

ANCHORAGE, ALASKA
AO No. 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.

WHEREAS, the Anchorage Assembly passed AO No. 2023-65(S-1), As Amended, defining the term "vulnerable road user" and has worked to increase safety for vulnerable road users on streets and roadways; and

WHEREAS, in the MOA, vulnerable road users share sidewalks and the two-way mixed-use trail system; and

WHEREAS, electric bicycles represent an exciting and emerging alternative mode of transportation with the potential to increase access to Anchorage's extensive trail system; and

WHEREAS, electric bicycles also have the potential to bring increased mass and velocity to the trails, and with them increased risk to other vulnerable road users and trail users, particularly in areas that previously posed no similar risk; and

WHEREAS, as with any new and potentially disruptive technology, electric bicycles have yet to become a uniformly defined and regulated mode of transportation; and

WHEREAS, the Anchorage Assembly bears the responsibility to both increase equitable access for vulnerable road users to mixed-use trails and sidewalks but to ensure the safety of all its users by establishing nominal power guidelines and speed limitations for bicycles and devices with low-speed electric motors; and

WHEREAS, 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,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 09.04.010 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

09.04.010 Definitions.

Bicycle means 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)

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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 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:

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[*HIGH-SPEED ELECTRIC BICYCLE* MEANS ANY BICYCLE OR TRICYCLE WITH FULLY OPERABLE PEDALS, AN ELECTRIC MOTOR OF MORE THAN 750 WATTS (1 H.P.), AND A MAXIMUM SPEED ON A PAVED LEVEL SURFACE, WHEN POWERED SOLELY BY SUCH A MOTOR AND WHEN CARRYING ONE PERSON WEIGHING 170 POUNDS, OF MORE THAN 20 MILES PER HOUR. FOR PURPOSES OF THIS TITLE, HIGH-SPEED ELECTRIC BICYCLES ARE MOTOR-DRIVEN CYCLES. (AO NO. 2016-67, § 1, 6-21-16)]

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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, or any [HIGH-SPEED ELECTRIC] bicycle equipped with an electric motor greater than 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)

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[*LOW-SPEED ELECTRIC BICYCLE* MEANS ANY *BICYCLE* OR TRICYCLE WITH FULLY OPERABLE PEDALS, AN *ELECTRIC* MOTOR OF NO MORE THAN 750 WATTS (1 H.P.), AND A MAXIMUM SPEED ON A PAVED LEVEL SURFACE, WHEN POWERED SOLELY BY SUCH A MOTOR AND WHEN CARRYING ONE PERSON WEIGHING 170 POUNDS, OF NO MORE THAN 20 MILES PER HOUR. FOR PURPOSES OF THIS TITLE, LOW-SPEED *ELECTRIC BICYCLES* ARE NOT MOTOR VEHICLES OR MOTOR-DRIVEN CYCLES.]

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(AO No. 2011-113(S), § 1, 12-22-11; AO No. 2016-67, § 1, 6-21-16)

Section 2. Anchorage Municipal Code section 09.38.020 is hereby amended to read as follows:

9.38.020 Applicability of traffic laws to riders.

- 1 A. Every person operating a bicycle shall be granted all of the rights and
2 shall be subject to all of the duties applicable to a person operating a
3 vehicle by this title, except as to special regulations in this chapter,
4 and except as to those provisions of this title which by their nature
5 have no application.
6
- 7 B. A person shall not operate a bicycle so as to suddenly leave a curb or
8 other place of safety and move into the path of any other vehicle so
9 close as to constitute an immediate hazard.
10
- 11 C. A person operating a bicycle, electric bicycle, or a device moved solely
12 by any combination of human muscular power, wind or gravity, upon
13 and along a sidewalk, trail or pathway shall have all the rights and
14 duties applicable to a pedestrian under the same circumstances as
15 follows:
16 *** **
- 17 (CAC 9.38.020; AO No. 78-72; AO No. 2005-77, § 2, 11-22-05; AO No. 2011-
18 113(S), § 107, 11-22-11, eff. 12-22-11; AO No. 2016-67, § 3, 6-21-16)
19

20 **Section 3.** Anchorage Municipal Code section 25.10.010 is hereby amended to
21 read as follows:
22

23 **25.10.010 Definitions.**
24

25 The following words, terms and phrases, when used in this title, shall have
26 the meanings ascribed to them in this section, except where the context
27 clearly indicates a different meaning:
28

29 *Agency* means any department, office or subdivision of the municipality.
30

31 *Contract* means an agreement of any kind, including an option, regardless of
32 what it may be called.
33

34 *Motor vehicle* means any vehicle propelled by a force other than electric
35 current, human muscular power, gravity or wind, including, without limitation,
36 automobiles, jet skis, hydroplanes, boats, all-terrain vehicles, three-wheelers,
37 motorcycles, motor-driven cycle[HIGH-SPEED ELECTRIC BICYCLES],
38 snowmachines and model cars and boats, and airplanes. For purposes of
39 this title, [low-speed] electric bicycles as defined in section 9.04.010 are not
40 motor vehicles[, AND THE DEFINITIONS OF HIGH- AND LOW-SPEED
41 ELECTRIC BICYCLES ARE AS PROVIDED IN SECTION 9.04.010].
42

43 *Municipal land* means any real property owned by the municipality, including
44 real property to which the school district has been granted management
45 authority pursuant to section 25.10.050.
46

47 *Real property* means any interest in real property under the law of the state,
48 including but not limited to a fee, easement or leasehold interest, but
49 excluding a revocable license or permit to use real property.
50

51 (AO No. 79-170; AO No. 86-102; AO No. 2016-67, § 5, 6-21-16)

Section 4. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2024.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 438-2024

Meeting Date: May 7, 2024

From: Assembly Member Martinez

Subject: 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.

The proposed ordinance seeks to both simplify the current language in code and account for the unique nature and growing prevalence of electric bicycles. This technology has the potential to greatly increase access to Anchorage’s vast and beautiful network of trails, particularly for populations that may have previously been unable to access these areas. However, these devices represent a largely unregulated sector of the transportation industry, with models ranging from the pedestrian to the remarkably powerful.

Currently our code classifies e-bikes as either “low-speed” or “high-speed”. This ordinance proposes to do away with this subclassification and instead set a reasonable benchmark of 500W for determining how an e-bike should be regulated. The new standard would treat e-bikes of 500W or less as bicycles, while anything more powerful than 500W would be considered a motor-driven cycle for the purposes of code.

I request your support for the ordinance.

Prepared by: Assembly Counsel’s Office

Respectfully submitted: George Martinez, Assembly Member
District 5 – East Anchorage