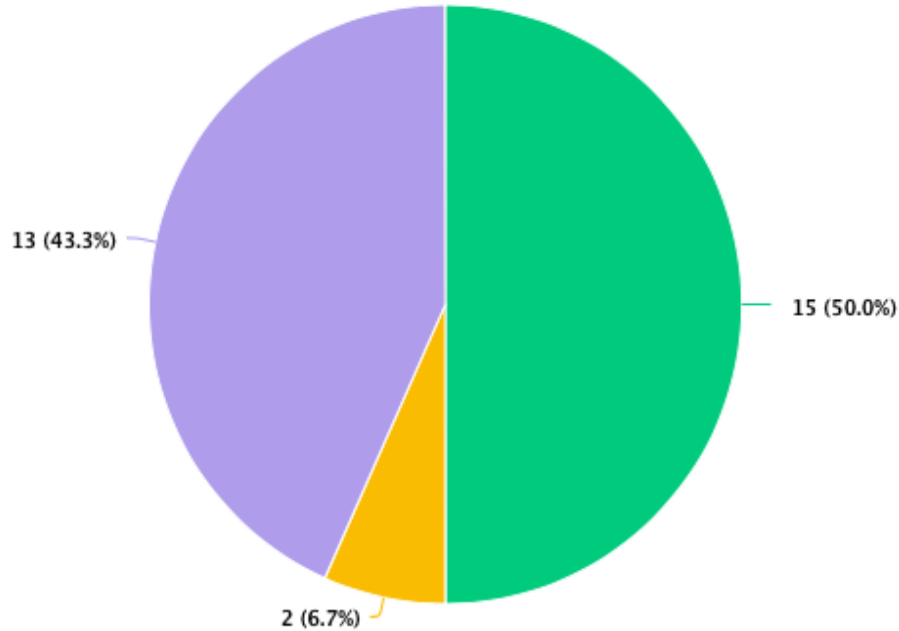
- Snapshot of section between Carr St and Balsam St
- Separated bike lanes in both directions
- Protected crosswalks at entrance to the park and school



Survey Results: Traffic Calming

Speaker: Adam

Q5 Do you support Option A which recommends several traffic calming devices along the entire corridor?



Question options

(Click items to hide)

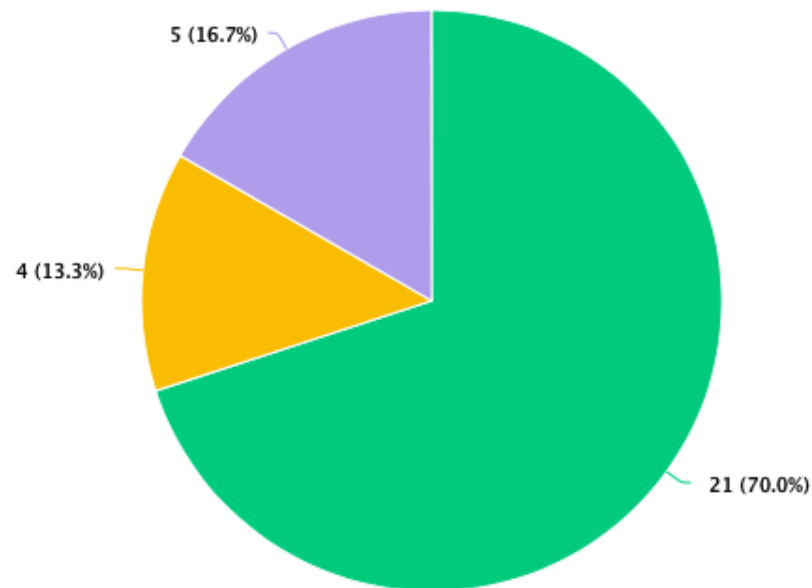
- Yes, I support the traffic calming option as presented
- No, I don't support traffic calming on this corridor
- Somewhat, but not entirely as presented (tell us more below)

Survey Results: Grandview Avenue Trail

Speaker: Adam

Q6

This question is about Grandview Ave from Independence St to Garrison St. Do you support Option B which includes traffic calming + widening the existing sidewalk to a 8'+ trail that would connect to the Van Bibber Creek Trail? This proposal would repurpose the parking lane on the south side of the street for the new trail.



