



# STAFF REPORT

## Agenda Item: 6

**Report To:** Open Space Advisory Committee  
and Parks and Recreation Commission

**Meeting Date:** December 1, 2020

**Staff Contact:** Gregg Berggren, Trails Coordinator  
Lucia Maloney, Transportation Manager

**Agenda Title:** For Discussion Only: Presentation and discussion regarding E-Bicycle and E-Scooter Working Group recommendations.

**Staff Summary:** Staff will provide a summary of information presented at the October 12, 2020 E-Bicycle and E-Scooter Working Group meeting, including applicable regulations, case studies, and working group recommendations.

**Agenda Action:** Other/Presentation

**Time Requested:** 30 minutes

### **Proposed Motion**

N/A

### **Board's Strategic Goal**

Quality of Life

### **Previous Action**

N/A

### **Background/Issues & Analysis**

As E-Bicycles and E-Scooters become more popular on our pathways, Carson City should be proactive in reviewing and addressing user conflicts and potential challenges and opportunities related to E-Bicycle and E-Scooter – Share Programs. As a follow-up action item to the October 12, 2020 E-Bicycle and E-Scooter Working Group meeting, this presentation will define E-Bicycles and E-Scooters, explain share programs, discuss current Nevada Revised Statutes, and show what other local jurisdictions are doing. Staff will provide working group recommendations, including how the Parks, Recreation & Open Space Department and the Public Works Department are beginning to create an education/information campaign and drafting a Carson City Municipal Code (CCMC) Ordinance.

### **Applicable Statute, Code, Policy, Rule or Regulation**

NRS 484A

### **Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact:

**Alternatives**

**Board Action Taken:**

N/A

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

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\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_  
(Vote Recorded By)



# Bicycle and Pedestrian Working Group

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OCTOBER 12, 2020





*E-Bikes & E-Scooters  
are here!!!*

....NOW WHAT?

# Purpose and Objectives: Meeting Roadmap

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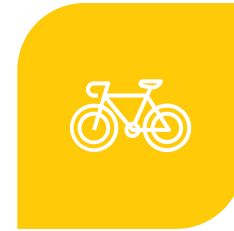
WHAT ARE THEY?



WHERE CAN THEY  
GO?



WHAT ARE  
OTHERS DOING?



BIKE/ SCOOTER-  
SHARE?



WHAT'S BEST FOR  
CARSON CITY?



# Electric Bicycles

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WHAT ARE THEY?

# Federal Law Regarding Manufacture and First Sale



15 USC § 2085 (Consumer Product Safety Act) Low-Speed Electric Bicycles, Part (b): The term “low-speed electric bicycle” means a **two-or three-wheeled vehicle** with fully operable pedals and an electric motor of less than 750 watts (1 hp), whose **maximum speed** on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is **less than 20 mph**.

# California Motorized Vehicle Types

Manufacturers also use  
this classification

## Class I E-bike

Pedal-assisted electric bicycle (assistance only when rider is pedaling) with a max. assisted speed of 20 mph.

## Class II E-bike

Throttle-assisted electric bicycle (used to propel bicycle up to 20 mph).

## Class III E-bike

Speed-pedal-assisted electric bicycle (only when rider is pedaling), max. speed of 28 mph & equipped w/ speedometer

California's Class 1 and 2 e-bike definitions align with Nevada's definition of an electric bicycle. California e-bike classes and definitions are used to effectively relate allowable e-bikes between each jurisdiction and the two states.





# Electric Bicycles Defined in Nevada

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NRS 484B.017

“a device upon which a person may ride, having two or three wheels, or every such device generally recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output, and:

1. Is designed to travel on not more than three wheels in contact with the ground but is not a tractor; and
2. Powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles per hour on a flat surface while carrying an operator who weighs 170 pounds. The term does not include a moped”



# Electric Scooters

NO FEDERAL  
REGULATIONS.



# Electric Scooters Defined in Nevada

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NRS 484B.018

“Electric scooter” means a vehicle with handlebars and an electric motor that is designed to be ridden on in an upright or seated position and propelled by its electric motor or by propulsion provided by the rider. Such a vehicle:

1. Must not weigh more than 100 pounds without a rider;  
and
2. Must have a maximum speed of not more than 20 miles per hour when powered solely by its electric motor.

# Electric Bicycles: Where can they go?

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## 23 USC § 217 Federal Funded Transportation Facilities

Bicycle Transportation and Pedestrian Walkways: (h) Use of Motorized Vehicles – Motorized vehicles **may not be permitted on trails and pedestrian walkways** under this section, **except for:**

- (1) maintenance purposes;
- (2) When snow conditions and State or local regulations permit, snowmobiles;
- (3) Motorized wheelchairs;
- (4) **when State or local regulations permit electric bicycles;** and
- (5) such other circumstances as the Secretary deems appropriate.





# Nevada E-Bicycles & E-Scooters: Where can they go?

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## NRS 484B.760

Electric Foot Scooters and Class 1 and Class 2 E-bikes and are allowed where traditional bikes are allowed unless where prohibited locally.

## NRS 484B.785

1. Except as otherwise provided in an ordinance enacted pursuant to NRS 484A.469, an **electric scooter** may be operated:
  - (a) On a roadway, bicycle lane, path or route at a **speed of not more than 15 miles per hour**; and
  - (b) **On a sidewalk and other pedestrian areas at a speed that does not exceed the limit set in an ordinance** enacted pursuant to NRS 484A.469, if any.





