

**CITY OF BOULDER
TRANSPORTATION ADVISORY BOARD
AGENDA ITEM**

MEETING DATE: October 13, 2014

AGENDA TITLE: Public hearing and consideration on a recommendation to City Council regarding an ordinance to remove the sunset provision to Ordinance 7491 allowing electric assisted bicycles on certain hard surfaced multi-use paths.

PRESENTER/S:

Tracy Winfree, Director of Public Works for Transportation
Michael Gardner-Sweeney, Transportation Planning and Operations Coordinator
Bill Cowern, Transportation Operations Engineer
Kathleen Bracke, GO Boulder Manager
Marni Ratzel, Senior Transportation Planner

EXECUTIVE SUMMARY:

This memo shares the draft memorandum for the October 21, 2014 City Council agenda item regarding a proposed ordinance to remove the sunset provision to Ordinance 7491 allowing electric assisted bicycles (e-bike) on certain hard surfaced multi-use paths, excluding paths on Open Space and Mountain Parks managed lands. In Feb, 2014, the city began a pilot project to allow e-bike use and evaluate multi-use path user behavior to determine whether these vehicles can co-exist with current users on multi-use paths. The evaluation conducted during the pilot project included both quantitative and qualitative measures.

STAFF RECOMMENDATION

Based on the technical evaluation and community input detailed in the Council memo, staff recommends that e-bike use be continued as allowed today and that Ordinance 7941 be amended to remove the sunset provision.

TAB ACTION

Staff requests TAB consideration of the staff recommendation and action in the form a motion on a recommendation to City Council regarding the ordinance to remove the sunset provision to Ordinance 7491 allowing electric assisted bicycles on certain hard surfaced multi-use paths, excluding multi-use paths on Open Space and Mountain Park managed lands.

NEXT STEPS:

Based on the input from the TAB, the Transportation Division will develop a staff recommendation for Council consideration.

On Tuesday, Oct 21, 2014, the proposed ordinance will be introduced for a first reading for Council consideration on. On Tuesday, Nov. 18, 2014, the City Council will convene a public hearing on a second reading and consideration of a motion an ordinance to remove the sunset provision to Ordinance 7491.

Agenda packets for Council Meetings are posted by 3:30 p.m. on the Friday prior to each council meeting. Materials may be viewed at:

<https://bouldercolorado.gov/city-council/city-council-meetings>

ATTACHMENTS:

Attachment A: Draft of October 21, 2014 City Council Memo



**CITY OF BOULDER
CITY COUNCIL AGENDA ITEM**

MEETING DATE: OCTOBER 21, 2014

AGENDA TITLE: Introduction, first reading and consideration of a motion to order published by title only an ordinance to remove the sunset provision to Ordinance 7491.

PRESENTER/S

Jane S. Brautigam, City Manager
Maureen Rait, Executive Director of Public Works
Tracy Winfree, Director of Public Works for Transportation
Michael Gardner-Sweeney, Transportation Planning and Operations Coordinator
Kathleen Bracke, GO Boulder Program Manager
Jeff Haley, Parks Planner, Parks and Recreation Department
Jim Reeder, Land and Facilities Division Manager, Open Space and Mountain Parks
Kurt Weiler, Traffic Commander, Boulder Police Department
Molly Winter, Executive Director of Downtown, University Hill and Parking Services
Marni Ratzel, Senior Transportation Planner

EXECUTIVE SUMMARY

On Feb. 7, 2014 the city began a pilot project to allow and test electric-assist bicycle (e-bike) use on hard-surface multi-use paths, not including paths on Open Space and Mountain Park (OSMP) lands. The pilot project was authorized by an ordinance adopted by council in November 2013 that established a pilot project sunset date of Dec. 31, 2014.

An evaluation of multi-use path users during the pilot project showed that e-bikes make up a very small proportion of path users. During a seven-hour multi-use path observation, 1000 bikes were counted and only three (of the 1000) were e-bikes.

