

AGENDA ITEM SUMMARY

July 2, 2019

City Council

STAFF

Amanda Mansfield, Transportation Planner
Chris Van Hall, Legal

SUBJECT

Items Relating to Regulating Electric Scooters.

EXECUTIVE SUMMARY

- A. Second Reading of Ordinance No. 082, 2019, Amending the Fort Collins Traffic Code Relating to Electric Scooters.
- B. Second Reading of Ordinance No. 083, 2019, Amending Chapter 24 of the Code of the City of Fort Collins Relating to Parking of Electric Scooters.

These Ordinances, unanimously adopted on First Reading on June 4, 2019, amend the Traffic Code and City Code relating to the regulation of the operation and parking of electric scooters. These amendments will treat electric scooters the same as bicycles and electrical assisted bicycles (with three exceptions) and adds a definition of electric scooter that is consistent with HB 19-1221 and regulates the parking of electric scooters.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading.

ATTACHMENTS

- 1. First Reading Agenda Item Summary, June 4, 2019 (w/o attachments) (PDF)
- 2. Ordinance No. 082, 2019 (PDF)
- 3. Ordinance No. 083, 2019 (PDF)

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June 4, 2019

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SUBJECT

Items Relating to Regulating Electric Scooters.

EXECUTIVE SUMMARY

- A. First Reading of Ordinance No. 082, 2019, Amending the Fort Collins Traffic Code Relating to Electric Scooters.
- B. First Reading of Ordinance No. 083, 2019, Amending Chapter 24 of the Code of the City of Fort Collins Relating to Parking of Electric Scooters.

The purpose of this item is to amend the Traffic Code and City Code relating to the regulation of the operation and parking of electric scooters. These amendments will treat electric scooters the same as bicycles and electrical assisted bicycles (with three exceptions) and adds a definition of electric scooter that is consistent with HB 19-1221 and regulates the parking of electric scooters.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on First Reading.

BACKGROUND / DISCUSSION

Ordinance No. 082, 2019 - Traffic Code

This Ordinance updates the Fort Collins Traffic Code to be consistent with House Bill 19-1221 (HB19-1221). If adopted, electric scooters will operate the same, and will be treated the same, as bicycles and electrical assisted bicycles within the Fort Collins Traffic Code except in the following ways:

- Electric scooters will be prohibited from being operated on natural area or park trails
- Electric scooters will be required to be dismounted at crosswalks
- Electric scooters will be subject to more specific parking requirements

Ordinance No. 083, 2019 - City Code

This Ordinance adds the definition of "Electric scooter" to City Code Section 24-178, which definition is consistent with HB19-1221, and regulates the parking of electric scooters.

Background

As electric scooters spread rapidly across the country, the City of Fort Collins must be thoughtful in regulating these new shared mobility services. Currently these types of vehicles exist in an emerging and evolving regulatory landscape. Experiences from other cities show there is a need to implement policies and practices to regulate electric scooters to prevent unapproved and unregulated launches.

A Request for Proposal was issued on April 29, 2019. Interviews with prospective companies are expected to take place the weeks of June 10 and/or June 17, 2019. The award of contract is expected to take place in late July with the launch of the 12-month pilot period for the electric scooter share program to follow shortly after.

The proposed Code changes are part of a set of strategies to regulate electric scooters and other shared and/or portable mobility devices, including:

- Parking regulations (adopted by Council on March 19, 2019) *
- Downtown Dismount Zone regulation (adopted by Council on March 19, 2019) **
- Dismount at crosswalk Code amendment (adopted by Council on March 19, 2019) **
- A Request for Proposal to contract with and manage vendors (currently in progress)
- Utilization of existing encroachment permit process (to be utilized once company is selected via Request for Proposal process)

*Parking Regulations that Impact Electric Scooters

On March 19, 2019, Council adopted Ordinance No. 028, 2019, which regulates where shared mobility devices can and cannot park as follows:

- Shared mobility devices may be parked in a parkway zone, beside bicycle parking, and in designated areas
- Shared mobility devices may not be parked on blocks w/o sidewalks or in on-street parking spaces
- No parking of shared mobility devices if doing so would:
 - Block pedestrian zone, fire hydrant, bus bench
 - Impede use of window/sign display or access to/from building
 - Impede the use of bicycle rack or news rack
- Shared mobility devices may not be parked in the parkway zone if doing so would place them adjacent to or within transit/loading/disabled parking zone, street furniture, curb ramps, entryways, driveways

**Existing Downtown Dismount Zone Regulation

On March 19, 2019, Council adopted Ordinance No. 029, 2019, that established a dismount zone that includes electric scooters and other portable mobility devices, requiring users to dismount when approaching the zone. Council also amended this Ordinance to include that: "A person riding a shared mobility device shall dismount before entering any crosswalk".

