



**BOARD OF COUNTY  
COMMISSIONERS**



**TOWN COUNCIL**

## **JOINT INFORMATION MEETING AGENDA DOCUMENTATION**

**PREPARATION DATE:** November 1, 2017

**MEETING DATE:** November 6, 2017

**SUBMITTING DEPARTMENT:** Public Works - Pathways

**DEPARTMENT DIRECTOR:** Sean O'Malley

**PRESENTER:** Brian Schilling

**SUBJECT:** Regulating electric bicycles (e-bikes) on Pathways

### STATEMENT/PURPOSE

Consider adopting a policy to regulate electric bicycles on pathways in the Town of Jackson and Teton County to allow low-speed electric bikes on pathways and bike lanes.

### BACKGROUND/ALTERNATIVES

(For more detailed background on e-bikes, please see the attached staff report from the October 16<sup>th</sup>, 2017 Town Council workshop and the October 2<sup>nd</sup>, 2017 BCC workshop.)

Electric bicycles (e-bikes) are bicycles that have been equipped with a rechargeable battery and electric motor that provide power assistance to the rider. E-bikes that meet the federal Consumer Product Safety Act definition of a "low-speed electric bicycle" are bicycles that have fully operable pedals and an electric motor of less than 750 watts that provides a maximum assisted speed of 20mph when powered solely by the motor.

There has been a significant increase locally in e-bike usage and interest over the last 12-24 months. However, there is still much confusion among the public, pathway users, and local bike shops about whether e-bikes are legal on pathways and bike lanes. In response to this, the Pathways Task Force has discussed the issue numerous times over the last year and has recommended that all e-bikes meeting the federal definition of "low-speed electric bicycle" be allowed for use on Town of Jackson and Teton County pathways.

Pathways staff presented information on e-bikes and the recommendation from the Taskforce to the Town Council and Board of County Commissioners at separate workshops in October 2017. Town and County legal staff and law enforcement officials have been involved throughout the process and have researched the relevant state statutes and regulatory avenues that affect how the Town and County can manage e-bike usage.

### **Wyoming State Statutes**

All e-bikes being considered for use on local pathways meet the federal definition of "low-speed electric bicycles." Currently, there is no definition in the Wyoming statutes specific to modern e-bikes, so e-bikes fall under the definition for "mopeds" per Article 31-5-102(xxi). Mopeds are required to have a mirror mounted to the left-side (31-5-954[a]) and a horn that is audible from 200 feet away (31-5-952[a]), but are exempt from motor vehicle registration requirements (31-2-201[a]). Moped operators must have a legal driver's license.

This definition allows mopeds, and therefore e-bikes, to be used on streets and highways in the Town of Jackson and Teton County (so long as they have a mirror and horn, and the operator has a driver's license).

For regulating e-bike use on pathways, the Town has the authority to do this via ordinance. Current ordinances prohibit the use of motor vehicles on Town pathways and bike lanes, so if the Town wishes to permit e-bike use on pathways this would require amending existing ordinances in Section 10 (including 10.04.205) and potentially adopting a new ordinance. A change to the definition of “pathway” in the land development regulations would also be required. The current definition specifies “non-motorized travel” so this would need to be amended to include low-speed electric bicycles.

Teton County can regulate e-bike usage on pathways through resolution and the definition of “pathway” in the land development regulations. All other motorized vehicles (including electric bikes that exceed the speed or wattage limits of the federal low-speed electric bicycle definition) would continue to be prohibited from Town and County pathways.

As noted at the Town Council and BCC workshops, staff’s intent for the November 2017 JIM is to have the Town Council and BCC adopt a consistent policy (or policies) for e-bike usage on pathways, ideally following the recommendations from the Pathways Taskforce in their September 2017 letter on e-bikes. Pathways and Town and County legal staff would then determine the necessary text/ordinance/resolution amendments and/or adoption to implement this policy, and would bring those actions to each board separately at a later date.

