

Town Hall Notes

August 6, 2015

General Comments:

- Cyclists crossing multiple jurisdictions, which compounds the challenges.
- Bicyclists are drivers too
- Most people don't see cyclists dying on our roads as a crises
- Most of our planning is motor vehicle centric - blind men and elephant
- Rise to the challenge of saving lives, just like we've done with the Pro Cycling Challenge
- Cyclist education is a key part of the solution, yes cyclists break the laws, so do motorists
- Recent deaths, cyclists were not doing anything wrong.
- Vision Zero: Sweden, to eliminate traffic deaths. 50% reduction since '97. Momentum in US, new Bill for funding in the House, most programs are based in cities.
- Focus on high accident areas first, saves money.

Panel list:

Sgt. Rich Armstrong, CSP

State Senator John Kafalas, jkefalashd52@frii.com

Marc Engemoen, Larimer Co Public Works

Mark Peterson, Larimer Co Engineering

Brad Tucker, Attorney and Bicycle Colorado Board member, Brad@ColoBikeLaw.com

Emily Humphrey, Asst. DA

Lt. Craig Horton, FCPS

City Councilman Ross Cunniff, rcunniff@fcgov.com

Tessa Greegor, FC Bikes Program Manager

Joe Olson, Fort Collins Traffic Engineer

Vision Zero:

Proposed Goal

Promote implementation of a local Vision Zero program in Fort Collins and Larimer Co.

Vision Zero can be an overall program umbrella for organizing and promoting our efforts.

Leader: Bruce Henderson

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Short Term

- Organize continuing meetings, each focused on one of the three areas, thru YGR.
- Publicize, and thank folks, on FB and in Coloradoan article for attending and getting involved.

Long Term

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Vision Zero at State level has been incorporated into the 2015 Colorado Strategic Highway Plan in the form of moving toward zero deaths. Details at www.co.gov/safety.

Education

Proposed Goal

Create an environment of mutual respect and awareness between drivers and cyclists of both rules of the road and unique behaviors.

Leader: Dot Dickerson

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Issues:

- It's scary riding out there. Even though it's legal, it can still be risky.
No guarantee that motorists will behave properly.
- How should someone follow the Law, but not at expense of their

- safety? Use the secondary low stress network in FC.
- Does Police Services issue citations, yes if they see the violation. Better signage and infrastructure will help.
 - Law enforcement not being up to speed on the code. How much of a priority have the agencies placed on educating themselves on the cycling related code? In January FCPS partnered with FC Bikes how to improve safety as part of the 2014 Bicycle Master Plan. There are two focuses - ride safe and drive safe. Initial focus is ride safe, create the right balance of education and enforcement. PS as part of Bike Safety Week focused on stopping both bicyclists and drivers with a result of: 200 bike stops, 300 car stops. Balanced approach, education on bike laws. Most of the stops related in issuing a warning, the focus was bicycle violations.
 - Need to change the general media bias towards motor vehicles.

Potential Action Items:

City and County

- Improved signage is needed to raise motorist awareness of cyclist behavior. On Kechter, CDOT already put a up a new sign: Cyclist may share the road. Need more effective signs on all the overpasses - a new project. Motorist education.
- Can we get signage focused on 3 feet to pass and crossing double yellow (applause)? This type of awareness campaign has been discussed city wide. Need money for signs and marketing. Needs to happen before enforcement.
- Designate Bicycle Friendly Drivers. This would imply the driver has successfully completed some sort of cyclist awareness class. Create a card and give it to them. Could League of American Bicyclists sponsor?
- We need to create/borrow/steal a bicycle rider awareness presentation for motor vehicle drivers.
- Roll out the bicycle awareness presentation throughout the city and county, with initial focus on commercial drivers.
- Create a 'bicycle awareness for drivers' section to driver education in high schools, in private driver ed company classes, and general classes.

State

- Incorporate knowledge of bicycle law and behavior into the drivers license process. For example -3 ft. to pass (side mirror to elbow) is the law, but how many driver consciously know this? Driver written and road tests can be changed. Dept of Revenue manages that. John can check into that. Assumes there are issues with commercial truck drivers, how much bike safety law is part of their unique exam. Note, there may be a cost associated.
- Investigate feasibility of new written testing at license renewal time. This would be focused on changes in the law since the driver last renewed.

Bruce is interested in leading these two state wide actions, working with Bicycle Colorado.