Accordingly, there have been no reported traffic collisions or close calls involving e-bikes. In addition, intercept surveys of other path users show the majority of path users have interacted with e-bikes and support their use on multi-use paths.

This qualitative and quantitative data suggests that e-bikes can co-exist with current users on multi-use paths. This item introduces an ordinance to remove the sunset provision of

Ordinance 7491 allowing e-bikes on certain multi-use paths, excluding paths on OSMP-managed lands.

The draft ordinance is included as **Attachment A**. It enables the City Manager, under rulemaking authority, to regulate the hard-surface paths where a person may activate the electric assist motor of an e-bike. The current regulation establishes a [Map of Multi-Use Paths That Allow E-Bike Use](#) until Dec. 31, 2014. A new rule to remove the sunset date would be published approximately 30 days after council approval of the ordinance and enacted approximately two weeks thereafter, on or about Jan. 2, 2015.

Consistent with the current ordinance, the new ordinance would not include use on facilities that are pedestrian-only or intended to preserve the natural environment. Specifically, the proposed ordinance states that e-bike use would continue to be prohibited on sidewalks and paths and soft-surface trails in the OSMP system surrounding Boulder.

STAFF RECOMMENDATION

Based on the technical evaluation and community input detailed in subsequent sections of this memo, staff recommends that e-bike use be continued as allowed today and that Ordinance 7941 be amended to remove the sunset provision.

Suggested Motion Language:

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to introduce and order published by title only an ordinance removing the sunset provision of Ordinance 7941.

COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- **Economic:** Bicyclists tend to shop local and invest in the local economy. A local survey estimates the direct economic benefit of the bicycling industry in Boulder to be \$52 million in 2010. E-bikes support local trips to shopping, employment for people of all ages and abilities.
- **Environmental:** E-bikes are an efficient zero emission transportation option, reducing green house gas and vehicle miles traveled. An estimated 40 percent of all car trips are less than two miles away. Reducing the number of trips made by cars reduces congestion and frees up road space for essential motor vehicle trips. E-bikes expand the distance a bicyclist is willing and able to ride, which increases the potential to shift single occupant vehicle trips to e-bike trips.

- **Social:** Allowing the use of e-bikes on multi-use paths supports a complete transportation system. E-bikes expand modal choice and helps aging generations stay active and healthy. It is an active transportation mode that addresses health problems related to sedentary behavior.

OTHER IMPACTS

- Fiscal – There are no budgetary impacts associated with this work.
- Staff time – No additional staffing or staff time is expected as a result of these proposed changes.

BOARD AND COMMISSION FEEDBACK

On Oct. 13, 2014, the Transportation Advisory Board (TAB) held a public hearing to consider the staff recommendation on removing the sunset provision and to continue to allow electric assist bicycle use on certain multi-use paths excluding paths on OSMP-managed land.

Other affected boards include the Downtown Management Commission (DMC), Open Space Board of Trustees, OSBT, University Hill Commercial Area Management Commission (UHMC), and Parks and Recreation Advisory Board (PRAB). These boards received the TAB packet materials for this item as an information item in advance of the City Council meeting.

PUBLIC FEEDBACK

The public engagement process that preceded the board and council consideration of the pilot project option was extensive. Throughout the pilot project, InspireBoulder offered a forum for community input and dialog.

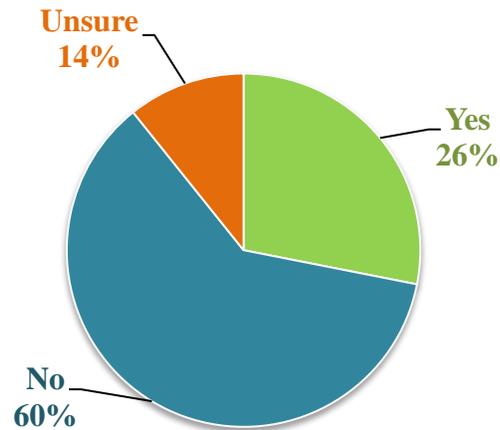
Stakeholders from that process who expressed interest in updates about the city's policy regarding the use of e-bikes have been informed of the staff recommendation, the TAB and council meeting schedule to consider the proposed ordinance and links to the TAB and council materials.

