

Batch 1

Comments about E-Bikes for the Parks, Trails,
and Recreation Commission

Received between 4:30pm on Thurs., Feb. 4th
and 4:30pm on Fri., Feb. 5th 2021

GARY S. JUDD
3 CANTITOE LANE
Cherry Hills Village, CO 80113-6111
February 4, 2021

Parks and Trails Commission
City of Cherry Hills Village
2450 Quincy Avenue
Cherry Hills Village, CO 80113

VIA EMAIL TO eblack@cherryhillsvillage.com

Dear Commission Members:

I am writing to strongly oppose the Commission recommending amending the City's code to permit e-bikes on any of the trails under the jurisdiction of the City.

The trails were originated as walking, equestrian, and regular bike amenities. As you are well aware usage of the trails and, especially, the Highline Canal amenity has grown immensely in recent years with significant growth coming from our increasing population and the COVID pandemic. Sales of e-bikes have soared during COVID making this issue even more important. As reported on Colorado Public Radio's Colorado Matters this morning, the use of trails throughout Colorado has intensified and parking has become a growing issue. Making it legal for e-bikes to utilize the trail system would exacerbate this pressure and would create real safety concerns.

A Reuters' article dated December 25, 2020, based on the United States Consumer Product Safety Commission's Electronic Injury Surveillance System data for 2017-2020, reported that e-bikes "are becoming increasingly popular in the United States, but the powered bikes carry a higher risk of severe injuries than traditional bicycles." The article continued, "E-bike injuries were also more than three times as likely to involve a collision with a pedestrian than either scooter or traditional bike injuries." The ability of the three classes of e-bikes to reach speeds of 20-28 miles per hour is a primary contributor. A New York Times article dated August 19, 2020, stated, "because e-bikes are heavier and travel faster, they will require more time and distance to stop than a standard bike." E-bikes are clearly more dangerous than traditional bikes. There is a good reason that other jurisdictions such as Summit County in Colorado have banned e-bikes on unpaved trails.

E-bikes are motorized vehicles and need to be kept off of the City's trails. Clearly, enforcement is a challenge but that should not be used as justification to change current, established City code. A first step to assist enforcement would be to improve signage at all entry points to our paths making them large enough and emphasizing the restriction on motorized vehicles including e-bikes.

Thank you for your consideration of these concerns in your deliberations.

Sincerely

(Signed Gary S. Judd)

Judith Judd
3 Cantitoe Lane
Cherry Hills Village, CO
80113
judithjudd@msn.com
303-807-2806 (mobile)

February 4, 2021

Cherry Hills Village Parks and Trails Commission
Stephanie Dahl, Chair
Fred Wolfe, vice Chair
Robert Ebert
Kate Murphy
Aron Grodinsky
Tory Leviton
Chelsea Scott
Cherry Hills Village
2450 East Quincy Avenue
Cherry Hills Village, CO 80113
Via Email eblack@cherryhillsvillage.com

Dear Chair, Vice Chair and Members of the Cherry Hills Village Parks and Commission.

Thank you very much for publishing in the January and February Village Crier your call for public comment about amending the CHV municipal code to remove the prohibition against motorized use of Village trails. You gave us the “heads up” we needed, and a fair chance to voice our concerns. The issue, as I understand it, is whether E-Bikes should be added to the mix of permissible uses of the trails.

Allowing E-Bikes would require repealing Section 11-3-80 of the code. This section states that “it is unlawful to drive any motor vehicle in any park or on any trail within the City.” It defines motor vehicle as “any wheeled vehicle propelled wholly or in part by ... electric engine or motor.” Because this section specifically excepts “handicapped propulsion devices” any alleged problems with Section 11-3-80 do not pertain to vehicles deemed to be handicapped propulsion devices.

One must assume that careful thought was given to Section 11-3-80 when it was promulgated and that it represents a reasoned analysis of the pros and cons of allowing motorized use of the trails. The question now is why it should be changed.

Clearly, E-Bikes are “the new thing”. They are driving a resurgence in the bicycle industry and are heavily promoted by said industry. I witnessed firsthand the early surge of E-Scooters and E-Bikes on the sidewalks of San Francisco. Suddenly they were whirling by you, dodging around you, pressuring you from behind to move to the side, to move faster, to move out of the way. As a pedestrian you had no choice but to clear the way for the E-Bike or E-Scooter; your wellbeing depended on it. At first blush they seemed like a good way to get around the city, but it became clear very quickly that they were not compatible with pedestrians and the City moved them to the streets within a few months.

