



**AGENDA**  
**CITY OF CEDAR FALLS, IOWA**  
**CITY COUNCIL WORK SESSION**  
**MONDAY, MARCH 04, 2019**  
**4:55 PM AT CITY HALL-DUKE YOUNG ROOM**

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1. Call to Order by the Mayor.
2. Event Insurance.  
(60 minutes)
3. E-bikes.  
(15 Minutes)
4. Adjournment.

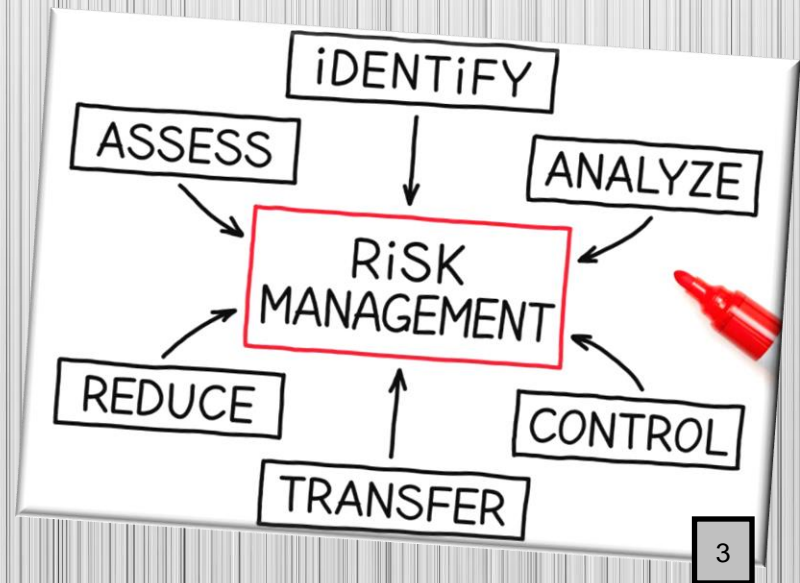
# Events Held on City Property



# How the City Regulates Use of Public Spaces Currently

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- Code of Ordinances
- Risk Management Committee Policies



# Not Covered in this Presentation

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- **Use of indoor public facilities**



- **E.g., Hearst Center, Community Center, V&T Board Room**
- **Use is regulated by rules of usage developed by staff responsible for those facilities**

- **Parades, assemblies for the purpose of exercising First Amendment rights**

# Code of Ordinances

## Regulations

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### Street meetings; parades – Sec. 23-3

- **Unlawful to do any of the following without a permit:**
  - **Hold public meetings of any character or description upon the streets or parks**
  - **Congregate on any street so as to obstruct the street or to parade or march upon the streets**
- **Permit is to be obtained from the City Council**
- **Violation is a simple misdemeanor**



# Code of Ordinances Regulations (con't)

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## *Current Practice for street meetings; parades*

- Approach is based upon street closure or parking variances and not meetings, congregations, or parades as suggested in Section 23-3
- Assistant Police Chief considers these requests and if approved, makes a recommendation to City Council for final approval
- No permits are issued in practice
- The City has not, in the past, criminally prosecuted meetings, congregations or parades held without a permit



# Code of Ordinances Regulations (con't)

## *Special Events (Fire Code)*

- The definition in the Code of Ordinances is: trade shows and exhibitions, outdoor assembly events, outdoor mazes, special amusement buildings and special scaffolding structures



- This is contained in the Fire Prevention and Protection Chapter of the Code of Ordinances (Chapter 11)



- Permit issued by the “Fire Code Official”
- Focus is on fire prevention
- Does not address many of the concerns the City might have for special events such as street closures, noise, alcohol, etc.

# Code of Ordinances Regulations (con't)

## *Parks*

- **Permit process for reservation of park areas or facilities is detailed in Article V of Chapter 20**
  - What should be contained in the application
  - Standards for issuance
- **Golf Course and Clubhouse – now administered by John Bermel under contract [Sec. 20-222(1), (2)]**
- **Picnic shelters [Sec. 20-222(3)]**
- **“Special game” facilities (undefined) [Sec. 20-222(4)]**
- **Gateway Park “green space” (Sec. 20-225)**





# Code of Ordinances Regulations (con't)

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## *Recreational Trails (Sec. 20-279)*

- **“Special usage” – permit can be obtained from MOPS Director but...**
- **Most events are directed to Cedar Trails Partnership**
  - **Private non-profit corporation that administers trail use in Black Hawk County and surrounding communities**
  - **Cedar Trails Partnership does contact individual jurisdictions to advise**
- **“Special events” – narrowly defined in Code of Ordinances as utilizing golf carts or similar motorized transportation upon a recreational trail for elderly and/or handicapped persons**



# Risk Management Committee Regulations

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- **Risk Management Committee has adopted policies that are not site specific. In other words, these policies apply to all public spaces.**

# Risk Management Committee Regulations (con't)

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## *Factors that invoke the Risk Management Policies*