BOARD / COMMISSION RECOMMENDATION

At its January 16, 2019, meeting, the Transportation Board recommended Council approval of staff's proposed City Code and Traffic Code changes related to parking and the Downtown Dismount Zone requirements respectively.

PUBLIC OUTREACH

Staff conducted extensive outreach and engaged in in-depth dialogues with City boards and committees, community stakeholder groups, and electric scooter share companies. Highlights include:

Board/Committee/Group Outreach

- Bicycle Advisory Committee
- Commission on Disability
- Downtown Development Authority
- Downtown Business Association
- Transportation Board
- Natural Resources Advisory Board
- Air Quality Board

Company/Staff Outreach

- Ongoing company and staff engagement throughout RFP development process (Fall 2018 - April 2019)
- Request for Information (RFI) meeting to answer electric scooter share company questions (April 4)
- Upcoming:
 - Staff meeting to review electric scooter share program implementation work plan and staff's roles and responsibilities (late June)
 - Pre-selection negotiation process with finalist electric scooter share companies (late June - early July)

Staff reached out to the community with website and social media postings related to key developments during the RFP development process in winter 2019. Staff has developed an electric scooter share program outreach plan as well, which lays out the timeline and deliverables related to education, outreach, and marketing for the spring and summer of 2019 through the late summer launch and through the 12-month pilot period.

ATTACHMENTS

1. Transportation Board minutes, January 16, 2019 (PDF)
2. Powerpoint presentation (PDF)

ORDINANCE NO. 082, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE FORT COLLINS TRAFFIC CODE
RELATING TO ELECTRIC SCOOTERS

WHEREAS, at the time of the adoption of the Traffic Code, it was the understanding of staff and the City Council that the Traffic Code would most likely be subject to future amendments, not only for the purposes of clarification and correction of errors, but also to ensure that the Traffic Code remains consistent with state law; and

WHEREAS, during the 2019 legislative session, the Colorado General Assembly passed House Bill 19-1221, which amends Colorado’s Uniform Motor Vehicle Law to add a definition for the term “electric scooter” and sets forth provisions relating to the operation of electric scooters on streets and highways; and

WHEREAS, the City Council wishes to make amendments to the City of Fort Collins Traffic Code consistent with House Bill 19-1221, except where the City has determined that it is in the public interest, and promotes the health, safety and welfare of the citizens of the City of Fort Collins to make local amendments to how electric scooters may operate or park on streets and highways within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 223 of the Traffic Code is hereby amended to read as follows:

223. - Brakes.

- (1) Brake equipment required:
 - (a) Every motor vehicle, other than a motorcycle, electrical assisted bicycle, electric scooter or low-power scooter, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.

- (b) Every motorcycle and low-power scooter, when operated upon a highway, shall be equipped with at least one (1) brake, which may be operated by hand or foot.
- (c) Every trailer or semi-trailer of a gross weight of three thousand (3,000) pounds or more, when operated upon a highway, shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from the cab, and said brakes shall be so designed and connected that, in case of an accidental breakaway of the towed vehicle, the brakes shall be automatically applied. The provisions of this Paragraph (c) shall not be applicable to any trailer which does not meet the definition of "commercial vehicle" as that term is defined Paragraph 235(1)(a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, tank trailers not exceeding ten thousand (10,000) pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand (10,000) pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping within the distance specified in Subsection (2) of this Section.
- (d) Every motor vehicle, trailer or semi-trailer constructed or sold in this state or operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle; except that:
 - (I) Any trailer or semi-trailer of less than three thousand (3,000) pounds gross weight, or any horse trailer of a capacity of two (2) horses or less, or any trailer which does not meet the definition of "commercial vehicle" as that term is defined in Section 235(1)(a) and which is owned by a farmer when transporting agricultural products produced on the owner's farm or supplies back to the farm of the owner of the trailer, or tank trailers not exceeding ten thousand (10,000) pounds gross weight used solely for transporting liquid fertilizer or gaseous fertilizer under pressure, or distributor trailers not exceeding ten thousand (10,000) pounds gross weight used solely for transporting and distributing dry fertilizer when hauled by a truck capable of stopping with a loaded trailer attached in the distance specified by Subsection (2) of this Section need not be equipped with brakes, and any two-wheel motor vehicle need have brakes on only one (1) wheel.
 - (II) Any truck or truck tractor manufactured before July 25, 1980, and having three (3) or more axles, need not have brakes on the wheels of the front or tandem steering axles if the brakes on the other wheels

meet the performance requirements of Subsection (2) of this Section.