### ATTACHMENTS

1. Staff Report from TOJ Workshop 10/16/17 on e-bikes (includes the September 2017 Pathways Taskforce recommendation letter).
2. Link to e-bike workshop video TOJ: <http://jacksonwy.swagit.com/play/10162017-1554>  
BCC: <http://tetoncountywy.swagit.com/play/10022017-563>

### FISCAL IMPACT

There is no identified fiscal impact to adopting a policy for e-bikes.

### STAFF IMPACT

Assuming the boards adopt the policy recommended by the Taskforce, there would be minor impacts to legal staff and planning staff (10 hours of staff time estimated), and minor to moderate impacts to Pathways staff (20-30 hours of staff time) to prepare the changes to enact the policy. Planning staff will be involved in LDR text amendments, legal staff in reviewing and preparing ordinances and resolutions. Pathways staff will coordinate the process and assist with reviewing and preparing the changes.

### LEGAL REVIEW

Town: Colasuonno

County: Gingery

### RECOMMENDATION

- 1) Allow “low-speed electric bicycles” (as defined by the Consumer Product Safety Commission) on Town and County pathways consistent with the recommendation from the Pathways Taskforce;
- 2) Any policy(ies) should result in consistent rules for both Town and County pathways;
- 3) Direct pathways, legal, and planning staff to prepare the necessary changes to LDR text, prepare a resolution for the County, and prepare ordinances for the Town.

### SUGGESTED MOTION

**Town:** I move to:

- 1) Allow e-bikes that meet the federal definition of a “low-speed electric bicycle” for use on Town of Jackson pathways and bike lanes, and;
- 2) Direct staff to prepare ordinances formalizing this policy.

**County:** I move to:

- 1) Allow e-bikes that meet the federal definition of a “low-speed electric bicycle” for use on eligible Teton County pathways, and;
- 2) Direct staff to prepare a resolution formalizing this policy.



# TOWN OF JACKSON TOWN COUNCIL AGENDA DOCUMENTATION

**PREPARATION DATE:** October 11, 2017

**MEETING DATE:** October 16, 2017

**SUBMITTING DEPARTMENT:** TC Engineering – Pathways

**DEPARTMENT DIRECTOR:** Sean O'Malley

**PRESENTER:** Brian Schilling

**SUBJECT:** E-bikes and Pathways

## STATEMENT/PURPOSE

The purpose of this item will be to begin developing a policy for e-bikes on pathways. Staff will present background information on e-bikes, recommendations from the Pathways Task Force, and discuss pathways safety and regulatory options. Additional discussion with the Board of County Commissioners is scheduled for November.

## BACKGROUND/ALTERNATIVES

E-bikes are bicycles that have been equipped with a rechargeable battery and electric motor that provide power assistance to the rider, enabling the rider to travel further, carry more weight such as children or cargo, or decrease travel time using less energy than riding a traditional bike. E-bikes that meet the federal Consumer Product Safety Act definition of a "low-speed electric bicycle" are bicycles that have fully operable pedals and an electric motor of less than 750 watts that provides a maximum assisted speed of 20mph when powered solely by the motor.

Numerous local bike shops now carry e-bikes in their rental and retail fleets, and there has been a significant increase in e-bike usage locally over the past year. This has spurred discussion on pathways safety and whether e-bikes, and what types of e-bikes, should be allowed on pathways. The Teton County Pathways program and Friends of Pathways frequently receive inquiries about e-bikes on pathways from retailers and the public. Pathways staff would like the Town and County to develop a policy for e-bikes on pathways in order to provide clarity for bike shops and the public on what is permitted to use on our pathways.

