An Act

HOUSE BILL 17-1151

BY REPRESENTATIVE(S) Hansen and Willett, Becker K., Buckner, Ginal, Hooton, Kennedy, Lontine, Mitsch Bush, Valdez, Winter, Young, Singer;
also SENATOR(S) Kerr and Hill, Gardner, Kagan.

CONCERNING THE REGULATION OF ELECTRICAL ASSISTED BICYCLES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-1-102, **amend** (28.5) and (58) as follows:

42-1-102. Definitions. As used in articles 1 to 4 of this title, unless the context otherwise requires:

(28.5) "Electrical assisted bicycle" means a vehicle having two ~~tandem wheels~~ or ~~two parallel~~ THREE wheels, ~~and one forward wheel,~~ fully operable pedals, AND an electric motor not exceeding seven hundred fifty watts of power. ~~and a top motor-powered speed of twenty miles per hour.~~ ELECTRICAL ASSISTED BICYCLES ARE FURTHER REQUIRED TO CONFORM TO ONE OF THREE CLASSES AS FOLLOWS:

(a) "CLASS 1 ELECTRICAL ASSISTED BICYCLE" MEANS AN ELECTRICAL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

ELECTRICAL ASSISTED BICYCLES MUST BE EQUIPPED WITH A MECHANISM OR CIRCUIT THAT CANNOT BE BYPASSED AND THAT CAUSES THE ELECTRIC MOTOR TO DISENGAGE OR CEASE TO FUNCTION WHEN THE RIDER STOPS PEDALING.

(c) A CLASS 3 ELECTRICAL ASSISTED BICYCLE MUST BE EQUIPPED WITH A SPEEDOMETER THAT DISPLAYS, IN MILES PER HOUR, THE SPEED THE ELECTRICAL ASSISTED BICYCLE IS TRAVELING.

(11) A PERSON WHO VIOLATES THIS SECTION COMMITS A CLASS B TRAFFIC INFRACTION.

SECTION 5. In Colorado Revised Statutes, 42-4-1412, **amend** (14); and **add** (15) as follows:

42-4-1412. Operation of bicycles and other human-powered vehicles. (14) (a) (I) ~~Except as authorized by section 42-4-111, the rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path~~ 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.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

Barney H. Mulligan, PE, A.R.M.
1209 Cooper Avenue
Glenwood Springs CO 81601
(970)945-0251

July 25, 2017

Nicole Schoon,
Roaring Fork Transportation Authority
2307 Wolfsohn Road
Glenwood Springs CO 81601

Re: ***Permanently*** **Motorizing the Rio Grande Trail**

Attached is the earliest history of the reasons the Rio Grande Trail has been kept free of motorized equipment.

Barney Mulligan

Barney Mulligan

Encl: pages (5); photos (2)

To: River Commission
From: Mike Pelletier
Date: July 20, 2004
RE: Motorized vehicles on trails

Steamboat Springs, Aspen, Summit County, Eagle County, and Boulder do not allow motorized vehicles of any kind on their trail systems, except self-propelled wheelchairs for the handicap. This includes electric bicycles and very small combustion engine scooters, etc.

All the trail managers that I talked with mentioned that enforcement is difficult and that these devices generally only caused problems in the more urbanized areas. The managers also added that, in general, it would be better to ban undesired vehicles from the trails even before they become a problem to avoid people purchasing them with expectations of using them on the trails.

Aspen recently revisited their trail regulations at the request of an electric bicycle owner, but decided not to change their rules citing the potentially higher speeds and extra mass these vehicles possess as too big a safety hazard.

The Steamboat trail manager said that his users aggressively report anyone using motorized vehicles on their trails and because of that it has not been a problem. They use signs that say "No motorized vehicles" and "No unauthorized vehicles".

Summit County updated their trail regulations in May of 2004. The entire ordinance is attached below. Their trail manager said they plan on updating their trail signs with more detail showing what is allowed and what is not. Currently they use the standard "No motorized vehicle" signs.

QUESTIONS and ANSWERS re MOTORIZED EQUIPMENT ON THE TRAILS

1. Q. What is the purpose of this proposed addition to our City's traffic code?

   A. This ordinance will ban motorized skateboards, scooters, cycles, (50 cubic centimeters or smaller), etc. from the main paved pedestrian/bike river-side trails.

2. Q. What are the objections to motorized devices?

   A. It is the opinion of most traditional trail users that motorized equipment degrades their enjoyment of the trail.

3. Q. How?

   A. They find these self-propelled devices to be startling, noisy, smelly, and, in the hands of the very young or reckless, to be dangerous.

