

Memo



Date of Meeting: September 3, 2024
Agenda Item: Ordinance 2024-13 / Limitations on Bikes, E-Bikes and Other Vehicles

Item 8

Ordinance 2024-13 / Limitations on Bikes, E-Bikes, and Other Vehicles – Discuss and possibly continue Ordinance 2024-13 imposing limitations on bikes, e-bikes, and other motorized vehicles on roads and trails.

BACKGROUND

Electric bicycles (e-bikes) have been around since the 1890s. E-bikes became increasingly popular in China in the early 2000s and have shown rapid growth in popularity in the United States in the last decade.

E-bikes fall into three categories:

Class 1: Bicycle equipped with a motor providing assistance only when the rider is pedaling that ceases to provide assistance when the electric bicycle reaches 20 mph.

Class 2: Bicycle equipped with a pedal-assisted and throttle-actuated motor that ceases to provide assistance when the electric bicycle reaches 20 mph.

Class 3: Bicycle equipped with a motor providing assistance only when the rider is pedaling that ceases to provide assistance when the electric bicycle reaches 28 mph.

E-bikes:

<u>Class 1</u>	<u>Class 2</u>	<u>Class 3</u>
Pedal-assist only No throttle Max speed 20 mph Max power 750W	Pedal-assisted & Throttle-assisted Max speed 20 mph Max power 750W	Pedal-assist only No throttle Max speed 28 mph Max power 750W

But consider: E-bikes may be modified/altered to reach greater speeds or “derestrict” the device.

Other electric vehicles:

1. Electric Scooters:

- Electric motor not exceeding 2000W
- Throttle
- Braking system
- Handlebars and deck for standing or handlebars and seat
- Two wheels in contact with the ground.
- Max speeds up to 20 mph on paved, level surface
- Design for ability to be propelled by human power alone but human effort not required.

2. Electric OHV Motorcycles:

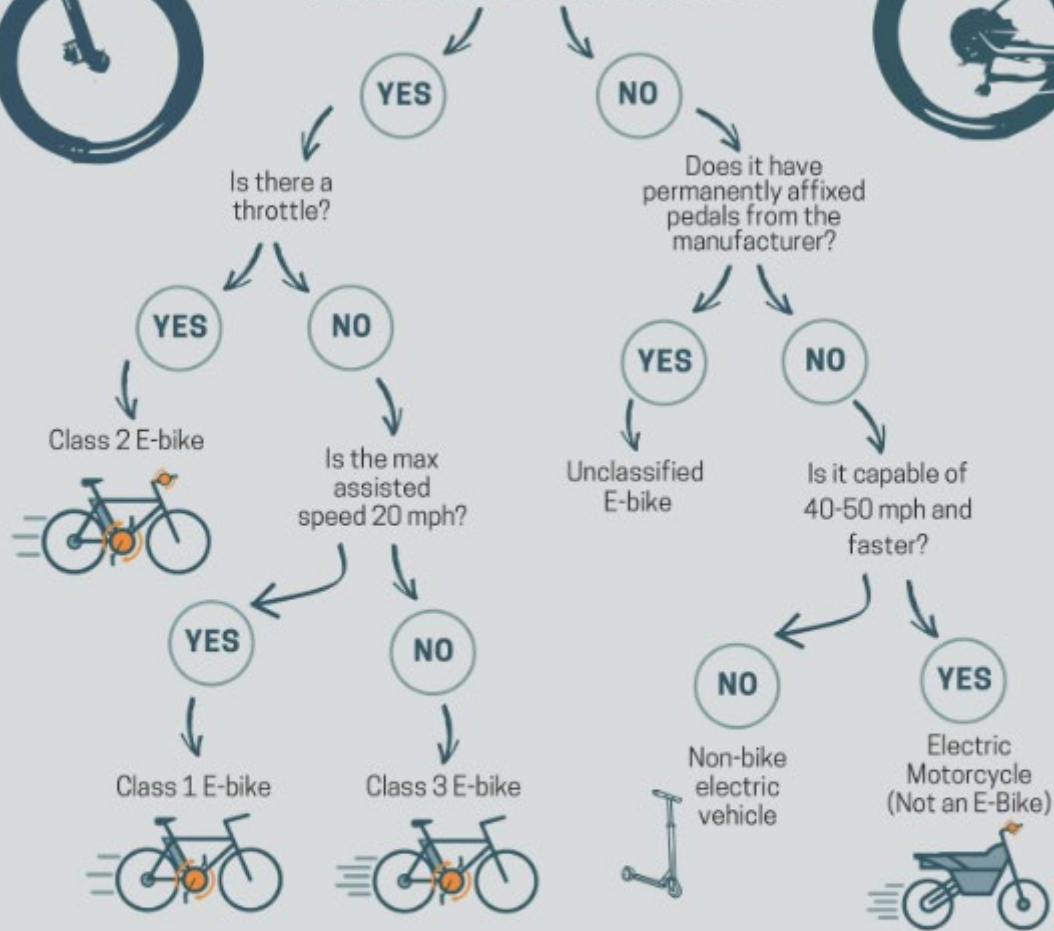
- Throttle
- Foot pegs
- Motor sizes and speeds vary. Capable of 40-50 mph.
- Riders required to wear certified helmets
- Riders required to complete off-highway vehicle education course before riding on public lands (eff. 1/1/23). Advertised as taking less than 30 minutes to complete online.
- Do not require a driver’s license but riders should carry ID at all times.
- Utah considers e-motorcycles to be OHVs (off highway vehicles)
- Only allowed on OHV trails and where OHV vehicles are permitted (maximum speed limits on trails of 15 mph).
- Not permitted on roads, paved trails, bike lanes, sidewalks.
- Utah Division of Natural Resources allows under 18 operation on public land if under direct adult supervision.