- Admission Fee
- Alcoholic beverages are sold
- Stage or raised platform
- Inflatable devices  
(i.e. “bouncy houses”)
- Right-of-way closure more than one (1) block



# Risk Management Committee Regulations (con't)

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*If triggered, Risk Management Policy requires...*



- **Liability Insurance (\$1 million/\$2 million);  
Dram Shop Insurance (if applicable); other  
insurance endorsements**
- **Hold Harmless and Indemnification  
Agreement signed by sponsor of event**

# Challenges with Current Practice

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- **Fire Code “special events” requirements needs to be supplemented with other code changes that would incorporate Fire Code requirements**
- **Section 23-3 of the Code of Ordinances isn’t being strictly followed in terms of issuance of permits for the types of events under consideration**
- **Other regulations in the Code of Ordinances are either imprecise or require updating**
  - **What is a “special game” facility?**
  - **What is a trail “special event?”**

# Challenges with Current Practice (con't)

## *Practical*

- **Street closure goes to Council for approval – other staff responsible for insurance may not know about that prior to approval**
- **City staff notified of an event Friday afternoon for a weekend event (run/walk event in a park); if insurance is required there's not enough time to obtain it**
- **Large fundraising event held in Gateway Park – never really coordinated with the City in terms of insurance requirements, etc.**
- **Slip 'n slide activity on College Hill**



# Challenges with Current Practice (con't)

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## *Practical*

- **Family has birthday party in park with a bouncy house – insurance required but City was not contacted**
- **Block party covering more than one (1) block – right now they would need insurance - \$200 or more**
- **Fundraising event – insurance required – cost cuts into funds raised**
- **No centralized system for public to access and for staff to administer**
  - **Example: Event at a park shelter, alcohol will be sold [sponsor would need to contact four (4) different City staff members]**

# What Other Cities Do

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- **15 larger Iowa cities reviewed**
- **Approaches vary, with a few addressing “special events” via ordinance**
- **Most address use of park facilities in some fashion via ordinance**
- **Ordinances vary from very general – parks are under the supervision of Parks Department; to very specific – here are the criteria for issuing a special event permit**





# What Other Cities Do (con't)

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- **There are a few cities that really don't have ordinances addressing these issues at all**
  - **But they all have permit application forms for events held on City property**
  - **Question whether authority to regulate has legally been delegated**



- **Application forms vary greatly, from a single page or two all the way up to 30+ page booklets**

# What Other Cities Do (con't)

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- **Insurance - \$500,000 to \$2,000,000 liability limits. Some cities have a risk matrix, e.g. low, moderate, high with alcohol, fireworks in high risk category, which will require higher umbrellas above base liability coverage.**
- **Enforcement (meaning will break up the assembly if found without permit) – None. Some may note for next time.**
- **Hold Harmless/Indemnification by event sponsor(s) – Most do this.**



# Common Questions on Permit Application – Other Cities

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- **Alcoholic beverages served or sold (liquor license; wine or beer permit; Dram Shop)**
- **Amplified sound (noise ordinance; several other ordinances)**
- **Banners or signs (prohibited on public property; sign permit required otherwise)**
- **City services needed – water or electricity (may need to involve CFU)**
- **Contact information**
- **Date of event**



# Common Questions on Permit Application – Other Cities (con't)

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- **Disabled access (ADA concerns)**
- **Entertainment/stage use (may need to be inspected depending upon size)**
- **Estimated attendance (informs police of security needs; possibly establish minimum)**



- **Fireworks or pyrotechnics (permits, Fire Code)**
- **Food sold (County, State regulations; mobile merchant license)**
- **Inclement weather (planning device; no tornado shelters in parks)**

# **Common Questions on Permit Application – Other Cities (con't)**

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- **Inflatables or amusement rides (high risk activities – insurance; also regulated by State)**
- **Map or site plan (Fire Code; police)**
- **Merchandise sold (mobile merchant license)**
- **Notification of adjacent owners and approval (controversial; thresholds 60% - 75%)**
- **Portable toilets (sanitation; liquor license requirements)**
- **Safety – e.g. EMT's on site; security plans (informs police, fire)**

# Common Questions on Permit Application – Other Cities (con't)

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- **Shelter or other park facility involved (park permit)**
- **Street closures/parking arrangements (ordinance variances; need for barricades, etc.)**
  - Note some have separate forms for block parties
- **Tents/canopies (Fire Code Inspection)**
- **Trash/clean up plan (littering ordinance)**



# Recommendations

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- 1. Amend Sec. 23-3 to conform to Council's desired regulation**
  - a) Separate out "special events" from First Amendment assemblies, and parades**
  - b) Incorporate Fire Code "special events"**
  - c) Clean up other ordinances that don't reflect current practice or are unnecessary**
  - d) Adopt current park usage permit standards for issuance**

# Recommendations

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- e) Provide for appeal of denial to City Council**
- f) Maintain current requirement for liquor license/beer permit for events involving alcohol, even with street closure**
- g) Change penalty for non-compliance to municipal infraction**