4. Q. Who is responsible for accidents/confrontations on the trails?

   A. The City (taxpayers) is obligated to take reasonable care and custody of trail easements and rights-of-way.

5. Q. Is this a problem now?

   A. Not yet in Glenwood Springs, but it will soon become one. The popularity of these devices is increasing with the recently lowered blood alcohol limits leading to more driver license suspensions, coupled with increased gasoline prices. The police are presently powerless to address any complaints they now receive.

6. Q. Is this ordinance enforceable?

   A. The wording has been reviewed by the chief of police (and the county sheriff). All it needs is to have the city attorney add the appropriate penalty reference.

7. Q. Why not wait until it becomes a problem?

   A. It is better to address the problem now. Early action will avoid:
      1) injuries,
      2) confrontations,
      3) needlessly upsetting and aggravating trail users,
      4) misrepresenting the situation to those contemplating purchasing one of the devices,
      5) The City must acquire trail easements along the Atkinson Ditch upstream from the 27th Street (Sunlight) bridge. Few property owners will consent to a trail running through their property which allows motorized equipment. This will also apply to launching personal watercraft (jet skis).
      6) At this time, there is no organized group that will challenge this ordinance. The law can be implemented without hassle.

8. Q. Is it the intention to outlaw these devices?

   A. No, only to ban them from the main river trails. They will remain legal on the sidewalks throughout the City, unless posted otherwise. They are currently all over Aspen.

Barney Mulligan <barneyhmulligan@gmail.com>

Rio-Grande Trail Management Plan

2 messages

Barney Mulligan <barneyhmulligan@gmail.com> 8 April 2015 at 20:29
To: Lindsey.Utter@pitkincounty.com

Hello Lindsey,
Rio-Grande Trail officials are encouraged to follow the lead of the City of Glenwood Springs and forbid the use of mechanical/electrical conveyances on the trail. The GWS Chief of Police was consulted early during the preparation of the trail ordinance. This six foot three, over two hundred pound cop said his first consideration was "esthetics".
The Riverside Trail, as it is known locally, is a wide ten feet of excellently laid and well maintained concrete. Families find it to be a place where they can let very small children free roam without fear of them being struck by heavy, fast moving conveyances.
It would be wonderful if the entire Rio-Grande Trail could enthrall its vast majority of users. Please do not cater to very small special interest groups.
Would you be so kind as to add this complete email to the trail comments as I was not able to include my attachments onto the official county website.
Thank you. Barney

Pocket bikes
Hot and dangerous wheels

Miniature motorcycles, aka pocket bikes, have become the rage among teenagers and young adults with a need for speed. The bikes also have some government officials scrambling to get them off the streets.

Some European pocket bikes can cost $3,000 or more. Asian-built knockoffs cost much less: Both electric and gas-powered models sell for as little as $250.

"These are essentially toys, not legal vehicles," says Stan Porter, safety standard program manager for the Oregon Department of Transportation. Porter described pocket-bike users as everyone from "young children to a 24-year-old emergency medical technician who rides one to work."

We think they're a bad bet. We tested, on paved private property, two gas-powered and two electric bikes, purchased from major retailers such as Pep Boys and Amazon.com. We were astonished by the bikes' shortcomings:

Drivers can't see the bike riders. A pocket bike's seat is less than 2 feet off the ground (see photo). Motorists are unlikely to see them.

The brakes work poorly. In our tests, stops on gas-powered bikes traveling at 20 mph took about 20 to 30 feet, what we consider a precariously long distance. Electrics reached top speeds of 7 to 14 mph and stopped in 4 to 15 feet.

Handling is sub-par. The faster our testers rode, the less stable the bikes felt. At about 20 mph, riders had to concentrate to hold a straight course. Tight turns were impossible at slower speeds because the handlebar and brake levers collided with the bike's plastic housing.

Throttles are sluggish. When we tried to decelerate by releasing the throttle, it responded lethargically.

They're loud. At full throttle, the gas engines are about as loud as a chain saw and so can damage hearing.

Safety features may not measure up. No government agency checks pocket bikes to see whether the lights work or the turn signals are adequately visible. The bikes do not meet current federal safety standards for street-legal vehicles.

There are no precise data for pocket-bike injuries. One estimate, which includes pocket bikes and the larger, powered minibikes, says that 2,345 riders were treated at hospital emergency rooms last year, mostly for cuts, bruises, and broken bones from falls.

Even if riders kept off the streets, the inherent shortcomings associated with pocket bikes make them exceedingly dangerous. According to Melissa Savage, a policy analyst for the National Conference of State Legislatures, "A lot of states are saying, 'What do we do?' and 'How do we regulate them?'"

As a start, Providence, R.I., and other communities have banned pocket bikes from public streets and sidewalks.

SMALL PACKAGE, BAD THING
Pocket bikes like this red one are too low for motorists to see, and have been blamed for injuries.

AN ONLINE TOOL TO SIZE UP CHARITIES

The holidays bring a flood of appeals from charities and nonprofit organizations. This year, it's easier than ever to size up those charities before you write a check.