Question options

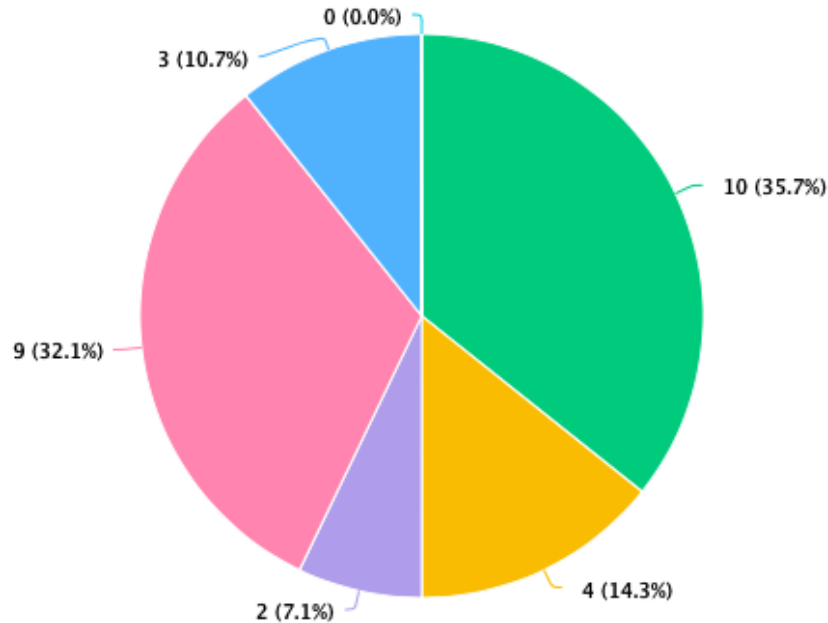
(Click items to hide)

- Yes, I support Option B as presented
- No, I don't support Option B as presented
- Somewhat, but it needs some changes (tell us more)

Survey Results: Intersection Priority

Speaker: Adam

Q12 Which intersection do you think should be prioritized first for improvements?



Question options

(Click items to hide)

- W 57th and Yukon St
- W 57th and Yarrow St
- W 57th and Allison St
- W 57th and Balsam St
- Other (please specify)
- W 57th and Field St

GRANDVIEW AVE

- Focused on residents along the corridor
- Conducted traffic analysis
- Requested feedback from residents related to speed management



Department of Public Works
8101 Ralston Road
Arvada, CO 80002

You are invited to a virtual public meeting!

The City of Arvada is hosting a public meeting to discuss potential solutions to speeding along Grandview Avenue between Independence Street and Olde Wadsworth Boulevard.

ARVADA RESIDENT

GRANDVIEW AVE

Data Collection and Analysis

Speed and Volume Studies

Speed Study Locations



GRANDVIEW AVE

Data Collection and Analysis

Speed and Volume Studies

Grandview Avenue Speed Study Summary					
Location	Dates	Eastbound 85th % Speed	Westbound 85th % Speed	Combined 85th % Speed	Average Daily Traffic
(1) 9429 Grandview Ave	9/15/20-9/17/20	36.9 mph	33.8 mph	34.8 mph	2840
(2) Grandview Ave and Flower St	11/30/20-12/4/20	34.4 mph	38.2 mph	36.8 mph	2631
(3) Grandview Ave and Everett St	11/30/20-12/4/20	39.8 mph	31 mph	37.5 mph	2764
(4) Grandview Ave and Cody St	12/7/20-12/11/20	35.9 mph	34.3 mph	34.8 mph	2750
(5) Grandview Ave and Balsam St	11/30/20-12/4/20	25.8 mph	37.7 mph	34.5 mph	2631
(6) Grandview Ave and Yarrow St	11/30/20-12/4/20	28.3 mph	28.6 mph	28.5 mph	2212
(7) Grandview Ave and Yukon St	5/5/20-5/7/20	19.8 mph	18.5 mph	19.1 mph	2357