# Recommendations (con't)

**2. Direct staff to develop special event/street closure permit application form which shall include:**

**a) Triggers shall include any one or more of the following:**

**i.) admission fee**

**ii.) alcoholic beverages sold**

**iii.) use of stage**

**iv.) inflatables or amusements**

**v.) right-of-way closure or obstruction (waive insurance for street closure of one (1) block or less in residential district**

**vi.) fireworks or pyrotechnics**



# Recommendations (con't)

**b) The most frequently asked questions by other cities as just outlined, with the following modifications:**

- **Alcoholic beverages served or sold**
- **Amplified sound**
- **Banners or signs larger than 24" x 36"**
- **City services needed**
- **Contact information/sponsor**
- **Date(s) of event**
- **Disabled access must be provided if event open to the public - reminder**
- **Stage use**
- **Estimated attendance**
- **Fireworks or pyrotechnics**
- **Food sold**



# Recommendations (con't)

(2b continued)

- **Inclement weather plan reminder if a public event**
- **Inflatables or amusement rides**
- **Map or site plan**
- **Merchandise sold**
- **Notification of adjoining owners – only a recommendation to notify neighbors for events held in residential districts**
  - **Portable toilets**
  - **Safety/security plan if alcohol sold and/or expected attendance exceeding 200 persons**
  - **Shelter or other park facility involved**
  - **Street closures/parking arrangements**
  - **Tents/canopies**
  - **Trash/clean up plan**



# Recommendations (con't)

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- c) **Designates a single point of contact at the City for the application process who shall forward as necessary to other staff for sign off (LAMA)**
- d) **Maintain current level of liability insurance and indemnification (\$1 million/\$2 million)**



# Recommendations (con't)

- e) **Eliminate additional insured/governmental immunities endorsement requirements but specify that the event insurance is primary, except for following events which shall meet this requirement:**



- **Live to 9**
- **Holiday Hoopla**
- **FondoFest & Gran Fondo Cedar Valley Bike Ride**
- **Oktoberfest**
- **UNI Homecoming Events**
- **Halloween on Main**
- **ARTapalooza on Main**
- **Twisted Cross Bicycle Event**



# Recommendations (con't)

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- f) Maintain policy of no commercial events**
- g) Deadline of 60 days prior to event to submit application**
- h) Only State approved operators of inflatables, amusements allowed**
- i) Except annual contracted events such as Sturgis Falls**
- j) Maintain discretion in the City to apply these requirements to other high risk activities not specifically identified in the regulation**

# Recommendations (con't)

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- 3. Publicize these requirements once adopted**
- 4. For enforcement, remind those who violate the policy, but reserve discretion to issue citation for repeat offenders**

# ***E-Bikes***

## ***Municipal Operations & Programs***

***City Council Work Session***



***March 4, 2019***





# E-Bikes



# ***E-Bikes***

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- ***E-Bikes are bicycles that are powered by pedals and an electric motor.***
- ***As prices drop, becoming popular way to commute and recreate.***
- ***Current ordinance restricts motorized vehicles from using the rec. trail system.***
- ***Already being used.***
- ***Should be proactive to modify ordinance to accommodate.***

# ***E-Bikes***

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## **State Code of Iowa defines three classes of E-Bikes**

- ***Class I – Pedal assist only, where the pedal cuts off at 20 mph and the user must pedal manually to go faster.***
- ***Class II – Throttle on demand, which operate by a throttle, by pedal assist or both, where the throttle cuts off at 20 mph and the user must pedal to go faster.***
- ***Class III – Pedal assist only, where the pedal assist cuts off at 28 mph and the user must pedal to go faster.***

# ***E-Bikes***

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- ***Staff and Risk Management Recommendation – Class I***
- ***Park & Recreation Commission Recommendation – Class I and Class II***
- ***Bike – Ped Committee Recommendation – Class I, Class II and Class III***

# ***E-Bikes***

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***Staff Recommendation: City Council approve Class I and Class II E-Bikes for use on recreation trails. Review ordinance in the future to see if other classes could be included.***

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***Questions?***



DEPARTMENT OF MUNICIPAL OPERATIONS & PROGRAMS

PUBLIC WORKS/PARKS DIVISION  
2200 TECHNOLOGY PARKWAY  
CEDAR FALLS, IOWA 50613  
319-273-8629  
FAX 319-273-8632

**MEMORANDUM**

**TO:** Bike Ped Advisory Committee  
**FROM:** Mark Ripplinger, Director, Municipal Operations & Programs  
**DATE:** August 10, 2018  
**SUBJECT:** Use of e-bikes on Cedar Falls recreation trails

Electric assist bicycles, or E-bikes, are becoming a popular way for individuals to commute and recreate. Currently, the City of Cedar Falls ordinance restricts motorized vehicles from accessing the recreation trail system. When this restriction was introduced, it was put in place to keep gas powered vehicles such as motorcycles, mopeds and cars from using the rec. trail system. At the time of implementation, E-bikes were neither readily available nor common.