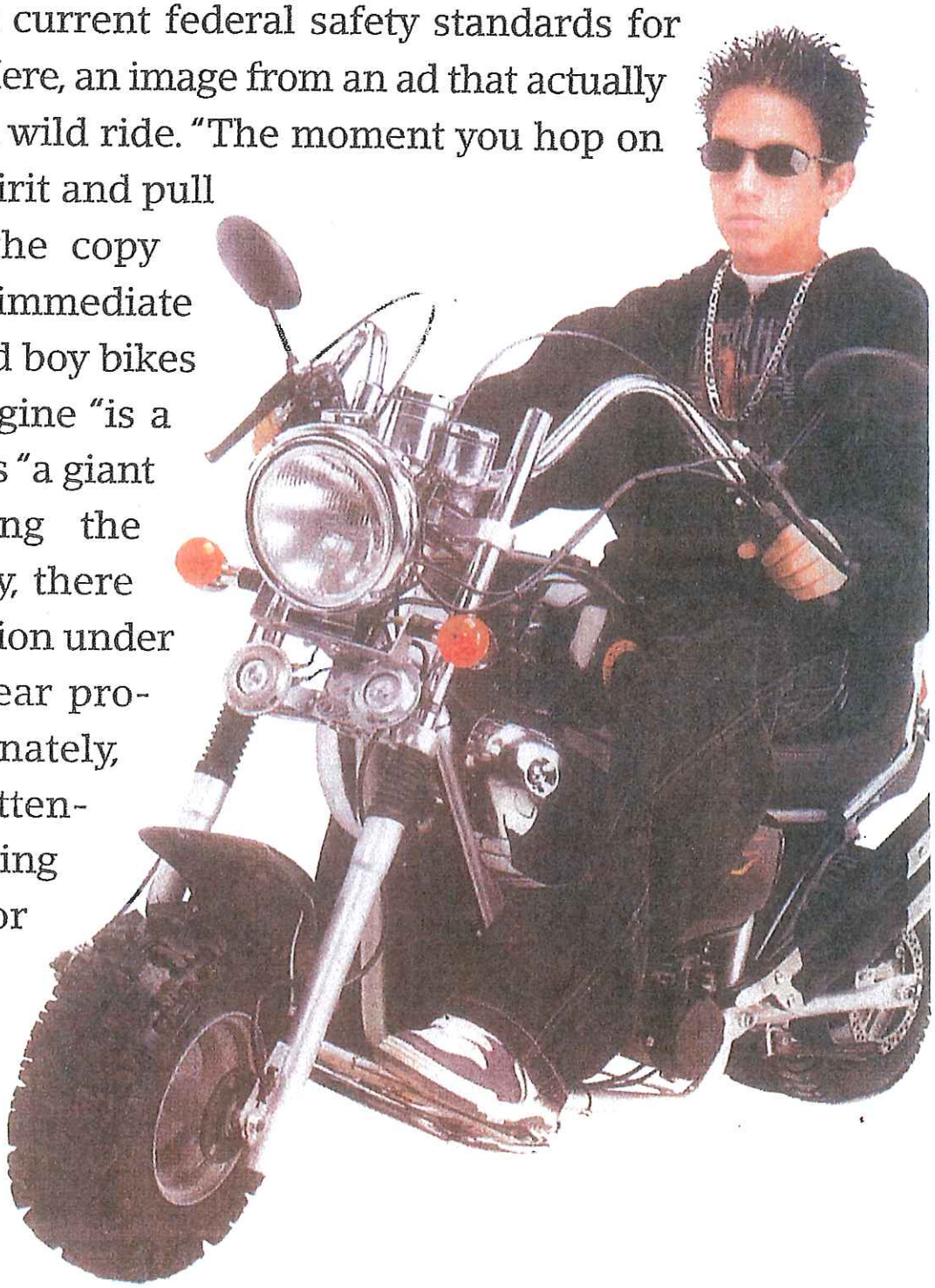
The Better Business Bureau's Wise Giving Alliance recently launched a new online charity-reporting system that allows you to check out more than 500 national charities and nonprofit groups at no charge.

The site, at *www.give.org*, is the result of the 2001 merger of two well-known and experienced charity watchdogs, the National Charities Information Bureau, based in New York City, and the Philanthropic Advisory Service of the Council of Better Business Bureaus, based in Arlington, Va. The Wise Giving Alliance obtains its information from the charities themselves, through Internal Revenue Service forms, audited financial statements, and annual reports.