The Pathways Task Force has discussed e-bikes numerous times over the last 12 months and recommends that all e-bikes meeting the federal definition of "low-speed electric bicycle" be allowed for use on Town of Jackson and Teton County pathways (see the attached letter). Pathways staff has met with Town and County legal staff and law enforcement officials to explore options for regulating e-bikes on pathways and other bicycle infrastructure (bike lanes, cycle tracks, streets) and the potential implications to law enforcement agencies of additional regulations on pathways.

The Town of Jackson can enact ordinances to regulate usage of pathways, bike lanes, and streets in the Town of Jackson. (Note: Teton County cannot enact ordinances as the Town of Jackson can, but it can still take steps to regulate usage of County-owned facilities such as pathways. For the County, adopting a resolution is likely the simplest way to achieve this). For the Town, permitting e-bike usage on pathways may require repealing or amending an existing ordinance, which may be complicated by the fact that current state statutes do not have a definition for modern e-bikes as a vehicle type. Legal staff will be present at the workshop to provide additional detail and discuss options. Staff hopes that, whatever the mechanism for adopting a policy, the underlying policy will be consistent between the Town and the County.

Concurrent with the discussion of e-bikes on pathways is the discussion of pathways safety in general. The primary concern about e-bikes on pathways is the speed at which they can travel. The "low-speed electric bicycles" that the Task Force has recommended be permitted on local pathways travel at speeds comparable to other non-electric bikes, maxing out at 20mph or 28mph depending on the exact specifications. Note: some

electric vehicles are equipped to travel at very high speeds in excess of 30+ mph. These are not considered “low speed electric bicycles” and are not recommended for use on local pathways.

Because speed is a concern for all users, not just e-bikes, the Task Force recommends that the Town and County not single out e-bikes because of speed concerns, but that we make sure the public is informed about e-bike policy and also use the discussion and growth of e-bikes as an opportunity to increase education and awareness of pathways safety and user guidelines.

Action on this item is not being requested at this workshop—it is intended as an introduction to the topic and to provide background information for developing and adopting a policy within the next 6 months. The discussion is scheduled to continue in a joint session with the Board of County Commissioners at the November Joint Information Meeting. Eventually, we would like to have a clear, easily understood policy on e-bikes on pathways that can be communicated to bike shops and to the public.

Pathways staff has worked closely with legal staff and law enforcement officials to explore regulatory options and the impacts to law enforcement capacity. We have also worked extensively with the Pathways Task Force, Friends of Pathways, and local bike shops to solicit input and develop recommendations.

#### ALIGNMENT WITH COUNCIL’S STRATEGIC INTENT

Encouraging use of active transportation is a key feature of the Town and County transportation plan and the Council’s strategic Transportation goal “to move residents and visitors safely, efficiently, and economically within our community and throughout the region using alternative transportation.” It also aligns with Council goals on Energy Conservation and Town as Heart.

#### ATTACHMENTS

1. September 2017 letter from Pathways Task Force on e-bikes (4 pages)

#### FISCAL IMPACT

Fiscal impacts have not been extensively evaluated, but it is generally estimated that greater regulation, and particularly the impacts associated with enforcing additional regulation, would result in higher fiscal impacts. Increased educational efforts will also have fiscal impacts.

#### STAFF IMPACT

N/A.

#### LEGAL REVIEW

Legal input will be provided by the Town of Jackson Attorney’s office. Pathways staff has been in communication with Town and County legal staff and law enforcement throughout the entire discussion of e-bikes on pathways.

#### RECOMMENDATION

Staff recommends that the Town continues to discuss this jointly with the Board of County Commissioners with the intent of adopting matching policies for e-bikes on pathways consistent with the recommendations from the Pathways Task Force in their September 2017 letter.

#### SUGGESTED MOTION

No suggested action at this time.