An intercept survey of multi-use path users was conducted the week of Sept. 6, 2014. Four locations along the paths were selected to intercept path users: Boulder Creek multi-use path at Boulder High School; Elmer's Two Mile Creek multi-use path at Goose Creek multi-use path; Arapahoe multi-use path at 48th Street/Boulder Community Health; and South Boulder Creek path south of Baseline Road.

A total of 126 respondents answered two questions about e-bikes included on the survey. These questions and a breakdown of responses are detailed below.

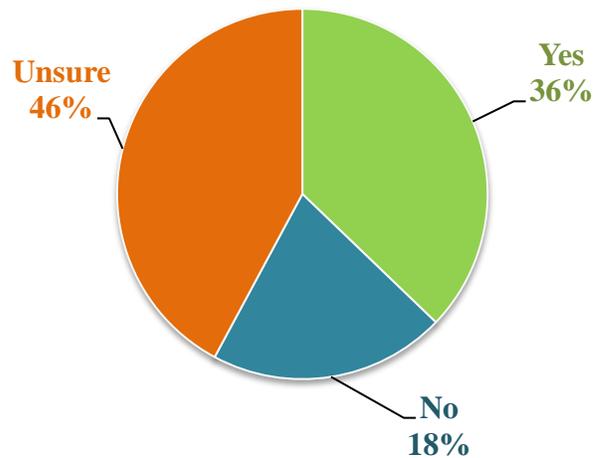
• **Have you encountered an electric-assist bicycle on multi-use paths in Boulder?**

- Yes: 34
- No: 74
- Unsure: 13



• **Do you support the use of electric-assist bicycles on Boulder’s multi-use paths?**

- Yes: 45
- No: 25
- Unsure: 51



XX community members also attended the Transportation Advisory Board public hearing on Oct. 13, 2014, to provide testimony during the public hearing.

BACKGROUND

Achieving an increase in bicycle mode share from 10 to 15 percent by 2020 and ultimately to 30 percent by 2035 is an objective of the updated Transportation Master Plan (TMP). In support of this objective, the city is focusing efforts on attracting and better accommodating “Interested but Concerned Cyclists” and in particular increasing trips by older adults, women and families with young children – accommodating bicyclists from 8-80 years old. Engineering improvements coupled with strategies to encourage, educate, enforce, and evaluate bicycling are the five “E’s” that comprise a comprehensive approach to increasing bike mode share.

As part of the 2014 TMP update, the city introduced a Living Laboratory to test a variety of new bicycle facilities and programs and evaluate their long-term application in Boulder. The Living Lab bicycle pilot projects include innovative treatments that offer

the opportunity to experiment with enhancements to the existing system that aim to encourage use by all types of riders for a variety of trip purposes.

In February 2014, the city began a pilot program to test use of e-bikes on certain hard surfaced multi-use paths, not including paths on OSMP lands or sidewalks (except those designated as multi-use paths). Staff conducted a qualitative and quantitative evaluation of the e-bike pilot project.

ANALYSIS

In order to assess whether the use of e-bikes as an alternate mode of transportation is safe, prudent, and in the best interest of all users of the city's hard-surfaced, multi-use path system, city staff evaluated the factors and data on an ongoing basis. Since the inception of the pilot project the findings are as follows:

1. There have been no reported traffic collisions involving e-bikes occurring on hard-surfaced, multi-use paths;
2. There have been no reported close call incidents involving e-bikes occurring on hard-surfaced, multi-use paths;
3. There have been no reported or observed unsafe behavior including speeding and/or other safety concerns along the hard-surfaced, multi-use path system by various users including e-bikes, regular bicyclists, pedestrians and other users;
4. There has not been the need for Boulder Police officers to enforce activities along the hard-surfaced, multi-use path system and there have not been any warnings or citations issued involving e-bikes.

