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## Memorandum

To: Town Council

From: Gregg Barrie, Department of Public Works

Date: July 7, 2020

Subject: Discussion of Dismount Zones in Pedestrian Areas

### I. PURPOSE

The pedestrian areas of Vail Village and Lionshead can feel congested at times. During those times, the speed variation between pedestrians, bicycles, electric bicycles and other new forms of transportation such as Segways, scooters and hoverboards can create what feels like less-than-safe conditions. It has been suggested that “dismount zones” in village areas could offer a solution. The purpose of this agenda item is to discuss options around dismount zones and to offer other potential solutions.

### II. BACKGROUND

Previous Town Councils have discussed the idea of creating bicycle dismount zones in some busy areas of Vail’s pedestrian zones. However, there has not been a decision to create or enforce dismount zones for various reasons, some of which are outlined below. There is currently one dismount zone on private property near Arrabelle in Lionshead. In addition, bikers are asked to dismount on some stairways in Vail Village.

Research conducted by the Vail Police Department indicates that municipalities have the authority to create dismount zones. The implementation of dismount zones does not require a new ordinance. The complete memorandum from the Vail PD is attached as Appendix A.

Per available records, there have been two reported pedestrian/bicycle incidents within Vail’s pedestrian areas since 2014. One was in Lionshead, one was in Vail Village, both during 2015. However, the Vail PD is transitioning to a new record system and this may not be a complete reporting of all incidents. More complete information will be available by mid-July.

### III. CONSIDERATIONS

As noted above, the pedestrian areas in Vail are often busy with people. Fast, unpredictable operation of bicycles in those areas can present a hazard or feeling of an unsafe situation for some people. In addition, there are sometimes concerns/conflicts with transit operations along East Meadow Drive. However, the villages are not always crowded, and safe operation of bicycles is often feasible. Special events such as Vail America Days and the Farmer’s Market may require a different approach than other days. Some considerations that may affect the choices for implementing dismount zones are listed below.

1. Vail is an active community and identified as a Sustainable Destination. People are encouraged to use alternative transportation methods, and many choose to do so. Dismount zones, especially for large areas, may influence their choices.
2. Vail is identified as a Silver Level Bicycle Friendly Community by the League of American Cyclists, a designation that we apply for every four years. Vail's status is up for renewal in 2021. One of the specific questions that helps determine our status is whether we enforce dismount zones. It is assumed that enforced dismount zones are a negative for the purpose of the BFC designation.
3. Vail's recreation-based economy promotes bike rentals, Segway tours and other active outdoor activities. Many of Vail's bike rental businesses are located in areas that may be affected by potential dismount zones, which could impact business.
4. Consideration should be given to how any potential dismount zones would be enforced.

#### **IV. DISCUSSION TOPICS**

1. Which areas of the pedestrian villages have the most conflict between bicycles and pedestrians?
2. Could "Bicycle Slow Zones" be created and signed appropriately, similar to Slow Zones on Vail Mountain?
3. Some electric bike (e-bike) operators tend to go faster than they should, especially younger riders. This can also be an issue on paved recreation trails. Can the Town of Vail engage bike rental shops to promote bicycle etiquette and safety?
  - a. *Biking in Vail* brochure (draft is attached)
  - b. Short 2-3 minute video that all bike renters should watch before leaving the store, similar to rafting or snowmobile safety talk. This could be produced by the town and provided to rental shops for free.
4. If dismount zones are desired, can they be implemented only during especially busy times or during special events such as GoPro and Vail America Days? Can the size of dismount zones be limited to only the most congested areas of the villages?
5. Is there a way to use the host program to help promote safe riding?
6. Vail's recreation trails are busy during peak summer months with a variety of users. Staff proposes that the town should work towards an education and etiquette program for all of Vail's bicycle areas. This program should engage bike/e-bike rental shops. Etiquette and speed limit signs should be added to Vail's trails.

#### **V. ACTION REQUESTED BY COUNCIL**

Staff is requesting that the Town Council discuss the information provided above and to provide direction to staff for next steps, if any.

#### **VI. STAFF RECOMMENDATION**

Staff suggests that this is a complex issue that warrants further discussion. At a minimum, staff would recommend the addition of "Bicycle Slow Zones" in congested areas of Vail's pedestrian villages. In addition, staff would recommend the formulation of a work group that could include the Vail Police Department, Environmental, Economic Development, Public Works, Community Information and the Information Centers to promote safe cycling in Vail.

#### **Attachments:**

- Dismount Zone feasibility memorandum – Vail Police Department
- Draft education – Biking around Vail



## Memorandum

To: Vail Town Council

From: Dwight Henninger, Chief of Police  
Justin Dill, Sergeant

Date: June 24, 2020

Subject: Bicycle Dismount Zone in Vail Village

### I. SUMMARY

The question has been raised if the Town can implement a bicycle dismount zone in the area of Bridge Street and Gore Creek Drive, the answer is yes. If Council desires the Village area to be a bicycle dismount zone, this can be accomplished.