(III) Every trailer or semi-trailer of three thousand (3,000) pounds or more gross weight must have brakes on all wheels.

(e) Provisions of this Subsection (1) shall not apply to manufactured homes.

(2) Performance ability of brakes:

(a) The service brakes upon any motor vehicle or combination of vehicles shall be adequate to stop such vehicle when traveling twenty (20) miles per hour within a distance of forty (40) feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed one (1) percent.

(b) Under the conditions stated in Paragraph (a) of this Subsection (2), the hand brakes shall be adequate to stop such vehicle within a distance of fifty-five (55) feet, and said hand brake shall be adequate to hold such vehicle stationary on any grade upon which operated.

(c) Under the conditions stated in Paragraph (a) of this Subsection (2), the service brakes upon a motor vehicle equipped with two-wheel brakes only, when permitted under this Section, shall be adequate to stop the vehicle within a distance of fifty-five (55) feet.

(d) All braking distances specified in this Section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this Title.

(e) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as possible with respect to the wheels on opposite sides of the vehicle.

Section 3. That Section 234 of the Traffic Code is hereby amended to read as follows:

234. - Slow-moving vehicles - display of emblem.

(1) (a) All machinery, equipment and vehicles, except bicycles, electrical assisted bicycles, electric scooters and other human-powered vehicles, designed to operate or normally operated at a speed of less than twenty-five (25) miles per hour on a public highway shall display a triangular slow-moving vehicle emblem on the rear.

- (b) Bicycles, electrical assisted bicycles, electric scooters and other human-powered vehicles and neighborhood electric vehicles shall be permitted but not required to display the emblem specified in this Subsection (1).
- (2) The Executive Director of the State Department of Revenue shall adopt standards and specifications for such emblem, position of the mounting thereof and requirements for certification of conformance with the standards and specifications adopted by the American Society of Agricultural Engineers concerning such emblems. The requirements of such emblem shall be in addition to any lighting device required by law.
- (3) The use of the emblem required under this Section shall be restricted to the use specified in Subsection (1) of this Section, and its use on any other type of vehicle or stationary object shall be prohibited.

Section 4. That Section 503 of the Traffic Code is hereby amended to read as follows:

503. - Projecting loads on vehicles.

- (1) No passenger type vehicle, except a motorcycle, bicycle, electrical assisted bicycle or electric scooter, shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side thereof.
- (2) The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend beyond the front wheels of such vehicles or vehicle or the front most point of the grill of such vehicle; but a load may project not more than four (4) feet beyond the front most point of the grill assembly of the vehicle engine compartment of such a vehicle at a point above the cab of the driver's compartment so long as that part of any load projecting ahead of the rear of the cab or driver's compartment shall be so loaded as not to obscure the vision of the driver to the front or to either side.
- (3) It is unlawful for any person to operate a vehicle or a motor vehicle which has attached thereto in any manner any chain, rope, wire or other equipment which drags, swings or projects in any manner so as to endanger the person or property of another.

Section 5. That Section 710 of the Traffic Code is hereby amended to read as follows:

710. - Emerging from or entering alley, driveway or building.

- (1) The driver of a vehicle emerging from an alley, driveway, building, parking lot or other place, immediately prior to driving onto a sidewalk or into the sidewalk area extending across any such alleyway, driveway or entranceway, shall yield the right-

of-way to any pedestrian upon or about to enter such sidewalk or sidewalk area extending across such alleyway, driveway or entranceway, as may be necessary to avoid collision, and when entering the roadway shall comply with the provisions of Section 704.