In 2019 the bicycle industry was able to get the Colorado legislature to pass a comprehensive cyclist law that specifically addressed E-Bikes. Entitled the “Vulnerable Road Use Law, Section 42-4-1402.5 provides that “A local authority may prohibit the operation of a class 1 or 2 electrical

assisted bicycle on a bike or pedestrian path under its jurisdiction.” [Class 3 E-Bikes are more strictly regulated.] As an interest group, cyclists desire to have as many riding options as possible, but in this legislation even the State recognized that E-bikes are not appropriate for every situation.

I am a frequent user of the Village trails as a pedestrian and an equestrian. Last spring and fall I walked the bridlepaths in my area daily. My experience is that in most places they are not wide enough for one pedestrian going south to pass two pedestrians going north. In this situation, northbound walkers must give way to those going southbound or vice versa. This is easy for pedestrians to do. But if you add E-Bikes to the situation, the result is worse than the sidewalks of San Francisco. Village trails and bridges are not hard, smooth and wide, but rather soft, rutted, and narrow.

The CHV trails are under enormous pressure from the increasing density at Belleview Station and all over the metro area. As the members of the Commission are surely aware, use of the Highline between Colorado Blvd and Orchard is intense. The western boundary of our property borders the Highline Canal. Our observation is that the dominant use (by far) of the Highline and the bridlepaths is pedestrian. Is there any data to indicate that this is not the case? Why would the City do anything to encourage E-Bike usage in this situation?

E-bikes are not permitted (Section 11-5-70) by Greenwood Village, our neighbor to the South. Suzanne Moore, Director of Greenwood’s Parks, Trails and Recreation states that there are no plans to change the Greenwood prohibition (which mirror’s the City’s prohibition). She also reports that she has observed E-Bikes on the Highline going so fast it would be impossible for them to stop if a pedestrian steps in front of them. She further acknowledges that enforcement of the prohibition is difficult (especially since E-Bikes don’t have license plates) but agrees that the answer to difficult enforcement is not removal of the prohibition.

Summit county has published notice that it is not considering permitting E-Bike use. ”E-Bikes are not permitted on natural surface trails dedicated as non-motorized, whether the trails are under the jurisdiction of Summit County, the Town of Breckenridge or the US Forest Service. “Class 1 e-bikes are allowed on the Recpath, which is a paved pathway.”:

In California, “Electric bikes are not allowed on dedicated bike paths unless the path runs adjacent to a roadway or is posted to allow motorized bicycles.” In Oregon there is a “blanket prohibition against e-bikes on state park trails.” In Oregon “e-bikes are treated like cars and motorcycles, ...not like bikes.”

Locally, South Suburban Parks and Recreation allows E-bikes, but limits speed to 15 mph. I would argue that this is not a model the City should follow. This is not a solution to the safety issue and it simply adds another enforcement problem since the motor assist on Class 1 and Class 2 E-Bikes doesn’t turn off until the bike reaches 20 miles per hour.

Once the City’s prohibition is repealed, there is no going back. I would urge the utmost caution in making changes that would clearly be a detriment to pedestrians and to the City’s ungroomed, natural bridlepaths and require even more enforcement assets.

Sincerely,
Judith Judd

From: [seymour katz](#)
To: [Emily Black](#)
Subject: eBike Public Comment
Date: Thursday, February 04, 2021 6:07:04 PM

My name is Seymour Katz, I live at 4475 S Lafayette St , Englewood, CO 80113, and I'm here to voice my support for changing parks ordinances to allow eBikes on trails.

Here, let Councilmembers know why this change is important to you (e.g. "As a resident and regular bike commuter on Park trails, it's important to me to know that I and my neighbors can legally ride eBikes to get through Cherry Hills Village." OR "As someone who rides my eBike regularly on Park Trails to stay healthy, I was surprised to find out that Cherry Hills Village currently doesn't allow me to ride legally, even while Colorado law does.")

eBikes are a fantastic way to get out and enjoy all that Cherry Hills Village has to offer in a safe and fun way. I hope you will move forward with amending the ordinance so that residents and through-bicyclists like me may continue to enjoy Cherry Hills Village on two wheels.

