

**AGENDA
CARBONDALE BOARD OF TRUSTEES
WORK SESSION
CARBONDALE TOWN HALL
JULY 16, 2019
6:00 P.M.**

| <u>TIME*</u> | | <u>ITEM</u> | <u>DESIRED OUTCOME</u> |
|---------------------|-----------|--|------------------------------------|
| 6:00 | 1. | WeCycle | ATTACHMENT A Discussion |
| 7:00 | 2. | Transportation/Circulator Bus Options | Discussion |
| 7:30 | 3. | Amendments to Nicotine Regulations Discussion | ATTACHMENT B Discussion |
| 8:30 | 4. | 2020 Goals | Discussion |
| 9:00 | 5. | Adjourn | |

*** Please Note Times Are Approximate**

TO: Carbondale Board of Trustees

FROM: WE-cycle

RE: July 16, 2019 - Work Session

Meeting Objectives

- Direction from the Trustees regarding their interest in establishing a bike share system in Carbondale and clarifying priorities, goals, and timeline.
- Given the Town of Carbondale is preparing its draft 2020 budget, discuss incorporating a placeholder line item for bike share in the amount of \$30,000. Funds would not be approved until final budget adoption by which time WE-cycle will have delivered a comprehensive plan for the Trustees consideration.

Background

- June, 2013: WE-cycle brings bike share to the Roaring Fork Valley by launching service in Aspen and establishes a funding model based on a public/private partnership.
- June, 2016: WE-cycle begins bike transit service in Basalt, Willits, El Jebel. Carbondale is the most requested expansion request amongst WE-cycle passholders.
- April, 2017: Trustees invite WE-cycle and RFTA to a mobility work session to discuss multi-modal opportunities to enhance Carbondale's transportation offerings. WE-cycle and RFTA describe their partnership complementary services of provide first/last mile bike transit as connectivity to the fixed route bus service within Carbondale.
- November, 2018: RFTA member jurisdictions vote to pass the 2.65 mill levy ballot measure to help fund strategic improvements to the region's transportation system; as guided by the RFTA Destination (D2040) Plan. [The Destination 2040 Project Roadmap](#) is a high-level overview and provides a snapshot of the plan's aims, important milestones, key deliverables, dependencies, and possible project changes. Included in this plan was a commitment to [Regional Bike Share Expansion](#) with the intent of partnering with WE-cycle and the towns of Carbondale and Glenwood Springs to implement bike share as a first/last mile transit service. The Plan's budget allocates **\$1,270,750** for bike share infrastructure in Carbondale and Glenwood Springs and **\$550,000** annually for Operations and Maintenance of valley-wide bike share.

Carbondale remains the number one requested area for expansion amongst WE-cycle riders who underscore that riding a bike to the bus is the missing component of the first mile of their daily commutes.

February, 2019: WE-cycle and RFTA join the Trustees for a mobility work session discussing the opportunities to enhance Carbondale's transportation service. Trustees emphasized the need for transit in neighborhoods that are currently not served by the RFTA fixed-route circulator, the importance of offering aging-friendly services, the need to reduce bike/pedestrian conflicts and improved public awareness about safely sharing and using transit corridors, and the importance of remaining open to emerging technology and innovation in the mobility sector and identifying the services that might best serve Carbondale's needs.

The Trustees supported continued exploration of bike share for Carbondale and requested that WE-cycle return with more details pertaining to the Town's financial commitment and an analysis of possible riders including why they would ride, what modes they would be replacing by using WE-cycle, the frequency of their use, the anticipated car trip reductions realized by virtue of the availability of

bike share, and how bike share could expand its demographic served – specifically to youth and senior populations.

Updates

- In March of 2019, the Carbondale Bike Pedestrian and Trails Commission unanimously supported the concept of introducing bike share to Carbondale in an effort to inspire cultural change with more bike transit usage, enhancing the synergy with the RFTA circulator, collaborating on public education and safety initiatives, and focusing on equity and inclusivity. The Commission acknowledged that bike share is not all-inclusive solution to public transportation for all demographics but would likely increase the number of bicycle users in Carbondale thereby creating more for a critical mass of riders leading to a safer biking and walking townscape.
- In order to build a clear and comprehensive foundation for the Regional Bike Share Expansion, WE-cycle has focused on advancing its partnership with RFTA including assessing organizational synergies, operational opportunities and demands, and the financial details of allocating funding between planned and existing bike share services.

WE-cycle and RFTA have not yet articulated the specifics of their partnership moving forward nor how the aforementioned annual Operations and Maintenance funding will be dispersed. To this end, WE-cycle is not yet able to provide the Trustees with a financial model for the proposed Town of Carbondale bike share system.

Proposed Next Steps and Timeline

- **July: Demonstration of Trustee support with placeholder financial commitment.** In an effort to not stall the momentum for bike share in Carbondale for a possible 2020 launch, WE-cycle proposes the Town create a placeholder in its draft 2020 budget for bike share in the amount of \$30,000. This is the same annual financial commitment the Town of Basalt invests towards its bike share services which are comparable in size to the proposed Carbondale System. This amount represents approximately 15% of the projected annual operating costs (\$175,000 - \$200,000) of a year-round WE-cycle system in Carbondale. The Trustees draft financial commitment will be important for WE-cycle to leverage the support of private sponsors, grantors, and donors whose investment will be critical to the bike share system's long-term viability. The remaining of the operating budget will need to be secured from the Destination 2040 bike share Operations and Maintenance fund, system sponsors, and minimal user fees.
- **August - October:**
 - **Rider engagement, anticipated use analysis.** With the Trustee's indication of support and a 2020 launch objective, WE-cycle will commence formal community outreach to identify service goals, areas of need, partnership opportunities, and creative opportunities for alignment with Carbondale character and values. WE-cycle will survey existing riders and communicate with potential new riders to learn more about their anticipated bike share usage, patterns, and needs.
 - **Gauging of private sector financial participation.** Highlighting the Town's commitment to the initiative, WE-cycle will engage the private sector to identify their thresholds for investment.
 - **Formalize RFTA partnership and clarify use of Destination 2040 funds.** WE-cycle will work with both RFTA Staff and RFTA Board on a Regional Bike Share Plan. Plan will include mechanics of WE-cycle and RFTA's partnership, operational efficiencies and cost-savings, and creating a consistent rationale and formula for financial disbursements.
 - **Leveraging of new technology and innovations in the mobility sector.** WE-cycle was founded in 2010 as micro and shared mobility were in their infancy. As discussed, the sector has