- (2) The driver of a vehicle entering an alley, driveway or entranceway shall yield the right-of-way to any pedestrian within or about to enter the sidewalk or sidewalk area extending across such alleyway, driveway or entranceway.
- (3) No person shall drive any vehicle other than a bicycle, electrical assisted bicycle, electric scooter or any other human-powered vehicle upon a sidewalk or sidewalk area, except upon a permanent or duly authorized temporary driveway.

Section 6. That Section 1204 of the Traffic Code is hereby amended to read as follows:

1204. - Stopping, standing or parking prohibited in specified places.

- (1) Except as otherwise provided in Subsection (4) of this Section, no person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic, or in compliance with the directions of a police officer, emergency services personnel or official traffic control device, in any of the following places:
 - (a) On a sidewalk;
 - (b) Within an intersection;
 - (c) On a crosswalk;
 - (d) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone, unless the traffic authority indicates a different length by signs or markings;
 - (e) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
 - (f) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (g) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 - (h) On any railroad tracks;
 - (i) On any controlled-access highway;
 - (j) In the area between roadways of a divided highway, including crossovers;

- (k) At any other place where official signs prohibit stopping.
 - (l) Upon any part of any sidewalk, grass strip, median or any other street right-of-way between the curb and the property line, except law enforcement, emergency services personnel or utility vehicles in the course of their official duties.
- (2) Except as otherwise provided in Subsection (4) of this Section, in addition to the restrictions specified in Subsection (1) of this Section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer, emergency services personnel, or an official traffic control device, in any of the following places:
- (a) Within five (5) feet of a public or private driveway; except
 - (I) Buses engaged as common carriers, school busses or taxicabs may stop in such locations to load and unload passengers.
 - (II) Vehicles being expeditiously loaded and unloaded, provided that the vehicle's flashing emergency lights are activated and the vehicle is not obstructing traffic.
 - (b) Within fifteen (15) feet of a fire hydrant;
 - (c) Within twenty (20) feet of a crosswalk;
 - (d) Within thirty (30) feet upon the approach to any flashing beacon or signal, stop sign, yield sign or traffic control signal located at the side of a roadway;
 - (e) Within twenty (20) feet of the driveway entrance to any fire station or on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of said entrance when properly signposted;
 - (f) With less than two (2) feet of clearance between vehicles;
 - (g) At any other place where official signs or red curb markings are used to prohibit standing or parking.

For purposes of this Subsection (2) and the following Subsection (3), all measurements shall be calculated laterally along the curb or edge of the roadway.

- (3) In addition to the restrictions specified in Subsections (1) and (2) of this Section, no person shall park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

- (a) Within fifty (50) feet of the nearest rail of a railroad crossing.
 - (b) At any other place where official signs prohibit parking.
 - (c) To park any vehicle other than an authorized vehicle in any area designated and marked for such use.
 - (d) Where a lane has been established on a roadway as a bicycle lane pursuant to Subsection 1013.
- (4) (a) Paragraph (a) of Subsection (1) of this Section shall not prohibit persons from parking bicycles, electrical assisted bicycles or electric scooters on sidewalks in accordance with the provisions of Section 2106.
 - (b) Paragraph (f) of Subsection (1) of this Section shall not prohibit persons from parking two (2) or more bicycles, electrical assisted bicycles or electric scooters abreast in accordance with the provisions of Section 2104(1)(a) and (1)(b).
 - (c) Paragraphs (a), (c) and (d) of Subsection (2) of this Section shall not apply to bicycles, electrical assisted bicycles or electric scooters parked on sidewalks in accordance with Section 2108.
- (5) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such distance as is unlawful.
- (6) (a) No person shall park or direct another person to park a vehicle in a block face or a public parking lot for a period in excess of any time restriction established for parking in the block face or public parking.
 - (b) Unless permission from the Parking Services Manager or designee has been granted, no person shall, after having vacated a time-restricted parking space in a lot or block face, return and park or direct another person to return and park the same vehicle in the same lot or block face within a four-hour period thereafter, regardless of whether or not the maximum time restriction has elapsed.

Section 7. That Section 1407.5 of the Traffic Code is hereby amended to read as follows:

1407.5 - Splash guards - when required.