# E-Bikes: What are others doing?

## US Forest Service (Dept. of Agriculture)

E-bikes defined as motorized vehicles and are **permitted only on motorized trails.**

## BLM, BOR, NPS (Dept. of Interior)

Since October 2019, Class 1 E-bikes **permitted wherever traditional bikes are permitted.**

## California State Parks

Class 1 and Class 2 E-bikes permitted wherever traditional bikes are permitted, but **only on paved surfaces.**

## California

**Class 1 and Class 2 E-bikes permitted on all bike route classes.** Class 3 E-bikes not permitted on shared use paths.

# E-Bikes: What are others doing?

## Nevada State Parks

No specific policy, however, Lake Tahoe Nevada State Park permits Class 1 E-bikes on **all bike trails, including in the backcountry.**

## Douglas County

No specific E-bike regulations, but **County prohibits motorized vehicles on paths and trails** set aside for bicycling, walking, horseback riding.

## Tahoe City Public Utility District (PUD)

Defers to California regulations, but posts “Share the Path” signage.

# E-Bikes: What are others doing?

## Washoe County

WCC, 2016 95.365 – Unauthorized use of bicycle trails

It shall be **unlawful for any person to:**

(1) Operate any motorized vehicle, including, without limitation, motorcycles, trail bikes, or **motorized bicycles upon any bicycle trail** except as necessary to cross a street, driveway or access road intersection without authorization from the director;

(2) Hold any competitive event on any bicycle trail without authorization from the director or **ride a bicycle on a designated off-street bicycle trail in excess of 15 miles per hour**, except during authorized competitive events, or in a manner which is unsafe or which may be injurious to the rider or other persons.

# E-Scooters: What are others doing?

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## California

Riders of motorized scooters on a street must:

- Be 16 years of age or older,
- Have a valid driver's license,
- Wear a bicycle helmet,
- Have no passengers, and,
- Follow the rules of the road the same as cars do.

The motorized scooter must have brakes, may not have handlebars raised above the operator's shoulders, and if ridden at night must have a headlight, a taillight, and side reflectors.

A motorized scooter may not be operated on sidewalks or on streets if the posted speed limit is over 25 mph (40 km/h) unless in a Class II bicycle lane. ([leginfo.ca.gov/calaw.html](http://leginfo.ca.gov/calaw.html))



# E-Scooters: What are others doing?

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## South Lake Tahoe

South Lake Tahoe is in the process of developing an ordinance for E-Scooters following a series of related injuries involving children.

## Reno

Ordinance regulating e-scooters is under development. Council voted “no action”, Feb 2020.

## Others

In general, where they are legal, *most* jurisdictions are starting to regulate them in the same manner as bicycles. They generally must be ridden on the street or in bike lanes and are forbidden from riding on the sidewalk or pedestrian pathways.





# Carson City

CCMC contains no specific e-bike/e-scooter regulations.  
Riders are subject to Nevada State laws.

# NRS 484A.469 Local Regulation of E-Scooters & Scooter-Share Programs

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1. A local authority may adopt, to protect the health and safety of the public, an ordinance which regulates the time, place and manner of operation of electric scooters in the jurisdiction of the local authority in a manner that is generally consistent with such regulation of bicycles and electric bicycles and which may, without limitation:

(a) Prohibit the use of an electric scooter in a specified area or areas of the jurisdiction; or

(b) Establish a speed limit for electric scooters operating on sidewalks in the jurisdiction.

2. A local authority may by ordinance regulate the operation of a scooter-share program in the jurisdiction of the local authority as provided in this section.

4. An ordinance enacted pursuant to subsection 2 may not, except as required to protect the health and safety of the public as provided in subsection 1, subject customers of a scooter-share program to requirements more restrictive than those applicable to riders of bicycles or electric bicycles, except those requirements which by their nature only apply to electric scooters.



**\*See additional handout for full NRS\***



# Opportunities & Challenges with Share Programs

## Pros

- First/Last-mile Micromobility
- Possibility to reduce traffic in congested urban areas
- Sustainability

## Cons

- Visual Pollution / Right-of-Way Clutter
- Abandonment
- Injury Potential / Safety Concerns
- Infrastructure Availability



# Staff Recommendations

1. No additional local regulation on E-Bicycles
2. Education Campaign Building on Tahoe Pathways Partnership
3. Discuss Speed Limits on pathways
4. Discussion/Consideration of Ordinance adoption
  - Prohibition of e-bike/e-scooter share program unless or until an Ordinance is adopted with a framework for permitting such a program.
  - Prohibition of e-scooters on sidewalks.

**Share the Path**  
**be kind. be safe.**  
**take care.**

Always use a light at night.  
Keep right, pass left when safe.  
Alert when passing.  
Look and listen, be respectful.  
Use safe speeds.  
Blaze a trail of kindness.

LAKE TAHOE Pathway Partnership  
[TahoeBike.org/ShareThePath](https://TahoeBike.org/ShareThePath)





# *Carson City Issues and Concerns*

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**WORKING GROUP DISCUSSION &  
DIRECTION TO STAFF**

**NEXT STEPS:**

**Dec. Joint OSAC/PRC Meeting**

**Dec. RTC Meeting**

