



**CITY OF BOULDER  
CITY COUNCIL AGENDA ITEM**

**MEETING DATE: NOVEMBER 18, 2014**

**AGENDA TITLE:** Second reading and consideration of an ordinance to extend the pilot project allowing e-bike use on certain multi-use paths by removing the expiration date.

**PRESENTER/S**

Jane S. Brautigam, City Manager  
Maureen Rait, Executive Director of Public Works  
Tracy Winfree, Director of Public Works for Transportation  
Michael Gardner-Sweeney, Transportation Planning and Operations Coordinator  
Kathleen Bracke, GO Boulder Program Manager  
Jeff Haley, Parks Planner, Parks and Recreation Department  
Jim Reeder, Land and Facilities Division Manager, Open Space and Mountain Parks  
Kurt Weiler, Traffic Commander, Boulder Police Department  
Molly Winter, Executive Director of Downtown, University Hill and Parking Services  
Marni Ratzel, Senior Transportation Planner

**EXECUTIVE SUMMARY**

On Feb. 7, 2014, the city began a pilot project to allow and test electric-assisted bicycle (e-bike) use on hard-surface multi-use paths, not including paths on Open Space and Mountain Parks (OSMP) lands. The pilot project was authorized by an ordinance adopted by council in November 2013 that established a pilot project sunset date of Dec. 31, 2014.

A staff evaluation of multi-use path users during the pilot project showed that e-bikes make up a very small proportion of path users. During a seven-hour multi-use path observation, 1,000 bikes were counted and only three of those were e-bikes. Since the pilot project began, there have been no reported traffic collisions or close calls involving e-bikes. In addition, intercept surveys of other path users show that the majority of path users have not interacted with e-bikes and support their use on multi-use paths. This qualitative and quantitative data suggests that e-bikes can continue to coexist with current users on multi-use paths.

The proposed ordinance to remove the sunset provision is provided in **Attachment A**. The Oct. 21, 2014 first reading packet is provided as **Attachment B**.

### **FIRST READING QUESTIONS**

City Council members provided several questions during the first reading, which staff has addressed below.

1. *How is electric-assisted bicycle use on open space lands being addressed?*

The proposed ordinance will only remove the sunset date, leaving the restriction on electric-assisted bicycle use on OSMP lands in place. The potential transfer/disposal of OSMP land to Transportation Division management for embedded elements in the hard-surface path system not core to the OSMP system will be presented to the Open Space Board of Trustees and City Council as a separate item at a future date.

2. *What control mechanisms are permissible? Throttle- or pedal-engaged? How do we regulate? Should we consider changing to the European definition?*

The Boulder Revised Code (B.R.C.) defines an electric-assisted bicycle as “a vehicle having two tandem wheels or two parallel wheels and one forward wheel, fully operable pedals, an electric motor not exceeding 750 watts of power rating, and a top motor-powered speed of twenty miles per hour.” This definition was modified as part of the pilot to be consistent with the State of Colorado definition.

European Union (EU) directive 2002/24/EC exempts vehicles with the following definition from type approval: “Cycles with pedal assistance which are equipped with an auxiliary electric motor having a maximum continuous rated power of 0.25 kW, of which the output is progressively reduced and finally cut off as the vehicle reaches a speed of 25 km/h or if the cyclist stops pedaling.” This is the de facto definition of an electrically assisted pedal cycle in the EU. As with all EU directives, individual member countries of the EU are left to implement the requirements in national legislation.

The European standards for low-speed electric bicycles are much more stringent than the U.S. Consumer Product Safety Commission standards, limiting the maximum assisted speed to 15 mph and requiring the user to pedal at all times in order to obtain assistance. The EU does not allow the “throttle” type of e-bike.

Staff recommends no changes in the definition at this time to remain consistent with state standards, with continued monitoring to determine whether variance from state standards would be advantageous in the future.

3. *Should we do additional outreach and education on the operation of electric-assisted bicycles? The operation of an electric-assisted bicycle is likely intimidating for potential new users because of its speed and weight. It was suggested that staff consider working with Community Cycles to provide training for people interested in using an electric-assisted bicycle.*

The idea of providing public exposure and training on the use of electric-assisted bicycles is excellent. As part of the pilot program consideration, staff did demonstrations and allowed people to use electric-assisted bicycles. As the pilot transitions to an ongoing transportation option, continued outreach and education will be advantageous. Staff will explore options for providing this outreach, including working with Community Cycles.

**STAFF RECOMMENDATION**

Based on the technical evaluation and community input, staff recommends that e-bike use be continued as allowed today and that Ordinance 7941 be amended to remove the sunset provision.

**Suggested Motion Language:**

Staff requests council consideration of this matter and action in the form of the following motion:

Motion to adopt Ordinance No. 8007, removing the sunset provision of Ordinance 7941 allowing e-bike use on certain multi-use paths.

**ATTACHMENTS**

Attachment A: Ordinance 8007

Attachment B: Oct. 21, 2014 First Reading Packet Item