## JACKSON HOLE COMMUNITY PATHWAYS PATHWAYS TASK FORCE

320 SOUTH KING STREET • PO Box 1687  
JACKSON, WYOMING 83001

September 19, 2017

Teton County Board of County Commissioners  
PO Box 3594  
Jackson, WY 83001

Jackson Town Council  
PO Box 1687  
Jackson, WY 83001

### **Re: Electric Bicycles and Pathways Safety**

Dear Chairman Newcomb, Mayor Muldoon, Board of County Commissioners, and Jackson Town Council:

The recent increase in the popularity of electric assist bicycles (e-bikes) locally has raised questions about the legality of e-bikes on the Town of Jackson/Teton County pathway system. As the advisory committee to the Town Council, County Commission, and Town/County staff on pathways issues, the Pathways Task Force has extensively researched and discussed e-bikes and pathways safety in order to develop recommendations for regulating e-bikes on pathways.

After carefully considering the benefits that safe e-bike usage can offer while recognizing the need to reinforce pathways safety, we recommend allowing e-bikes that meet the definition of a “low-speed electric bicycle” (see below) for use on Town of Jackson and Teton County Pathways, and that the Town and County expand efforts to improve safety and encourage appropriate pathway behavior for both e-bike riders *and other pathway users*.

### **Electric Bicycle Background Information**

E-bikes are bicycles that have been fitted with a rechargeable battery and electric motor that provide power assistance to the rider either by a manual throttle on the handlebar or a system that adds power only when the rider is pedaling. This enables riders to travel further, carry more weight such as children or cargo, or decrease travel time using the same or less effort as riding a standard bicycle. Riding an e-bike is very similar to riding a traditional bike, except that the electric motor provides a “boost” to allow the rider to travel uphill or start up from a standstill more easily than on a traditional bike.

Federal regulations under the Consumer Product Safety Act define “low-speed electric bicycles” as *bicycles*—not as motorized vehicles—provided that they have “fully operable pedals and an electric motor of less than 750 watts.” The federal definition does not preempt state statutes and therefore has no impact on state vehicle codes or specify where e-bikes may be ridden. Like many states, Wyoming statutes reference mopeds and scooters, but do not specifically define electric-assisted bicycles. This lack of clarity makes it difficult to regulate e-bike usage and creates confusion among consumers, retailers, and local communities on what types of e-bikes are allowed and where they can be ridden.

Recently there has been an effort to define e-bikes on a three-class system based on the federal designation. This system is becoming the norm in the e-bike industry and has been adopted by several states in their vehicle definition statutes, enabling communities to regulate e-bike usage on their local systems.

- Class 1: Bikes with a top assisted speed of 20 mph that must be pedaled to operate.
- Class 2: Bikes with a top assisted speed of 20 mph that can be operated without pedaling by using a handlebar-mounted throttle.
- Class 3: Bikes with a top assisted speed of 28 mph that must be pedaled to operate.

All bikes under this classification system have a maximum power output of 750 watts, are required to have functional pedals (i.e. they can be ridden as a standard bicycle), and provide a maximum assisted speed of 20 mph when being powered solely by the motor. Vehicles that exceed this power or speed capacity do not qualify as bicycles, but are considered motorized vehicles.

### **E-Bikes and Pathways – Safety**

Based on observations and feedback from residents and retailers, there has been a significant increase this summer in local e-bike ownership and usage. The Task Force has followed the growth of e-bikes in Jackson and recognizes that there are safety considerations to take into account with respect to e-bike usage on our shared-use pathway system and other non-motorized infrastructure (bike lanes, cycle tracks, etc.). Fast-moving people riding bikes can pose hazards when mixing with slower-moving people walking, or less experienced riders, including children who may not be travelling in a predictable manner. Maneuverability, weight, and the bike-handling skills of the rider are other factors that affect user safety.

While the recent uptick in e-bike usage has highlighted the issues of pathway speed and safety, we must emphasize that the concern of excessive speed applies to all pathway users, not just e-bikes. The “safe” speed for pathways varies based on the pathway location, types and number of users, sight distances, surface condition, weather, and other factors. Many people riding traditional bicycles are capable of travelling

significantly faster than 20 mph. We have explored the idea of speed limits on pathways, but do not feel this is an appropriate or practical solution for improving pathways safety. A speed limit would likely be difficult to enforce, expensive to implement, and we question whether it would be an effective measure in reducing reckless behavior. A better approach might be to explore a “reasonable and prudent” or “responsible user” policy or law rather than a blanket speed limit.