Regarding item 4, enforcement efforts were only to be considered if a problem location was identified.

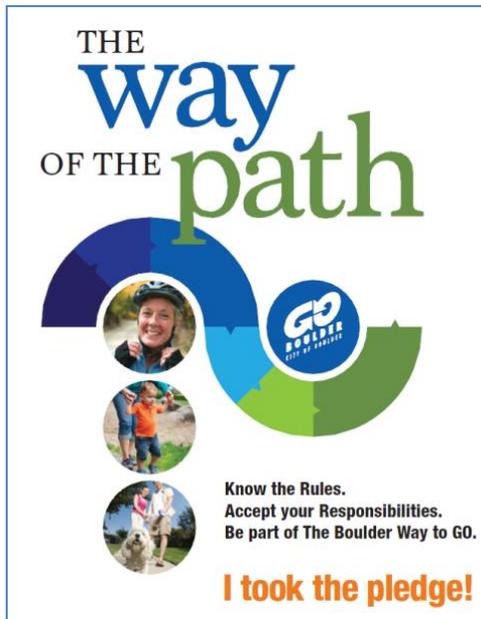
Fieldwork conducted in August 2014 and key findings indicate that allowing e-bikes to ride on multi-use paths has not resulted in large numbers of e-bikes using the trail system and 82 percent of all bicycles (e-bikes and "regular" bikes) are traveling at or below the posted 15 mph speed limit on multi-use paths.

Key findings from approximately 7 hours and 1000 bicycles observed at four multi-use path locations included the following:

- Three e-bikes were observed (out of 1000 bikes);
- 82 percent of cyclists were traveling at or below the 15MPH speed limit
- Less than 1 percent of cyclists experienced near-miss conflicts during observations;
- 67 percent of all cyclists observed were male;
- 33 percent of all cyclists observed were female;
- 10 percent of cyclists observed wore a "full lycra cycling kit;" and

- 7 percent of cyclists observed were children.

The city launched the “Way of the Path” courtesy campaign this fall with emphasis during the Back to School timeframe to encourage safe behaviors for all path users. This campaign is part of the community outreach initiated with the e-bikes pilot program as part of the Living Lab, though it is designed to be universal in communicating the safety and etiquette messages. The Way of the Path campaign features messaging on a series of eight rules designed to encourage proper etiquette and safety for all path users. It is supported by a project web page and social media as well as a team of Bicycle Ambassadors.



In partnership with Community Cycles, Bicycle Ambassadors staffed a table at the Wednesday Farmer’s Market and at spot locations along the multi-use paths throughout September to raise awareness on the rules and engage community members asking them to pledge their commitment to make our paths more safe and enjoyable. They receive weekly blog posts and surveys on the rules of the path. As of the 5th week of the campaign, more than 300 people have pledged to follow the Way of the Path, several of whom are completing weekly surveys to share their perspective and experience as path users.

Some highlights from the surveys so far include:

- More than 80 percent of respondents knew the 15 mph speed limit on Boulder's multi-use paths; and
- The top three reasons for using Boulder's multi-use paths were recreational / social, exercise, and shopping/errands.

This campaign will continue on an on-going basis through 2014-2015 regardless of whether the e-bike use on multi-use paths continues or not.

PROPOSED ORDINANCE REVISION

The City Attorney’s Office has drafted a proposed ordinance for City Council

It's your move.

Whether on foot or wheels, we all play a part to make the path an enjoyable place for everyone. Be the Way of the Path by knowing the rules, accepting responsibility and being part of the Boulder way to GO.

- ▶ Keep right. Pass Left.
- ▶ Tell 'em you're passing.
- ▶ 15 mph speed limit.
- ▶ Use a light at night.
- ▶ Leash your dog. Scoop the poop.
- ▶ Be predictable and visible.
- ▶ Be aware and courteous.
- ▶ E-bikes allowed.