transformed and continues to change at a rapid pace. It is WE-cycle's responsibility to continue to innovate and evolve to serve its users and the communities in which it operates with the most effective and sustainable first/last transportation offerings. WE-cycle remains open to industry evolutions and is committed to adapting its services accordingly.

- **November:** WE-cycle will report back to the Trustees with its findings providing time for discussion, assessment, refinement, and public comment. Formalize goals, finalize scope, plan, costs, and operating model for Carbondale's bike share.
- **December:** 2020 budget adoption with possible inclusion of funds to launch bike share in Carbondale in the spring of 2020.

Conceptual Plan for Carbondale's Bike Share

GOALS

Bike share can provide multi-faceted benefits to a community by aligning with, and helping serve, its transportation, health, equity, and environmental objectives. In establishing a system, it is important to clarify the primary service goals of the community's bike share system as these will influence the design, functionality, and success metrics.

In both Aspen and Basalt, WE-cycle has structured its systems around supporting transportation and environmental goals. Given that a large majority of funding for a Carbondale bike share system is projected to be from RFTA, the valley's transportation authority, WE-cycle suggests that the primary goals be transportation and environmentally-related and proposes the following working goals:

- Provide bike transit a cost-effective and on-demand form of transportation in and around Carbondale
- Design a system with the intent of providing public transportation to neighborhoods and areas not served by the Carbondale Circulator by using bike share to create the connectivity to the Circulator route, RFTA bus stops, the Carbondale BRT Station and Park-n-Ride, and commercial centers.
- Reduce parking pressure at RFTA facilities and in-town bus stops
- Reduce carbon emissions by introducing bike share as the first mile of one's commute, such that more individuals can choose to bike-bus-bike throughout the valley rather than driving their own vehicle

SYSTEM FEATURES

- Operational year-round
- **100** bikes equipped with the geofencing technology
 - Engage community in a values, service-goals, and cost tradeoffs discussion in evaluating need for a portion of the system being e-bikes. WE-cycle's manufacturer, PBSC Urban Solutions, offers a 3-speed e-bike with 43 miles of autonomy that can dock at any bike share station and be re-charged at e-stations
 - WE-cycle remains committed to a majority station-based bike share system in order to maintain its operating efficiencies and predictable and reliable service levels. Concurrently, WE-cycle is focused on providing the most advanced technology and progressive service and is working on a geofence-based hybrid station/lock-to offering which would give users greater flexibility and be beneficial to Carbondale's relatively low population density while reducing balancing pressure on operations staff
- **12 Hub Stations** located at bus stops, points of commerce, and centers of employment
- **13 - 15 Feeder Stations** with geofencing capability. Specific locations determined through community engagement

- **30-minute fare-free model** for consistency with other systems valley-wide and scaled post 30-minute ride pricing structure to discourage longer rides
- Same WE-cycle pass allows for bike share check out in all WE-cycle systems valley-wide including Carbondale, Basalt, Aspen systems
- Pass sign up and bike check out utilizing the app *Transit*
- All materials and communication at stations available in English and Spanish
- Focus on effective and extensive *Movimiento en Bici* programming including Learn to Ride Classes (WE-cycle's Latino outreach program)

SYSTEM COSTS and FUNDING

Estimated infrastructure cost for a non-electrified system (ie no e-bikes nor e-stations): **\$350,000 - \$400,000** (\$100,000 to \$150,000 less than projected in 2017)

Estimated year-round operating costs: **\$175,000 - \$200,000** (same as 2017 due to the operational demands of small systems. Possible cost-savings depending on operational synergies that may be identified in partnership with RFTA.)

Formation of a public/private partnership, similar to the Basalt and Aspen Systems, to fund the annual operations of the system. Funding would include the following, listed from likely largest to smallest:

- RFTA Destination 2040 funds – financial commitment determined through clear, and scalable, allocation methodology. These will only cover portions of the annual operations of any bike share system in the Valley
- Multi-year operational commitment from Town of Carbondale, anticipated at \$30,000 for the first year.
- Private sponsorship in the form of messaging on the bikes and the stations
- Foundation grants and private donations
- User fees generated from rides over 30 minutes

SERVICE AREA



Bike share in Carbondale would be designed to align with established Goals. WE-cycle recommends prioritizing service to areas currently with no public transportation and introducing bike transit as a connector/feeder service to the Carbondale Circulator, existing RFTA bus stops, and commercial centers.

Please see a multi-modal map on the following page.