James and Kathy Crapo
4650 S Forest Street
Cherry Hills Village, CO

February 4, 2021

Parks, Trails and Recreation Commission
Cherry Hills Village, CO

We are writing out of concern for any change in the use of the High Line Canal or connecting bridle paths that would increase the use of motorized vehicles on them. We use the trail and paths almost daily and they are a critical element of the unique environment of Cherry Hills Village.

Traffic on the trails has dramatically increased as other residents of the Denver area have discovered our lovely trails. We welcome the increased use of these trails but are strongly opposed to the use of motorized vehicles on these paths. The recent increase in traffic has included frequent encounters with fast bikers. Instead of the polite "on your left" call-out that was previously common, we are now frequently overcome by bikers who are attempting to bike quickly between other trail users. Despite arguments to the contrary the speed of e-bikers is dramatically faster than those using traditional bikes.

Please preserve our special environment in Cherry Hills Village that encourages pedestrians and equestrians. Arguments that enforcement is difficult belies the fact that we must still be good stewards of our trails. Enforcement is a problem to be solved and should not be an issue in setting policy to maintaining both the character and the safety of our trails.

Thank You,

Kathy and James Crapo

kd@crapodenver.com

303-521-5434

jdc@crapodenver.com

303-808-7314

(staff note: Mr. Ferguson's first email appears in the packet; these are additional comments)

From: [Bill Ferguson](#)
To: [Emily Black](#)
Subject: RE: E-Bikes feedback
Date: Thursday, February 04, 2021 6:08:34 PM
Attachments: [image001.png](#)

Emily,

Thank you for the reply. The intent of my comment was in part to acknowledge that hopefully we are not ALREADY allowing motorized vehicles on our horse/walking trails by turning a blind eye.

You state that the Municipal Code does not allow this behavior and is being enforced when practical by the Police Department which is wonderful, but unfortunately some residents have formed bad habits and are breaking the law.

Please put on the record that I am against allowing motorized vehicles including E-Bikes on our trail system. I don't see how equestrians, walkers, hikers, bicyclists and now potentially motorized vehicles can co-exist on dirt trails. As a former owner of horses I would not want to encounter a motorized vehicle on a horse path while trying to control my horse. Motorized vehicles should be restricted to paved bike paths and streets where they can be safely operated and less of a hazard to both two and 4 legged trail users.

My best,
Bill Ferguson

From: Emily Black [mailto:eblack@cherryhillsvillage.com]
Sent: Thursday, February 04, 2021 5:41 PM
To: Bill Ferguson <bferguson@basicfoodgroup.com>
Subject: RE: E-Bikes feedback

Hi Bill,

Thank you for your comments, I will include them in the packet for the February 11th Parks, Trails, and Recreation Commission meeting. I can copy the relevant section of the municipal code for you below about motorized vehicles on trails:

Sec. 11-3-80. - Operation of motor vehicles.

It is unlawful to drive any motor vehicle in any park or on any trail within the City. For the purposes of this Section, motor vehicle includes any wheeled vehicle propelled wholly or in part by internal combustion or electric engine or motor, except for individual handicapped propulsion devices and any police, fire, ambulance and any other park, fire protection, water or sanitation district, City, Denver Water Department, U.S. Postal Service or other public vehicle; or a vehicle operated for the purpose of installing, maintaining or servicing parks or trails or a utility such as a water, sewer or gas line or telephone or electric power line or installation.
(Prior code 8-2-2-5; Ord. 9 §1, 2003; Ord. 10 §1, 2007)

Since the beginning of the pandemic when trails became more crowded, the Police Department has been deploying extra patrols on trails (particularly the High Line) whenever possible. However, their availability is obviously subject to other issues taking places in the city.

Thanks and please let me know if you have other questions,

Emily C Black

Parks & Recreation Coordinator

City of Cherry Hills Village

2450 East Quincy Avenue

Cherry Hills Village, CO 80113

Direct: (303) 783-2742

Fax: (303) 761-9386

eblack@cherryhillsvillage.com



From: Bill Ferguson <bferguson@basicfoodgroup.com>
Sent: Thursday, February 04, 2021 9:27 AM
To: Emily Black <eblack@cherryhillsvillage.com>
Subject: E-Bikes feedback

Emily,

In regard to PTRC's request for feedback concerning E-Bikes on trails I would like to first understand the PTRC's position on golf and utility carts on trails. As a resident of CHV since 1986 I've witnessed a dramatic shift from equestrian and walker/hiker usage on trails to walker/hiker and mountain biker and golf/utility carts. I've never understood if golf and utility carts are permitted uses, are they currently permitted on trails? If they are not permitted why are we not actively enforcing the rules within the village?

