



AGENDA

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
APRIL 08, 2021
5:30 PM
ATTEND VIRTUALLY

SPECIAL PROCEDURES FOR BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings in excess of those permitted in the current Public Health Order, the Bicycle and Pedestrian Advisory Committee meeting will be conducted virtually.

Viewing: Members of the public may join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/93020856655?pwd=QS90TENWL1VBc3ltaW9nV2FMT1ZkQT09>

Passcode: 999999

Attendees should use the "Raise Hand" function to be recognized by the Chair to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 346 248-7799 -**

Webinar ID: 910 2307 0113

Passcode: 999999

Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Chair to speak at the appropriate time.

Agenda: The agenda for the meeting will be posted at <https://santafe.primegov.com/public/portal>.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **APPROVAL OF AGENDA**
4. **APPROVAL OF MINUTES**



AGENDA

**BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
APRIL 08, 2021
5:30 PM
ATTEND VIRTUALLY**

- a. March 11, 2021
5. **COMMUNICATIONS FROM THE PUBLIC**
6. **COMMUNICATIONS FROM OTHER AGENCIES**
 - a. Multi-modal Transition Study Updates, Amy Bell, Project Consultant
 - b. Santa Fe Metropolitan Planning Organization, Erick Aune, AICP, SFMPO Officer
 - c. Santa Fe Conservation Trust, Tim Rogers, Trails Program Manager
7. **DISCUSSION AND POSSIBLE ACTION ITEMS**
 - a. 90% Design Plan Review of Camino Entrada Roundabout Project (Romella Glorioso-Moss, Staff Liaison; Thaddeus Yazzie, PE, Souder, Miller and Associates; and Sky Tallman, BPAC Planning and Funding Subcommittee Chair)
 - b. 90% Design Plan Review of Agua Fria-Cottonwood Intersection Improvements Project (Romella Glorioso-Moss, Staff Liaison; Matthew Nighbert, PE, Souder, Miller & Assocs.; and Sky Tallman, BPAC Planning and Funding Subcommittee Chair)
 - c. Zia Trail Updates and other Pertinent Trail Issues (Romella Glorioso-Moss, Staff Liaison)
 - d. Public Works Department Temporary Street Closure Permitting Process (Sky Tallman, BPAC Planning and Funding Subcommittee Chair)
 - e. Engineering Staff Requests and Recommendations (Romella Glorioso-Moss, Staff Liaison)
 - f. Sidewalk Funding Policy (Sky Tallman, BPAC Planning & Funding Subcommittee Chair)



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- g. E-bikes (Khalil Spencer, BPAC Vice-Chair; and Yolanda Eisenstein, BPAC Law & Policy Subcommittee Chair)
 - h. Bishop's Lodge Road Bicycle and Pedestrian Safety Issues (Yolanda Eisenstein, BPAC Member)
 - i. BPAC Recommendations for Potential Uses of Parks Stimulus Funds (Robert Morlino, BPAC Member)
- 8. **MATTERS FROM STAFF**
 - 9. **MATTERS FROM THE COMMITTEE**
 - 10. **MATTERS FROM THE CHAIR**
 - 11. **NEXT MEETING: Thursday, May 13, 2021**
 - 12. **ADJOURN**

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.



MINUTES

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
MARCH 11, 2021
5:30 PM
VIRTUAL MEETING

1. **CALL TO ORDER**

Meeting called to order at 5:32 pm.

2. **ROLL CALL Members Present:**

Councilor Michael Garcia
Member Khal Spencer
Member Sky Tallman
Member Judith Gabriele
Member Yolanda Eisenstein
Member Bruce Finger
Member Rob Morlino

Members Excused:

Member Yvette Serrano

Others Attending:

3. **APPROVAL OF AGENDA**

MOTION: Member Gabriele moved, seconded by Member Tallman, to approve the agenda as amended. (Remove agenda item #6.a).

VOTE: The motion was on the following Roll Call vote:

For: Councilor Garcia, Member Spencer, Member Tallman, Member Gabriele, Member Eisenstein, Member Finger, Member Morlino

Against: None

Abstain: None

4. **APPROVAL OF MINUTES**



MINUTES

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
MARCH 11, 2021
5:30 PM
VIRTUAL MEETING

- a. February 11, 2021

MOTION: Member Eisenstein moved, seconded by Member Finger, to approve the minutes as presented.

VOTE: The motion was on the following Roll Call vote:

For: Councilor Garcia, Member Spencer, Member Tallman, Member Gabriele, Member Eisenstein, Member Finger, Member Morlino

Against: None

Abstain: None

5. **COMMUNICATIONS FROM THE FLOOR**

6. **PRESENTATION**

- a. Erick Aune, AICP, Santa Fe Metropolitan Planning Organization
- b. Tim Rogers, Trails Program Manager, Santa Fe Conservation Trust

7. **DISCUSSION AND POSSIBLE ACTION ITEMS**

- a. Introduction of Javier Rosado, PE, Engineering Division Director, Public Works
- b. 90% Design Plan Review of Sandoval-Montezuma Intersection Improvements Project (Mario Infante-Juarez, Tyler Ashton/ Wilson & Co.; Sky Tallman, Planning & Funding Subcommittee Chair)
- c. Request for a bicycle/pedestrian easement off of East Zia Road (Romella Glorioso-Moss, Staff Liaison)



MINUTES

BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
MARCH 11, 2021
5:30 PM
VIRTUAL MEETING

MOTION: Member Tallman moved, seconded by Member Spencer, to request Public Works to seek GRT funding or other applicable funding to do Phase I – Study of Zia trail.

