

Tammy Nagel

From: Matt Mire <jmm@hpwclaw.com>
Sent: Thursday, September 13, 2018 3:41 PM
To: Tammy Nagel
Subject: FW: Low Speed Electric Vehicle
Attachments: TOV Vehicle Voicemail.m4a; Email from TOV code enforcement.5.02.18.docx; Legal Information Institute.pdf; Revised Statutes.pdf; TOV 7-8-1 Neighborhood Electric Vehicles.pdf

From: Richard Travers <rtravers@wtpvail.com>
Sent: Monday, June 11, 2018 11:53 AM
To: Matt Mire <jmm@hpwclaw.com>
Subject: Low Speed Electric Vehicle

Matt,

As a follow-up to our call last week discussing The Lion Association’s use of a low-speed electric vehicle (LSV), I am writing to provide a brief outline of the situation and applicable law, as follows:

1. The Lion investigated with the Town prior to purchasing its LSV and received the attached phone message from Jesse Parros at Code Enforcement. In reliance on that message, the HOA purchased its LSV for use between The Lion and Arrabelle for the drop-off of guests and skies. It is a short distance along roads posted at 15 mph and the LSV was chosen, not only for convenience of guests, but also as a clean-energy alternative to van shuttling. Since the purchase of the LSV, The Lion received the attached email from Randy Braught at the Town citing the Town’s Neighborhood Electric Vehicles Ordinance and deeming use of the LSV improper on Town roads.
2. LSVs are very new and most jurisdictions are unclear on exactly what they are. To summarize, a LSV is not a golf cart. A golf cart has a serial number while an LSV receives a full 17 character VIN registration number, meaning that it meets stringent federal manufacturing requirements necessary to qualify it as road-legal under Colorado law. The safety measures include such items as seat belts, headlamps and taillamps, turning signals, windshields with wipers, and side mirrors, all of which must meet federal safety manufacturing guidelines. [See attached federal regulation, 49-CFR 571.500] A golf cart, due to how it was originally manufactured, could never be registered as a LSV.
3. A LSV, by reason of its VIN number, qualifies it as a Tax Class C vehicle under Colorado Statute 42-4-109.5. As such, the LSV can be titled and registered with the Colorado Department of Motor Vehicles and receive a license plate, which permits it to be operated on roads posted at no more than 35 mph. [copy of 42-4-109.5 is attached]
4. The LSV purchased by The Lion Association has been registered with the Colorado DMV, has a valid state license plate and has all required insurance under Colorado law.
5. It is our position that The Lion Association’s LSV is not a Neighborhood Electric Vehicle (NEV) and does not fall under the requirements of the Town’s NEV Ordinance, which is designed to regulate unregistered golf carts that possess neither the stringent safety equipment of a LSV nor the state law authority to operate on roads. [Town NEV Ordinance is also attached here.]

We respectfully request that the Town recognize The Lion Association’s LSV as permitted to operate on Town roads in accordance with Colorado law. Its use would not only represent a safe use on the low-speed roads on which it is planned to operate, but would also represent an attractive alternative to high-emission vehicles. Please feel free to contact me with any questions. Thank you.

Best regards,
Rick

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5/02/18 text copy of email from Randy Braucht:

Andrew,

Thank you for sending the information over. I tried calling you, but did not want to delay a response to you any longer than necessary.

While Title 42 of the Colorado Revised Statutes defines your vehicle as a low-powered electric vehicle, their use on the public roads in the Town of Vail is not allowed under town ordinance. That Town of Vail is chartered as a home-rule municipality, which grants the Town Council the ability to make such regulation. Town ordinance 7-8-1 Neighborhood Electric Vehicles specifically prohibits their use; with very little exception. Also by definition, the vehicle you have described and other low powered electric vehicles defined under Title 42-1-102, meet the TOV ordinance definition of a neighborhood electric vehicle. I've attached a copy of this ordinance for your review.

In addition to their use on public roadways being prohibited, neighborhood electric vehicles have no permitted use in "Commercial Core II," which is the Lionshead area (TOV Ord 7-8-4). Finally, the use of a neighborhood electric vehicle "engaging in the transport of either passengers or goods, which are neither employees of nor property belonging to, the commercial entity" is prohibited (TOV Ord. 7-8-6).

A violation of this ordinance is a misdemeanor traffic offense, with shared liability amongst both the operator and the commercial entity that owns the electric vehicle.

I understand and fully appreciate your statement of understanding the potential community ramifications and your desire to be a good neighbor. You are well within your right to take this matter before Town Council for review, and/or recommendation. However, after consulting with the Town Attorney, at this point the use of your electric vehicle upon the roadways in the Town of Vail will not be allowed.

Respectfully,

Randy Braucht

Acting Patrol Sergeant #211
Vail Police Department



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