Town of Carbondale: Possible multi-modal map

Key



Bike Transit

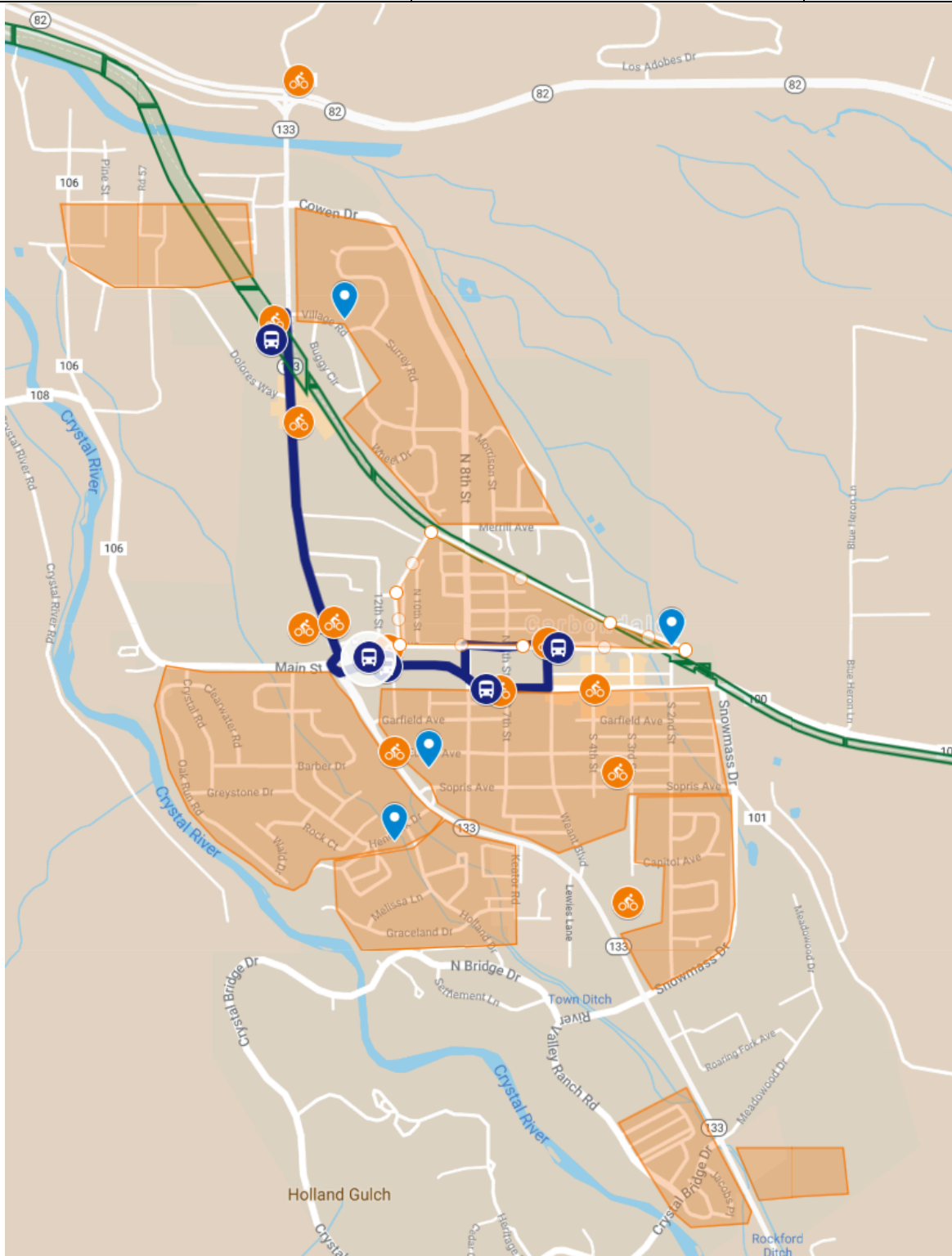
-  Envisioned WE-cycle Hub Stations
-  Areas identified for WE-cycle Feeder Stations, with priority to areas farther from the Circulator Route, per community input

RFTA Services

-  Existing Carbondale Circulator
-  RFTA Bus Stops

Community Assets

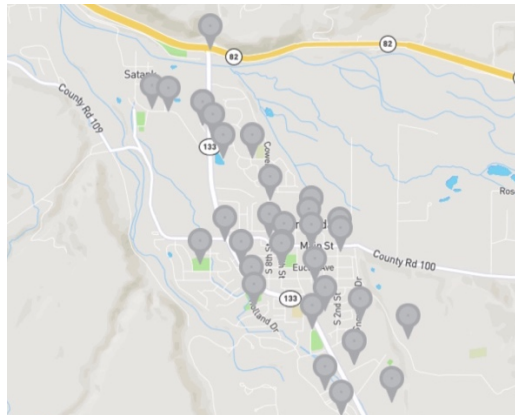
-  Rio Grande Trail
-  Senior Facilities



COMMUNITY ENGAGEMENT + USE ASSESSEMENT

Launching from the Trustee's vision and goals for bike share in Carbondale, WE-cycle will engage in a comprehensive community outreach process to collect valuable suggestions and input, understand needs and transportation service gaps, and learn about anticipated ridership patterns. Outreach will include events, surveys, mapping workshops, partnering with local organizations, and a possible bike share demonstration. The results will be compiled in an anticipated use assessment.

In response to requests from Carbondale-based WE-cycle riders to bring bike share to Carbondale, WE-cycle has already begun gathering feedback from the public to help envision where stations would allow users to connect to/from RFTA, get to work more easily, run errands, meet friends in town, and enjoy the valley by bike. Below are the requested station locations:



Suggest a WE-cycle Station: Where would a WE-cycle station help you? An interactive “Suggest a Station” map is available at we-cycle.org

Frequent considerations and questions

- **Most people who ride bikes in Carbondale already have a bike. Why bike share versus subsidizing more personal bikes?**

This is a common misunderstanding about bike share. Bike share brings value to users by offering flexibility (one-way trips – leave at one location in morning, pick up at a different in evening, adapts to weather and schedule changes), safety (maintaining the bikes), predictability (bikes in established locations and no need to be stored in tight living quarters), time and cost saving (no need to maintain or transport one's bike or risk one's personal bike being stolen). For those who own bikes, bike share does not replace the use of a personal bike but rather adds another bike option to one's bike fleet to expand the frequency in which one would use a bike instead of a car. Per the 2018 WE-cycle Rider Survey, 91% of WE-cycle riders own a bike but choose to use WE-cycle because they can take one-way trips (87%) and believe the service is an important part of the community (59%).