### II. DISCUSSION

After some research into the legality of a bicycle dismount zone covering the Village Street in the Town of Vail, we have the authority to erect official traffic control devices to create a designated bicycle dismount zone. Staff recommends this new proposal to exclude the Pedi cabs as they have a specific Town ordinance regulating their operating capability. Staff does not believe we need to enact a separate ordinance to create a dismount zone based on existing statute and code. We have been unable to locate any specific ordinance in cities enforcing dismount zones, like Ft. Collins, beyond obedience to official traffic control devices.

Currently the stairs on Wall Street and near the Children's Fountain have dismount signs.



### III. STATUTES, CODES AND CASE LAW

Following is the pertinent Colorado Revised Statutes and Model Traffic Code citations as well as a case law citation with respect to home-rule and enacting laws of municipal concern if it were determined a desire to create a specific municipal ordinance.

Included is language defining a dismount zone from the Safe Commuting Rules and Regulations Colorado State University in Ft. Collins.

Under C.R.S. 42-4-1412 (10)(b) and Model Traffic Code 1412:

#### **42-4-1412. Operation of bicycles, electric scooters, and other human-powered vehicles**

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*(1) A person riding a bicycle, electrical assisted bicycle, or electric scooter has all of the rights and duties applicable to the driver of any other vehicle under this article 4, except as to special regulations in this article 4, except as provided in section 42-4-1412.5, and except as to those provisions that by their nature can have no application. Bicycle, electrical assisted bicycle, or electric scooter riders shall comply with the rules set forth in this section and section 42-4-221, and, when using streets and highways within incorporated cities and towns, are subject to local ordinances regulating the operation of bicycles, electrical assisted bicycles, and electric scooters as provided in section 42-4-111. Notwithstanding any contrary provision in this article 4, when a county or municipality has adopted an ordinance or resolution pursuant to section 42-4-1412.5, riders are subject to the local ordinance or resolution.*

*(10) (b) A person shall not ride a bicycle, electrical assisted bicycle, or electric scooter upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where the use of bicycles, electrical assisted bicycles, or electric scooters is prohibited by official traffic control devices or local ordinances. A person riding a bicycle, electrical assisted bicycle, or electric scooter shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.*

**Under 42-4-111(1)(C) and 42-4-111(1)(Y):**

#### **42-4-111. Powers of local authorities**

*(1) Except as otherwise provided in subsection (2) of this section, this article 4 does not prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:*

*(c) Regulating traffic by means of police officers or official traffic control devices, consistent with the provisions of this article;*

*(y) Regulating the local movement of traffic or the use of local streets where such is not provided for in this article;*

Here is a case law citation regarding home rule and matters of municipal concern:

***Municipal ordinance of local concern supersedes conflicting state statute.*** Under the home-rule amendment, once a matter is determined to be a matter of local and municipal concern, any local ordinance in a home-rule city addressing the matter will supersede a conflicting state statute. *People v. Hizhniak*, 195 Colo. 427, 579 P.2d 1131 (1978).

The following references were obtained from:

<https://police.colostate.edu/files/2020/01/Safe-Commute-Rules-and-Regulations.pdf>

*Dismount Zone = all areas of the University posted for no riding and marked with ground graphics and/or “Dismount” signs. All Dismount Zones apply to all forms of wheeled conveyances.*

- 1. Dismount is defined as “walking with both feet on the ground, beside the bicycle or scooter.”*
- 2. Dismount is defined as “carrying the board by hand or bag.”*
- 3. Dismount is defined as “carrying the rollerblades (skates) by hand or bag.”*

Q. Skateboard = any device consisting of a footrest mounted on wheels less than fourteen inches (14”) in diameter, upon which a person may ride, that is propelled solely by human power. This includes roller -skates, rollerblades (in-line skates) and non-motorized kick scooters. These devices are not vehicles. They are considered toys by CRS code.

**SAFETY VIOLATIONS** *The following actions are considered to be safety violations and subject the violator to a \$35.00 fine:*

- *Operating in a dismount zone*

#### **IV. CONCLUSION**

If Council desires to implement a bicycle dismount zone for the Village, this can be done with the existing legislation at your direction.



# BIKING around Vail



## BIKING 101

- **Wear a Helmet** Wearing a helmet can reduce the risk of head injury to bicyclists by as much as 85 percent
- **Know Your Bike** Before you go out on your ride make sure your bike fits you properly, check your seat height, tire pressure and brakes
- **Yield to Pedestrians** Pedestrians always have the right of way. Be courteous and let people know you are behind them
- **Pass on Your Left** Whether it be another biker or pedestrian, say "passing on your left" and use your bike bell
- **Yield to Uphill Traffic** The uphill rider always has the right of way, including on paved recreation paths, dirt roads and single track. If on single track, move off the trail for the uphill biker to pass
- **Don't Text and Ride** Two hands on the handlebars at all times, please