Give.org reports. To obtain a report, you click on the organization's name on the "National Charity Reports Index" page. The report provides the charity's address, other names under which it solicits donations, financial data, and its level of compliance with 20 voluntary standards. Those standards include governance, finances and fundraising practices, donor privacy, and how well a charity addresses its stated mission. The evaluation also indicates whether donations made to the group are tax-

Uneasy rider

In our December issue (page 6), we wrote about the hazards of mini motorcycles, which are the rage among teenagers and young adults but don't meet current federal safety standards for street-legal vehicles. Here, an image from an ad that actually seems to encourage a wild ride. "The moment you hop on the 49cc American Spirit and pull that throttle back," the copy says, "you'll get an immediate taste of what these bad boy bikes are all about." The engine "is a beast" and the bike has "a giant headlamp illuminating the darkness." Fortunately, there was a sensible suggestion under the photo: "Always wear protective gear." Unfortunately, this kid hasn't paid attention to it: He isn't wearing a helmet, gloves, or elbow or knee pads. Oh, he does have eye protection: dark glasses. Those should help when he roars off in the dark.



MOTORIZED
EQUIPMENT
PROHIBITED
OPDMD USE
RESTRICTED
IN RIO GRANDE
TRAIL CORRIDOR
FOR INFO
www.rfta.com/trails.html
or Call RFTA at
(970)384-4975
04/07/2015

FISHING
ACCESS
NO
MOTORIZED
EQUIPMENT
04/07/2015

-------- Original message --------
From: Sassy Frass <tuckledin@gmail.com>
Date: 7/29/17 11:13 AM (GMT-07:00)
To: Dan Blankenship <dblankenship@rfta.com>
Subject: Query, Comments re: E-Bikes & the Paved Trails of Glenwood

Mr. Dan Blankenship
RFTA, CEO
Glenwood Springs CO

Dear Sir,

I am writing to you, from a returning tourist's perspective, to encourage a permanent policy change, allowing E-Bikes on the Rio Grande Trail, etc.

I was referred to you by Kathryn Trauger, Mayor Pro Tem, Glenwood Springs, regarding this issue. I understand there is a meeting in early August so I want to send comments from myself & my husband, hoping for consideration of our views. Please feel free to share this letter & our comments with your staff & council members.

We are a couple, aged late 50's, early 60's, who come to your area every summer/fall for 2-3 months as vacationers. We have been coming for over 10 years & one of our main activities is riding our comfort bikes on the various paved trails. Currently we are purchasing two new E- bikes, mostly with Colorado trail usage in mind.

Because of our age, we are working hard to stay healthy & could use a bit of assistance that the E-Bikes offer, especially in Colorado. E-Bikes would help us bike longer & cope with those Colorado hills with more ease.

Coming from Arizona, we don't acclimate fully in the time we are there, so these E-Bikes would really help us & other vacationers from low elevation states.

Also from a health standpoint, people riding E-Bikes with that battery assist, are not going to be straining themselves, pushing themselves & their hearts, as many have done riding regular bikes, when they truly are not in shape for a high elevation setting.

I have read a few comments on how E-Bikes are dangerous. From our years of experience, what is truly dangerous are the numerous spandex riders that have no regard for the fact that we & other vacationers are on the paths.

They zip by at incredible speeds, never warn us with an "on your left"…& they nearly knock us over every year because they go so fast & nearly clip our handlebars. One year one rider went in between myself & my husband at a high rate of speed, & it was very scary indeed.

I would like to point out that there is a speed limit coming back down that bike trail from Aspen to Glenwood - we honored it, no one else did & these other riders on regular bikes (not E-Bikes) were traveling at extremely high rates & put us & everyone else on the trail that day, in extreme danger.

E-Bikes, especially the class I, go no faster than 20 MPH in full assist mode. Class three can go with assist, up to 28 MPH, & that is still slower than what we see with your Colorado seasoned riders, as they fly by, every single year.

Another point: E-Bikes would keep us at a more normal pace with other bikers, where they don't come around a corner & find us going at a snail's pace, wobbling back & forth as we try to crest a hill. This to me would add to safer riding conditions for all.

Also in using the E-Bikes, we want to do much of the work ourselves, only relying on the assist to help us on the steepest inclines or when we tire. So the battery would not be engaged at all times.

I know Colorado does want & does rely on tourists, as we do bring a lot of income to the state's coffers. We love Colorado & are happy to vacation with you & spend.

I also love to come to Glenwood because I lived there as a child, and it always holds a special place in my heart & always will.

Your paved trails are such a big draw for people our age, and sending us off of the trails, asking us to ride your town streets, putting us among all of the traffic, would not be a wise alternative, especially for older tourists such as ourselves.

We are soon heading your way & want to bring our new E-Bikes. I pray we don't ending up staying home, but if Colorado starts banning these new, incredible E-Bikes that help so much with high elevation biking, then we & other tourists may choose to not come at all, or will go elsewhere for our biking vacations.

