



**Town Council
WORK SESSION
Tuesday, October 5, 2021
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO**

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.*

TOWN COUNCIL WORK SESSION ACCESS INFORMATION AND PUBLIC PARTICIPATION *This will be an in-person work session. Work sessions of the Town Council are not meetings requiring public comment. The public is allowed to attend, however, public comment will not be scheduled and will only be taken at the discretion of the Mayor. The Council shall take no final or official action, vote, nor make any motions.*

PRESENTATION - 4:00 PM - 5:45 PM

1. E-Bikes Policy Discussion

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.

Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI - TOEG – townofeagle2019



To: Mayor and Town Council

From: Brandy Reitter, Town Manager

Date: October 5, 2021

Agenda Item: E-bike Policy Discussion

REQUEST:

Staff requests that the Town Council review information regarding e-bike policies and best practices and provide feedback.

INTRODUCTION:

The Town Council requested a work session to review e-bike policies and to discuss how other communities are addressing this user group. The request also included inviting vendors and users in the e-bike community to learn their perspectives. E-bikes have become very popular in Eagle and across the country. Since e-bikes touch many departments, staff was asked to write a summary on current policy, laws that govern use and to provide recommendations based on their analysis. In addition, to the information provided by staff, the Town invited business owners from the 3 bike shops location in Eagle and trail groups.

ANALYSIS:

To assist the Town Council with the discussion staff from Open Space, Police, and Community Development were asked to provide information on the following:

- What would the department recommend as far as an e-bike policy for Town-owned property?
- Are there any best practices out there that you have come across?
- Reach out to your networks or associations and learn how they have handled e-bikes.

Instead of summarizing everything from each department in this memo, the department analysis is attached to this document. The information does a good job covering the questions above as well as policy considerations. Each department will be available for questions.

COMMUNITY INPUT:

Public input will occur during the work session.

BUDGET / STAFF IMPACT:

Not applicable.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

Reviewing e-bike policies and best practices related to this activity could lead to policies established by the Town Council. E-bikes do align with a few objectives in the Strategic Plan.

Focus on Recreation, Events and Open Space – E-bikes to some, are considered recreation equipment and are used on rec and soft paths as well as on roadways and sidewalks.

Invest in Environmental and Energy Sustainability – E-bikes offer a form of reliable transportation for residents who own one. Riding a bicycle as a form of transportation that reduces greenhouse gases.

RECOMMENDED ACTION OR PROPOSED MOTION:

Give staff feedback on the work session materials.

ATTACHMENTS:

- Open Space E-bike Analysis Memo
- Community Development Analysis Memo
- Police Department Analysis Memo

Town of Eagle E-Bikes Update in Open Space

September 29, 2021

Background:

Types of low-speed E-bikes in Colorado and Regulations

- Colorado HB 17-1151 defines three classes of low-speed E-bikes and requires manufacturers to label all bikes fabricated and sold in the state.
 - Class 1 E-bikes provide assistance only when the rider is pedaling. Most bikes have motors that cease to assist at 20mph.
 - Class 2 E-bikes are low-speed throttle-assisted bikes. The motor is engaged regardless of pedaling. Most bikes have motors that cease to assist at 20mph.
 - Class 3 E-bikes provide assistance only when the rider is pedaling; the motor ceases at 28 mph. Class 3 E-bikes must have a speedometer.
- In general, municipalities and counties can regulate E-bike policies within their jurisdiction.
 - In Colorado, Class 1 and 2 E-bikes are not considered motorized vehicles (Colorado Revised Statutes: Section 42-4-1412). Rather, these E-bikes are treated as bikes on roads and multi-use paved paths.
 - Unless otherwise restricted by a local jurisdiction, Class 1 and Class 2 E-bikes are allowed on the same bicycle and pedestrian paths as conventional bicycles in Colorado.
 - Local jurisdictions have the authority to prohibit E-bikes on any bicycle or pedestrian path under its jurisdiction.
 - A person riding an Electric Mobility Device is generally exempt from restrictions.