- (1) As used in this Section, unless the context otherwise requires:

- (a) *Splash guard* means mud flaps, rubber, plastic or fabric aprons, or other devices directly behind the rear-most wheels, designed to minimize the spray of water and other substances to the rear.
 - (b) Splash guards must, at a minimum, be wide enough to cover the full tread of the tires being protected, hang perpendicular from the vehicle not more than ten (10) inches above the surface to the street or highway when the vehicle is empty, and generally maintain their perpendicular relationship under normal driving conditions.
- (2) Except as otherwise permitted in this Section, no vehicle or motor vehicle shall be driven or moved on any street or highway unless the vehicle is equipped with splash guards.
- (3) This Section does not apply to:
- (a) Passenger-carrying motor vehicles registered pursuant to Section 42-3-134(4), C.R.S.;
 - (b) Trucks and truck tractors registered pursuant to Section 42-3-134(12) or (13), C.R.S., having an empty weight of ten thousand (10,000) pounds or less;
 - (c) Trailers equipped with fenders or utility pole trailers;
 - (d) Vehicles while involved in chip and seal or paving operations or road widening equipment;
 - (e) Truck tractors or converter dollies when used in combination with other vehicles;
 - (f) Vehicles drawn by animals; or
 - (g) Bicycles, electrical assisted bicycles or electric scooters.

Section 8. That Section 2002 of the Traffic Code is hereby amended by the addition of a new definition “electric scooter” which reads in its entirety as follows and all subsequent definitions renumbered accordingly:

- (11) *Electric scooter.* A device weighing less than one hundred (100) pounds with handlebars and an electric motor that is powered by an electric motor and that has a maximum speed of twenty (20) miles per hour on a paved level surface when powered solely by the electric motion. *Electric scooter* does not include an electrical assisted bicycle, electric personal assistance mobility device (EPAMD), motorcycle, or low-power scooter.

Section 9. That the definition of “*Low-power scooter*” contained in Section 2002 of the Traffic Code is hereby amended to read as follows:

- (14) *Low-power scooter*. A self-propelled vehicle designed primarily for use on the roadways with not more than three (3) wheels in contact with the ground, no manual clutch and either of the following:
- (a) a cylinder capacity not exceeding fifty (50) cubic centimeters if powered by internal combustion; or
 - (b) a wattage not exceeding four thousand four hundred seventy-six (4,476) if powered by electricity.

Low-power scooter does not include a toy vehicle, bicycle, electrical assisted bicycle, electric scooter, wheelchair or any device designed to assist people with mobility impairments who use pedestrian rights-of-way.

Section 10. That the definition “*Motor vehicle*” contained in Section 2002 of the Traffic Code is hereby amended to read as follows:

- (16) *Motor vehicle*. Any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, electric scooter, low-power scooters, wheelchairs or vehicles moved solely by human power. For purposes of the offense described in section 1401 of this Traffic Code, motor vehicle includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle.

Section 11. That the definition “*Toy vehicle*” contained in Section 2002 of the Traffic Code is hereby amended to read as follows:

- (38) *Toy vehicle*. Any vehicle, whether or not home-built by the user, that has wheels with an outside diameter of not more than fourteen (14) inches and is not designed, approved or intended for use on public roadways or highways or for off-road use. *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. *Toy vehicle* does not include electric scooters, off-highway vehicles or snowmobiles.

Section 12. That the definition “*Vehicle*” contained in Section 2002 of the Traffic Code is hereby amended to read as follows:

- (44) *Vehicle*. A device that is capable of moving itself, or being moved, from place to place upon wheels or endless tracks. *Vehicle* includes a bicycle, electrical assisted bicycle, electric scooter, or electric personal assistance mobility device (EPAMD), but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor

or implement of husbandry designed primarily or exclusively for use and used in agricultural operations; or any device moved exclusively over stationary rails or tracks, or designed to move primarily through the air.

Section 13. That Section 2101 of the Traffic Code is hereby amended to read as follows:

2101. - General provisions.