We feel that the current e-bike discussion presents an opportunity to increase education and outreach efforts to improve pathway safety. The Task Force strongly encourages the Town and County to use this opportunity to develop and implement an updated safety program that will educate pathway users, bicycle retailers, and the general public. The program should emphasize responsible behavior for all users and provide clear information on e-bike regulations and guidelines for general pathway safety. Safety improvements should also include design elements such as slow zones in high congestion areas along the pathways system.

### **E-Bike Multimodal Opportunities**

E-bikes provide significant environmental, health, financial, and mobility benefits and have the potential to dramatically increase the percentage of local trips made by bicycle, one of the community’s primary goals for managing transportation demand.<sup>1</sup> Barriers to cycling include distance, terrain (hills), lack of safe infrastructure, the need to carry cargo (or kids), physical restrictions such as joint issues or injuries, and practical considerations like getting sweaty on the way to your destination or needing to bring an extra set of clothes to the office. Even simple barriers, such as having to attach a trailer to a bike in order to haul kids or gear, can be enough of a deterrent to push someone to using their car for trips that could otherwise be made on a bike, like commuting to work, running errands, or social visits. Feedback from local e-bike owners is that e-bikes are “game-changers” for people who are interested in driving less and using bicycles more. This has been especially visible locally in two user groups: families with young children and commuters. The e-bike eliminates the barriers to cycling and these people find themselves increasingly turning to their bike instead of their car for local trips (and enjoying the long list of benefits that accompany active transportation).

The Pathways Task Force recognizes that e-bikes present a unique opportunity to make measurable gains toward achieving the community’s transportation goals of increased bicycle usage for local trips. Pathways usage data from the 2017 Eclipse demonstrate that, given the appropriate encouragement and circumstances (and safe, convenient infrastructure), people are willing and able to change their travel behavior. With the environmental, health, financial, and mobility benefits of e-bikes in mind, the Pathways

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<sup>1</sup> Jackson-Teton County Comprehensive Plan Sec. 7 (2012), Jackson/Teton Integrated Transportation Plan (2015)

Taskforce supports actively encouraging safe and responsible use of e-bikes on our pathways system and other bicycle infrastructure. We recommend that the Town of Jackson and Teton County:

- Allow the use of e-bikes that meet the definition of “low-speed electric bikes” on Town of Jackson and Teton County Pathways.
  - This includes Class 1, 2, and 3 e-bikes that have fully operable pedals and an electric motor of less than 750 watts, and whose maximum speed when powered solely by the electric motor is less than 20 mph.
  - Other types of motor vehicles or e-bikes not meeting this definition would continue to be prohibited from Pathways.
- Develop and/or expand the education and outreach program on e-bike regulations and safe pathways use.
  - Information on e-bikes should be provided to local retailers and the public.
  - Safety programs should include guidelines for safe pathway use that are featured on printed materials (maps and brochures) and agency websites, at bike shops, and as part of the local Pathway ambassador program.
- Explore the benefits and practicality of a “reasonable and prudent user” law or policy.
- Implement “slow zones” or other design elements along the Pathways system to encourage safe behavior in high-use areas and conflict points such as pathway/motor vehicle intersections.

E-bikes offer a range of benefits to the community and can help Teton County and the Town of Jackson increase transportation choices for everyone. We hope that you will consider adopting policies that encourage safe use of e-bikes on our pathways and other bicycle infrastructure.

Sincerely,

*Craig M. Benjamin*

Craig Benjamin  
Pathways Task Force Chair

**CONNECTING PEOPLE AND PLACES**