S-Pedelecs and Power-on-Demand bikes

- In addition to the three types of low-speed E-bikes listed above, manufacturers also produce pedal assist, low-power scooters, and power-on-demand electric bikes that exceed 28mph and do not require the rider to provide any assistance for power.
 - Most of these bikes are considered similar to mopeds or motorcycles by Colorado State law.

Town of Eagle E-bikes Policies in Open Space

- E-bikes are not permitted on any non-motorized, natural surface trails in the Town trail system.
 - The only trail that permits E-bikes is Second Gulch because the trail is open to motorized use.
- In part, this was determined because the Bureau of Land Management (BLM) and the National Forest Service (NFS) set this policy standard as a national benchmark.
- Further, because the Town of Eagle trails connect with trails on lands managed by the BLM, the Town elected to be consistent with travel management determinations by our federal partners.
 - The only soft surface singletrack trail entirely within the Town of Eagle's jurisdiction is the Haymaker Trail.

Municipal and County Open Space E-bike policies in Colorado

Municipal and County Open Space E-bike summary

Most Municipal and County Open Space programs do not permit any E-bikes on natural surface, non-motorized trails (Jefferson County is one of the notable exceptions). However, several municipalities and counties have recently increased access to paved and gravel recreation paths for Class 1 and 2 E-bikes. Most open space programs agree that gravel and paved rec paths are appropriate for E-Bike use with proper signage.

Before permitting E-bikes, municipalities and counties have often started with a pilot program that included collecting visitor data and natural resource monitoring. This provided data and additional flexibility as entities considered permitting E-bikes on different types of trails.

Evaluating E-Bikes on Natural Surface Trails

In conversations with colleagues, the following concerns are frequently considered when evaluating increasing opportunities for E-bikes on natural surface singletrack trails:

1. Increased trail use and damage. Regular E-bike use will likely require additional maintenance and upkeep on trails because of the weight, tire width, speed, and increased throttle ability of E-bikes. This would necessitate additional funding for trail maintenance.
2. Increased crowding. On already busy trails, some open space programs are apprehensive about adding another user group. Particularly, a potential novice user group that can travel very quickly on flat ground and uphill without making loud noises
3. Safety concerns.
 - a. First, E-bikes can permit novice bikes to travel faster than their abilities may allow. The quiet nature of the bikes could lead to increased user conflict, particularly with hikers and equestrians.
 - b. Second, E-bikes can permit novice recreationists to travel greater distances than their physical ability might otherwise allow. If the bike battery were to die, experience a mechanical error, or if the rider were to be hurt, they could find themselves far away from help. Local search and rescue groups have already had to accommodate these types of rescues.
4. Consistency with federal partners and neighboring landowners. As so many trail systems cross multiple land jurisdictions, open space programs have been hesitant to permit E-bikes to prevent confusion. For instance, only one natural surface trail is entirely within the Town's jurisdiction in Eagle (Haymaker Trail).

However, other open space professionals have seen this debate through the lens of snowboarding emerging into the scene in the 1980s. We are perhaps too nervous about a new user group on the trails. Benefits to permitting E-bikes include:

1. Increasing recreational opportunities for people experiencing disabilities and elderly individuals.
2. Management of a new use, rather than prohibition. The sport will likely continue to progress. Therefore, it could be advantageous to get ahead of it through management rather than trying to prohibit it.

3. Enforcement issues. E-bikes will soon closely resemble mountain bikes, and it won't be easy to know who is on an E-bike and a regular bike. Buy-in and self-regulation from users will be crucial. Overall management of E-bikes will be better off with the user group sitting at the table.
4. Increase tourism opportunities – permit and market a new activity in Town.
5. Local economic benefits – benefits to local businesses who could sell and rent E-bikes.