Staff has recognized that allowing e-bikes on the trail system may open opportunities for more individuals to who need some assistance to bike/peddle.

The state of Iowa classifies E-bikes as follows:

1. Class I: Pedal-assist only, where the pedal-assist cuts off at 20 mph, and the user must pedal manually to go faster.
2. Class II: Throttle on demand – which operate by a throttle, by pedal-assist or by both – where the throttle cuts off at 20 mph, and the user must pedal to go faster.
3. Class III: Pedal-assist only, where the pedal-assist cuts off at 28mph, and the user must pedal to faster.

Staff believes that there are already individuals utilizing e-bikes on the recreation trails and instead of being reactive, we should work in a proactive manner to consider providing regulations that would allow E-bikes on the recreation trail system.

At this time, staff is recommending the following:

1. Electric Assisted Bicycle: A vehicle having three wheels or less, fully operable pedals, and an electric motor not exceeding seven hundred fifty (750) watts of power rating, and conforming to the following class:
  - A. Class I: Pedal-assist only, where the pedal-assist cuts off at 20 mph, and the user must pedal manually to go faster.
2. A person may operate a Class I electric assisted bicycle, with the motor activated, on any recreation trail in the city of Cedar Falls other than the following locations:

- A. Turf Areas
- B. Natural or unimproved areas
- C. Sidewalks that are not part of the designated recreation trail system.

The aforementioned recommendation is intended to start discussion on this topic. Staff will welcome comments from the Bike/Ped Committee and a recommendation made to the Park & Recreation Commission and then City Council.

Please let me know if you have any questions or comments regarding this topic.



**CEDAR FALLS PARK & RECREATION COMMISSION**  
110 E. 13<sup>th</sup> Street Cedar Falls, IA 50613

**PARK AND RECREATION COMMISSION**  
**Minutes**  
**February 7, 2019**

- I. Meeting was called to order at 4:30 p.m. by Leslie Nixon.
- II. Roll Call
  - Present: Blanchard, Nixon, Stalnaker, Struck, Lilly, Bowman
  - Absent: Mattfeld
  - Staff: Ripplinger, Verink, Heath, Frost
- III. Introduction of Guests/New Commission Members
  - Ben Rowe, 933 Grand Blvd, CF
- IV. Approval of Minutes: December 13, 2018
  - Motion by Blanchard 2<sup>nd</sup> by Bowman to approve the minutes. Approved 6-0.
- V. Correspondence
  - None
- VI. Agenda Revisions and Public Forum
  - None
- VII. Commission Feedback – Questions, Comments
  - None
- VIII. Unfinished Business
  - A. Ice Rink/Skating Area
    - Weather has not been conducive to make ice at Gateway Park. Recent frequent snow events have required staff to concentrate on snow removal on streets, sidewalks, etc. Typically the last day to make ice would be around Valentines Day.
  - B. Gold Star Family Monument Budget
    - Matthias Landscaping is preparing a masterplan and cost estimate for this project. As soon as that information is available it will be provided to the commission for review. Bowman asked about the sign at 14<sup>th</sup> and Waterloo Road. Signs and Designs has the sign fabricated and will install as soon as weather allows.



## IX. New Business

### A. E-Bikes on Rec Trails

- Staff was requested to review allowing e-bikes on the recreation trail system. Three classes are identified by the State of Iowa.
- Class I: Pedal-assist only, where the pedal-assist cuts off at 20 mph, and the user must pedal manually to go faster.
- Class II: Throttle on demand – which operate by a throttle, by pedal-assist or by both – where the throttle cuts off at 20 mph, and the user must pedal to go faster.
- Class III: Pedal-assist only, where the pedal-assist cuts off at 28mph, and the user must pedal to faster.
- The staff recommendation is for Class I only. The Bike/Ped Committee recommended Class I, II and III be allowed on the recreation trail system. Stalnaker commented speed seemed to be the determining factor to him and that Class I and II can only go the 20 mph with or without peddle assist. The Commission discussed the feasibility of speed limits on the recreation trails.
- After more discussion a motion was presented by Bowman, 2nd by Lilly to recommend allowing Classes I & II e-bikes on the recreation trails. Approved 6-0.

### B. 2019 Work Plan

- Place to Play Park – Peters Construction was low bid. The contract will go to City Council on February 18<sup>th</sup>.
- EAB work continuing
- Parkade and College Hill brick work
- Re-establish parking area on South Main by trail across from Dog Park
- Struck posed question regarding Orchard Hill tennis courts. Ripplinger discussed options for repairs.
- Stalnaker questioned if anything more has been done regarding plans for Seerley Park. Ripplinger replied that there may be possible money from the Community Block Grant fund for Seerley improvements.
- Bowman discussed the private entrance from Lookout Park. It was reported that it went to Mandalay Apts. and will be closed.
- Lilly was questioning when Peter Melendy Park would be reconstructed after levee project. Ripplinger replied that hopefully it will be finished by Sturgis Falls Celebration in June.
- Rowe asked about fencing in the dugouts at Pfeiffer Park. The answer was that yes they will be completed.
- Motion by Lilly 2nd by Blanchard to endorse the 2019 Work Plan. Approved 6-0.