Sign in for prize giveaways at goboulder.net

consideration to remove the sunset provision (Section 8) of Ordinance 7491 to allow e-bike use on hard-surface, multi-use paths indefinitely, excluding paths on OSMP. This is included as **Attachment A**, while Ordinance 7941 is provided in **Attachment B**.

Based on the pilot project technical analysis and community feedback, staff recommends that use of e-bikes on the hard surface multiuse paths is working and recommends the removal of the sunset date provision of Dec. 31, 2014 to allow e-bikes on certain multi-use paths.

NEXT STEPS

If the proposed ordinance to remove the sunset provision is approved by City Council, staff will proceed with amending the current rule to allow e-bike use accordingly.

For more information regarding e-bikes, please see the city's webpage and links from www.GOBoulder.net

ATTACHMENTS

Attachment A Ordinance XXX

Attachment B Ordinance 7491

ORDINANCE NO. ____

AN ORDINANCE REMOVING THE SUNSET PROVISION OF
ORDINANCE 7941; AND SETTING FORTH RELATED
DETAILS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
COLORADO:

Section 1. The first sentence of Section 8 of Ordinance 7941 is repealed. This sentence provided that Ordinance 7941 would no longer be effective after December 31, 2014. All other provisions of Ordinance 7941 shall remain in full force and effect including the remaining provisions of Section 8.

Section 2. This ordinance is necessary to protect the public health, safety, and welfare of the residents of the city, and covers matters of local concern.

Section 3. The City Council deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available in the office of the city clerk for public inspection and acquisition.

INTRODUCED, READ ON FIRST READING, AND ORDERED PUBLISHED BY
TITLE ONLY this ____ day of _____, 2014.

Mayor

Attest:

City Clerk

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READ ON SECOND READING, PASSED, ADOPTED, AND ORDERED
PUBLISHED BY TITLE ONLY this ____ day of _____, 2014.

Mayor

Attest:

City Clerk

ORDINANCE NO. 7941

AN ORDINANCE CREATING A PILOT PROJECT ALLOWING ELECTRIC ASSISTED BICYCLES ON CERTAIN HARD-SURFACED, MULTI-USE PATHS BUT EXCLUDING THOSE ON OPEN SPACE AND MOUNTAIN PARK PROPERTY BY AMENDING DEFINITIONS IN SECTIONS 1-2-1 AND 7-1-1; AMENDING SECTIONS 7-4-16, 7-5-5, AND 7-5-9 TO SPECIFY SAFETY STANDARDS THAT WILL APPLY TO ELECTRIC ASSISTED BICYCLES; ADDING A NEW SECTION 7-5-26 AUTHORIZING ELECTRIC ASSISTED BICYCLES WHERE PERMITTED BY A RULE ADOPTED BY THE CITY MANAGER; ESTABLISHING A SUNSET DATE OF DECEMBER 31, 2014; AND SETTING FORTH RELATED DETAILS.

WHEREAS, THE CITY COUNCIL OF THE CITY OF BOULDER, COLORADO, FINDS AND RECITES THE FOLLOWING:

- A. The 2013 Transportation Master Plan (TMP) update builds on a strong foundation of success through policy refinement, using a collaborative approach and addressing the current and future transportation needs of the community while integrating with the city's broader sustainability planning initiatives.
- B. As part of the TMP update, the Transportation Division is introducing new strategies to increase bicycle and pedestrian mode share. It includes a "Complete Streets Bike and Pedestrian Living Laboratory" that provide test facilities and pilot programs to better understand the community's transportation choices and identify potential opportunities, barriers, and ultimately strategies to encourage more people to walk and bike.
- C. The purpose of this ordinance is to establish a one-year electric assisted bicycle demonstration Pilot Project (the "Pilot Project"), which would allow and test use of electric assisted bicycles on off-street, hard-surfaced, multi-use path system within the City of Boulder limits.