Please consider this letter as food for thought. We appreciate your taking time to consider our views,

Yours respectfully,

Sue & Mike Behling
Mesa, AZ

peopleforbikes
P.O. Box 2359 Boulder, CO 80306
PeopleForBikes.org / 303.449.4893

bpsa
bicycle product suppliers association

August 3, 2017

Dear Roaring Fork Transportation Authority Board,

On behalf of PeopleForBikes and the Bicycle Product Suppliers Association, the national bicycling advocacy and trade organizations, we urge you to vote 'no' on *Resolution 2017-09: Prohibiting the Operation of Class 1, Class 2, or Class 3 Electrical Assisted Bicycle on the Rio Grande Trail.*

Low speed electric bicycles (e-bikes) are similar to traditional bicycles. They are affordable, convenient, safe, dependable, and sustainable vehicles to move residents and visitors up and down the valley for transportation and recreation.

Before your August 10 board meeting, we encourage each RFTA Board Member to ride an e-bike, so that you know what you are regulating. If you have not yet ridden one, you will discover that e-bikes are not motorized vehicles in the same vein as gas-powered vehicles. They are emissions-free, low impact, and silent bicycles "with a boost."

We are worried that Resolution 2017-9 is premised on an emotional reaction to e-bikes rather than a decision that is supported by existing research, empirical evidence, and the need to address legitimate safety concerns for all trail users.

Please consider these four points and the suggested alternative management and policy solution as you decide how to include e-bikes as part of the transportation choices for your constituents.

E-bikes meet five of RFTA's seven stated values.

a. *Affordable – RFTA will offer affordable and competitive transportation:* E-bikes decrease the public's reliance on gasoline-motor vehicles and provide an affordable and competitive transportation option for people who can't afford the high cost of car ownership.
b. *Convenient – RFTA's programs and services will be convenient and easy to use:* E-bikes make riding a bicycle for commuting and transportation easier and faster, and allow current bicycle users to bike more often and farther.
c. *Dependable – RFTA will meet the public's expectations for quality and reliability of services and facilities*: E-bikes provide a dependable transportation option for people limited by fitness, age, or disability; and whose work commutes are within the 5-20 mile range and who traditionally drive.
d. *Safe – Safety is RFTA's highest priority:* E-bikes are as safe as traditional bicycles, and increase road safety with more cyclists on the road. No studies or instances have shown that e-bike ridership decreases public safety, and there are zero documented cases of e-bike crashes that have resulted in death or serious injury.
e. *Sustainable – RFTA will be environmentally responsible:* E-bikes reduce greenhouse gas emissions and fossil fuel consumption, decrease traffic congestion, improve air quality, and support alternative modes of transportation.

peopleforbikes
P.O. Box 2359 Boulder, CO 80306
PeopleForBikes.org / 303.449.4893

bpsa
bicycle product suppliers association

E-bikes travel at bike-like speeds.

a. Public sentiment that e-bikes jeopardize safety and someone's enjoyment on a pathway, travel on average 20 – 28 mph, or will cause accidents, is anecdotal, subjective, and unsubstantiated.
b. Class 1 e-bikes have a motor that cuts off after the rider reaches 20mph. This is not the average speed. On flat and uphill surfaces, e-bikes travel on average 2-3 mph faster than traditional bicycles (i.e. around 13-14 mph). Five studies exist that show that electric bicycles do not travel significantly faster than regular bicycles and in some instances, are slower, depending on the location and the rider (see: peopleforbikes.org/e-bikes).
c. E-bike users are like most people and choose to respect the law of the road and be kind to others with whom they share public resources, and would respond more favorably to restrictions on use rather than an outright ban.
d. The typical rider is 45 – 65 years old and generally uninterested in reaching high speeds or passing other trail users without proper warning or slowing down.
e. Recreational or competitive cyclists frequently pass electric bicycle riders.

An e-bike ban will not decrease ridership, only complicate enforcement.

a. In 2016, e-bikes represented 1% of sales in the bicycle market. So far in 2017, e-bikes represent 7% of the market. Ridership and engagement is increasing, and people are using e-bikes to replace vehicle trips and augment existing bicycle trips.
b. E-bikes will be increasingly difficult to distinguish from traditional bikes. HB 1151 requires manufacturers to label the bikes by class so that officers can determine the e-bike at hand.
c. As with any vehicle or consumer product, responsible use and riding rests on the user. If public safety is a concern, proper education and enforcement should be implemented.

In many states and at the federal level, low speed e-bikes are defined as bicycles, with access to bike paths.

a. The Colorado State Legislature enacted HB 1151 in 2017 in a responsible and deliberate way, with broad majorities in both chambers.
b. This law puts in place labeling, age, and equipment restrictions, and defines three classes of e-bikes:
    i. "Class 1 electric 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.
    ii. "Class 2 electric bicycle": 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.
    iii. "Class 3 electric bicycle": 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.
c. Progressive e-bike laws such as HB 1151, defining three classes of e-bikes as bicycles, have also passed legislatures in California, Utah, Tennessee, Arkansas, and Illinois, with bills pending in Wisconsin, Ohio, and Michigan.