Action items for the Cycling public

- Long - Designated people who report good driver behavior towards cyclists.

Action items for the Motoring public

Short term

- Class working with Jamie.

Long term

- Create new program to certify Bike Friendly Driver's
- Send postcards, find a sponsor.
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Conversation:

- Education should be focused on drivers, professional drivers, kids. Broad awareness and marketing campaigns.
- Current programs
 - SRTS
 - Legal or Not, Rules of the Road.
- State bike code is often incorporated into local code. The State version is very difficult for non-lawyers to interpret. New FC bicycle code is being re-written into city code in a way that is easier to understand. Can be used by FC Bikes and FCPS for education. Joe Olson publishes the 2014 traffic safety report, which includes all of the bicycle crash information. These are

- available to the public for free and help further understanding of the crash specifics. Owned: FC Bikes
- Are there specific classes for officers? For FCPS, yes, before the April Bike Week. Drive smart is the next focus. PS will enforce laws based upon a priority of frequency of accident type. The Bicycle Master plan asks PS to repeat this every Spring and Fall.
 - Crossing double yellow in Colo to pass a cyclist is legal, code section is 42.4.1005.4D: you cannot pass on a double yellow, **but** provisions do not apply to passing a bicyclist when safe (no oncoming traffic).
 - Proposal to license bicycles simplifies things (1 comment). Our town hall focus is how we can make cycling safer in the three focus areas. Licensing is not the scope of tonight's session. This would take too much time and would distract the planned conversation for this evening.
 - Is there any CSU student educational outreach on bicycling laws? Yes, they are partnering with CDOT to look at what's happening on and around campus. Meeting next week. Also, this year as part of RAM welcome there will be 2 hours focused on bicycle education. This is focused on incoming freshmen. Discussions ongoing on how to make this a requirement.
 - Bellvue Example. When should you take the lane? How should you properly take the lane? Get visible, get off the line and take the lane. If it's an emergency, ride in the ditch, that is common sense.
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Post meeting clarification on county road signage:

Question 1

My understanding is that you work closely with CDOT when determining where signs should be placed and what those signs should say - should we contact you first or CDOT when we have concerns about road safety? As in the case of the sign on Kechter, my understanding is that one of our cyclists contacted CDOT to improve signage there. Then perhaps they contacted you? Which is the better route to go? Directly to you or to CDOT first.

Also, CDOT suggested signs on all overpasses saying "Do not pass cyclists". I would like to follow up on this but am not sure if I should be talking to them or to

you. Please clarify your position.

I think I can answer your questions. Normally traffic related signs on Larimer County roads are administered by the County's Engineering Department. Engineering works closely with our Road & Bridge Department on the fabrication and installation of signs, and Road & Bridge maintains the signs after they are installed. The two people in Engineering most directly involved with traffic signs are our County Engineer, Mark Peterson, and our Traffic Operations Manager, Bill Gleiforst.

The two questions in your email are related to somewhat unique situations. With respect to the signs we placed on Kechter, we worked closely with CDOT in this particular case because the county road crosses over the interstate highway, so technically the signs were located in CDOT's right-of-way. Therefore, we sought CDOT's agreement on the location and wording of these signs before they were installed. In almost every other instance, when signs are placed along county roads in Larimer County's right-of-way, we do not need CDOT's agreement. If we run into any unusual situations and want to talk to CDOT about their experience or bounce ideas off of them, they're very willing to work with us, but these situations are pretty rare.

If the sheriff has discretionary funds to put up signs that say "Share the Road. Share the Rules." How do we provide input to you/him to create signs that ACTUALLY help rather than hinder the safety of cyclists? Would you suggest we go to him first or you? Or CDOT?

With respect to the "Share the Road/Share the Rules" signs, this was the only time in my 18-plus years with the County that the Sheriff's Office has asked us to install and maintain anything other than a typical traffic sign. In general, we (Engineering/Public Works) prefer to use signs that have been recognized in the MUTCD (the Manual for Uniform Traffic Control Devices), but the Sheriff felt very strongly about this particular wording. Out of respect for his position as an Elected Official and his role in insuring the safety of the public, including users of public roads, we accommodated his request for these specialty signs.