- **Bike share doesn't serve all community members, specifically residents under the age of 16 and those unable to ride bicycles due to disabilities or aging.**

A comprehensive public transportation system is designed to offer a variety of modes for different user groups with the goal of reaching all demographics with the service most appropriate to their needs and abilities. Bike share's structural constraints – that of a two-wheeled bike being the user-driven transport vehicle - is intended to complement other transit modes not replace them. The value proposition of bike share is that it is a relatively cost-effective mode of transit that can provide a large portion of the public with flexible, on-

demand transportation to areas that it is too costly to provide fixed routes and thereby allow a community to invest in its mass transit services such as enhanced trunk and circulator route and paratransit offerings.

– **Who is the anticipated user group?**

Consistent with the Basalt System, WE-cycle anticipates the Carbondale WE-cyclers to be primarily valley-wide commuters who will use the WE-cycles to expedite their access to the BRT stop and thereby make them less inclined to drive either to the Park-n-Ride or to just drive to work all together. WE-cycle also foresees usage from *Feeder Stations* to points of commerce such as grocery stores, restaurants, commercial allowing bike share to serve an equity role by giving a transportation option to residents without access to a car or to fixed-route transit. The goal would be that these *Feeder Stations* would also help reduce the number of in/around town trips by providing an alternative to the car for the quick trip into town or to buy milk.

WE-cycle's use assessment will be targeted at answering this question along with anticipating car trip reduction.

WE-cycle has modeled the Carbondale System after the successful Basalt System as it anticipates Carbondale ridership patterns to closely resemble those in Basalt rather than those in Aspen. The Basalt System was designed to provide transportation to areas currently underserved, or not served, by bus and where routing a circulator shuttle would be cost-prohibitive. The stations were located to facilitate an easy and enjoyable ride to/from a bus stop or into/from the center of town. Given the size of Basalt and Willits, in contrast to the Aspen System, a minimal number of the rides are in and around town/cross town trips.

The Basalt System consists of 90 bikes and 24 stations spanning from the most westerly station in Blue Lake to the most easterly in Elk Run. As would be the case in the Carbondale System, all of the Basalt stations are solar-powered, can easily expand or contract in size, and do not have credit card readers or touch screens. In 2018, Basalt had 11,260 total rides, 566 unique riders, and an average of 61.34 rides per day.

As would be the goal in Carbondale, the Basalt-based WE-cyclers are more consistent users of the WE-cycle/RFTA synergy by using the bikes to get to the BRT stops in the morning (first mile), hopping a bus to Aspen (long-haul transit), and then using WE-cycle to get to work (last mile) and the reverse in the evening. The peak WE-cycle ridership times to/from the Basalt BRT stations affirm this pattern.

– **Bike share is only a seasonal enhancement to Carbondale's mobility options.**

Given Carbondale's climate of shorter and less severe winters than the upper Roaring Fork Valley and the number of days with no snow nor ice on the streets, WE-cycle intends to operate year-round in Carbondale. WE-cycle would closely monitor ridership to determine if the numbers justify the costs of year-round service. WE-cycle conducted a Winter Trial in Basalt in November and December of 2016 and ridership dropped by over 50%. The daily number of rides did not justify the costs of keeping the system open for the duration of the winter. Wintry cities such as Toronto, Chicago, and Detroit offer year-round bike share, without studded snow tires, and do experience a significant drop in ridership but their population density allows the operations to remain viable.

– **Would WE-cycle ever operate scooters or other micro-mobility services?**

Select mobility providers, such as Lime Bike or Lyft, are operating both dockless bike and dockless e-scooter systems concurrently. At this time, given the safety concerns of scooters, their impact on the public right of way, and their disposable nature being in contradiction to WE-cycle's environmental goals, WE-cycle does not intend to initiate an e-scooter system. WE-cycle would be open to exploring the managing of a third-party's scooter system through a contractual agreement.

– **Could Carbondale charge a fare for WE-cycle to help off-set the Town’s financial contribution?**

WE-cycle advises against this approach as it would lead to inconsistency between the WE-cycle experience valley-wide. According to the 2018 WE-cycle Rider Survey, 59% of respondents said it was VERY IMPORTANT to be able to ride throughout the valley with one bike share pass. Seamless integration between the WE-cycle systems valley-wide is core to WE-cycle’s vision of facilitating bike share-bus-bike share ridership.

About WE-cycle

HISTORY

WE-cycle, a 501(c)3 not for profit organization, launched in Aspen in 2013 with the mission to connect people to place with community-supported bike share. The vision was to provide easily accessible, reliable, and affordable shared bicycles for in and around town transportation and as a seamless first/last mile connection to other transportation options, specifically with RFTA.

FUNDING MODEL

Infrastructure:

The Aspen WE-cycle System was funded through a public/private partnership consisting of Founding Partners: The Aspen Institute, Aspen Meadows Resort, Aspen Skiing Company, Aspen Valley Hospital, City of Aspen, Genshaft Cramer LLP, Nick DeWolf Foundation, TheMyersRobertsCollective, Pitkin County, and RFTA. A federal Congestion Mitigation and Air Quality grant, private donors and foundations completed the funding.

In 2016, WE-cycle opened in Basalt, Willits, and El Jebel as the first and only transit service in the neighborhoods. The Basalt System was also launched thanks to a public/private partnership with private donors and foundations and Founding Partners: Eagle County, Pitkin County, RFTA, Town of Basalt, Willits Town Center, Valley Settlement Project.

Annual Operations:

Each year, as ridership grows, so does the perception and expectation that WE-cycle is one of the community’s public services. Committed to its founding principal of being a public/private partnership, WE-cycle’s annual operations are funded through a combination of public jurisdictions (54%), private sponsorship (20%), RFTA (17%) and grants/donations (9%). Over the years, the public sector contributions have grown to account for the increased operational costs of service area expansion and ridership growth while the level of private sponsorship has remained consistent.