## E-BIKES

- Vail Village and Lionshead are SLOW zones for all bikes (including e-bikes)
- E-bike use is restricted on some local trails, including most soft-surface trails
- Pay attention to signs designating trail and road use

### Please turn off your e-bike at:

- All children's playgrounds
- All turf areas
- All sidewalks that are not designated ped/bike paths
- Where any motorized vehicles are prohibited



## BIKING ON THE ROAD

- Bike with traffic, the same direction as motor vehicles, on the side of the road, in the bike lane, or close to the sidewalk
- Yield to traffic that is already on the road
- Always bike in a single file. This includes the Vail Pass Bike Path
- In roundabouts, bikers should "Take a Lane" and act as a motor vehicle would if they are moving through
- Use proper bike signals when making turns, especially in the roundabouts
- At crosswalks, use the flashing lights
- Stop at all stop signs
- Allow faster bikers to pass

## RIDER CHECKLIST



Helmet



Sunscreen



Closed Toe Shoes



Sunglasses



Water Bottle



Snacks



Extra Layer of Clothing



[vailgov.com/welcome-to-vail](http://vailgov.com/welcome-to-vail)



Vail Village Welcome Center  
241 South Frontage Road  
970.477.3522

Lionshead Welcome Center  
395 South Frontage Road West  
970.477.3523

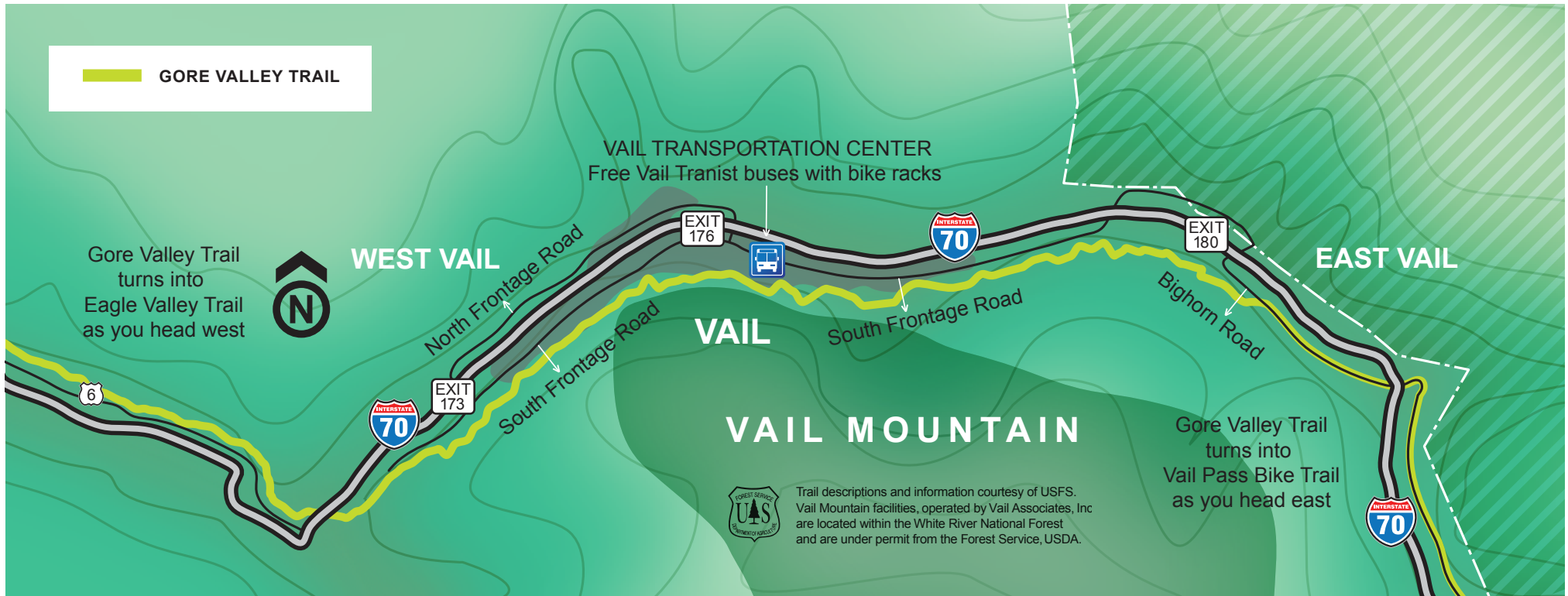


DISCOVER  
VAIL  
[discovervail.com](http://discovervail.com)

# BIKING around Vail



Photos by Townsend Bessent



**TOWN OF VAIL**  
Welcome Centers  
[vailgov.com/welcome-to-vail](http://vailgov.com/welcome-to-vail)

**Vail Village Welcome Center**  
241 South Frontage Road  
970.477.3522

**Lionshead Welcome Center**  
395 South Frontage Road West  
970.477.3523

**SOLE POWER**  
[solepower.org](http://solepower.org)

**DISCOVER VAIL**  
[discovervail.com](http://discovervail.com)