Colorado Municipal and County Open Space E-bike policies

- Jefferson County
 - Starting in 2018, the County permitted Class 1 E-bikes on natural surface trails and Class 1+2 on paved/gravel rec paths. This policy was informed through a pilot program that included visitor surveys and natural resource monitoring.
 - Jefferson County is unique – they have several trails entirely within their jurisdiction that do not connect with trails on federal lands.
- Summit County and Town of Breckenridge
 - E-bikes are not permitted on natural surface trails dedicated as non-motorized, whether the trails are under the jurisdiction of Summit County, the Town of Breckenridge, or the National Forest Service.
 - Class 1 E-bikes are allowed on paved/ gravel rec paths. However, when trails cross through lands managed by federal entities, E-bikes are prohibited.
- Town of Crested Butte and CB Land Trust
 - E-bikes are only permitted on motorized trails and paved/ gravel rec-paths.
 - Together with Gunnison County, the entities have focused on positive E-bike messaging. For example, messaging focuses on where E-bikes are allowed instead of where they are prohibited.
- Eagle County
 - Eagle County Open Space does not permit any type of E-bikes on trails dedicated as non-motorized that are soft surface.
 - Eco trails permits Class 1+2 E-bikes on paved and gravel rec-paths except where the path goes through lands managed by the National Forest Service (mostly Vail Pass).
- Pitkin County
 - Pitkin County allows Class 1 E-bikes on paved and gravel trails. However, E-bike use is not permitted on any singletrack trail within Pitkin County's open space trail network.
- Boulder County Open Space
 - E-bikes are not permitted on foothills and singletrack mountain trails.
 - Class 1 and Class 2 E-bikes are allowed on Boulder County trails located in the plains region. Most of these trails are more similar to gravel rec paths than singletrack trails, however.
- City of Boulder Open Space and Mountain Parks
 - E-bikes are only permitted for people experiencing disabilities. Otherwise, E-bikes are prohibited on trails.
 - A continuing pilot program permits E-bikes to use paved and gravel commuter trails throughout the city.
- Larimer County Open Space

- E-bikes are only permitted for people experiencing disabilities on natural surface trails. Otherwise, E-bikes are prohibited on natural surface trails.
- Class 1 and 2 E-bikes are permitted on paved/gravel paths.
- City of Fort Collins Open Space
 - On April 21, 2020, the Fort Collins City Council approved City and Traffic Code updates to allow Class 1 and Class 2 E-bikes on paved trails following the completion of a pilot program. E-bikes are not permitted on soft/natural surface trails.
- City of Durango
 - The City of Durango allows E-Bikes on paved and gravel rec paths, sidewalks, and roadways. However, E-bikes are not permitted to use the City of Durango open space trail network.

Federal E-Bike policies

Bureau of Land Management

The Bureau of Land Management (BLM) has historically established that E-bikes are considered a motorized use, and therefore, they were only permitted on trails that allow motorized recreation. However, on August 29, 2019, Secretary of the Interior David Bernhardt issued Secretary's Order (SO) 3376. The purpose of the order was to increase recreational opportunities through E-Bikes.

- Bureau of Land Management 2020 Rule Change and Secretary's Order 3376.
 - The SO specifically directed the BLM to revise its off-highway vehicle (OHV) regulations to consider Class 1, 2, and 3 E-bikes as a non-motorized use, thereby expanding access on public lands to E-bikes.
 - The rule, however, does not result in any immediate on-the-ground changes or site-specific allowances for E-bike usage on BLM-administered public lands.
 - Before any on-the-ground changes can occur, an authorized officer must issue a land-use planning or implementation-level decision that complies with NEPA and other applicable legal requirements.
- **How this rule change could impact the Town of Eagle:**
 - The rule provides the BLM with greater flexibility to contemplate updating E-bike policies on certain non-motorized trails on lands administered by the BLM.
 - The Town of Eagle could ask that the BLM consider expanding E-bike opportunities near the Town of Eagle or endorse continuing to prohibit E-bikes on non-motorized trails.
 - Either way, the BLM would require community involvement and public support.
 - To increase E-bike recreational opportunities, the BLM would likely be required to complete and/or update their travel management plans and go through the NEPA process.
 - The BLM could also deny any requests altogether if the District Office does not support expanding or limiting use owing to current travel management plans.
- The Open Space and Trails Master plan and the Open Space and Recreation Advisory Committee would be ideal avenues to evaluate E-bike policies in the Town of Eagle and express community support for a direction.