- (1) Every person riding a bicycle, electrical assisted bicycle or electric scooter upon a roadway where bicycle, electrical assisted bicycle and electric scooter travel is permitted shall be granted all of the rights and shall be subject to all of the duties and penalties applicable to the driver of a vehicle as set forth in this Traffic Code, except those provisions of this Traffic Code that, by their very nature, can have no application. Said riders shall also comply with special rules set forth in this Part and when using streets and highways within the City, shall be subject to local ordinances regulating the operation bicycle, electrical assisted bicycle and electric scooter as provided in Section 42-4-111, C.R.S. Whenever the word vehicle is used in any of the driving rules set forth in this Traffic Code that are applicable to bicycle, electrical assisted bicycle or electric scooter riders, such term shall include bicycles, electrical assisted bicycles and electric scooters.
 - (a) These regulations not in conflict with the Rules and Regulations promulgated by Colorado State University pursuant to Sections 23-5-106 and 107, C.R.S. shall apply on the campus of the University.
 - (b) The parent of any child or guardian of any ward shall not authorize or knowingly permit any child or ward to violate any provision of this Part.
- (2) All persons are prohibited from riding electrical assisted bicycles while the motor is engaged, or riding an electric scooter, on a bike or pedestrian path or on a recreational trail unless otherwise authorized by the City Code.
- (3) Persons prohibited from operating or riding a class 3 electrical assisted bicycle upon roadways:
 - (a) A person under sixteen (16) years of age shall not ride a class 3 electrical assisted bicycle upon any street or highway; except that such person 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 (18) 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.

Section 14. That Section 2102 of the Traffic Code is hereby amended to read as follows:

2102. - Reckless and careless riding.

- (1) A person who drives any bicycle, electrical assisted bicycle or electric 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 riding. A person convicted of reckless riding of a bicycle, electrical assisted bicycle or electric scooter shall not be subject to the provisions of Section 42-2-127, C.R.S.
- (2) A person who drives a bicycle, electrical assisted bicycle or electric 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 riding. A person convicted of careless riding of a bicycle or electrical assisted bicycle shall not be subject to the provisions of Section 42-2-127, C.R.S.

Section 15. That Section 2103 of the Traffic Code is hereby amended to read as follows:

2103. - Left place of safety.

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

Section 16. That Section 2104 of the Traffic Code is hereby amended to read as follows:

2104. - Lane usage.

- (1) (a) Persons riding a bicycle, electrical assisted bicycle or electric scooter upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadway set aside for the exclusive use of bicycles.
- (b) Persons riding a bicycle, electrical assisted bicycle or electric scooter two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

- (2) (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 or operator of an electric scooter shall ride far enough to the right as is reasonably prudent to facilitate the movement of such overtaking vehicle unless other conditions make it unsafe to do so.
 - (II) A bicyclist or operator of an electric scooter 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 or operator of an electric scooter may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist or operator of an electric scooter does not intend to turn right.
- (b) A bicyclist or operator of an electric scooter 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 or operator of an electric scooter upon a one-way roadway with two (2) or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as is reasonably prudent, 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 or operator of an electric scooter shall ride as far to the left as is reasonably prudent

to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

- (II) A bicyclist or operator of an electric scooter 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.

Section 17. That Section 2105 of the Traffic Code is hereby amended to read as follows:

2105. - Turns.

- (1) (a) Except as otherwise provided in this Subsection (1), every person riding a bicycle or electrical assisted bicycle shall signal his or her intention to turn or stop in accordance with the provisions of 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 (100) 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 or electrical assisted bicycle.
- (2) (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 (2).
- (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 bicyclist or operator of an electric scooter shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist or operator of an electric scooter shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police

officer regulating traffic on the highway along which the bicyclist or operator of an electric scooter intends to proceed, the bicyclist or operator of an electric scooter may proceed in the new direction.

- (c) Notwithstanding the provisions of Paragraphs (a) and (b) of this Subsection (2), the City Traffic Engineer may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled and operators of bicycles, electrical assisted bicycles or electric scooters shall obey the directions of every such device.

Section 18. That Section 2106 of the Traffic Code is hereby amended to read as follows:

2106. - Sidewalks and trails.

- (1) A person riding a bicycle or electrical assisted bicycle upon and along a recreational trail shall yield the right-of-way to any pedestrian using the recreational trail and shall give an audible signal or verbal warning before overtaking and passing any such pedestrian.
- (2)
 - (a) A person riding a bicycle, electrical assisted bicycle, shared mobility, as that term is defined in City Code Section 24-178, device 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 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, shared mobility device, or electric scooter upon and along a sidewalk or across a roadway upon and along a crosswalk where such use of a bicycles, electrical assisted bicycle or electric scooter is prohibited by official traffic control devices, signs designating a dismount zone, or local ordinances. A person riding a bicycle or electric assisted bicycle shall dismount before entering any crosswalk where required by official traffic control devices or ordinance. A person riding a shared mobility device, toy vehicle or electric scooter shall dismount before entering any crosswalk.
 - (c) A person riding or walking a bicycle, electrical assisted bicycle or electric scooter upon and along a sidewalk 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) Low-power scooters are restricted at all times from riding upon and along a sidewalk, or across a highway or street upon or along a crosswalk, except

when the low-power scooter operator has dismounted the low-power scooter and is walking the low-power scooter under human power.