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RFTA possesses the tools to manage e-bikes in a responsible manner that serves RFTA constituents. The bike industry is deeply committed to retailer, law enforcement, advocacy and political engagement and education, and encourages the following study and management before a ban.

a. Allow only Class 1 e-bikes on the Rio Grande Trail for a one-year pilot project and study to evaluate perceptions and real-life interactions between e-bike riders and other path users.
b. Educate enforcement officers about what e-bikes are.
c. Enforce the 20 mph speed limit on the trail for all path users, including e-bikes.
d. Increase signage about responsible trail etiquette.

There are two Colorado examples of progressive e-bike laws and ordinances that could inform RFTA's management of e-bikes.

Jefferson County Study (2017)

a. *Overview*: Jefferson County, Colo. is currently conducting two studies at multiple parks to gain a better understanding of visitors' knowledge, perceptions, and concerns related to the use of e-bikes on urban pathways and natural surface trails. Through 'Test Ride Surveys,' visitors are asked four questions before and after riding an e-bike to determine familiarity with e-bikes and any changes in perception and/or acceptance after riding one. Through 'Visitor Intercept Surveys,' random park visitors are asked about their perceptions, acceptance, and concerns related to e-bikes on trails, as well as their ability to detect an e-bike sharing the pathway with them.
b. *Rationale*: Jefferson County realizes that e-bikes are already in use on its pathways and trails, and that usage will not significantly decrease with a wholesale ban. It has opted to study the issue and engage park visitors to determine whether to allow or prohibit this technology on the transportation and recreation corridors under its jurisdiction.
c. *Results*: Preliminary results show that 67% of park visitors changed their perception of e-bikes after a test ride (toward acceptance), and 71% of park visitors did not detect the presence of a class 1 e-bike on the trail with them. In other words, trying out an e-bike increased a person's acceptance and reduced their uncertainty around e-bikes, and potential concerns around speed and safety are hypothetical, as most users do not realize they are sharing the trail with an e-bike.

Boulder Pilot Project (2014)

a. *Overview*: In 2014 in Boulder, Colo., local ordinance 7491 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. The pilot project evaluated both e-bikes and non-motorized bicyclists; speed, volume, and gender of e-bike riders; and interactions between multiuse 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.
b. *Rationale*: The Boulder City Council approved this pilot project and later on the ordinance 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

P.O. Box 2359 Boulder, CO 80306
PeopleForBikes.org / 303.449.4893

addition to on-street bicycle lanes) would encourage more people – especially those with physical limitations – to get out of their cars.

c. *Results:* 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 breaking" 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.

We encourage the RFTA Board to proactively manage this exciting new category of bicycles as it proliferates. The best first step for RFTA to take would be to manage Class 1 e-bikes as bicycles, making them available to area residents and visitors without sacrificing safety.

We would welcome the opportunity to provide any further information needed on the potential for electric bicycles for RFTA. Our page peopleforbikes.org/e-bikes is a comprehensive resource on e-bike policies, studies, management tools, and case studies.

Sincerely,

Morgan Lommele
E-bikes Campaigns Manager, PeopleForBikes/Bicycle Product Suppliers Association

Larry Pizzi
Chairman, Electric Bicycle Committee, Bicycle Product Suppliers Association
President, Raleigh Electric

DAVID MERRITT
1504 MOUNTAIN DRIVE
GLENWOOD SPRINGS, C0 81601

Mr. Dan Blankenship
CEO
Roaring Fork Transit Authority
Glenwood Springs, CO

SUBJECT: Resolution 2017-09: Prohibiting the Operation of a Class 1, Class 2, or Class 3 Electrical Assisted Bicycle on the Rio Grande Trail

I am writing to express my strong opposition to this resolution. This represents a slap in the face to the many tax paying constituents of RFTA, most of whom get little benefit from the existence of RFTA, or only get the benefit of being able to use the Rio Grande Trail.

Like it or not, E-Bikes are a coming trend in transportation, along with an aging population. E-Bikes, in particular those designated as Class 1 by the State of Colorado as of August 9th, are "pedal assisted" and do not approach the speeds which we see by many road bikes on the Rio Grande Trail. However, they do provide a great assistance to those of us who wish to be more environmentally conscious in our daily commute, but don't have lockers and showers at work.

If RFTA is serious in promoting a reduction in traffic on our highways, I would seriously ask that you overwhelmingly reject this resolution and instead affirm the use of Class 1 Electric Assisted Bike on the Rio Grande Trail. If not, please post and aggressively enforce a 20 mph speed limit on the Trail and ask that your buses give a wide berth to E-Bikes on the only other route possible, the right hand lane of Highway 82.