National Forest Service

- All classes of E-bikes are prohibited on non-motorized trails because the National Forest Service (NFS) considers E-bikes to be a motorized use. Therefore, they also have less flexibility than the BLM to expand opportunities for low-speed E-bikes on non-motorized trails.

Town of Eagle E-Bikes Update in Community Development

September 29, 2021

Planning Documents that Address Mobility, Recreation, Transportation, & Sustainability

ELEVATE EAGLE (2020)

... Eagle residents value the great trails and the close-knit community. Many residents mentioned that walkability and bikeability are important components of their favorite places in town.

Action Item 3.17 Work with stakeholder groups to identify and map existing and desired access points to trails (hike, bike, motorized), public lands, rivers, and streams.

Action Item 5.10 Develop Master Sidewalk/ Bike Path Plan and trail plan that address multiple uses and multiple modes of transportation.

DCI COMMUNITY ASSESSMENT (2019)

Curate the Pedestrian/Bike Experience. Consideration of the linkages and signage that is necessary for locals or visitors to find the assets in Eagle and seamlessly navigate from one area to the other is an important next step.

Action Item. Schedule and engage in "Creative Placemaking efforts to crowd source temporary examples of bike and ped infrastructure at priority intersections missing connections, opportunities. Show case long-term solutions with short term efforts"

CLIMATE ACTION PLAN (2017)

Programs and projects

Bicycle education programs (ex: learn to ride safely, bike repair classes, bike donation/earn a bike programs); bicycle sharing program; E-bikes sharing program

Transportation and Mobility Sector: Top Recommended Goals and Strategies

Incentivize and encourage multi-modal transportation, including park-and-ride locations and safe county-wide bike commuting paths and lanes.

BLM "eBike tips"

- **Stay on Trails:** Respect motorized/non-motorized trail use regulations—ask a land manager for clarification if you are uncertain about the status of a trail. Do not trespass on private land. Obtain permits or other authorization as required. Be aware that bicycles and e-bikes are not permitted in areas protected as state or federal Wilderness. Obey all speed regulations and recommendations and ride within your limits.
- **Leave No Trace:** Be sensitive to the dirt beneath you. Wet and muddy trails are more vulnerable to damage than dry ones. When the trail is soft, consider other riding options. This also means

staying on existing trails and not creating new ones. Don't cut switchbacks. Be sure to pack out at least as much as you pack in.

- **Yield Appropriately:** Do your best to let your fellow trail users know you're coming—a friendly greeting or bell ring are good methods. Try to anticipate other trail users as you ride around corner. E-bikes should yield to all nonmotorized users, regardless of the direction they are travelling.
- **Never Scare Animals:** Animals are easily startled by an unannounced approach, a sudden movement or a loud noise. Give animals enough room and time to adjust to you. When passing horses, use special care and follow directions from the horseback riders. Running cattle and disturbing wildlife are serious offenses.
- **Plan Ahead:** Know your equipment, your ability and the area in which you are riding and prepare accordingly. Strive to be self-sufficient: keep your equipment in good repair and carry necessary supplies for changes in weather or other conditions. Always wear a helmet and appropriate safety gear.

Town of Eagle
E-Bikes Update in Police Department
September 29, 2021

Local cities and towns have the last word and control on where electric bikes can be ridden. Yet, several cities and towns have not regulated e-bikes beyond State Law.