SERVICE AREA + PRICING

WE-cycle currently operates from May 1 to November 1, 24/7 in Aspen and Basalt with [210 bikes and 47 stations](#). WE-cycle has become a part of the fabric of these communities by giving individuals a fast, convenient, independent, and reliable mode of travel in and around the towns and as a feeder to/from RFTA bus stops. Thanks to the same pass serving the whole system riders can WE-cycle to RFTA in one town, ride RFTA up/down the valley, and then ride WE-cycle at the other end of their journey.

In 2018, to align bike transit with the cost of other in-town transit services (ie Aspen in-town buses, the Downtowner, and Aspen/Snowmass route), WE-cycle became fare-free for the first 30-minutes of every ride. This service was underwritten by the City of Aspen, the Town of Basalt, and Eagle County. Each additional minute is charged \$0.50 to discourage longer rides and to differentiate bike share from bike rental. The fare-

free structure was enthusiastically embraced with a 76% increase in unique riders, system-wide, and a 49% increase in ridership totaling over 63,000 rides in 2018.

WE-CYCLE = TRANSPORTATION

WE-cyclers use bike share as a means to easily and quickly connect from place to place and to other transportation services, namely RFTA. The WE-cycle stations at RFTA BRT stations, in both Aspen and Basalt, are amongst the top performing with their peak ridership times being during commuting hours. The 2018 WE-cycle Rider survey reiterates how WE-cycle and RFTA are complementary services and mutually-beneficial in growing transit ridership. Of the survey respondents:

- **64%** travel to Aspen for work from as far as the I-70 corridor
- **79%** use valley-wide RFTA service and **70%** ride RFTA no-fare bus routes within Aspen/Snowmass
 - Of these RFTA riders, **78%** use WE-cycle in conjunction with RFTA and **26%** are riding RFTA more now that they can WE-cycle to a bus stop
- **47%** of WE-cycle rides replace car trips and in recollecting their WE-cycle rides from this past year, **53%** say they would have driven had WE-cycle not been available



LEVERAGING TECHNOLOGY WITH THE MOBILE PHONE APPLICATION TRANSIT

WE-cycle is a proponent of utilizing technology to increase transportation ridership by centralizing sign up/pass purchase and information/timetables into one location so that existing and prospective transportation riders have one source for their transit knowledge and needs. WE-cycle is of the belief that to grow its ridership base it must continually reduce the barriers of entry and ease of sign up and access to information are critical to achieving this goal.

In this spirit, WE-cycle is recognized as a leader in the US bike share industry for being at the forefront of innovation and prioritizing creative implementations and collaborations. In 2015, WE-cycle introduced the app *Transit* to the Roaring Fork Valley, in partnership with PBSC Urban Solutions and RFTA, as an integrated mobile platform for bike share sign up and checkouts in conjunction with real-time valley-wide bus schedules. WE-cyclers embrace this technological convenience and reliability. For four consecutive years, WE-cycle has had the highest *Transit* use for bike share check outs of any other city worldwide for which this functionality is available. * *Calculated as a percentage of system-wide rides.*

WE-cycle riders are enthusiastic *Transit* users both for both WE-cycle and RFTA. According to the 2018 Rider Survey:

- **71%** use *Transit* to see live RFTA bus schedules
- **74%** think it is IMPORTANT that *Transit* works valley-wide and displays multiple transit modes

EQUITY

With the goal to foster an inclusive bike culture, in May 2016, WE-cycle debuted *Movimiento en Bici*, a Latino Outreach Program. The Program aims to encourage ridership, reduce economic barriers, and ensure the organization's cultural relevance amongst Latinos by offering bilingual support and Spanish-speaking outreach and programming, extended ride time passes, group rides, and special events.

Bici ridership has followed an impressive trajectory with annual rides having grown 393% since its launch. Participants of this program are amongst WE-cycle's most regular riders by biking from neighborhoods to get to the bus stop, the grocery store, and local parks. Beyond ridership, the Program's successes can be measured by the positive impact it has had on its participants who use WE-cycle as a reliable form of transit, a way to feel healthy and get outside, and as a means to spend time with family and friends.

TEAM

WE-cycle is a small organization consisting of two year-round employees, 17 seasonal full and part-time Operations Team members, and three part-time seasonal employees. Locally-led and operated, WE-cycle is nimble in its approach and prioritizes responsiveness in its service. Providing an exceptional customer experience is critical as riders depend on WE-cycle and need to receive assistance promptly if an issue arises so that they can get where to where they need to be quickly and safely. Customer support, over the phone and in person, is available seven days a week.

The Operations Team keeps the system running smoothly: bike balancing, bike maintenance, station management, and customer service. In alignment with WE-cycle's goals to limit carbon emissions and facilitate healthy living, in 2018 in the Aspen System, the Operations Team rebalanced 71% of the bikes using an e-bike that pulls a trailer. They balanced 19,458 bikes and thereby lifted 972,900 pounds between May and November. According to the 2018 Rider Survey, 72% of WE-cyclers rated their interaction with the WE-cycle Team as EXCELLENT.

