



July 19, 2016

Mayor Christina Rinderle and the Durango City Council
949 E. 2nd Avenue
Durango, CO 81301

Dear Mayor Rinderle and members of the Durango City Council:

On behalf of the Bicycle Product Suppliers Association (BPSA) and PeopleForBikes, we are writing to express our support for the City Council's decision to reconsider the issue electric bicycle (e-bike) regulation in Durango. We believe that authorizing the use of e-bikes on key pieces of bike infrastructure within the City will enhance opportunities for healthy transportation and recreation, and we hope you will consider new laws that allow their use.

The BPSA is the national trade association of companies that manufacture and distribute bicycles and related accessories. BPSA members include some of the largest bicycle manufacturers in the world, including many leaders in the production of e-bikes. PeopleForBikes is a national advocacy organization with more than one million individual members, that promotes the safe use and enjoyment of bicycles. PeopleForBikes is also an industry coalition, with members spanning all segments of the bicycle industry from retailers to suppliers.

Electric bicycles are one of the fastest growing segments in the bicycle industry, and sales are likely to continue expanding at a rapid pace. As these devices proliferate in the marketplace, our organizations have been working to ensure that the regulatory framework for electric bicycles is consistent with the characteristics of the product and its safe use. E-bikes offer a significant number of benefits to different types of riders, and the U.S. has been quickly moving to embrace this technology at the state and local level. This letter outlines key findings and developments with respect to e-bike safety and policy.

- I. **The Benefits of E-Bikes: E-bikes are quickly becoming the "vehicle" of choice for thousands of Coloradans who are discovering the health benefits of bicycling while helping to reduce the environmental impact of our existing transportation system.**

E-bikes are as safe, stable and sturdy as traditional bicycles and move at bike-like speeds. As a new, innovative and clean-technology transportation option, their use in the U.S. and other countries has brought the pleasure and freedom of bicycling to millions with no compromise in consumer safety. Communities across the country face transportation challenges related to traffic congestion, local air quality, climate change, obesity and lack of physical inactivity. Encouraging alternative modes of transportation, such as bicycling, can help address these challenges.

- *Enhancements to quality of life:* E-bikes make riding a bicycle for commuting and transportation easier and faster, allow current bicycle users to bike more often, and promote alternative transportation for people who cannot afford the high cost of car ownership.
- *Increases to bicycle ridership:* E-bikes provide a new option for people who want to bicycle but would otherwise not because of physical fitness, age, disability or convenience, especially in hilly Durango and for those with longer commutes who traditionally drive.



- *Environmental benefits:* E-bikes reduce greenhouse gas emissions and fossil fuel consumption, improve air quality and support alternative modes of transportation.
- *Everyday utility:* E-bikes can carry up to 400 lbs. of cargo and can be equipped with built-in hauling features, specialty baskets, versatile racks, carrying bags and other accessories to accomplish many daily commuting activities.
- *Benefits to public infrastructure and safety:* E-bikes decrease traffic congestion, increase road safety with more cyclists on the road and reduce demand for parking spaces.
- *Economic benefits:* E-bikes benefit small business owners by providing a cost-effective alternative to cars and trucks when used for equipment transport and deliveries.

II. **E-Bikes on Roads and Bicycle Pathways: We encourage Durango to update its local laws so that low-speed e-bikes may be used like regular bicycles on roads and existing bikeways.**

Low speed e-bikes are not motorized vehicles in the same vein as gas-powered vehicles. E-bikes are emission-free and operate silently. As they grow in popularity, many municipalities and states are updating their local ordinances and state laws to distinguish e-bikes from mopeds and motorcycles, and authorize their use on bicycle infrastructure.¹

As of mid-2016, 27 states and the District of Columbia have laws that regulate e-bikes as bicycles, policy reform has advanced rapidly in the last two years. In 2015, California, Kentucky, Nebraska and Montana passed laws incorporating e-bikes into the definition of "bicycle" within their traffic statutes, ensuring that e-bikes are regulated like traditional bicycles. In 2016, progressive e-bike bills have passed in North Carolina, Tennessee, Utah and Vermont. Bills like these are important steps in clarifying the law surrounding the use of e-bikes.

Despite this progress, the legal framework in many states and local municipalities is outdated. Although modern e-bikes are designed to behave almost exactly like a regular bicycle, they are frequently regulated as "motorized bicycles" or "mopeds." Many states and municipalities impose restrictions that bar their use on many bikeways, and have convoluted licensing and registration requirements. However, the following two examples of progressive e-bike laws and ordinances shed light on how a policy solution for Durango's management of e-bikes could be created:

At the state level, there are new laws in California, Tennessee, and Utah that define three classes of e-bikes. The class system is designed primarily to address potential user conflict on multi-use paths:

- "Class 1 electric bicycle," or "low-speed pedal-assisted 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 mph.
- "Class 2 electric bicycle," or "low-speed throttle-assisted electric bicycle:" A bicycle equipped with a motor that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches the speed of 20 mph.