You didn't ask, but I noticed there were comments in other emails about CDOT's memorial sign program. The County also has a policy related to memorial signs associated with fatalities on County roads. You may find more information about the County's program at http://larimer.org/roads/Memorial_Signing.htm. People wishing to have memorial signs installed on mainline county roads can select from a number of approved messages including "Please Ride Safely" and "Please Watch for Bicyclists." If you have any questions about this program, please feel free to contact Mark or Bill.

Engineering/Infrastructure

Proposed Goal:

Promote building infrastructure that maximizes visibility, awareness, and protection of cyclists.

Focus infrastructure improvements on high injury, high traffic roadways.

Leader: Chris Johnson

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Issues:

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- Speeding is intentional, but many people don't know about biking rules and they violate them ignorantly.
- Speeding on county roads is 2x posted limited. Start with more enforcement on common bike routes like around Horsetooth and Rist. CSP - there is a broad disregard for speeding all over.
- Need to do a better job on all the laws, that constantly change. More continuing education is needed. Most people never re-take the test and that's needed, force them to at least study and get tested on the new stuff.
- Can bicycle specific signal lights be implemented at intersections. Done at Laurel. Code requires a fully protected movement, meaning the cyclists can only go when their light is on.
- Idaho Stop Law, may be a good idea but implementation in the city is hard. No one knows where all the city boundaries begin and end, so difficult to anticipate and enforce.
- On Kechter I25 overpass, it's very dangerous on both sides.
- With infrastructure, maintenance is important as building new features. Many examples of needing to keep bike lanes and shoulders free of debris.
- Riding across boundaries between cities and county means changing laws, signage, infrastructure. A holistic collaborative approach is required to address the needs of all cyclists and motorists who drive over these boundaries. For the County, is anything like this on the County's radar?

Potential action Items:

City

- Build more protected bike lanes in Ft. Collins. In Switzerland in one town compared to FC, lots more separation of bike lanes. The city admitted infrastructure was not a strong suite in Ft. Collins. We are LAB Platinum because of our bike culture not our bike friendly infrastructure.
- Eliminate all bike lanes that disappear with no warning, no signage. FC has had a Complete Streets design policy for 20 years. Complete Streets standards are also changing, a moving target. The Bicycle Master Plan outlines how to deal with that, but lots of coordination and funding is needed. There is a lot of work to be done on our infrastructure.

City and County

- Create Sharrows on all lanes narrower than 12'.

Short term action item(s):

Identify current city and county infrastructure plans. Identify the level of city, Co, State planning integration.

Conversation:

- Numerous road types and conditions throughout the county. What would you like to see to make you feel more comfortable? It's all about intersections. E.g. Mason Trail is very difficult at intersections. Most visible accidents in last few years have not been intersections. But, statistically most accidents do occur in intersections. Even though they may not be as conspicuous. On rural roads, speeds are higher and the accidents tend to be much worse and more conspicuous. However in the city, where speeds are lower, 80% bike crashes with motor vehicles are at intersections. Speed and speed differential are factors.
- In general the County tends to be least visible when compared to cities and state, e.g. it was actually the Co who put up the signs at the Kechter overpass!!! Larimer Co two lane roads are the most dangerous part of the system. They get the least funding,

- have not been well funded and do not have Complete Streets safety features. Mile per mile you are more likely to be involved in a crash on Co roads, and it is more likely to be severe due to speeds - compared to state highways and city streets. Co has tried to raise awareness about safety, they have safety reports on their web sites. Only >2% of the crashed involve bicyclists but the county cares about bicycle crashes because 75% will be an injury of fatality. It's 30lbs bike vs 4k lbs motor vehicle. You need to be extra vigilant as a bicyclist and motorcycle driver.
- Signs are not the answer for safety, look at speed limit signs. They are everywhere but people still speed. They are not substitutes for education. Too many signs cause sign blindness.
 - Denmark, lots separate bike signal lights, and fully marked intersections. Works well, couldn't we do more of that here. The city is studying this and looking at where it makes sense. City Council can change the city code, where it is an inhibitor to implementing this infrastructure.
 - The single best way to increase safety is to get more people on bicycles. It raises awareness and becomes just a day to day occurrence.
 - Teenage drivers in Copenhagen, all thru school and drivers Ed, licenses at 18 and constant focus on safety and bicyclists thru their education.
 - In the State legislature, in 2010 HB 10-1147 passed. Not Complete Streets, but - CDOT must provide infrastructure for bicyclists that is safe. Has any progress been made since then?
 - And people could do a better job of reporting the problems. If you have a smart phone, use Access Fort Collins for issues in FC. The City will take care of those requests. Can also use the web site. In the County, call Road and Bridge dept.