RIDERS

The success of WE-cycle resides in how riders make the bikes a part of their daily lives. WE-cyclers live throughout the valley and rely on WE-cycle for daily commuting, conscious living, and flexible one-way transit. According to the 2018 Rider Survey, riders WE-cycle for the following reasons:

- **65%** To avoid driving and traffic
- **63%** To avoid parking
- **60%** For one-way travel flexibility
- **55%** To reduce carbon footprint
- **52%** To save time

Beyond WE-cycle's convenient service, riders see the service as an integral part of the Roaring Fork Valley community and applaud the high level of service and organizational direction:. According to WE-cycle riders:

- *"WE-cycle has made a huge impact on the end of my commute to Aspen. Can't wait to see how the new Carbondale and Glenwood Springs Systems will look."*
- *"Love the experience. Glad Carbondale and Glenwood Springs are coming on board."*
- *"Keep crushing it, WE-cycle. I love the service and it is so easy to use. Thank you."*
- *"WE-cycle is great. Staff is very friendly and helpful."*



TOWN OF CARBONDALE

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BOARD OF TRUSTEES AGENDA MEMORANDUM

TITLE: Amendments to Nicotine Regulations

SUBMITTING DEPARTMENT: Administration

ATTACHMENTS: OTP Flavors "other tobacco" & Considering a Flavor Ban

BACKGROUND

The Board of Trustees passed ordinance 10-6-60, requiring any person to be 21 years of age or older to purchase and/or possess tobacco products. Businesses are required to ensure that sales of tobacco products are to any person 21 years of age or older. The Police Department performs periodic compliance checks to enforce the ordinance.

On June 11, 2019 the Police Department provided an update to the Trustees regarding compliance checks and continued enforcement of the ordinance. Risa Turetsky, Pitkin County Health Promotion Program Administrator/Nicotine Specialist, gave a presentation on teen nicotine usage in the Roaring Fork Valley. Concerns about higher than State average teenage nicotine usage in the Roaring Fork Valley lead to the Trustees requesting that staff explore options for possible amendments to the Town's nicotine policy, and further research for Trustee discussion.

DISCUSSION

As requested, Staff explored nicotine licensing, flavored nicotine bans, and nicotine taxation. The following is information for Trustee review and continued discussion.

Counter Tobacco's [menthol summary](#) helps us better understand menthol. Menthol is a highlight of the inequitable targeting of flavored tobacco products to more vulnerable groups. On their [Flavored Tobacco](#) page scroll down to the 2nd video.

*"Nearly half of all **teen** smokers use menthol tobacco products. Also, approximately 71 percent of all **young LGBT** smokers use menthol cigarettes. Moreover, menthol's appeal is incredibly strong among some adult populations as well. According to the combined 2004-2008 National Survey on Drug Use and Health data, menthol cigarettes are used at disproportionately higher rates by **racial and ethnic minority smokers**, including **African Americans** (82.6 percent),*

*Native Hawaiian or Pacific Islanders (53.2 percent), Hispanics or Latinos (32.3 percent) and Asian Americans (31.2 percent), compared to White smokers (23.8 percent).⁶ In addition, a convincing body of evidence has shown that **tobacco-related health disparities are exacerbated by targeted marketing in minority areas** and the consumption of menthol tobacco products." - [Public Health Law Center](#)*

Here is a [summary](#) from Public Health Law about the appeal of flavor tobacco products to our youth.

[A resource of information](#), providing insight into nicotine licensing opportunities, and why it matters whether flavored tobacco is on the shelves. Keep in mind 20-25% of high school juniors and seniors in RE-1 reported using other tobacco products (chew, snus, etc), and that our cigarette use among high schoolers is, surprisingly, higher than the state average. [Page 2 of this document](#) is a quick checklist of possible options within licensing.

Information about non-taxation price increases (i.e. prohibiting discounts), can be found in the attachment entitled "[Point-of-sale Tobacco Pricing Policies: Equity, Public Health, and Legal Considerations](#)."

Staff checked with the local Co-Op, and of all the tobacco products they offer there are only 2 flavored chew products on their shelves.

At least 200 localities across the US have passed restrictions on the sale of flavored tobacco products and at 45 of those have restricted menthol sales in addition to other flavored tobacco products, per tobaccofreekids.org. Per tobaccofreekids.org the following local governments (37) in California have instituted a flavor ban and those in ***bold italics*** have also restricted menthol sales. The blue links will take you to ordinance samples.

- *Alameda*
- *Albany*
- *Berkeley*
- *Beverly Hills*
- Cloverdale
- *Contra Costa County*
- *Corte Madera*
- El Cerrito
- Fairfax
- *Half Moon Bay*
- *Hayward*
- *Hermosa Beach*
- *Lafayette*
- *Larkspur*
- *Los Gatos*
- Manhattan Beach
- *Marin County*
- Novato
- *Oakland*
- *Palo Alto*
- *Richmond*
- *Sacramento*
- *San Anselmo*
- *San Carlos*
- [San Francisco](#)
- San Leandro
- *San Pablo*
- *San Rafael*
- *San Mateo County*
- *Santa Clara County*
- [Santa Cruz](#)
- *Santa Cruz County*
- *Sausalito*
- [Sonoma](#)
- West Hollywood
- Windsor
- *Yolo County*

In Colorado, the City of Aspen enacted [Ordinance 14 Series 2019](#), banning the sale of flavored nicotine products and restricting menthol sales.

The implementation of nicotine sales licensing requirements for the sale of nicotine products are an enforcement measure and go hand in hand with flavor bans and menthol sales restrictions. While the City of Avon's does not restrict sales of flavored/mentholated products, they do have a [tobacco sales licensure process](#). The City of Aspen's tobacco sales licensure rules are listed in Chapter 13.25 of their Health & Quality of Environment Document on [page 27](#).

Taxation is yet another measure to discourage the purchase of nicotine products. The [City of Aspen has implemented cigarette taxation](#).

The Town attorney is additionally exploring policy change options, taxation, and related legalities, and will have more information in the coming week.

Thank you for the opportunity to work on this project.

Respectfully Submitted,
Angie Sprang

Town Manager

Flavor Ban Proposal – Understanding the Discussion

Locally, when a tobacco flavor ban is discussed, often policy makers lean towards a partial flavor ban rather than a full flavor ban because vaping, or e-cigarette use, is such an issue at the moment.

What does that mean?

Full Flavor Ban – all flavored tobacco (nicotine containing) products are included in the ban. That includes flavored chew tobacco, cigarettes, e-cigarettes, snus (tobacco pouches), cigarettes, cigarillos, etc. It also specifically would include menthol and mint.