## X. Reports

### A. Recreation

- RFP for Rec Center Needs Assessment mailed out to possible vendors. They are due back to the Rec by March 5th. The commission and public will be involved in this process.
- Weather has challenged staff with rescheduling of classes and leagues
- Rec Center was closed January 30th because of the cold weather
- New hallway lights being installed
- Staff evaluations have been started
- Summer registration began January 15th

- Some Camp CF location registrations are full
- Accepting applications for summer rec & aquatic positions
- New cameras are being installed at the Falls
- Spring Swim lessons will begin in March
- CPO Training for Verink and Schoentag

B. PW/Park

- Place to Play Park – restroom construction and street work – move current play equipment to other parks
- Playground Inspections ongoing
- EAB – 38 trees down in January only 2 for February because of weather
- Staff assist with controlled burn for fire training on Timothy Street
- Ice & snow duties
- Eagle Scout Project – installing 25 fish structures in Big Woods Lake
- Tree planting in cooperation with AmeriCorp. AmeriCorp has \$2,000 for trees in College Hill area and will also help plant City trees in rest of Cedar Falls

C. Director

- Reorganization will occur later this year. Recreation will likely move from the Municipal Operations and Programs Department to Community Development.
- The CIP includes a line item to update the Parks plan. This was last completed in 1996. The commission will be involved in that process, which could occur next year.

XI. Agenda Items - Next Meeting

- TBD

XII. Next Meeting:

- TBD, Cedar Falls Recreation Center

XIII. Meeting was adjourned at 5:25 pm.



## Minutes

Cedar Falls Bicycle and Pedestrian  
Advisory Committee  
Tuesday, January 8, 2019  
5:15 PM  
City Hall, Mayor's Conference  
Room



**Committee Members:** Luann Alemao, Lisa Brodersen, Larry Buchholz, Russ Clarke, Cindy Dodd, Matt Dunning, Kim Cross, Nancy Hamilton, Bob Lentz, Mike McCallum, Roger White

**Staff Liaisons:** David Sturch (City), Zach Ladage (City), Codie Leseman (INRCOG)

### Business Items

A. Approve Minutes from December 4, 2018 Committee Meeting

Lisa made a motion to approve the minutes as submitted with a second by Mike. Approved

B. Introductions

Mark Ripplinger, MOP, Joe Hackenmiller, Europa Cycles

C. Election of Committee Officers

- Chair and Vice Chair

Mike made a motion to recommend himself and Luann as Co-Chairs for the committee and Lisa as Vice Chair. Nancy seconded the motion. Approved

D. Old Business

- Proposed Bicycle Ordinance (E-Bikes, Motorized Bicycles)

The committee discussed the differences in E-bikes (Class I, Class II and Class III) and pedal assist vs. throttle assist. They also discussed the use of E-bikes on recreational trails. Russ indicated that the market is producing and selling more pedal assist bikes with a bigger electric motor and top speed of 29 mph, which is more like a Class III E-bike. There is no visual difference between the Class I and a Class III E-bike. The committee discussed the speeding concern on trails and with or without electric motors; cyclists go faster than 20 mph.

Nancy made a motion to recommend Class I, pedal assist E-bikes on trails with a second by Mike. Motion failed.

The committee further discussed the idea of recommending no Class limits for E-bikes but they favored pedal assist instead of throttle on demand. The committee also believes that cyclists must abide by the speed limit laws while on public roadways and within a reasonable speed while on recreational trails. Russ made a motion to recommend pedal assist only E-Bikes to operate in a reasonable, safe, careful and prudent manner on a recreational trail with a second by Larry. Approved.

The Committee also discussed Article VII, Motorcycles and Motorized Bicycles of Chapter 26, Cedar Falls Code of Ordinances. Roger suggested no changes in this Article of the Code if the following definition is added in Article IX, Bicycles : A bicycle does not include a "motorized bicycle" which is defined as a two or three wheeled device not capable of

operating at a speed in excess of than thirty-nine miles per hour unassisted by human power and described in ARTICLE VII, Sec 26-411 through Sec 26-421 of Cedar Falls Code. The committee agreed on Roger's suggestion and Mike made a motion to include said definition in Article IX, Bicycles with a second by Russ. Approved.

- Other

#### E. New Business

- **2018 Annual Report**  
Defer to next month
- **Iowa Bicycle Summit**  
Roger is the designated committee member to attend this year's Iowa Bicycle Summit in Des Moines.
- **May Bike Month Planning**  
Defer to next month
- **New/Additional Committee Members**  
John DeGroote will attend next month's committee meeting as a potential member. Luann will ask the Mayor for his appointment.
- Other

#### F. General Discussion/Upcoming Events

#### G. Adjourn

Meeting adjourned at 6:35 pm

Next meeting on February 5<sup>th</sup> at 5:15 pm.