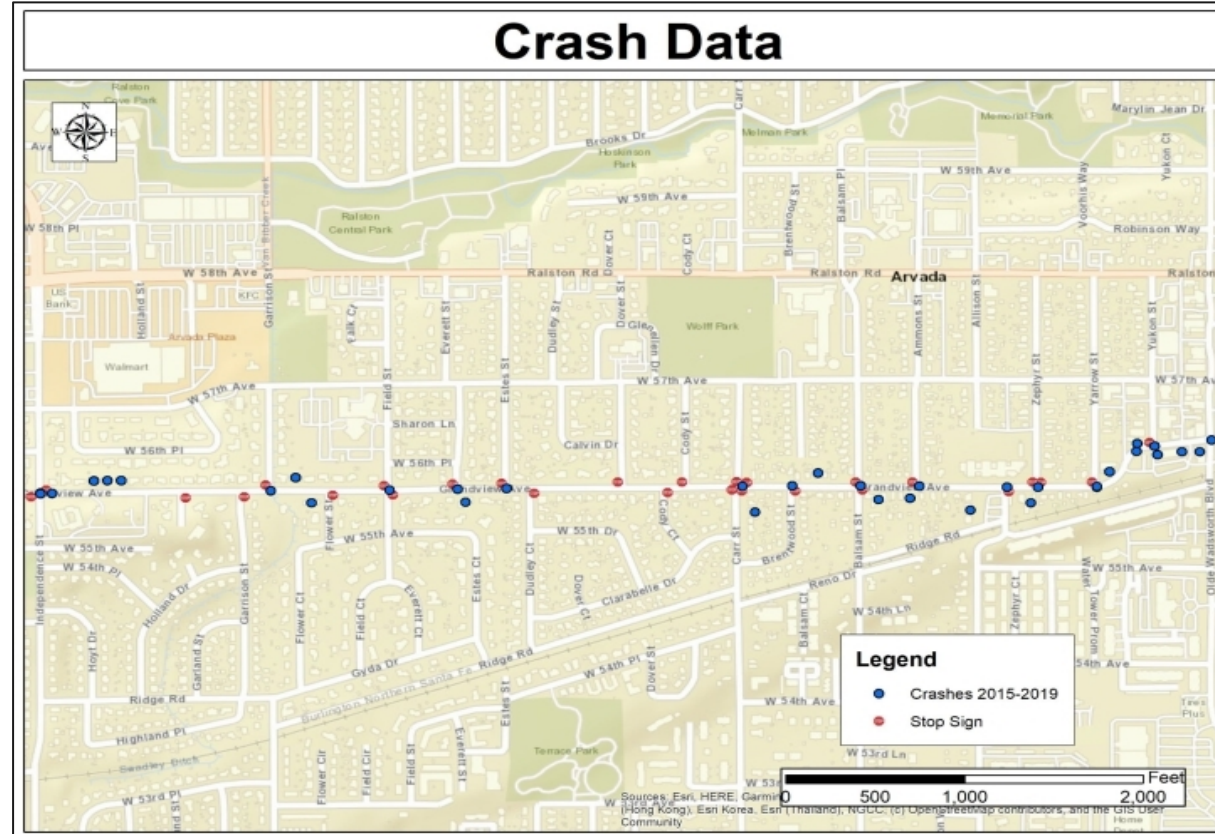
GRANDVIEW AVE

Data Collection and Analysis

Crash Data: 2015-2019

- 77 crashes between 2015 and 2019
- One pedestrian and two bicycle crashes

Year	Crashes
2015	11
2016	17
2017	17
2018	17
2019 (through September)	15



Survey Results:

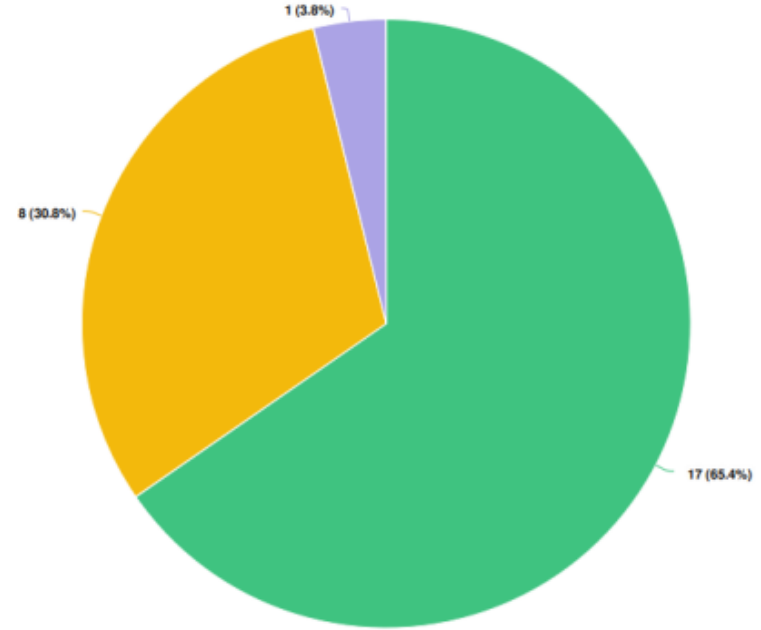


Is speeding an issue on
Grandview?