Sincerely yours

David Merritt

Dear Mr. Blankenship,

I am a year-round bike commuter using the Rio Grande trail from 27th Street to Holy Cross Energy and down to the rec center daily.

First, I want to thank you for plowing the bike path in the winter. RFTA does a much better job than Glenwood when it comes to keeping the paths snow and ice free!

Second, I have three bikes (all human powered) and ride the bike path not only for commuting but for recreational riding.

I do not have any concern about the e-bikes on the path and if an e-bike is what it takes to get folks out of their car, then it is a win-win for reducing congestion, car emissions and getting folks in shape.

What I do see frequently on the trail is serious road riders going far faster than 20 mph. One coworker was hit on the trail when she had stopped to fix something on her bike. The cyclist stopped to apologize but he was going far faster than 20 mph and had to slam on his brakes at the last moment. The accident could have been much worse for both.

The other issue is dogs off leash or on long leashes that stretch across the entire bike path. I know the police will be busy keeping traffic moving but it would be good to have a presence on the bike path in congested areas and ticket offenders - zero tolerance is what is going to keep the bike path and those of us who already commute via bike, safe.

Thank you,

Mary Wiener

Dear Roaring Fork Transportation Authority Board,

On behalf of the Bicycle Products Suppliers Association and Accell North America**, we urge you to vote 'no' on *Resolution 2017-09: Prohibiting the Operation of Class 1, Class 2, or Class 3 Electrical Assisted Bicycle on the Rio Grande Trail.***

Low speed electric bicycles (e-bikes) are similar to traditional bicycles. They are affordable, convenient, safe, dependable, and sustainable vehicles to move residents and visitors up and down the valley for transportation and recreation.

Before your August 10 board meeting, we encourage each RFTA Board Member to ride an e-bike, so that you know what you are regulating. If you have not yet ridden one, you will discover that e-bikes are not motorized vehicles in the same vein as gas-powered vehicles. They are emissions-free, low impact, and silent bicycles "with a boost."

We are worried that Resolution 2017-09 is premised on an emotional reaction to e-bikes rather than a decision that is supported by existing research, empirical evidence, and the need to address legitimate safety concerns for all trail users.

Please consider these four points and the suggested alternative management and policy solution as you decide how to include e-bikes as part of the transportation choices for your constituents.

E-bikes meet five of RFTA's seven stated values.

a. *Affordable – RFTA will offer affordable and competitive transportation:* E-bikes decrease the public's reliance on gasoline-motor vehicles and provide an affordable and competitive transportation option for people who can't afford the high cost of car ownership.
b. *Convenient – RFTA's programs and services will be convenient and easy to use:* E-bikes make riding a bicycle for commuting and transportation easier and faster, and allow current bicycle users to bike more often and farther.
c. *Dependable – RFTA will meet the public's expectations for quality and reliability of services and facilities*: E-bikes provide a dependable transportation option for people limited by fitness, age, or disability; and whose work commutes are within the 5-20 mile range and who traditionally drive.
d. *Safe – Safety is RFTA's highest priority:* E-bikes are as safe as traditional bicycles, and increase road safety with more cyclists on the road. No studies or instances have shown that e-bike ridership decreases public safety, and there are zero documented cases of e-bike crashes that have resulted in death or serious injury.
e. *Sustainable – RFTA will be environmentally responsible:* E-bikes reduce greenhouse gas emissions and fossil fuel consumption, decrease traffic congestion, improve air quality, and support alternative modes of transportation.

E-bikes travel at bike-like speeds.

a. Public sentiment that e-bikes jeopardize safety and someone's enjoyment on a pathway, travel on average 20 – 28 mph, or will cause accidents, is anecdotal, subjective, and unsubstantiated.

b. Class 1 e-bikes have a motor that cuts off after the rider reaches 20mph. This is not the average speed. On flat and uphill surfaces, e-bikes travel on average 2-3 mph faster than traditional bicycles (i.e. around 13-14 mph). Five studies exist that show that electric bicycles do not travel significantly faster than regular bicycles and in some instances, are slower, depending on the location and the rider (see: peopleforbikes.org/e-bikes).
c. E-bike users are like most people and choose to respect the law of the road and be kind to others with whom they share public resources, and would respond more favorably to restrictions on use rather than an outright ban.
d. The typical rider is 45 – 65 years old and generally uninterested in reaching high speeds or passing other trail users without proper warning or slowing down.
e. Recreational or competitive cyclists frequently pass electric bicycle riders.