## State Electric Bicycle Laws | A Legislative Primer

12/28/2016

### Introduction



The past few years have seen a marked increase in the number of electric bicycles in the U.S.

This primer deals specifically with low speed electric bicycles as defined by the Consumer Product Safety Commission. E-bikes are most frequently “pedal-assist” or “muscle-meaning the rider must be pedaling for the electric motor to engage. E-bikes may also be equipped with a throttle that allows the bike to be propelled without pedaling.

The bicycle’s low-speed electric motor provides a boost of power to climb hills, extend the length of trips where a bicycle can be used, allow current bicycle users to bike more often and provide a new recreation option for people who want to bike and in general, extend the enjoyment of any ride.

Low-speed e-bikes are as safe and sturdy as traditional bicycles, and move at speeds similar to conventional bicycles. E-bikes are emissions-free, low impact and operate silently. E-bikes vary widely in terms of shape and size, but most types closely align with those of regular bicycles. E-bikes resemble traditional bicycles in both appearance and function and do not function similarly to mopeds, scooters and other motorized vehicles.

A 2014 bicycle [industry analysis](#) estimated that about 200,000 e-bikes would be sold in the U.S. that year, and the market is growing significantly each year. While the Asian and European e-bike markets are more robust, industry analysts hope to continue to expand U.S. e-bike sales. In the U.S., e-bikes have seen the largest sales increase of any bicycle category, growing by more than 100 percent in dollars and more than 70 percent in units since 2014. Most major U.S. bicycle brands sell e-bikes, and bicycle manufacturers have moved or are positioning themselves to move to the U.S. to capitalize on the growing market.

Electric bicycles cost on average \$2,000 - \$3,000, versus a \$1,000 average investment for a mid-range traditional commuter bicycle. An investment in an electric bicycle is appealing to those who are looking to replace short trips typically made by car, therefore the investment can be justified if the buyer factors in the reduced cost of car ownership and fuel.

Reasons for purchasing an e-bike vary, with some looking for a cheap commuting mode and others looking for a less physically demanding bicycle option or help bicycling through hilly areas. E-bikes may also provide a more feasible choice to take short trips. According to U.S. Department of Transportation survey data, half of all trips are three miles or less in length, a distance widely regarded as bikeable for most adults and even more feasible for electric bicycle riders. Seventy-two percent of those trips are currently made by cars, and fewer than 2 percent are made by bicycle. E-bikes also provide a new transportation and recreation option for people with disabilities and the elderly.

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E-bikes have even been embraced by the nation’s rapidly expanding bike-share systems. In 2011, the Uni Tennessee-Knoxville launched the [country’s first](#) electric bicycle sharing system, with two bike-share static campus. In 2015, Birmingham, Ala., unveiled a citywide bike-share system with 100 e-bikes in the fleet of the hopes the program will attract more novice riders. With the aid of private funds, [Utah has unveiled](#) a sr bike-share system at their State Capitol complex. The city of Seattle is looking to install 1,200 e-bikes at 1 that would be wired into the city’s power grid and eventually linked to the public transportation system. Ric will be unveiling an electric bicycle sharing system soon.

State legislatures have begun to grapple with how to differentiate and define e-bikes and regulate their op equipment standards on roadways and trails in their respective states. One challenge is the distinction bet motorized vehicles such as scooters and mopeds, and the burgeoning market and interest in e-bikes as a and environmentally friendly transportation option.

### Electronic Bicycle



An e-bike that meets the federal definition of an electric bicycle and is subject to safety standards for bicycles.

### Electric Scooter



An electric scooter that does not meet the federal definition of an e-bike and is a motor vehicle.

## Federal Role, Definition and Actions

At the federal level, a 2002 law enacted by Congress, [HB 727](#), amended the Consumer Product Safety Commission definition of e-bikes. The law defined a low-speed electric bicycle as “A two- or three-wheeled vehicle with pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph. The law permits e-bikes to be powered by the motor alone (a “throttle-assist” e-bike), or by a combination of motor and human power (a “pedal-assist” e-bike).

Significantly, the federal law only specifies the maximum speed that the e-bike can travel under motor power.

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This law distinguishes, at the federal level, e-bikes that can travel 20 mph or less under motor power alone from motorcycles, mopeds and motor vehicles. Devices that meet the federal definition of an electric bicycle are regulated by the Consumer Product Safety Commission and must meet bicycle safety standards. However, as a 2014 [e-bike primer](#) notes, this federal law only applies to the e-bike’s product standards and safety.