- (3) The rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path or on a recreational trail unless otherwise authorized by the City Code.

Section 19. That Section 2107 of the Traffic Code is hereby amended to read as follows:

2107. - Lights, reflectors and equipment.

- (1) Every bicycle, electrical assisted bicycle or electric scooter 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 (500) feet to the front.
- (2) Every bicycle, electrical assisted bicycle or electric scooter shall be equipped with a red reflector of a type approved by the State Department of Revenue, which shall be visible for six hundred (600) feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle.
- (3) Every bicycle, electrical assisted bicycle or electric scooter 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 (600) 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 (500) feet.
- (4) 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 (25) feet from a speed of ten (10) miles per hour on dry, level, clean pavement.
- (5) A bicycle, electrical assisted bicycle or electric scooter or its rider may be equipped with lights or reflectors in addition to those required by Subsections (1) through (3) of this Section.
- (6) No bicycle, electrical assisted bicycle or electric scooter shall be equipped with, nor shall any person use upon such a vehicle, a siren or whistle.
- (7) A person shall not knowingly modify an electrical assisted bicycle or electric scooter so as to change the speed capability or motor engagement of the electrical assisted bicycle or electric scooter without also appropriately replacing, or causing to be replaced, the manufacturer or distributor label, which is required after January 1, 2018, that contains the classification number, top assisted speed, and motor wattage of the electrical assisted bicycle or electric scooter.

- (8) An electrical assisted bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Safety Commission and Codified at 16 CFR 1512 or its successor regulation.
- (9) 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.
- (10) 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.

Section 20. That Section 2108 of the Traffic Code is hereby amended to read as follows:

2108. - Parking.

- (1) (a) A person may park a bicycle or electrical assisted bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.
- (b) A bicycle or electrical assisted bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.
- (c) A bicycle or electrical assisted bicycle 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 or electrical assisted bicycle may be parked on the road abreast of another such bicycle or electrical assisted bicycle 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 or electrical assisted bicycles parked anywhere on a highway shall conform to the provisions of Part 12 of this Traffic Code regulating the parking of vehicles.
- (f) Electric scooters may park only in conformance with Section 24-179 of the City Code.

Section 21. That Section 2109 of the Traffic Code is hereby amended to read as follows:

2109. - Riding behavior.

- (1) A person riding a bicycle or electrical assisted bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

- (2) No bicycle, electrical assisted bicycle or electric scooter shall be used to carry more persons at one (1) time than the number for which it is designed and equipped.
- (3) 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.
- (4) A bicycle, ~~or~~ 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.
- (5) A person operating a bicycle, ~~or~~ electrical assisted bicycle or electric scooter shall keep at least one (1) hand on the handlebars at all times.

Section 22. That Section 2110 of the Traffic Code is hereby amended to read as follows:

2110. - Regulatory.

- (1) 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.
- (2) For the sake of uniformity of bicycle, electrical assisted bicycle or electric scooter safety rules throughout the State, the Colorado Department of Revenue, in cooperation with the Colorado Department of Transportation, shall prepare and make available to all local jurisdictions for distribution to bicycle, electrical assisted bicycle and electric scooter riders therein a digest of state regulations explaining and illustrating the rules of the road, equipment requirements and traffic control devices that are applicable to such riders and their bicycles, electrical assisted bicycles or electric scooters. The City Traffic Engineer may supplement this digest with a leaflet describing any additional regulations of a local nature that apply within their respective jurisdictions.
- (3) Where suitable bike paths, horseback trails or other trails have been established on the right-of-way or parallel to and within one-fourth (1/4) mile of the right-of-way of heavily traveled streets and highways, the Colorado Department of Transportation may, subject to the provisions of Section 43-2-135, C.R.S., by resolution or order, and the City Traffic Engineer may, where suitable bike paths, horseback trails or other trails have been established on the right-of-way or parallel to it within four hundred fifty (450) feet of the right-of-way of heavily traveled streets, by ordinance, determine and designate, upon the basis of an engineering and traffic investigation, those heavily traveled streets and highways upon which shall be prohibited any bicycle, electric scooter, animal rider, animal-drawn conveyance or other class or kind of nonmotorized traffic which is found to be incompatible with the normal and safe movement of traffic, and, upon such a

determination, the Colorado Department of Transportation or the City shall erect appropriate official signs giving notice thereof; except that with respect to controlled access highways, the provisions of Section 42-4-1010(3), C.R.S., shall apply. When such official signs are so erected, no person shall violate any of the instructions contained thereon.