3. Electric Personal Assistive Mobility Device: A self-balancing device with:

- two nontandem wheels in contact with the ground
- capacity to steer and stop
- electric propulsion system with average power of 1 hp or 750 watts
- maximum speed capacity of 12.5 mph
- deck design.
- Does not include a wheelchair.

IS IT AN E-BIKE?

IS THE MOTOR 750 WATTS OR LESS?



WHERE CAN YOU RIDE?

Always check regulations as rules can change between local, state, and federal agencies.

LOCAL: Consult your local land management agency. Class 1 E-bikes are most likely to be allowed on non-motorized trails.

STATE: Utah State Parks allows E-bikes on non-motorized trails open for bikes.

FEDERAL: On federal lands, E-bikes are considered motorized vehicles and have access to motorized trails.



CURRENT REGULATIONS:

Use on Public Property: Utah Code Annotated Section 41-6a-1115.5. Electric assisted bicycles – Restrictions—Penalties (effective 5/1/24)

1. No one under the age of 8 may operate an e-bike with the motor engaged on any public property, road, path or sidewalk.
2. No one under 14 may operate an e-bike with the motor engaged on any public property, road, path or sidewalk unless a guardian is present (“under the direct supervision of the individual’s parent or guardian”).
3. No one under 16 may operate a class 3 e-bike.
4. No owner of an e-bike may “authorize or knowingly permit an individual to operate an electric assisted bicycle in violation of law”.

Helmets: Utah Code Annotated 41-6a-1505 Protective Headgear (effective 5/9/17):

(1) A person under the age of 21 may not operate or ride any of the following on a highway unless the person is wearing protective headgear that complies with specifications adopted under Subsection (3):

- (a) a motorcycle;
- (b) a motor-driven cycle;*
- (c) a class 3 electric assisted bicycle; or
- (d) an autocycle that is not fully enclosed.

(2) This section does not apply to persons riding within an enclosed cab.

(3) The following standards and specifications for protective headgear are adopted:

- (a) 49 C.F.R. 571.218 related to protective headgear for motorcycles; and
- (b) 16 C.F.R. Part 1203 related to protective headgear for bicycles, motor assisted scooters, and electric personal assistive mobility devices.

A violation of these provisions is an infraction. Per the 2024 State of Utah Uniform Fine Schedule, the fines for infractions may range from \$110 to \$1,082.50.

*A Motor-driven cycle is defined under 41-6a-102 Definitions - as a motorcycle, moped, and a motorized bicycle having an engine with less than 150 cubic centimeters displacement or a motor that produces not more than 5 horsepower. It does not include an electric personal assistive mobility device, motor assisted scooter, or an electric assisted bicycle.

Passengers: 41-6a-1501 Motorcycle or motor-driven cycle – Place for operator to ride – Passengers (effective 5/12/2015):

- (1) A person operating a motorcycle or motor-driven cycle shall ride only on the permanent and regular seat attached to the motorcycle or motor-driven cycle.
- (2) (a) Except as provided in Subsection [\(2\)\(b\)](#):

- (i) a person operating a motorcycle or motor-driven cycle may not carry any other person on the motorcycle or motor-driven cycle; and
 - (ii) a passenger may not ride on a motorcycle or a motor-driven cycle.
- (b) If a motorcycle or motor-driven cycle is designed to carry more than one person, a passenger may ride on:
 - (i) the permanent and regular seat, if designed for two persons; or
 - (ii) another seat firmly attached to the motorcycle or motor-driven cycle at the rear or side of the operator.
- (3) A person shall ride on a motorcycle or motor-driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor-driven cycle.
- (4) A person may not operate a motorcycle or motor-driven cycle while carrying a package, bundle, or other article which prevents the person from keeping both hands on the handlebars.
- (5) An operator of a motorcycle or motor-driven cycle may not carry a person and a person may not ride in a position that interferes with:
 - (a) the operation or control of the motorcycle or motor-driven cycle; or
 - (b) the view of the operator.
- (6) A violation of this section is an infraction.