State traffic laws and vehicle codes remain the sole domain of states and state legislatures. In other words, the manufacturing and first sale of an e-bike is regulated by the federal government, but its operation on streets and bikeways lies within a state’s control. Thus, many states still have their own laws that categorize e-bikes with other motorized vehicles, require licensure and registration, or do not enable them to be used on facilities such as bike lanes or multi-purpose trails.

## State Legislative Scan

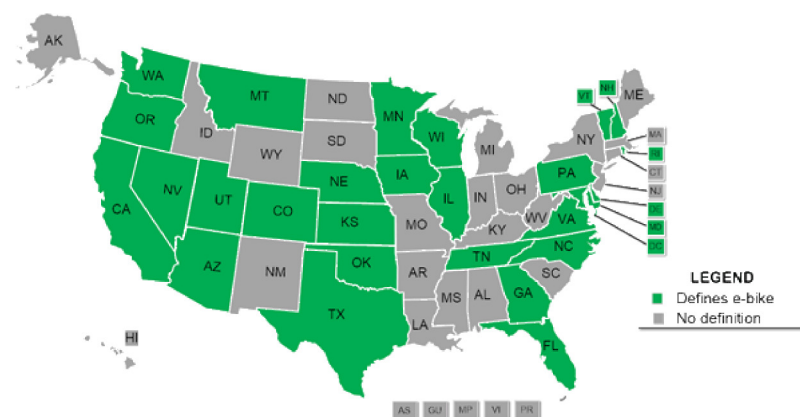
There has been a steady stream of legislative action at statehouses regarding e-bikes, particularly in the past few years. In the 2015 and 2016 legislative sessions, seven states—California, Maine, Nebraska, North Carolina, Utah and Vermont—have enacted e-bike legislation. State legislation has focused on two dynamics:

- Revising older state laws that classify e-bikes as mopeds and scooters and may include burdensome registration or equipment requirements; and
- Refining more recent e-bike laws that could benefit from further clarification and detail.

**The District of Columbia and 27 states in some manner define an electric bicycle:** Arizona, California, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Maryland, Minnesota, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia and Wisconsin. All of these states have different laws regarding their operation. In the remaining states, e-bikes lack a specific definition and may be included within another vehicle class such as “moped” or “motorized bicycle.”

In Mississippi, there is no clear designation for an electric bicycle, but an [attorney general opinion](#) indicates that an electric bicycle would be considered a bicycle. While Kentucky also lacks a definition for e-bikes, the Department of Transportation passed an administrative regulation in 2015 that brought e-bikes within the scope of the state’s bicycle regulations.

## States that Define an Electric Bicycle



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## 2016 E-Bike Legislative Action

In 2016, four states (North Carolina, Tennessee, Utah and Vermont) enacted legislation concerning e-bikes:

- Tennessee enacted [SB 1705](#), defining a "electric bicycle" to mean "a device upon which any person is equipped with two or three wheels, any of which is more than twenty inches in diameter, fully open to human propulsion and an electric motor of less than 750 watts."
- [UT SB 121](#) included "electric assisted bicycles" under bicycles and clarified that they do not qualify as motor assisted scooters and other similar devices.
- Tennessee and Utah both joined California as the only three states with a three-tiered classification of e-bikes.
- North Carolina enacted [HB 959](#) in 2016, creating the classification of "Electric Assisted Bicycle" and "a bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully open to human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour."
- Vermont [HB 876](#) defined a "motor-assisted bicycle" as a bicycle or tricycle with pedals and motor with no more than 1,000 watts and a top speed of 20 mph for a 170-pound person. The new law specifies that they are governed as bicycles and subject to the same rights and duties of bicyclists. Operation on sidewalks and no one under the age of 16 may operate a motor-assisted bicycle on a highway. Motor-assisted bicycle operators are exempt from motor vehicle registration and inspection and license requirements.

Two states, New York and Hawaii, considered, but did not enact, e-bike related legislation in 2015 or 2016.

## Three-Tiered E-Bike Classification System

Three states (California, Tennessee and Utah) have created a three-tiered e-bike classification system intended to differentiate between models with varying speed capabilities. California, Tennessee and Utah's classifications include almost exactly the same defining language, as well as similar safety and operation requirements:

Class 1 electric bicycle	A bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
Class 2 electric bicycle	A bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not designed to provide assistance when the bicycle reaches the speed of 20 miles per hour.
Class 3 electric bicycle	A bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and is equipped with a speedometer.

Any device outside of these definitions is not considered a low-speed electric bicycle that would be regulated as a bicycle.

### Helmet and Age Requirements

The three states with a three-tiered classification system do differ slightly in terms of helmet and age requirements. California and Tennessee require the operator of a class three electric bicycle, regardless of age, to wear protective headgear, while Utah requires only a rider under age 21 to wear protective headgear.