- 1 D. The Pilot Project is focused on the urban service area where there is a network of hard-
2 surfaced, off-street, multi-use paths maintained to a transportation standard.
- 3 E. The Pilot Project would not include use on facilities that are pedestrian only or intended
4 to preserve the natural environment. Specifically, electric assisted bicycle use would
5 continue to be prohibited on sidewalks and on the Open Space and Mountain Park
6 (OSMP) trail system surrounding Boulder.
- 7 F. The Pilot Project will evaluate behavior of electric assisted bicycle users to determine
8 whether these vehicles can co-exist with current uses on these multi-use paths.
- 9 G. The Pilot Project is part of a Living Laboratory being implemented to introduce new
10 strategies to increase bicycle mode share and encourage more people to complete trips by
11 bicycle.
- 12 H. The city's ordinances do not permit any self-propelled vehicle to be driven on any paths.
- 13 I. In order to provide assurance that the use of electric assisted bicycles as an alternate
14 mode of transportation contemplated by this program is safe, prudent, and in the best
15 interest of all users of the city's hard-surfaced, multi-use path system, city staff will
16 evaluate the following factors and data on an ongoing basis:
- 17
- 18 1. The number of reported traffic collisions involving electric assisted bicycles
19 occurring on hard-surfaced, multi-use paths that result in severe injury or fatality;
 - 20 2. The number of reported close call incidents involving electric assisted bicycles
21 occurring on hard-surfaced, multi-use paths;
 - 22 3. Reported and observed unsafe behavior including speeding and other safety concerns
23 along the hard-surfaced, multi-use path system by various users including electric
24 assisted bicyclists, regular bicyclists, pedestrians and other users;
 - 25

1 4. The time spent by Boulder Police officers conducting enforcement activities along the
2 hard-surfaced, multi-use path system and the number of warnings and citations issued
3 involving electric assisted bicycles.

4 J. The greater Boulder community and affected Advisory Boards considered options and
5 provided input to guide a staff recommendation on the Pilot Project.

6 K. On September 23, 2013, the Transportation Advisory Board held a public hearing to
7 consider the staff recommendation on the Pilot Project and make a formal
8 recommendation to City Council.

9 L. This program will sunset and be of no further force and effect after December 31, 2014,
10 unless extended by affirmative council action.

11 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOULDER,
12 COLORADO:

13
14 Section 1. Section 1-2-1, B.R.C. 1981, is amended to read:

15 **1-2-1 Definitions.**

16 . . .

17 "Motor vehicle" means any self-propelled vehicle other than a moped, electric assisted bicycle or
18 motorized wheelchair.

19 Section 2. Section 7-1-1, B.R.C. 1981, is amended to read:

20 **7-1-1 Definitions.**

21 . . .

22 "Electric assisted bicycle" means a ~~bicyele-vehicle having two tandem wheels or two parallel~~
23 ~~wheels and one forward wheel, fully operable pedals, an with-a-battery powered~~ electric motor
24 ~~not exceeding with-a-capacity-of-no-more-than-fourseven~~ hundred-fifty watts ~~of continuous input~~
25 power rating, ~~which assists the person pedaling and which is not capable of propelling the~~
~~bicyele~~ and ~~a top motor-powered speed of rider at more than~~ twenty miles per hour ~~on level~~
~~pavement.~~

1 "Motor vehicle" means any self-propelled vehicle other than a moped, electric assisted bicycle or
2 motorized wheelchair.

3 Section 3. Section 7-4-16, B.R.C. 1981, is amended to read:

4 **7-4-16 Yield Required Before Entering or Leaving Street.**

- 5 (a) A driver entering a street at any place other than an intersection shall yield the right-of-
6 way to any pedestrian or bicycle approaching on a sidewalk or path, to any electric
7 assisted bicycle approaching on a multi-use path where such vehicles are permitted, and
8 to any vehicle approaching on a roadway of the street.
- 9 (b) A driver leaving a street at any place other than an intersection shall yield the right-of-
10 way to any pedestrian or bicycle approaching on a sidewalk or path, and to any electric
11 assisted bicycle approaching in a multi-use path where such vehicles are permitted.