COLORADO STATE E-BIKE LAWS

*** § 42-4-1412. Operation of bicycles and other human-powered vehicles [Effective 8/9/2017]**

(1) Every person riding a bicycle or electrical assisted bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this article, except as to special regulations in this article and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 42-4- 221, and, when using streets and highways within incorporated cities and towns, shall be subject to local ordinances regulating the operation of bicycles and electrical assisted bicycles as provided in section 42-4- 111.

(2) It is the intent of the general assembly that nothing contained in House Bill No. 1246, enacted at the second regular session of the fifty-sixth general assembly, shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state of Colorado or any political subdivision under the “Colorado Governmental Immunity Act”, article 10 of title 24 , C.R.S.

(3) No bicycle or electrical assisted bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.

(4) No person riding upon any bicycle or electrical assisted bicycle shall attach the same or himself or herself to any motor vehicle upon a roadway.

(5)

(a) Any person operating a bicycle or an electrical assisted bicycle upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist may use a lane other than the right-hand lane when:

(A) Preparing for a left turn at an intersection or into a private roadway or driveway;

(B) Overtaking a slower vehicle; or

(C) Taking reasonably necessary precautions to avoid hazards or road conditions.

(III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.

(b) A bicyclist shall not be expected or required to:

(I) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(II) Ride without a reasonable safety margin on the right-hand side of the roadway.

(c) A person operating a bicycle or an electrical assisted bicycle upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist, subject to the following conditions:

(I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A bicyclist shall not be expected or required to:

(A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(B) Ride without a reasonable safety margin on the left-hand side of the roadway.

(6)

(a) Persons riding bicycles or electrical assisted bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) Persons riding bicycles or electrical assisted bicycles two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a bicycle or electrical assisted bicycle shall keep at least one hand on the handlebars at all times.

(8)

(a) A person riding a bicycle or electrical assisted bicycle intending to turn left shall follow a course described in sections 42-4- 901(1), 42-4- 903, and 42-4-1007 or may make a left turn in the manner prescribed in paragraph (b) of this

subsection (8).

(b) A person riding a bicycle or electrical assisted bicycle intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection (8), the transportation commission and local authorities in their respective jurisdictions may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(9)

(a) Except as otherwise provided in this subsection (9), every person riding a bicycle or electrical assisted bicycle shall signal the intention to turn or stop in accordance with section 42-4- 903 ; except that a person riding a bicycle or electrical assisted bicycle may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the bicycle or electrical assisted bicycle before turning and shall be given while the bicycle or electrical assisted bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle or electrical assisted bicycle.

(10)

(a) A person riding a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of- way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles or electrical assisted bicycles is prohibited by official traffic control devices or local ordinances. A person riding a bicycle or electrical assisted bicycle shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(c) A person riding or walking a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and

required by section 42-4- 802.

(d) (Deleted by amendment, L. 2005, p. 1353, §1, effective July 1, 2005.)

(11)

(a) A person may park a bicycle or electrical assisted bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(b) A bicycle or electrical assisted bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle or electrical assisted bicycle may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle or electrical assisted bicycle may be parked on the road abreast of another such bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles or electrical assisted bicycles parked anywhere on a highway shall conform to the provisions of part 12 of this article regulating the parking of vehicles.

(12)

(a) Any person who violates any provision of this section commits a class 2 misdemeanor traffic offense; except that section 42-2- 127 shall not apply.

(b) Any person riding a bicycle or electrical assisted bicycle who violates any provision of this article other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle; except that section 42-2- 127 shall not apply.

(13) Upon request, the law enforcement agency having jurisdiction shall complete a report concerning an injury or death incident that involves a bicycle or electrical assisted bicycle on the roadways of the state, even if such accident does not involve a motor vehicle.

(14)

(a)

(I) a person may ride a class 1 or class 2 electrical assisted bicycle on a bike or pedestrian path where bicycles are authorized to travel.