Electric Scooters: 41-6a-1115 (effective 5/14/2019)

- (1) (a) Except as otherwise provided in this section, a motor assisted scooter is subject to the provisions under this chapter for a bicycle.
- (2) A person under eight years of age may not operate a motor assisted scooter with the motor running on any public property, highway, path, or sidewalk.
- (3) A person may not operate a motor assisted scooter:
 - (a) In a public parking structure;
 - (b) On public property posted as an area prohibiting bicycles;
 - (c) While carrying more persons at one time than the number for which it is designed;
 - (d) That has been structurally or mechanically altered from the original manufacturer's design, except for an alteration by, or done at the request of, a person who rents the motor assisted scooter to lower the maximum speed for the motor assisted scooter; or
 - (e) At a speed of greater than 15 miles per hour or in violation of Subsection 41-6a-1115.1(3)

Electric Personal Assistive Mobility Device: 41-6a-1116 (effective 5/12/2015)

Restrictions, Penalties: provides that an electronic personal assistive mobility device is subject to the provisions under the chapter for a bicycle, moped or a motor-driven cycle.

41-6a-1116 (2): "A person under 15 years of age may not operate an electric personal assistive mobility device using the motor unless the person is under the direct supervision of the person's parent or guardian". User shall yield to pedestrians or other person using a mobility aid.

Off Highway Electric Vehicles (OHVs) - Utah Code Annotated 41-22-10, et seq.:

- Electric OHV Motorcycles (e.g., electric dirt bikes, Surrans, etc.) are considered off-highway vehicles.
- Electric OHV vehicles are only permitted where OHV vehicles are permitted. They generally may not be operated on any street or highway unless such street or highway is specifically designated as open to OHV (41-22-10.3).
- All riders of electric OHV motorcycles under the age of 18 must wear a helmet (41-22-10.8).

National Park Service Regulations:

Regulations at 36 CFR 4.30 govern use of bicycles on National Park Service lands. The Regulations allow park superintendents to restrict bicycle use when necessary. Considerations: “the park area’s natural, scenic and aesthetic values, safety considerations and management objectives”, whether use will “disturb wildlife or park resources”.

When bicycle use is proposed for a new or existing trail, the NPS must complete a planning process that evaluates bicycle use on the specific trail, including impacts to trail surface and soil conditions, maintenance costs, safety considerations, potential user conflicts, and methods to protect resources and mitigate impacts. For both new and existing trails, the NPS must complete NEPA analysis that concludes that bicycle use on the trail will have no significant impacts. The superintendent must prepare and the regional director must approve the same written determination that is required for allowing bicycles on administrative roads. Each of these documents must be made available for public review and comment. For new trails outside of developed areas, the NPS must publish a special regulation designating the trail for bicycle use, which is subject to a separate public comment period.

On August 30, 2019, the Deputy Director of the NPS issued Policy Memorandum 19-01, Electric Bicycles. The Memorandum defines an e-bike as “a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts that provides propulsion assistance”. The memo incorporates the three classes of e-bikes. The Memorandum announced a policy that e-bikes are allowed where traditional bikes are allowed and prohibited where traditional bikes are prohibited. The Memorandum further authorized park superintendents to restrict or impose conditions on e-bikes based upon the same considerations and evaluation of environmental impacts as set forth above.

NPS takes the position:

...each park has its own enabling legislation, unique resources that must be protected, and specific circumstances related to visitor use, trails, and bicycles use that must be considered prior to determining whether e-bike use should be allowed... Addressing potential environmental and social impacts are most meaningful at the park level.

ANALYSIS:

Utah Code 41-6a-1115.5 Electric assisted bicycles provides:

(3)

(a) A local authority or state agency may adopt an ordinance or rule to regulate or restrict the use of an electric assisted bicycle, or a specific classification of an electric assisted bicycle, on a sidewalk, path, or trail within the jurisdiction of the local authority or state agency.