Enforcement

Proposed Goals:

Create equality in focus between drivers and cyclists.

Create an array of appropriate penalties for drivers convicted of causing a crash with a cyclist.

Leader: Dan Porter

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Issues:

- We need some penalty the cycling community thinks is appropriate. A list of options we think are appropriate. Is that possible? Each accident needs to be looked at independently. Felony or misdemeanor or traffic offense, based on law enforcement investigation. Traffic misdemeanor, is careless driving for example, only certain amount of jail time can be sentenced, if any. Cannot add a fine outside of the statutory limitations.
- Many in the cycling community do not have confidence in law enforcement, DA's office, failing to take care of them. There are questions about law enforcement officers knowing cycling law and about the DA's willingness to pursue the max penalty.
- None of the classes that a driver convicted of hitting a cyclist is sentenced to are focused on bicyclist safety or motorist awareness of bicyclists.

Action items:

City

- Encourage local crackdown on speeding. FCPS is doing more, at Council request, for ticketing demonstration of speed. More can be done, engage the Council and staff. Email, public comment, etc. There are limits, due to resources and time, with what PS

can be asked to do. Keep contacting Council.

City and County

- Investigate adding a handle bar mounted sonar device that will measure 3 ft passing violations. Can Law Enforcement use this to write tickets to violators? Giving tickets to people for violating the 3ft law will be very effective as people begin to talk about it.

State

- Investigate state wide implementation of automatic drivers license suspension, where a motorist is convicted of hitting a cyclist. What can the judge do with drivers license rights of defendants? License to drive a car is a privilege, but sometimes treated as a right. Often times, depending upon the penalty, the defendant can be back driving their car right away. One answer is automatic suspension, there was a lot of support in the room for this idea. This is something that Bicycle Colo is considering in their legislative planning. Make driving really a privilege and not a right. Talk to your local senator to support this. This would make an impact and change motorist behavior.

Short term actions

Dan is working with Megan on bringing up her law enforcement training class to FC and Larimer Co.

Long term actions

Fund procurement of bar mounted sonar and cameras, to track and record motorist behavior provided by the cycling community. Determine how the FCPS would use this info. Could measure speed, incline, map location, proximity to bike.

Conversation:

- Can city or county laws be passed that would prevent people with suspended licenses from registering their vehicles? Locally ordinances can be enacted that are stricter than the state law.
- Cyclist gets hit and driver only gets a slap in the wrist. Why? The jury is made up predominately of drivers. For a hit and run the

maximum fine is \$1K. For a vehicular homicide reckless, no drugs and alcohol, is a class IV felony with a penalty could be up to 2-6 in jail. Court looks at many things - criminal history or lack of, can they be rehabilitated in the community.

- Many of these charges are careless driving, traffic misdemeanors which could carry up to 1 year in jail. Try to always get them sentenced to a defensive driving class. None of the classes are focused on bicyclist safety or motorist awareness of bicyclists. ISEE has 3-4 slides on bicycling in their classes. DA's office would support sentencing to a bicycling awareness class.
- Would the DA use recommendations from the cycling community in sentencing? In the case of homicide, for example, the family is consulted and allowed to provide sentencing input. That position is represented to the court. But the bike community is not a party to the case, so can't be represented.
- Sentencing can include working for specific non-profits. Individuals have been sentenced to talking before classes in schools to describe what they have done. The DA's office can look at what the cycling community recommends for penalties. But the unique aspects of each case must also be considered, so no guarantees. The sentence must be consistent and fit the crime. Sentencing is part of state statute. The change must be driven from meetings like this, but must be in statute, so through the legislature.
- The DA's job is to get justice, not to win cases. They need reasonable doubt. Can't go forward without it. Is there a cultural bias towards motor vehicle drivers, jury relates more to the driver than to a bicyclist. DA's office does not agree with that. It really depends upon the strength of the case. Everyone has biases, but the hope is that the jury is not impacted by this.
- On the civil side, dealing with the jury, there may be some anti-bike bias. If you understand jury trials, and the skill and tactics, you can win. It's important to have good lawyering.
- Will the DA say cyclists's lives matter? One individual had a horrible experience after being hit - case reduced from careless causing injury to plain careless. Dropped the 3 ft law, yielding to a cyclist at the intersection. Had to fight for the community service request. The DA seemed to show empathy for the defendant