(II) A local authority may prohibit the operation of a class 1 or class 2 electrical assisted bicycle on a bike or pedestrian path under its jurisdiction.

(b) A person shall not ride a class 3 electrical assisted bicycle on a bike or pedestrian path unless:

(I) The path is within a street or highway; or

(II) The local authority permits the operation of a class 3 electrical assisted bicycle on a path under its jurisdiction.

(15)

(a) A person under sixteen years of age shall not ride a class 3 electrical assisted bicycle upon any street, highway, or bike or pedestrian path; except that a person under sixteen years of age may ride as a passenger on a class 3 electrical assisted bicycle that is designed to accommodate passengers.

(b) A person shall not operate or ride as a passenger on a class 3 electrical assisted bicycle unless:

(I) Each person under eighteen years of age is wearing a protective helmet of a type and design manufactured for use by operators of bicycles;

(II) The protective helmet conforms to the design and specifications set forth by the United States consumer product safety commission or the American Society for Testing and Materials; and

(III) The protective helmet is secured properly on the person's head with a chin strap while the class 3 electrical assisted bicycle is in motion.

(c) A violation of subsection (15)(b) of this section does not constitute negligence or negligence per se in the context of any civil personal injury claim or lawsuit seeking damages.

Cite as C.R.S. § 42-4- 1412

(28.5) "Electrical assisted bicycle" means a vehicle having two or three wheels, fully operable pedals, and an electric motor not exceeding seven hundred fifty watts of power. Electrical assisted bicycles are further required to conform to one of three classes as follows:

(a) "Class 1 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(b) "Class 2 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour.

(c) "Class 3 electrical assisted bicycle" means an electrical assisted bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour

Electric bicycle and electric scooter riders are exempt from motor vehicle registration and license requirements. All electric bicycles in Colorado are required to conform to one of three classifications shown in the table below, and have a label showing the bicycle's classification, top assisted speed, and motor wattage. Any modification to an electric bicycle that changes the speed capability or motor wattage requires an updated label.

Classification of Electric Bicycles

Class 1 An electric bicycle that only provides assistance when the rider is pedaling; the motor ceases at 20 miles per hour (mph).

Class 2 An electric bicycle that provides assistance regardless of whether the rider is pedaling; the motor ceases at 20 mph.

Class 3 An electric bicycle that provides assistance only when the rider is pedaling; the motor ceases at 28 mph. Class 3 electric bicycles must have a speedometer.

Source: Section 42-1-102 (28.5), C.R.S.

Electric scooters. An electric scooter is defined as a device:

- weighing less than 100 pounds;
- with handlebars and an electric motor;
- that is powered by an electric motor; and
- that has a maximum speed of 20 miles per hour on a paved level surface when powered solely by the electric motor.

Local laws pertaining to electric scooters must be no more restrictive than those pertaining to class 1 electric bicycles.

Permissible routes for electric bicycles and scooters. Unless otherwise restricted (i.e. recreation path posted as “no motor vehicles”), Class 1 and Class 2 electric bicycles, and scooters are allowed on the same bicycle and pedestrian paths as conventional bicycles. Class 3 electric bicycles may not be on a bicycle or pedestrian path unless the path is within a street or highway or permitted by the local jurisdiction. Local jurisdictions have the authority to prohibit the operation of electric bicycles and scooters on any bicycle or pedestrian path under its jurisdiction. A person riding an Electric Mobility Device is exempt from “no motor vehicle” access.

Age restrictions and helmet laws. No one under the age of 16 may ride a Class 3 electric bicycle, except as a passenger. Anyone on a Class 3 electric bicycle who is under the age of 18 must wear a helmet.

Lights and reflectors. All bicycle and electric bicycle riders riding between sunrise and sunset, or during conditions who otherwise impair visibility, must have lamp that emits white light at least 500 feet from the front. Bicycles and electric bicycles must also be equipped with a red reflector in the rear.