Introduced, considered favorably on first reading, and ordered published this 4th day of June, A.D. 2019, and to be presented for final passage on the 2nd day of July, A.D. 2019.

Mayor Pro Tem

ATTEST:

City Clerk

Passed and adopted on final reading on the 2nd day of July, A.D. 2019.

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 083, 2019
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CHAPTER 24 OF THE CODE OF THE CITY OF FORT
COLLINS RELATING TO PARKING OF ELECTRIC SCOOTERS

WHEREAS, technology continues to create emerging forms of conveyances that have a direct impact on City sidewalks, streets, roadways and other infrastructure; and

WHEREAS, the City must balance the interest of users of these new vehicles and conveyances with the safe and efficient use of City sidewalks, streets, roadways and other infrastructure by pedestrians and existing conveyances and vehicles; and

WHEREAS, the City previously adopted Ordinance No. 028, 2019, adding City Code Sections 24-178 and 24-179, which directs where a shared mobility device may park on City streets and sidewalks and,

WHEREAS subsequent to the passage of Ordinance No. 028, 2019, the Colorado Legislature passed House Bill 19-1221, which amends Colorado’s Uniform Motor Vehicle Law to add a definition for the term “electric scooter” and sets forth provisions relating to the operation of electric scooters on streets and highways; and

WHEREAS, the City Council wishes to regulate the parking of electric scooters consistent with the parking of shared mobility devices to further promote the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 24-178 of the Code of the City of Fort Collins is hereby amended to add the following definition, in alphabetical order:

Sec. 24-178. - Definitions

...

Electric scooter shall mean a device weighing less than one hundred (100) pounds with handlebars and an electric motor that is powered by an electric motor and that has a maximum speed of twenty (20) miles per hour on a paved level surface when powered solely by the electric motion. *Electric scooter* does not include an electrical assisted bicycle, electric personal assistance mobility device (EPAMD), motorcycle, or low-power scooter.

...

Section 3. That Section 24-179 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 24-179. - Parking of shared mobility devices and electric scooters.

- (a) No person shall park, nor direct another to park, a shared mobility device or an electric scooter in any manner contrary to any law or contrary to any provision of this Article.
- (b) A user shall park shared mobility devices or an electric scooter upright on hard surfaces in the parkway, beside a bicycle rack, or in another area specifically designated for shared mobility device and electric scooter parking.
- (c) A user may not park shared mobility devices or an electric scooter in such a manner as to block the pedestrian zone area of the sidewalk, any fire hydrant, call box or other emergency facility, bus bench, or utility pole.
- (d) A user may not park shared mobility devices or an electric scooter in a manner that impedes or interferes with the reasonable use of any commercial window display, sign display, or access to or from any building.
- (e) A user may not park shared mobility devices or an electric scooter in a manner that impedes or interferes with the reasonable use of any bicycle rack or newsrack, or parkway that requires pedestrian access, including, but not limited to, benches, parking pay stations, and transit information signs.
- (f) A user may not park shared mobility devices or an electric scooter on blocks without sidewalks or in on-street parking spaces except in a designated shared mobility device or an electric scooter parking area.
- (g) A user may not park shared mobility devices or an electric scooter in the parkway directly adjacent to or within the following areas:
 - (1) Transit zones, including, but not limited to, bus stops, shelters, passenger waiting areas, bus layover and staging zones, except at existing bicycle racks;
 - (2) Loading zones;
 - (3) Disabled parking zones;
 - (4) Curb ramps;
 - (5) Entryways; or
 - (6) Driveways.

Introduced, considered favorably on first reading, and ordered published this 4th day of June, A.D. 2019, and to be presented for final passage on the 2nd day of July, A.D. 2019.

Mayor Pro Tem

ATTEST:

City Clerk

Passed and adopted on final reading on the 2nd day of July, A.D. 2019.

Mayor

ATTEST:

City Clerk