Partial Flavor ban – only e-cigarette flavors would be included (all except “tobacco” flavor).

What are these flavored tobacco products other than e-cigarettes??

Menthol cigarettes, candy flavored chew tobacco, candy flavored snus (no-spit chew), candy flavored cigarillos (super popular among boys and minority youth), as well as new products - Zyn and Nic Pics (see below for info).



What's the big deal about menthol??

Menthol has always been the industry's stronghold. 50% of young people who use tobacco products use menthol (nationally)ⁱ. Menthol has traditionally been used to target minority populations, especially people of African American and Hispanic descent. When the FDA banned flavored cigarettes, they exempted menthol. However, menthol is actually WORSE for users' health. Kids who start with menthol are 80% more likely to become regular smokers, and 25% more likely to become addicted.ⁱⁱ

The Campaign for Tobacco Free Kids has stated that it will not support a "partial" ban on flavors that only includes e-cigarette flavors. What's the importance of other flavored tobacco?

- Kids ARE using products other than e-cigarettes - since e-cigarettes have exploded, we've seen the first spike in regular cigarette use among Roaring Fork District high school students in many years – 1 of every 5 high school seniors use cigarettes now. Studies show that kids who use e-cigs are 4x more likely to start using regular cigarettes within ONE year. Nicotine addiction is probably the causeⁱⁱⁱ, ^{iv}.
- And more... 1 of every 4 (25%) of 11th graders in the Roaring Fork School District said they used other tobacco products in the past 30 days (chew, snus, cigarillos, etc, *not* including e-cigarettes or regular cigarettes), according to the Healthy Kids Colorado 2017 survey.
- It's important to think about everyone's right to protection of their health. The tobacco industry markets heavily to low income and minority populations, especially their young people who often can't afford more expensive e-cigarettes. Low income users also have a greater burden of health issues and health costs, as well as fewer resources to help them quit.
- A full flavor ban would still allow adults to buy tobacco in Carbondale. It does not say they can't buy tobacco- it just says that Carbondale stores will not carry candy flavored nicotine-containing products which are *designed to appeal to kids even before they are old enough* to buy it on the shelves of grocery stores, gas stations and other regular stores.

Isn't the main issue e-cigarettes?

E-cigarettes are really flashy right now and the community feels like we are scrambling to keep up. But there will be other products, and we might be behind again. Already in the valley we have **Zyn** (a nicotine powder absorbed in the mouth) and **Nic Picks** (which look like toothpicks and contain a hefty dose of nicotine. "Heat not burn" products just got approval by the FDA – they are just cigarettes, but marketed to be "healthier". These have gotten bigger as kids get addicted to nicotine but schools and parents get smarter about catching e-cigarettes. These all come in fun and appealing flavors.

Carbondale passed a tobacco control policy in 2018, at least 3 years after e-cigarettes had fully taken hold in the town. Policy takes time. Carbondale has the opportunity to pass a proactive policy to protect kids now as well as their younger siblings and future generations.

A decade ago, the FDA enacted a partial ban on tobacco flavors (only for cigarettes, and they exempted menthol). **If there had been a full ban, it's possible we never would have seen this e-cigarette explosion because there would have been no flavors on the market.** *Thinking forward and passing proactive policy is really important.*

Aren't the schools are seeing mostly e-cigarette violations?

While the schools are seeing a huge spike in e-cigarette violations, they are still seeing other tobacco violations at many schools in the region. Meanwhile, if a young person is addicted to nicotine, e-cigarettes are discrete and popular, so it makes sense that that is what they would use at school.

Why would a municipality consider not enacting a full ban?

There is concern about the impact of a full ban on local retailers' tobacco sales and the impact on adults who use tobacco products. That argument generally centers on the question of whether young people are buying other tobacco products – if not, the argument is to just focus on vaping. **But, it turns out kids are using other tobacco products, even more now than before.**

What about adults?

Garfield county has one of the highest quit attempt rates in the region and the state. The purpose of a flavor ban is to protect kids, but there may be some adults who also use flavored tobacco.

Would it affect sales for stores selling tobacco?

A full ban could have a significant impact on tobacco sales, depending on how much flavored tobacco the stores are selling. Stores would still sell all regular tobacco products (no flavors), so many stores may not notice a big impact. However, according to the National Association of Convenience Stores, while tobacco accounts for a large percent of sales, it accounts for only a small percent of actual profits.

Would Carbondale be a leader?

Yes. Aspen was the 1st in Colorado to put in place any flavor ban. The City of Aspen adopted a full flavor ban, creating an equitable and progressive model for other municipalities in the valley and in the state.

If Carbondale also puts in place a full flavor ban, it sets the stage for **all** young people in the Roaring Fork Valley to be protected **despite** their color, ethnicity or family income bracket.

(Think this is progressive? It is! But, Beverly Hills, CA just passed a full tobacco sales ban - no tobacco sales in the whole city! It seems impossible until a municipality actually does it.)

What does that mean for the rest of Colorado?

Forerunners become role models. If Carbondale and Aspen have the same model, it's more likely that other municipalities will choose to do the same. This provides grounds to encourage county and state policy makers to move forward.

If making a statement and being a model, Carbondale carries a responsibility to think about what that means for more diverse communities in Colorado where a vaping-only (partial) flavor ban would leave lower income, minority youth (who are much more targeted by tobacco companies and less likely to use expensive e-cigarettes) really unprotected. It's not a matter of excluding products, it's a matter of excluding people.

What have other organizations said?

Only one retailer came to Aspen's council meetings – he presented the view that a full flavor ban would be hard on local businesses. The Buddy Program, the Campaign for Tobacco Free Kids, Colorado Black Health Collaborative, West Mountain Regional Health Alliance, Valley Settlement, Mountain Family Health Centers and others have spoken up strongly that they support a full flavor ban.