Regulations for riding a bicycle. According to state law, persons riding a bicycle or electric bicycle:

must not carry more people than the bicycle is designed to carry;

must not attach themselves to a motor vehicle on a roadway;

must ride in the right-hand lane when riding on a roadway at less than the normal speed of traffic – another lane may be used when turning left or overtaking a slower vehicle;

may ride in the left lane if the roadway is one-way and there is enough room for other vehicles to safely pass;

may not ride more than two abreast, except on paths set aside for the exclusive use of bicycles;

must keep at least one hand on the handlebars at all times;

must signal the intention to turn or stop; and

must yield the right of way to pedestrians.

Electronic Mobility Device:

An electronic mobility device (EMD) may be operated on a recreation path and sidewalk. This may include electric scooters, wheelchairs and other medical devices known to transport injured or elderly persons.

Penalties.

Anyone who violates regulations pertaining to the manufacturing standards and classification of electric bikes and scooters is subject to a class B traffic infraction, with a fine of \$15 and a surcharge of \$6.

Unless a crash or other reason for a legitimate contact occurs, it is difficult for law enforcement to delineate the class of bicycles. Some manufacturers are also making electric-assist bicycles look like dirt bikes. To complicate matters, other manufacturers are making legitimate dirt bikes with electric motors.

Calls for Service to EPD involving bicycles January, 2019 through June, 2021.

- 5/2021 pedestrian complained about the speed of bicyclists on recreational paths and close calls when he walks (did not define e-bike v. non-assisted bike).
- 8/2021 vehicle nudged a bicyclist in the Eby Creek Roundabout (bicyclist did not fall, no injuries).
- 8/2021 two males riding bikes and skidding up and down the middle of Broadway.
- A few medical assists for people falling off their bicycles.

Specific Traffic Codes Pertaining to E-Bikes and TOE:

For TOE codes pertaining to traffic regulations, we do not have any additional regulations specifically set in place for e-bikes.

Examples of Other Communities:

Other communities have specifically called out e-bikes in their codes, in addition to State Laws. Some examples include:

- **City/County of Boulder**

- Allows electric bike users to engage the motor on recreational paths that are marked “non-motorized”.
- Enacted dismount zones for all bicyclists in certain posted areas of downtown.
- Prohibited e-bike use on certain designated open space trails.

- **Town of Breckenridge**

- Class 2 & Class 3 E-bikes may use roadways, following State and TOB traffic codes
- Paved recreational paths - Class 1 E-bikes only (there are exemptions for people with disabilities conforming to State and Federal law).
- Non-paved recreational paths – no E-bikes (there are exemptions for people with disabilities conforming to State and Federal law).
- Shared dockless bicycle programs can only be Class 1 E-bikes and limited to April through the end of October of each year.
- Town Code allows for the posting of dismount zones “where posted” (i.e. temporary signage for bicycle dismount zones for events).

- **Town of Vail**

- Class 3 E-bikes may use roadways, following State and TOV traffic codes.
- Allows operation of Class 1 and Class 2 E-bikes on certain bicycle and pedestrian paths (there are exemptions for people with disabilities).
- Age-restricted to riders 16 years of age or older.
- Provides Town Manager with ability to adopt additional rules to limit the time, place or manner of operation in Town.
- Town may post permanent or temporary “dismount zones” for all bicycle users (i.e. for downtown events).
- Prohibits engagement of electric motor on E-bikes in posted areas of the Town. Some of these areas include:
 - Turf, soft-surface, gravel and unimproved trails
 - Nature center, gardens and stream walk areas
 - Sidewalks not designated for bicycles
 - Playgrounds

- **Town of Avon**

- Class 3 E-bikes may use roadways, following State and TOA traffic codes.