### Age Restrictions

With regards to age restrictions to operate an e-bike, in California and Utah an individual under the age of 16 may not operate a Class 3 electric bicycle; the age limit in Utah, those under age 14 may not operate any electric bicycle with the electric motor engaged on any public property, highway, path, or sidewalk unless under

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All three states exempt an e-bike from registration, licensure, and insurance requirements, another key way legislatures are differentiating between e-bikes and others such as mopeds and scooters. All three states require an e-bike to be affixed with a label that states the classification number, top-assisted speed and motor watt

### Operation on Bike Lanes and Paths

California and Tennessee both have similar laws with regards to e-bike operation on bike and pedestrian facilities. Both states permit electric bicycles to be used on roadways and on-street facilities such as bike lanes. Class 1 and 2 e-bikes may also be used on multi-use paths or trails subject to local regulation. Their operation on facilities such as paths, trails, or greenways is prohibited unless the municipality or county with jurisdiction authorizes such operation by passing an ordinance. If such a facility is within or adjacent to a roadway, a Class 3 e-bike may be operated in both states in that case.

Utah's law does not have a separate facility standard for Class 3 e-bikes. Their law instead gives flexibility to localities and the state to restrict or regulate operation "on a sidewalk, path, or trail within the jurisdiction of the local authority or state agency."

### E-Bike Licensing and Operation

Overall, 23 states require a license to operate an e-bike, typically because they still fall under the designation of another motorized vehicle classification with licensing requirements and have not had a distinct e-bike law created. Utah and Vermont are examples of states that have recently eliminated e-bike licensure and registration. Some states, including Oklahoma and Wisconsin, that define e-bikes in some manner still nonetheless require an operator's license to operate an e-bike.

### E-bike Safety Research



When faced with an e-bike bill, legislators and stakeholders by and large first question the safety, speed and allowed areas for e-bike. As part of a [2015 survey](#) of Americans regarding their opinions about e-bikes, 72 percent of respondents said safety was a concern. With respect to speed, the research is mixed and somewhat inconclusive thus far with regards to the typical speed of e-bikes and how much that differs from traditional bicycles.

One study from Sweden found average travel speeds for e-bikes to be over 5 miles per hour faster than for traditional bicycles (average 8.7 mph). However, a [study](#) of the University of Tennessee-Knoxville's e-bike sharing system did not find much difference in travel speeds and the average top speeds for e-bikes versus traditional bikes and stated in its finding that "With few exceptions, e-bike riders behave very similarly to riders of bicycles." A [2016 study](#) examining the relative probability of an e-bike versus a conventional bicycle involved in a traffic conflict did note that there was a higher risk of conflict at an intersection for e-bikes, because of their higher speed. Otherwise the study found little or no difference with regards to risk or actual conflicts.

Cultural norms, law enforcement of speed limits, physical infrastructure and other factors all likely play a role in bicycling speeds and other bicycling operation decisions for conventional traditional bikes and e-bikes and it is clear further research is needed.

### Local Control of E-bike Operation

Of the 27 states that explicitly define e-bikes, 11 states (Arizona, California, Colorado, Minnesota, Tennessee, Texas, Utah, Virginia, Vermont, Washington and Wisconsin) provide flexibility to municipalities, counties and state agencies to determine if an e-bike can be operated upon roadways, trails and paths in their jurisdictions. This includes the states mentioned above that now provide specific powers for local authorities to regulate different classes of e-bikes.

Some states allow e-bike operation with an option for localities to enact stricter regulations, such as in Minnesota and Virginia. A fairly typical example is Vermont's latitude to municipalities to regulate motor-assisted bicycles as long as the regulations do not conflict with anything in the law.

Arizona's law allows a locality to regulate motorized electric bicycles in their jurisdictions, but does not allow the adoption of an ordinance that requires registration for motorized electric bicycles.

Advocates of progressive e-bike laws consider the three classes of e-bikes to help local agencies govern the use of e-bikes as it is appropriate on the local level.

### E-bike Operation on Multi-Use Paths



Of the 27 states that explicitly define e-bikes, some state laws, such as in Arizona, Georgia, Minnesota, Oklahoma, Utah and Wisconsin, specifically allow e-bike operation on facilities such as bicycle paths or greenways, with the caveat that many carve out exceptions to enact stricter operation regulations on such bike and pedestrian facilities. Georgia's law simply states "Electric assisted bicycles operated on bicycle paths." In Delaware, Florida, Iowa and Nebraska, electric bicycles are defined within the existing definition of bicycles and therefore there is not a distinction when it comes to operation on trails. Vermont specifies that motor-assisted bicycles are bicycles and have the same rights and duties applicable to bicyclists.

California and Tennessee's laws only specifically disallow class 3 electric bicycle operation on a bicycle paths, but allow their use on such facilities. As noted above, their laws do allow localities to restrict the use of class 1 and 2 e-bikes on such facilities.

### Conclusion

Assuming the continued robust growth of the e-bike industry, state legislatures will likely continue to grapple with defining e-bikes, clarifying operation, safety and further distinguishing from motorized vehicles such as mopeds and scooters.

For further information on e-bike laws, research, news and industry updates, visit [People for Bikes](#).

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