



Legislation Text

File #: 21-011, **Version:** 2

Ordinance No. 21-23 amending Chapter 10 (Motor Vehicles and Traffic) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to Motor Vehicles and Providing Penalties for the Violation Thereof

Presenter:

Amy Loft, Prosecution, City Attorney's Office

Summary:

Updates to Chapter 10 of City Code will establish clear definitions for new types of mobility devices and clarify where different types of devices may operate. These changes also establish consistency between City Code and State statutes creating a consistent set of "rules of the road" for the operation of bicycles, electrical assisted bicycles, electric scooters and other Electric Personal Assistive Mobility Devices (EPAMDs).

Background:

Revisions to Chapter 10 - Motor Vehicles and Traffic operate independently from any Council action regarding shared mobility devices. These updates realign City Code definitions consistent with State statute and provide for consistent traffic regulation and control of emergent technologies and requirements consistent with State statutes. While definitions and regulations of electric scooters are noteworthy, the new code provisions also include new definitions for bike infrastructure types, electrical assisted bicycles, electric personal assistive mobility device (EPAMD), electric scooters, low-power electric scooters, and toy vehicles. Additional definitional provisions update current City Code provisions with amendments and additional that have occurred at the State level.

Chapter 10 updates also include revisions to language on the regulation of the use of city right-of-way to be consistent with the new, modified, and expanded definitions. Notable additions and changes are:

- Drivers of vehicles shall yield the right-of-way to the authorized users of bikes lanes
- No stopping, standing, or parking within a bike lane
- Exceptions to restrictions to no stopping, standing, or parking in specified places
- Revisions of the traffic laws applying to bicycle riders to include electric scooters and other human-powered vehicles
- Revisions to riding on sidewalks to include electrical assisted bicycles, electric scooters, and EPAMDs
- Equipment to bicycles, electrical assisted bicycles, electric scooters, and personal mobility devices shall conform to article 4 of title 42, Colorado Revised Statutes and §42-4-221

The proposed draft removes the previously created dismount zone and allows the Traffic Engineer to create appropriate dismount zones using official traffic control devices.

The following provides an explanation of the realignment and relocation of repealed provisions of the City Code in the proposed ordinance.

City Code Section Colorado Revised Statutes / Existing City Code

§10.19.101 (C) - This deletion is clarified in the amendment to paragraph (A).

§10.19.102(A) traffic control devices

Made applicable through City Code §10.19.101(A) and the amended definition of "Vehicle".

City Code sections § 10.3.101 et seq. §10.17.105 et seq

§10.19.103 Riding on Bicycles

Incorporated into amended City Code §10.19.101 CRS §42-4-1412 (3) Operation of bicycles, electric scooters, and other human-powered vehicles

(3) A bicycle, electrical assisted bicycle, or electric scooter shall not be used to carry more persons at one time than the number for which it is designed or equipped.

§10.19.104 Riding on Roadways and bicycle paths

Incorporated into amended City Code §10.19.101 CRS §§42-4-1412 (5) and (6)

(5)(a) Any person operating a bicycle, electrical assisted bicycle, or 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 bicyclist shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist 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 bicyclist may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.

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

(I) 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

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

(c) A person operating a bicycle, 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 the 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 bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist 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.

§10.19.106 Entering or Emerging From Alley or Driveway.

Made applicable through City Code §10.19.101(A) and the amended definition of "Vehicle" City Code §10.4.106

10.19.108 Equipment on Bicycles

Incorporates CRS §42-4-221. Provides a more specific CRS citation than existing code. CRS §42-4-221 Bicycle, electric scooter, and personal mobility device equipment, and personal mobility device equipment:

(1) No other provision of this part 2 and no provision of part 3 of this article 4 applies 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 article 4 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 42-4-204 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 42-4-204 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.

§10.19.109 Clinging to Vehicles

Incorporated into amended City Code §10.19.101

CRS 42-4-1412 (4)

(4) A person riding upon a bicycle, electrical assisted bicycle, or electric scooter shall not attach the vehicle or the rider to any motor vehicle upon a roadway.

*10.23.116(C): Safety Belt Systems; Mandatory Use -- The existing code provision provides that this is not a primary violation and requires probable cause of another violation for a stop.

See CRS §42-4-237(5) : Safety belt systems - mandatory use
(5) No driver in a motor vehicle shall be cited for a violation of subsection (2) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of articles 1 to 4 of this title other than a violation of this section.

Previous Council Action:

Continued from previous City Council work session from October 2020.

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

N/A

Stakeholder Process:

This ordinance was presented at the joint meeting of ATAC/CTAB on February 4, 2020. Comments received from ATAC/CTAB have been incorporated into the proposed ordinance.

Alternatives:

Approve the ordinances as presented;
Modify the ordinances;
Deny the ordinances; or
Refer the ordinances back to Staff for further consideration.

Proposed Motion:

Move to approve the ordinance as presented.

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