¹ The federal government has also done its part in providing for the regulation of e-bikes. In 2002, federal law was amended to distinguish bicycles with low-speed electric motors capable of reaching speeds of 20 mph or less from motorcycles, mopeds and motor vehicles. For the purposes of federal law, e-bikes are consumer products that are regulated identically to traditional bicycles. Federal law does not specify where e-bikes may be ridden.



- "Class 3 electric bicycle," or "speed pedal-assisted 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 mph, and is equipped with a speedometer.

Under this new framework, only lower-speed (Class 1 and 2) e-bikes will be allowed on bicycle paths, which provides a protective measure to ensure that other user groups are not surrounded by fast-moving vehicles. We believe this system is the best model to use moving forward, and we are working to pass more legislation that adopts these definitions.

At the local level, Boulder, Colorado was one of the first municipalities in Colorado to embrace e-bikes. Local ordinance 7491, passed in 2014, excluded e-bikes from the definition of a motor vehicle and authorized their use on city bikeways after a year-long pilot project on multi-use paths (this did not include providing access to e-bikes on open space trails or on sidewalks). The pilot project evaluated both e-bikes and non-motorized bicyclists; evaluated speed, volume, and gender; and interactions between multi-use path users. Evaluation methods included observing modal traffic volume, vehicle speeds, and collision experience; making field observations; conducting intercept surveys, bike and walk audits and focus groups; and hosting a community feedback panel.

On Boulder bikeways, the observational study reported minimal "conflicts" between trail users, no observed crashes, no negative verbal interactions, most users passing with 1'- 2' of buffer space, and less than 1% of users experiencing "hard braking" interactions. Looking specifically at e-bikes, less than 1% of all cyclists were riding an e-bike, they were only seen on the Boulder Creek Path on weekends, riders were wearing casual clothing and not riding in a group, and their recorded speed was below the 15mph speed limit. (Note that five studies exist that show that electric bicycles do not travel significantly faster than regular bicycles and in some instances, are slower.)

The Boulder City Council moved beyond the pilot program and made the ordinance permanent because it believed that it would help reach Boulder's goal of at least 15% of all trips being made by bicycle, and that allowing electric bicycles on bikeways (in addition to on-street bicycle lanes) would encourage more people – especially those with physical limitations – to get out of their cars. Local ordinance 7491 allows e-bikes on the bikeway system, but e-bikers must comply with the 15 mph speed limit on multi-use paths. In addition to Boulder, Vail, Colorado and Park City, Utah have also passed ordinances to permit e-bikes on bikeways within their jurisdictions.

We urge you to work toward a new local ordinance that clarifies the definition of electric bicycles outside of a motor vehicle and opens up this exciting new technology to Durango residents and visitors alike. A revised ordinance or at least a pilot project would be a thoughtful approach to streamlining e-bike regulations without sacrificing safety before this category of bicycle proliferates.

- III. **E-Bikes on Soft Surface Trails:** In terms of soft surface recreation-oriented trails (for example, singletrack), we recommend a 2-6 month pilot study that tests the feasibility of allowing Class 1 eMTBs bikes on recreational trails that are currently open to mountain bikes or motorized vehicles (such as motorcycles).

This program would serve to familiarize land managers with the potential of electric mountain bikes, evaluate the response of trail users – either electric mountain bikers or others – while electric mountain bikes are used on some trails, help land managers understand options for future access, and provide scenarios of how to manage eMTB use on public lands as the use increases and a growing constituency advocates for increased trail access. We are assisting other land management agencies in designing



similar pilot projects and have a detailed plan that we could provide Durango's land managers as they determine how to design and implement such a project.

We would welcome the opportunity to provide any further information needed on the potential of electric bicycles in Durango. More information about e-bike policies, the referenced studies, eMTB management tools and informational resources is available at <http://www.peopleforbikes.org/e-bikes>.

Sincerely,

A handwritten signature in black ink, appearing to read "Pizzi".

Larry Pizzi
Chairman, Electric Bicycle Committee, BPSA
lpizzi@currietechnology.com
(805) 915-4900, ext. 401

A handwritten signature in black ink, appearing to read "Alex Logemann".

Alex Logemann
State + Local Policy Analyst, PeopleForBikes
alex@peopleforbikes.org
(720) 256-3646