(b) When enacting ordinances or making rules related to the use of a pathway or soft-surface trail, and during the planning or construction of a pathway or soft-surface trail, a local authority or state agency shall consider accommodations and increased trail access by a person with a motor disability.

Thus, Midway City may adopt additional regulations governing the use of e-bikes in Midway so long as they are not less restrictive than state law.

Park City recently passed legislation governing the use of e-bikes containing the following provisions:

1. Permitting e-bikes on all Multi-Use Pathways (paved pathways no less than 8' in width) but limited speed to 15 mph.
2. Prohibiting e-bikes on Natural Surface Trails and sidewalks EXCEPT class 1 e-bikes operated by persons aged 65 or older.
3. Permitting operation of power driven mobility device on any multi-use pathway, natural surface trail, or sidewalk. Power driven mobility device is defined as:

...any mobility device powered by batteries, fuel, or other engines, that is used by individuals with mobility disabilities for the purpose of locomotion, including electric personal assistive mobility devices, electric-assisted bicycles, electric-powered foot scooters, tracked mobility chairs or tricycles that are designed to transport a single individual with a disability.

4. Paths, trails, and roads designated for specific purposes (such as an equestrian trail, bicycle path, or other use) may only be used for the designated purposes.

DISCUSSION:

1. What is Midway City's desired use and/or preferred regulations for electric assisted vehicles on public property?
 - a. Roads
 - b. Soft surface/natural surface trails
 - c. Multipurpose/paved trails
 - d. Sidewalks
 - e. Bike lanes
 - f. Parks

2. Speed Limits?

3. Are alterations/derestrictions permissible?

4. Exceptions?

5. Helmet Requirements?

6. Enforcement/penalties?



UTAH'S ELECTRIC BICYCLE LAW FOR THE ROAD

- » Electric bicycles are regulated like bicycles. The same rules of the road apply to both electric bicycles and human-powered bicycles.
- » Electric bicycles are not subject to the registration, licensing, or insurance requirements that apply to motor vehicles.
- » Utah designates three classes of electric bicycles:
 - Class 1: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches 20 mph.
 - Class 2: Bicycle equipped with a throttle-actuated motor, that ceases to provide assistance when the electric bicycle reaches 20 mph.
 - Class 3: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the electric bicycle reaches 28 mph.
- » Electric bicycles are allowed on bike paths but not on sidewalks.

*The following Utah laws are referenced: Utah Code § 41-6a-102 (7-9, 16); § 41-6a-1115.5; § 41-6a-1505.

eMTB GUIDELINES

- » On federal, state, county and local trails, electric mountain bike (eMTB) access varies significantly.
- » Generally, any natural surface trail that is designated as open to both motorized and non-motorized uses is also open to eMTBs.
- » eMTBs may not be allowed on trails managed for non-motorized activities.
- » Do not ride your eMTB in areas where the local rules are unclear. Ride legally and only on authorized trails to show that mountain bikers are responsible trail users.
- » When in doubt, ask your local land manager about access to specific trails. Local land rules change frequently.

CHECK OUT

- » A map of great eMTB rides at peopleforbikes.org/emtb
- » eMTB "Adventures" at peopleforbikes.org/electric-bikes

UTAH'S ELECTRIC BICYCLE LAW FOR TRAILS

- » LOCAL: Consult your local land management agency.
- » STATE: Utah State Parks allows electric bikes on non-motorized trails open for bikes. Contact Utah State Parks for more information.
- » FEDERAL: On federal lands, eMTBs are considered motorized vehicles and have access to motorized trails. Contact the U.S. Forest Service Intermountain Regional Office or the BLM Utah State Office Bend National Park for more information.

GREAT eMTB RIDES IN UTAH

- » **Slickrock**
Moab | 10.7 miles
- » **Alpine Loop**
Aspen Grove | 10.9 miles

With an electric bicycle, bicyclists can ride more often, farther, and for more trips.

Electric bicycles are designed to be as safe as traditional bicycles, do not compromise consumer safety, and benefit bicyclists who may be discouraged from riding a traditional bicycle due to limited physical fitness, age, disability or convenience.

In many states, electric bicycles are regulated under antiquated laws primarily aimed at combustion engine vehicles such as mopeds or scooters. PeopleForBikes is clarifying state laws governing the use of electric bicycles in the U.S. Every state's law is different, but the objective is to ensure that low-speed electric bicycles are regulated similarly to traditional, human-powered bicycles.



Learn more at PeopleForBikes.org/electric-bikes

- » Blogs and webinars
- » Electric bicycle laws around the country
- » Electric bicycle statistics and research
- » Buying guide
- » Retailer materials
- » eMTB management resources