An e-bike ban will not decrease ridership, only complicate enforcement.

a. In 2016, e-bikes represented 1% of sales in the bicycle market. So far in 2017, e-bikes represent 7% of the market. Ridership and engagement is increasing, and people are using e-bikes to replace vehicle trips and augment existing bicycle trips.
b. E-bikes will be increasingly difficult to distinguish from traditional bikes. HB 1151 requires manufacturers to label the bikes by class so that officers can determine the e-bike at hand.
c. As with any vehicle or consumer product, responsible use and riding rests on the user. If public safety is a concern, proper education and enforcement should be implemented.

In many states and at the federal level, low speed e-bikes are defined as bicycles, with access to bike paths.

a. The Colorado State Legislature enacted HB 1151 in 2017 in a responsible and deliberate way, with broad majorities in both chambers.
b. This law puts in place labeling, age, and equipment restrictions, and defines three classes of e-bikes:
    1) "Class 1 electric 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.
    2) "Class 2 electric bicycle:" 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.
    3) "Class 3 electric bicycle:" 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.
c. Progressive e-bike laws such as HB 1151, defining three classes of e-bikes as bicycles, have also passed legislatures in California, Utah, Tennessee, Arkansas, and Illinois, with bills pending in Wisconsin, Ohio, and Michigan.

RFTA possesses the tools to manage e-bikes in a responsible manner that serves RFTA constituents. The bike industry is deeply committed to retailer, law enforcement, advocacy and political engagement and education, and encourages the following study and management before a ban.

a. Allow only Class 1 e-bikes on the Rio Grande Trail for a one-year pilot project and study to evaluate perceptions and real-life interactions between e-bike riders and other path users.
b. Educate enforcement officers about what e-bikes are.
c. Enforce the 20 mph speed limit on the trail for all path users, including e-bikes.
d. Increase signage about responsible trail etiquette.

We encourage the RFTA Board to proactively manage this exciting new category of bicycles as it proliferates. The best first step for RFTA to take would be to manage Class 1 e-bikes as bicycles, making them available to area residents and visitors without sacrificing safety.

Larry Pizzi
President, Raleigh Electric, an Accell Group Company

BPSA VP and Chairman, E-Bike Committee
larry@bpsa.org
310.463.5429

Ken Woods
1111 Westbank Road
Glenwood Springs, CO 81601
970-948-7224
kgw@rof.net

August 4, 2017

Board of Directors
Roaring Fork Transportation Authority
2307 Wolfson Road
Glenwood Springs, CO 81601

Dear Board Members,

Regarding Resolution No. 2017-09, e-bikes are no different than any other form of transportation - motorized, non-motorized, pedestrian or equestrian. All of these require that the operator be responsible, courteous and obey the law.

E-bikes are a safe and effective mode of transportation. They are growing in popularity and acceptance around the world and here in the U.S. In Europe, over 40% of all new bikes sold are e-bikes. Their share of the U.S. market is growing rapidly as well. It is undeniable: e-bikes have arrived. They will (and do) play an an ever more important, appealing and expanding role as an alternative to the automobile.

Resolution No. 2017-09 identifies speed as a reason to prohibit e-bikes on the Rio Grand trail. Class 1 and Class 2 e-bikes provide motorized *assistance* up to 20 mph at which point the motor shuts off. Any speed above 20 mph is entirely due to the pedaling effort of the operator. This is no different from any non-motorized bicycle. Many non-motorized cyclists currently travel the Rio Grande trail at much higher speeds than this. Forbidding Class 1 & 2 e-bikes to ride on the Rio Grande trail because of concerns over speed is unreasonable.

Resolution No. 2017-09 also sites mass as a safety concern. The logic of this escapes me. At equal speeds under 20 mph (the maximum assisted speed of Class 1 & 2 e-bikes), it's hard to claim a180 lb. operator of a 48 lb. e-bike is a more serious safety hazard than a 210 lb. operator of a 20 lb. road or mountain bike. If mass is truly a concern, perhaps equestrians should be the focus of your attention, but I am not advocating that; sharing the trail with equestrians is not a problem for me.

The state of Colorado did the right thing when it enacted HB 17-1151. California, Utah and Tennessee have enacted similar legislation. Arkansas, Arizona, Illinois, Wisconsin, Michigan, Connecticut and New York are considering similar legislation. The trend is obvious and it is growing. The reasonable expectation of owners of e-bikes to be able to ride their bikes on facilities like the Rio Grande trail is growing as well. To shut the door on this expanding demand is detrimental not only to the residents of the community but

also to the growing numbers of visitors to the valley who will bring their e-bikes with them in anticipation of enjoying riding on this excellent bike facility that is such a wonderful amenity to our valley.

Please reject Resolution No. 2017-09 as written. Don't turn your back on the future. Class 1 & 2 e-bikes have a place in the current and future transportation needs and modes of valley residents. For safety's sake that place is the Rio Grande trail system, not on Highway 82 or Highway 133.

Sincerely yours,

Ken Woods