- Allows operation of Class 1 and Class 2 E-bikes on certain bicycle and pedestrian paths (there are exemptions for people with disabilities).
- Prohibits engagement of electric motor on E-bikes in posted areas of the Town. Some of these areas include:
 - Turf, soft-surface, gravel, natural and unimproved trails
 - Avon Preserve
 - Sidewalks not designated for bicycles
 - Playgrounds
- **Town of Silverthorne**
 - Allows for the operation of Class 1 E-bikes on recreational pathways.
 - May enact other provisions “where prohibited by posted sign” (i.e. dismount zones).
 - Provides the Recreational and Culture Director with authority to promulgate rules to limit or prohibit use with respect to designated areas.

Discussion

- As observed with the small sampling of other communities, there is no universal standard for E-bike use. Additional restrictions may be furthered by a community to conform with its identity, geography, population, and feedback from the majority of residents.
- Encourage community feedback and take time to put a solid plan in place. For example, Summit County initially prohibited e-bikes on the paved recreational path between Frisco and Breckenridge. Yet, after numerous public meetings, work sessions and staff reports, the commissioners agreed that it was safe and appropriate to allow Class 1 E-bikes on the path.
- Be a good neighbor for ease of use. Encourage Eagle County to remain consistent with high-level policies for E-bikes. The Town of Breckenridge and Summit County agreed to allow Class 1 E-Bikes on the popular trail that runs through Breckenridge and Summit County.
- Community Development may work with districts and private entities having jurisdiction over commonly used recreational paths to ensure Town uniformity. For example, the School District and Eagle Ranch Homeowners Association manages recreational paths in our community. Guests to our Town do not know the difference between a Town-owned recreational path and a district or HOA managed path. Effectively, Eagle Ranch has signs posted “no motorized vehicles” which as currently posted, prohibit E-bikes. Plan to work with these entities to find a common solution (i.e. allowing for Class 1 use).
- It is encouraged to follow-up with our local bicycle community, TOE Open Space and BLM to identify any conflicts or concerns with electric-assisted bicycles on single track trails. Currently, the TOE advertises 2nd Gulch as the only trail for electric assist bicycles. Other communities surveyed seem to want pedal-power on single track trails (yet, Class 1 would seem reasonable for some designated trails in our community, especially those that are one-way trails).

- TOE currently operates under State Law for E-bicycles. There are a few governing provisions in our traffic code to include reckless driving, which carries a high burden for official to prove:
 - Any person who drives any electrical assisted bicycle, or low-power scooter anywhere within this Town in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property is guilty of reckless driving
- It is encouraged to discuss “dismount zones” on sidewalks and in areas where commercial and/or residential properties have entrances at narrow sidewalk locations and/or areas with considerable pedestrian traffic. This would identify those on any bicycle or scooter, without the need to separate the electric-assist users from the pedal-power and scooter community.
- Eagle can already follow the current “where prohibited by sign” code to enforce dismount zones without enacting an additional code. Yet, these areas should be discussed and identified. Temporary dismount zone signage for special events is a great idea! May be worth a discussion regarding 100-300 Broadway and 1100 Block Capitol for designated dismount zones while on sidewalks.
- Keep in mind, no matter what law governs the use of E-bikes, manufacturers have the technology to make their bikes look like pedal powered bicycles. For example, the Bianchi Aria has the battery built into the frame and unless one looks closely at the rear hub, it doesn’t look like a “traditional” electric bicycle. This is another reason to not separate the pedal power community from the E-bike community when considering dismount zones.
- With the assistance of a traffic engineer, speed limits may be considered for certain areas, if a certain class of E-bike can operate on a recreational path. Consistency with education and enforcement would be key for allowing this to function properly (i.e. TOE PD bicycle patrol).
- Your EPD has a Class 1 E-bike, and this performs well on roadways or on recreational paths. The responsibility of driving with due care for conditions, other users, and traffic rests with the operator.
- Electric bikes are the future and Colorado is leading the way to make them more accessible and regulated so they will be a viable mode of transportation. A well-regulated platform will allow E-bikes to conform to the multimodal form of transportation, as visioned in our TOE Strategic Plan.