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TOWN MANAGER REPORT - April 2nd TOWN COUNCIL MEETING

TOPICS

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Legislative Update

Colorado Statewide Plastic Bag Legislation

The Colorado Revised Statutes (Section 25-17-104) purports to preempt local governments from instituting prohibitions on plastic products within their political subdivision. Last fall, the topic was raised at CML with a decision to see the League work on a repeal of this statewide preemption language. Driving the effort is the fact that at least nine jurisdictions in Colorado, including the Town of Vail, have in fact enacted local ordinances that do restrict the use of plastic bags, and related policies. Section 7 of CRS 25-17-104 provides the following:

Local government preemption. No unit of local government shall require or prohibit the use or sale of specific types of plastic materials or products or restrict or mandate containers, packaging, or labeling for any consumer products.

The above preemption has not been litigated to my knowledge, and it is likely that those jurisdictions that have instituted plastic bag bans have done so under home rule authority. The City of Aspen had its ordinance upheld by the Supreme Court, but the issue was not statewide preemption, but rather the implementation of a fee for paper bags that was challenged.

The CML board has since given staff approval to initiate legislation that would authorize up to a full repeal of this statutory preemption. Efforts are currently underway. I am part of an Ad Hoc Committee to help provide input into this pursuit and will keep you apprised of its status.

Climate Action and GHG Emissions Inventory

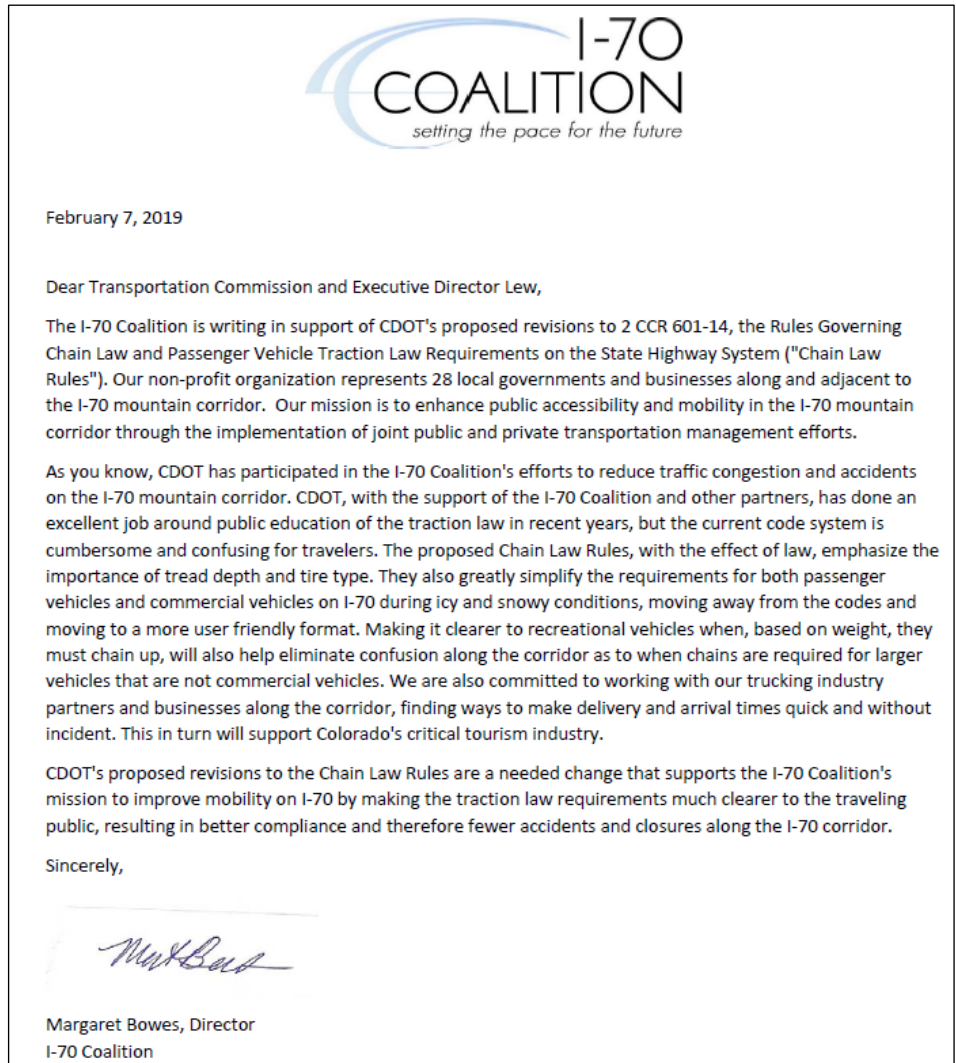
The "Big Climate Bill" - HB 1261 - was introduced recently, setting state goals for at least 26% reduction in GHGs by 2025, at least 50% by 2030, and at least 90% by 2050, all compared to 2005 levels. It also gives the Air Quality Control Commission broad latitude in developing policies and regulations to pursue those goals. See media coverage: [Colorado needs to lead: New climate change bill seeks to cut carbon emissions](#), Denver Post, Mar. 21, and [Bold climate-action legislation for Colorado nears rollout; Polis, Speaker Becker wrangle over mandates](#), Colorado Independent, Mar. 20.