65% = Yes

31% = No

4% = Not Sure



Question options

Yes No Not sure

Survey Results:

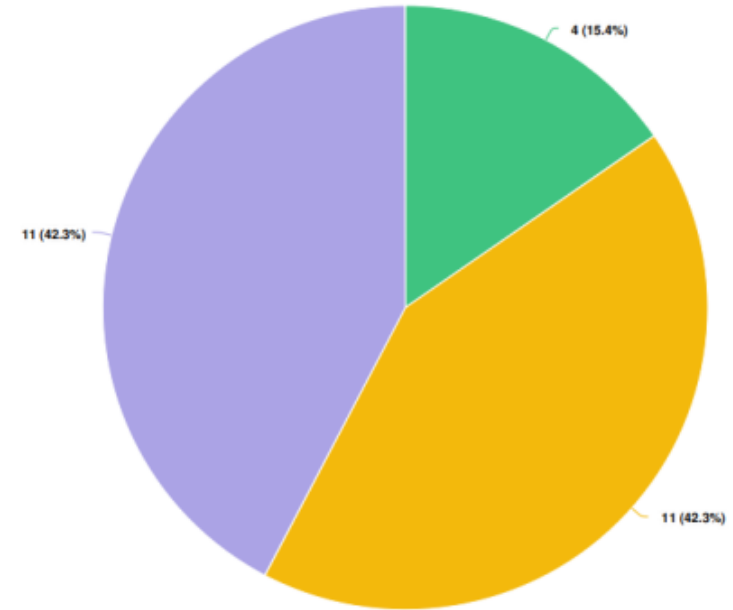


Based on the presentation,
do you have a preference for
speed humps or speed
cushions?

42% = Speed Cushions

15% = Speed Humps

42% = Other Option



Question options

● Speed humps ● Speed cushions ● I don't like either option

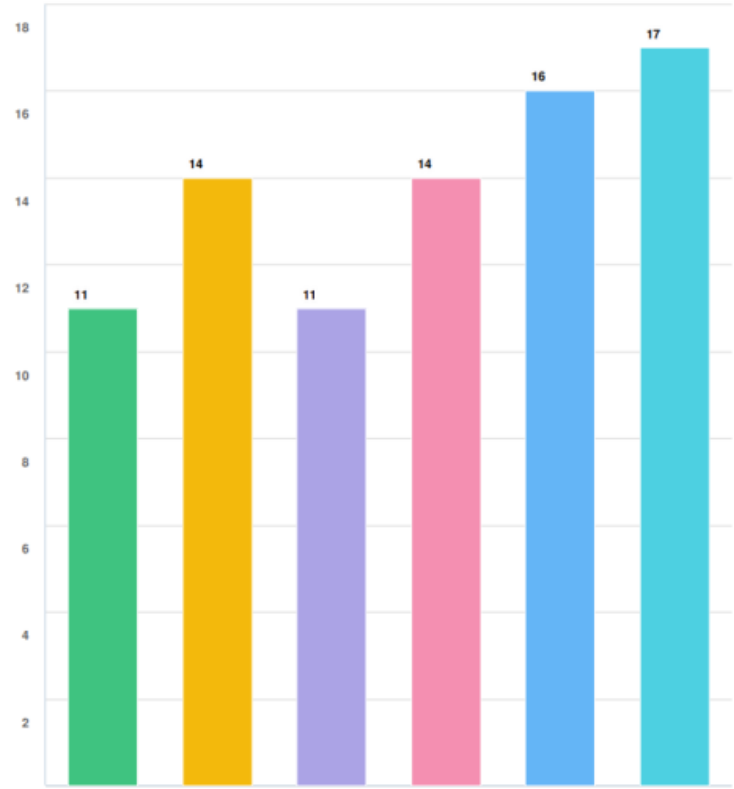
Survey Results:



Identify the nearest intersection for speed humps/cushions:

1. Grandview/Balsam
2. Grandview/Dover
3. Grandview/Everett
4. Grandview/Garrison

Q10 The long term plan proposes six locations for speed humps/cushions. Please check the box for the locations you support. Check all that apply.



Question options

1. Grandview Ave/Independence St 2. Grandview Ave/Garrison St 3. Grandview Ave/Flower St
4. Grandview Ave/Everett St 5. Grandview Ave/Dover St 6. Grandview Ave/Balsam St

GRANDVIEW AVE + W 57TH AVE





Implementation: Funding and Phasing

- \$150,000 total programmed in FY 21 & FY 22 (Fund 91567)
- Test modular devices, collect and analyze data, feedback from public

If successful, permanent improvements would be implemented through roadway reconstruction/resurfacing projects.

If unsuccessful, speed management devices would be modified/removed.



REPORT TO CITY COUNCIL

AGENDA ITEM
2.C.

TO: THE HONORABLE CITY COUNCIL

DATE: July 26, 2021

SUBJECT: Staff Updates

Report in Brief

The purpose of this workshop is for staff to provide City Council with brief updates on projects and issues that do not require a full workshop.

Prepared by:
Chris Koch, CCO Admin

Reviewed by:

Approved by:

Enclosure, exhibits & attachments required to support the report