One high school student who spoke at the final Aspen City Council meeting told council that kids who use nicotine are going to find a way to get it, whether it's e-cigarettes or through another product. She advocated that Aspen adopt a full ban.

We know that Carbondale will make the best decision for the town weighing all the factors. Public health supports the best practice for protecting the people's health, especially our youth, which is a full flavor ban.

ⁱ Menthol and Other Flavors in Tobacco Products," US FDA. Current as of 07-20-2018. www.fda.gov/tobacco-products/products-ingredients-components/menthol-and-other-flavors-tobacco-products

ⁱⁱ D'Silva, J., Boyle, R. G., Lien, R., Rode, P., and Okuyemi, K. S. (2012). Cessation outcomes among treatment-seeking menthol and nonmenthol smokers. *Am. J. Prev. Med.* 43(Suppl. 3), S242–S248.

ⁱⁱⁱ Healthy Kids Colorado Survey, 2017.

^{iv} Healthy Kids Colorado Survey, 2015.

Use of Flavored Tobacco Products

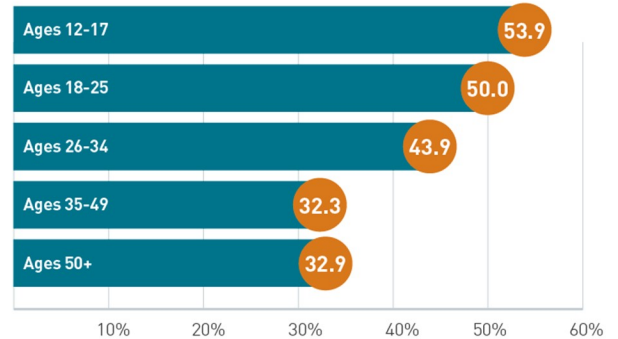
In RE-1 schools, 37% of high school seniors used e-cigs in the past 30 days. But they also use other tobacco products:

- They had an uptick in teens using **regular cigarettes**.^{1,2}
- **25% of RE-1 11th grade students** have used chew, snus, cigars, or other tobacco products (not cigarettes or e-cigs) within 30 days, and use more than the state average ¹

Youth, minorities, and those who live in low income communities are exposed to a higher level of marketing for tobacco products.³

- Hispanic and Black adults and youth are currently the highest users of flavored tobacco products.⁴

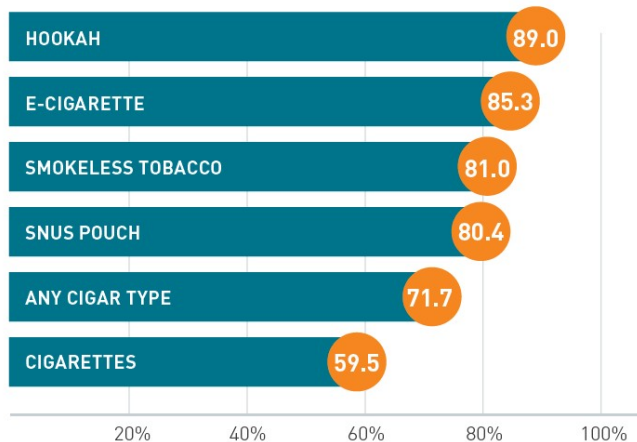
Menthol cigarette use among current smokers in the U.S. by age, 2012-2014



Source: Tobacco control

"we don't smoke that s*. We just sell it. We reserve the right to smoke for the **young**, the poor, the black and stupid"**
 ~ Tobacco Company RJ Reynolds executive,
 as relayed through a discussion with the former Winston Man, 1992⁸

Flavored Tobacco Product Use Among Youth Current Tobacco Users (ages 12-17)⁸



What else comes in flavors?

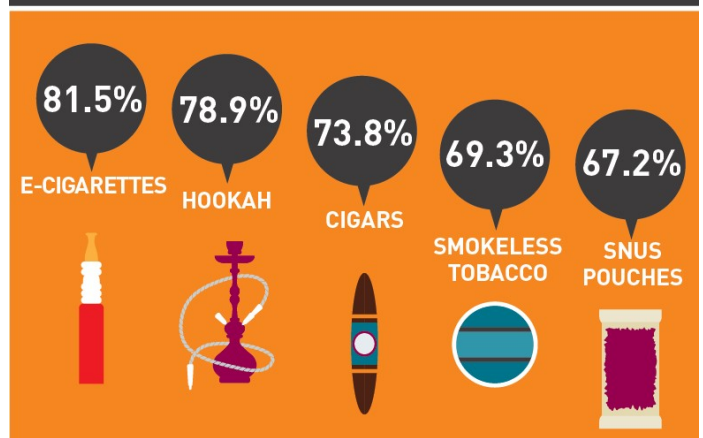
New products on the market come in candy flavors, too, ie 6 flavors of **Zyn**, a powdered nicotine that dissolves in your mouth and is available locally.

Halt the addiction among Carbondale's youth. Consider a comprehensive flavor ban that protects all kids.

Menthol, like other flavors, can mask the harshness of tobacco products, making it easier to start and seem less dangerous.

- **Over 1/2 of youth** who use e-cigarettes OR regular cigarettes **use menthol or mint**.^{5, 6}
- Kids who start with menthol are **80% more likely to become regular smokers**, 25% more likely to become addicted.⁷

Youth Ages 12 to 17 Who Report Flavoring is a Primary Reason for Using a Tobacco Product⁸



For more information contact

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8. Giovanni, J, "Come to Cancer Country; USA; Focus," The Times of London, August 2, 1992 as reported on "Tobacco Executive Quotes" The 84th Hour. <https://the84.org/get-the-facts/tobacco-executive-quotes/>

Graphics:

- Tobacco Control, January 2011, Menthol cigarettes and smoking initiation: a tobacco industry perspective https://tobaccocontrol.bmj.com/content/tobaccocontrol/20/Suppl_2/ii12.full.pdf
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