- but not the cyclist who was severely injured.
- Cyclists lives should be worth community service, should be worth careless driving with an injury. In another accident a cyclist was hit from behind and the driver was not even issued a ticket, claimed amnesia. Apparently there is a Colorado law about amnesia at the time of the accident as a defense.
 - Cyclists lives absolutely do matter in the eyes of the DA. The legislature has shifted from victim oriented to defendant oriented culture, focused on keeping defendants out of the prison system and getting them treatment. There are statutes that say you have to exhaust all these programs before requesting prison. The ultimate decision on the sentence belongs to the judge with lots of considerations, including prior criminal record. Statistically, the defendant will most times get a community based sentence.
 - FYI, when Plea bargaining, if the defendant pleads guilty, it helps with your insurance claims.
 - Idea: mock court system for violating the law, which includes sentencing. Restorative justice can be used, have the peers do the sentencing. Families need to agree to this.
 - 2 recent deaths, one charged as felony one as misdemeanor. How does that work generically with state law between the two?
 - Careless driving (traffic misdemeanor offense - acting in careless manner without regard to road conditions or infrastructure , etc), acting in a careless manor.
 - Reckless driving is next, wanton disregard for safety of persons or property.
 - 'Felony is reckless, plus must include serious bodily injury, vehicular assault.
 - Example: Icy road might be careless. If they are texting it might become reckless. They will look at the particular individual. Any mitigating circumstances.
 - Cell phone laws. Some communities have hands free cell phone laws. Colo is one of 14 states that does not have a hands free law. Could be supported community wide, not just cyclists. In Europe they don't pick up cell phones, they are much more bike aware. Distracted driving laws in Colo. have passed. Current law prevents people from texting overall. How is that enforced?

- Use of cell phone law applies only to those under 18.
- Could cyclists wear and report Go-Pros to report violations? The more the evidence, the better. But must be able to positively ID the driver in court!
 - Can always call *CSP to report an incident or violation. But 911 works faster if it's really bad. In FC, call the non-emergency number. Have a group of people that monitor handicap stalls. Have not recently issued non-officer reported violations, but the Go-Pro idea may be possible with enough information.
 - Once a motorist has three complaints registered against them in *CSP they are contacted personally by the State Patrol. Would it be possible to contact motorists by mail after just a single complaint?

Follow up with panelists subsequent to our Town Hall meeting:

John Kefalas

- 2015 update of Colorado's Strategic Highway Safety Plan (SHSP) and state's new safety initiative: "*Moving Towards Zero Deaths*"; www.codot.gov/safety
- [HB10-1147](#) and [Fiscal Note](#), (Concerning Safer Use of Non-motorized Wheeled Transportation By Minors and Codifying Into Law CDOT Bike and Pedestrian Policy Directive and Making Available to Schools Educational Curriculum for Minors – Safe Use of Public Streets)
- Actionable Items:
 - o Highway memorial signs can be installed for bike fatalities; cost is paid by interested families and persons.
 - o Does CSP training include bike laws and rules of the road? Contact CSP Legislative [Liaison Talk to Megan for update](#).
 - o Update from CDOT on HB10-1147 regarding bike safety curriculum and codification of bike/pedestrian policy directive implementation; Contact CDOT Legislative Liaison and bike/pedestrian coordinator
 - o Updating driver's license manual and road test to include instruction for sharing of road with bicyclists and motorists? What about CDL (truckers); Contact DMV/DOR Legislative Liaison Can John work with Bicycle Colorado on this?

Emily Humphrey, has agreed to work with us on potential new penalties for the sentencing phase where motorists are convicted of crashing with a cyclist.

- She's already investigated existing bicycle education classes for motorists from ISAE and NCTI and has agreed to meet and discuss other potential classes. Emily believes once agreement is reached on selecting the right bicycle education class, that class can be added to the list of potential penalties the DA's office has at their disposal.
- Emily has also asked for a list of NPO bicycle organizations and their respective community service opportunities that could also be assigned to motorists convicted of hitting a cyclist.
- Should not be able to buy your way out of a class.

Marc Engemoen provided subsequent details on the installation of signs in county, coordination of sign placement with CDOT, use of specialty “Share the Road/Share the Rules” signs, and the County’s memorial sign program
http://larimer.org/roads/Memorial_Signing.htm .