12 Section 4. Section 7-5-5, B.R.C. 1981, is amended to read:

13 **7-5-5 Use of Crosswalk.**

- 14 (a) No person shall immediately approach, enter or traverse a crosswalk which spans a
15 roadway at a speed greater than eight miles per hour.
- 16 (b) Persons driving bicycles across a roadway upon and along a crosswalk from a sidewalk
17 or path, and persons driving electric assisted bicycles across a roadway upon and along a
18 crosswalk from a multi-use path where such vehicles are permitted, shall have all the
19 duties applicable to pedestrians under the same circumstances.
- 20 (c) Such persons similarly have the rights of a pedestrian, but only if the bicyclist was
21 entitled to use the sidewalk or path, and the approach, entry and traversal of the
22 crosswalk are made at a speed no greater than a reasonable crossing speed so that other
23 drivers may anticipate the necessity to yield when required.

24 Section 5. Section 7-5-9, B.R.C. 1981, is amended to read:

25 **7-5-9 Bicycle Must Yield Right-of-Way and Obey Traffic Control Devices on Sidewalk,
Crosswalk, or Path.**

- (a) A person driving a bicycle on a sidewalk, a crosswalk, or a path, and any person driving
an electric assisted bicycle on a multi-use path, shall yield the right of way to any
pedestrian and shall give an audible signal before overtaking and passing any pedestrian.

1 (b) If any traffic control device is in place alongside of or on a sidewalk or a path, no driver
2 of a bicycle or pedestrian, and no driver of an electric assisted bicycle on a multi-use path
where such vehicles are permitted, shall fail to obey the requirements of the device.

3 Section 6. Chapter 7-5, "Pedestrian, Bicycle and Animal Traffic," B.R.C. 1981, is
4 amended by the addition of a new section to read:

5 **7-5-26 Electric Assisted Bicycles.**

6 No person shall activate the motor of an electric assisted bicycle on any bike or pedestrian path
7 or on a recreational trail except where permitted by a rule adopted by the city manager in
8 accordance with Chapter 1-4, "Rulemaking," B.R.C. 1981. Such rule adopted by the city
9 manager shall not include paths or trails on open space land as defined in the City Charter
Section 170.

10 Section 7. The city manager shall report to the City Council at least quarterly, and shall
11 present a program evaluation after the program concludes.

12 Section 8. This ordinance shall be effective until December 31, 2014. The City Council
13 suspends the prohibition against operating a motorized vehicle on hard-surfaced, multi-use paths
14 until that time for the limited purpose of implementing the Pilot Project described by this
15 ordinance, except that the use of electric assisted bicycles, whether the motor is activated or not,
16 is prohibited on sidewalks and on open space land, as defined in the City Charter Section 170.
17 For all other purposes, the regulations governing electric assisted bicycles remain in full force
18 and effect.

19 Section 9. This ordinance is necessary to protect the public health, safety, and welfare of
20 the residents of the city, and covers matters of local concern.

21 Section 10. The City Council deems it appropriate that this ordinance be published by
22 title only and orders that copies of this ordinance be made available in the office of the city clerk
23 for public inspection and acquisition.
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25

1 INTRODUCTION, READ ON FIRST READING, AND ORDERED PUBLISHED BY
2 TITLE ONLY this 1st day of October 2013.

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5 Attest: _____
6 Mayor
7 _____
8 City Clerk

9 READ ON SECOND READING, AMENDED, AND ORDERED PUBLISHED BY
10 TITLE ONLY this 29th day of October 2013.

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12 Attest: _____
13 Mayor
14 _____
15 City Clerk

16 READ ON THIRD READING, PASSED, ADOPTED, AND ORDERED PUBLISHED
17 BY TITLE ONLY this 12th day of November, 2013.

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20 Attest: _____
21 Mayor
22 _____
23 City Clerk