And SB 96, the GHG emissions inventory and forecast bill that CC4CA is spearheading (introduced by Senator Kerry Donovan), passed its first test by clearing the Senate Transportation and Energy Committee. The current draft of the bill aligns strongly with the CC4CA's goals.

Chain and Traction Law

At the January 2019 I-70 Coalition meeting, there was a presentation by CDOT related to efforts to bolster the current rules and regulations regarding Traction Law and Chain Law. This is of course a very relevant topic for communities like Vail, which see a significant frequency of highway closures that are partially attributable to vehicles and trucks that are driving the mountain passes without adequate traction.

The key proposed changes will affect the rules that are now codified in 2 CCR 601-14. The I-70 Coalition has supported these new rules by letter copied below, dated February 7, 2019. Timing wise, and the reason for this update, comments to CDOT related to the proposed new rules are being taken until April 8th. Should the Town Council desire, the Town of Vail can provide its comments by letter prior to such date. Otherwise, we are indeed referenced as a member to the I-70 Coalition which has endorsed the proposed changes. Pasted below is a side-by-side comparison of what the new rules will accomplish. Should any Councilmember desire the full text of the rules, I can forward those as well (8 pages).





Key Proposed Changes to the Traction Law and Chain Law Rules, 2 CCR 601-14

Change	Rule References (Existing and Proposed)	Impact to the Travelling Public and to Industry
<p><u>Elimination of Codes:</u> The 2012 Chain Law Rules refer to Codes 15, 16 17 and 18. The proposed Rules eliminate the codes and replace them with:</p> <ul style="list-style-type: none">• passenger vehicle traction law• passenger vehicle chain law• commercial motor vehicle chain law	<p>Existing-1.05, 1.06, 1.07, 1.08</p> <p>Proposed: 3.00, 4.00, 5.00</p>	<p>No change in requirements of the Code, just using words the travelling public can understand.</p> <p>No negative economic impact to the travelling public or industry.</p>
<p><u>Change in CMV weight:</u> The proposed Rules make the commercial motor vehicle requirements easier to understand by stating that a commercial motor vehicle for purposes of the Rules is a vehicle that is 16,001 pounds or more GVWR, consistent with § 42-4-235(1)(a), C.R.S.</p> <p>The existing rules are based on the federal requirement for a commercial driver's license. This leads to inconsistencies in enforcement.</p> <p>Proposed rules conform the weight of a CMV to that found in 42-4-235(1)(a), C.R.S. making enforcement easier:</p> <p>"CMV" means a vehicle having a manufacturer's rating or GVWR of at least 16,001 pounds and used in commerce on public highways or a GVWR of at least 16,001 pounds and used to transport at least 16 passengers.</p> <p>The proposed Rules use the weight of CMVs in the statute that is utilized by the Colorado State Patrol in all truck regulatory and enforcement functions.</p>	<p>Existing Rule: 1.10</p> <p>Proposed Rules: 1.06, 5.01</p>	<p>Lowering the CMV definition to 16,001 GVWR from 26,001 will result in a greater number of vehicles being required to use chains or ADTs under extreme inclement weather conditions.</p> <p>Individual truck owners involved in commerce and truck rental companies will be impacted by this change and may now be required to have chains or ATDs.</p> <p>These lighter vehicles may be at a greater risk of spin outs if not equipped with chains or ATDs. Given the ever-increasing traffic on the I-70 corridor and elsewhere in CO, lowering the vehicle weight to 16,001 from 26,001 may reduce the number of casualties, accidents and road closures associated with lighter weight large vehicles.</p>