The answer to this question will help guide most feedback on E-Bikes.

My best,

Bill Ferguson
4355 S. High St.

From: mary milgrom <mkmilgrom@yahoo.com>
Sent: Thursday, February 4, 2021 11:10 PM
To: Pamela Broyles <pbroyles@cherryhillsvillage.com>
Subject:

Dear Ms. Broyles,

I would like to share my thoughts about the issue of allowing eBikes on the trails in Cherry Hills Village, and ask that you share my input with Ms. Dahl and the commission members.

I am a regular user of the trail system in the Village and feel privileged to have access to such a gorgeous and accessible resource. Over the past 30 years, the trails have provided me and my family with opportunities for exercise, to meet my neighbors, to observe wildlife, and to experience the beauty of our area. These trails are a peaceful oasis and a brief escape from the demands of life.

Preserving the tranquility of these open trails is a responsibility I hope you will take very seriously. Other than city and emergency vehicles, I oppose allowing motorized vehicles on the trails.

Sincerely yours,
Mary Milgrom
5420 Nassau Circle East
720 232 9631

Sent from [Mail](#) for Windows 10

(staff note: sent to eblack@cherryhillsvillage.com on Fri., Feb. 5th)

William & Kerry Warburton
7 Cantitoe Lane
Cherry Hills Village, Co 80113

February 3, 2021

To Cherry Hills Village Parks and Commission,

First, I would like to formally introduce myself and my family. My name is William Warburton, and I recently moved to 7 Cantitoe Lane. My wife's name is Kerry Warburton, and we have four daughters, ages 20, 19, 17, and 14. I am very excited to be a Cherry Hills community member and cannot wait to get to know my neighbors. One of the things my wife and I were so excited about were long afternoon walks on the High Line Canal. We walk every day with our three dogs and enjoy the peaceful, safe path as an option.

With that being said, I believe that allowing E-Bikes on the High Line Canal would have a negative impact on the community. We have a condo in Vail and spend most of our summer up in the mountains hiking, biking, and fishing. I have had first-hand experience with E-bikes and have ridden them and seen their effect on the Vail paths and trails. While they are fun and exciting, in a pedestrian setting, allowing E-Bikes could quickly become dangerous. E-Bikes are easy to buy, but what people forget is that they are still a motorized vehicle. It is crucial that the person riding must be overly cautious, especially when there are pedestrians present. To ensure a safe environment for walkers and trail bikers, we should not encourage or allow for the new maximum speed on those paths to be thirty mph. In addition to them being potentially dangerous, E-Bikes could cause the path to see much more day-to-day traffic resulting in more management needed to maintain the trails. Allowing E-Bikes would only be the beginning. If we allow E-Bikes on the path, we open up the door for motorized scooters or other motorized vehicles to eventually gain access as well. E-Bikes would be hurtful and harmful to the overall trail environment.

I know that if E-Bikes were allowed on the High Line Canal, I would be hesitant to walk with my family and my dogs on it every day. As a community, we need to protect the trail and maintain the calm and secure environment you all have worked so hard to build. Thank you for your time, and if you have any questions, please do not hesitate to reach out to me.

Sincerely,
William Warburton
wwarburton@concordenergy.com | (303)-638-8774

From: [Tu Huynh](#)
To: [Emily Black](#)
Subject: E-Bikes on trails
Date: Friday, February 05, 2021 8:47:22 AM

Hello Ms. Black,

My name is Tu Huynh and I'm a Cherry Hills resident. I would like for the committee to consent to allowing ebike on the trails. I have bad knees and unable to ride the trail without assistance. I'm unable to walk without pain, and without my ebike, my ability to exercise will be greatly limited. Would the committee consider posting the speed limit on the trails? I notice that one does not need to have an ebike to be traveling at speed greater than 20miles/hr. The ebike is quiet and it's not a hazard to other trail users. Like other trail users, the person needs to be considerate and obey the rules.

Sincerely,
T Huynh