

## Proposed Amendment #1 to AO 2024-51

**AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 09.04.010, 9.38.020, AND 25.10.010 TO REFINE THE DEFINITION OF THE “ELECTRIC BICYCLE” AND INCREASE EQUITABLE ACCESS AND IMPROVE USER SAFETY ON TWO-WAY MIXED-USE TRAILS AND SIDEWALKS.**

**Submitted by:** Assembly Chair Constant and Member Bronga

### PROPOSED AMENDMENT

**Purpose/Summary of Amendment:** This amendment will amend the proposed new definition of “electronic bicycle” substantially similar to the one provided by the organization PeopleForBikes. It is a three class system that has been adopted by 41 states (as of July 2023). The class 1 and 2 e-bikes will be considered bicycles and included in its definition for purposes of all of Title 9 of the Code, and the class 3 e-bikes will be considered motor-driven cycles and included in the definition of that term as well as any other bicycle with an electric motor of more than 750 watts.

### TEXT OF AMENDMENT

(adding new language, [DELETING CURRENT CODE LANGUAGE] and [~~Deleting words proposed by the unamended AO that are not in current code~~])

AO preambles, p.1, beginning at line 2, amending as follows:

**WHEREAS, Forty-one of the fifty states in United States and the District of Columbia have adopted the three-class system for e-bike classification of low speed electric bicycles, conferring on riders of e-bikes the same duties, protections and rights as riders of traditional bicycles; and**

**WHEREAS, the proposed classes of electric bikes specify mode of propulsion and top speed of the e-bicycle; and**

**WHEREAS, it is recognized that speed on the multi-use paths can be problematic despite the method of travel and this top speed on trails of 20 miles per hour for class 1 and 2 e-bikes is easier to enforce;**

**[WHERAS, THE ENTIRE NATION OF CANADA HAS LIMITED THE MAXIMUM OUTPUT OF ELECTRIC BICYCLES SOLD AND USED WITHIN ITS JURISDICTION TO NO MORE THAN 500 WATTS; AND**

WHEREAS, A NOMINAL LIMIT OF 500 WATTS COMPLIES WITH FEDERAL STATUTE, 15 USC 2085, WHICH PROHIBITS LOW-SPEED ELECTRIC BICYCLES FROM PRODUCING 750 WATTS OR MORE;] now, therefore,

Section 1, p.2, beginning at line 2, amending as follows:

*Bicycle* means **a class 1 or 2 [an]** [A LOW-SPEED] electric bicycle and any device propelled solely by human power upon which any person may ride, having at least two tandem wheels either of which is more than 14 inches in diameter. (CAC 9.04.070; AO No. 78-72; AO No. 2011-113(S), § 1, 11-22-11, eff. 12-22-11)

Section 1, p.2, beginning at line 10, amending as follows:

*Electric bicycle* means a bicycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of no more than **750[500]** watts; that can safely share a bicycle transportation facility with other users of such facility; and meets the requirements of one of the following classifications:

- A. Class 1 electric bicycle means an electric bicycle, other than a class 3 electric bicycle, equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the speed of the bicycle reaches or exceeds 20 miles per hour.**
- B. Class 2 electric bicycle means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the speed of the bicycle reaches or exceeds 20 miles per hour.**
- C. Class 3 electric bicycle means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the speed of the bicycle reaches or exceeds 28 miles per hour.**

Section 1, p. 2, beginning at line 27, amending as follows:

*Motor-driven cycle* means any motorcycle, motor scooter, moped or bicycle with a 50cc or smaller engine displacement motor attached or producing less than five brake horsepower, **class 3 electric bicycle**, or any [HIGH-SPEED ELECTRIC] bicycle equipped with an electric motor greater than **750[500]** watts. (CAC 9.04.280; AO No. 78-72; AO No. 89-52; AO No. 2011-113(S), § 1, 12-22-11; AO No. 2016-67, § 1, 6-21-16 )

**Will there be any public or private economic effect to the proposed amendment?**

YES  NO (check one) **If yes, please detail below.**