

Briefing Memorandum

DATE: October 3, 2018
TO: Councilman Clark
FROM: Zach Rothmier, Legislative Analyst
SUBJECT: Electric Bikes

BACKGROUND: In the 2017 legislative session, Colorado defined electric bicycles in to three categories:

- Class 1: Electrical assistance is only active when the rider is pedaling and ceases above 20 mph;
- Class 2: Electrical assistance is active regardless of pedaling and ceases above 20 mph; and
- Class 3: Electrical assistance is only active when the rider is pedaling and ceases above 28 mph.

Subject to local regulations, the state allows for Class 1 and 2 bicycles to travel on bike or pedestrian paths where traditional bicycles are allowed. Class 3 bicycles are prohibited from bicycle paths that are not adjacent or within a street or highway or otherwise allowed by a local authority. The state statute prohibits anyone under the age of 16 from operating a Class 3 bicycle and requires anyone under 18 to wear a protective helmet.

PROBLEM: Denver has not incorporated the state definition(s) of electric bicycles in to the Denver Revised Municipal Code, but simply incorporates all electric assisted bicycles in to the provisions pertaining to traditional bicycles. This has created ambiguity of where certain types of electric-assisted bicycles are allowed. Additionally, Class 3 bicycles require safety equipment, but the DRMC does not explicitly address the issue.

CURRENT STATUS: The City has licensed “Jump” to provide 250 on-demand electric assisted bicycles in a dockless fashion similar to the rollout of the electric scooters by Lyft, Byrd, and LimeBike. Although similar in business models, the rules governing bicycles and scooters are vastly different; scooters are considered electric toys, and only allowed on sidewalks, whereas the electric assisted bicycles are relegated to bicycle routes and roads. Jump bicycles are Class 2 bicycles under the state provisions. Jump is expected to increase their license to 1,000 electric assisted bicycles in 2019.

POLICY OPTIONS: To reduce the ambiguity on where electric assisted bicycles are allowed:

- Expand the definition in the D.R.M.C. to align with state statutes.
- Make policy decision to enforce or remove provisions related to safety equipment required for Class 3 electric assisted bicycles.
- Make the policy decision to prohibit or allow Class 3 bicycles on all bicycle paths, including within parks.

NEXT STEPS: Legislative Services will work with the City Attorney’s office to draft language at the direction of Council. Any proposed ordinance would be heard in the Safety and Housing Committee. Public Works would include the new rules in their normal communication channels.