Change	Rule References (Existing and Proposed)	Impact to the Travelling Public and to Industry
<p><u>Recreational Vehicles Called Out in the Proposed Rules.</u> The proposed Rules provide specifics for recreational motor vehicles based on the vehicle's weight for purposes of chain law/traction law.</p> <p>The proposed Rules use the statutory definition for Recreational Vehicles and places them into chain law categories based upon the weight of the vehicle.</p>	<p>Existing Rules do not call out requirements specific to recreational vehicles; however, the existing Rules/Codes do apply to them.</p> <p>Proposed Rules: 1.10, 1.11, 1.13, 3.01.2, 3.02, 3.03, 4.02, 5.01.01, 5.02, 5.04, 5.05</p>	<p>The existing Rules make no reference to Recreational Vehicles effectively leaving this class of vehicles without clear guidance on the requirements in adverse weather conditions.</p> <p>Recreational vehicles have not been exempt from chain law requirements, but the requirements were unclear.</p> <p>Those recreational vehicles which have not carried ATDs or chains may need to purchase chains or ATDs in order to comply with highway travel restrictions.</p>
<p><u>Alternative Traction Device Approval:</u> The proposed Rules change the approval process for an Alternative Traction Device from approval by the Chief Engineer to approval through the CDOT Approved Product List process.</p> <p>This change will increase transparency in the process and make information related to the approved alternative traction devices (ATDs) more accessible. It is also believed that the approval process will be much more efficient and timely.</p>	<p>Existing Rule: 1.02</p> <p>Proposed Rule: 1.01, 6.05</p>	<p>No negative economic impact from this change.</p> <p>Positive economic impact could result if more alternative traction devices are approved, possibly resulting in lower cost to consumers in a competitive market.</p>
<p><u>Tire tread depth change:</u> The increase of the minimum allowable tire tread depth from 1/8" to 3/16".</p> <p>Raising the allowable minimum tread depth on tires should directly decrease the number of highway closures and slowdowns due to accidents and spin outs.</p>	<p>Existing Rule: 1.01</p> <p>Proposed Rule: 3.03.4</p>	<p>This change may require some vehicle owners to purchase new tires to meet these requirements.</p>

Staff Updates

Guest Experience Collaborative

The group met on March 21st and hosted Alison Wadey with the Vail Chamber & Business Association who gave a nice and thorough presentation on the customer service training that the Chamber instituted this past season. We made good progress in understanding the VCBA's program, wins and lessons learned, as we begin to identify opportunities to work with Alison and build on the VCBA's success. We will not be having our weekly meeting on March 28th as many are traveling for spring break. The group will reconvene on April 2nd. Related, Mia Vlaar will be attending the Mountain Travel Symposium.

Booth Falls Trailhead

We have now had multiple staff meetings internally, and we are having our second meeting with the USFS on April 15th. Subsequent to that meeting, and perhaps as early as April 16th, we will be informing the Town Council of strategies and measures being pursued internally. Of course the discussion will be inclusive of other stakeholders and neighborhood interests as time marches on, but the short-term remedies now being formulated will likely be well received by many. While much more detail will be coming to the Council in the near future, the measures include:

- Temporary sanitation facilities at the trailhead
- Concierge Training
- On-street parking prohibition
- Trailhead transit shuttle
- Mapping
- Public Outreach
- Trail Monitoring

Recruitment

There is active recruitment currently taking place to fill positions in the Fire Department, Human Resources Department, Environmental Sustainability Division, and Economic Development Department. Stay tuned.

Open Space Committee

The 2018 Update of the Open Lands Plan includes an action item to reconvene the Open Space Committee, which by Town Charter includes the Town Manager, a Town Council member, and a member of the Planning and Environmental Commission. Staff will include a request on the agenda of the next PEC meeting that the Commission select a designee. Currently Jenn Bruno is the Council member designee which was affirmed earlier this year. The objective of the committee is to review the parcels that are recommended by the Open Lands Plan for Designated Open Space zoning, or acquisition of private parcels for environmental protection.

Town Council Retreat Dates

We will endeavor to establish retreat date(s) for the Town Council spanning the next summer months. Please have your calendars ready.