VOTE: The motion was on the following Roll Call vote:

For: Councilor Garcia, Member Spencer, Member Tallman, Member Gabriele, Member Eisenstein, Member Finger, Member Morlino

Against: None

Abstain: None

The Chair directed the Staff to discuss with Land Use Department the Zia trail situation and ask what can the City do? Discuss how can the City protect and maintain public access to “informal trails” when there is residential development or land subdivisions.

- d. Law & Policy Subcommittee Discussion of Issues and Actions (Yolanda Eisenstein, Law & Policy Subcommittee Chair)
- e. Sidewalk Maintenance and Funding Policy (Sky Tallman, Planning and Funding Subcommittee Chair)

MOTION: Member Tallman moved, seconded by Member Eisenstein, to postpone the discussion until the next meeting in April.

VOTE: The motion was on the following Roll Call vote:

For: Councilor Garcia, Member Spencer, Member Tallman, Member Gabriele, Member Eisenstein, Member Finger, Member Morlino

Against: None

Abstain: None



MINUTES

BICYCLE AND PEDESTRIAN
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VIRTUAL MEETING

- f. Staff Liaison Requests and Recommendations (Romella Glorioso-Moss, Staff Liaison)

MOTION: Member Spencer moved, seconded by Member Eisenstein, to postpone the discussion until the following meeting in April.

VOTE: The motion was on the following Roll Call vote:

For: Councilor Garcia, Member Spencer, Member Tallman, Member Gabriele, Member Eisenstein, Member Finger, Member Morlino

Against: None

Abstain: None

8. **SUBCOMMITTEE COMMUNICATIONS**

- a. Law and Policy Subcommittee (Yolanda Eisenstein, Chair)
- b. Planning and Funding Subcommittee (Sky Tallman, Chair)
- c. Promotion, Education and Programming (Khalil Spencer, Chair)

9. **MATTERS FROM STAFF**

- A. Resolution No.2021-8: A Resolution Re-establishing the Bicycle and Trail Advisory Committee

10. **MATTERS FROM THE COMMITTEE**

11. **MATTERS FROM THE CHAIR**

12. **NEXT MEETING: Thursday, April 8, 2021**

13. **ADJOURN**

Meeting adjourned at 7:39 pm.



MINUTES

**BICYCLE AND PEDESTRIAN
ADVISORY COMMITTEE
MARCH 11, 2021
5:30 PM
VIRTUAL MEETING**

Romella Glorioso-Moss 3/22/2021

Liaison

Chair

April 1, 2021

Santa Fe Multi-Modal Transition Plan – Outline of Public Engagement Plan

Goals for Public Engagement

1. Ensure that outreach efforts and results are equitable, reflecting the full diversity of the community and in a way that directly informs plan recommendations.
2. Allow community members and City leadership to engage in a meaningful process within which they can see the impact of their participation.
3. Promote education about multi-modal transportation options, including the costs and benefits of different modes of travel.

Oversight of Public Engagement Process

1. Presentation to Bicycle and Pedestrian Advisory Committee (April 8th, 5:30pm)
2. Presentation to Transit Advisory Committee (next meeting TBD)

Target Audiences

1. Community members who do not have access to or cannot afford, or can barely afford to drive, including:
 - a. Youth
 - b. Seniors
 - c. Unhoused population
 - d. Low income / socioeconomic status
 - e. DWI/DUI offenders
2. “Interested but concerned” community members – those who want to access a different mode of transportation but safety concerns prevent them from doing so
3. “Amenity migrants” – those who would choose to visit and or live in Santa Fe because of access to multi-modal options

Target Message: *“In Santa Fe, you don’t have to have a car to participate in society”*

Project Promotion:

1. MPO will assist in coordination with City Communications staff for press releases and Citywide promotion
2. Social media (Facebook, Nextdoor)

General Schedule Overview:

1. Existing Conditions Report (mid-April)
2. Plan Goals and Objectives (end of March)
3. Draft Recommendations (September)
4. Draft Individual Plans (early November)
5. Final Individual Plans (early December)
6. Plan Integration (draft January 2022, final in March)

Coordination with Other Concurrent Projects:

1. Safe Routes to Schools
2. Safe Routes to Parks
3. Culture, History, Art, Reconciliation and Truth (CHART) – consultant RFP due April 6th
4. LED Street Light Public Outreach
5. National Parks Trails Project

*All written materials will be translated into Spanish. Spanish interpretation will be provided for public meetings and recordings. Translation and interpretation will be paid for through a separate contract.

Tasks

1. Summary of Previous Engagement Methods and Outcomes – March 12

1.1 Summarize findings from engagement activities for previous plans

- Public Transit Master Plan
- Metropolitan Transportation Plan
- Teen Mobility Plan
- Bicycle Master Plan
- Pedestrian Master Plan

1.2 Identify key recommendations to build from, and gap areas to address

2. Online Engagement – on MPO Website

2.1 Surveys: 1) Existing Perceptions and 2) Perceptions of Strategies

- Visitor Survey
- Student/Youth Survey
- General Public Survey

2.2 Project information, schedule and email signup

2.3 Recordings of public meetings

2.4 Interactive Maps/Survey – location specific questions (August), possible to coordinate with Safe Routes to Schools/Parks

3. Hard Copy Surveys and Fliers

3.1 Survey postcard mailers

3.2 On board transit surveys – (Sept. by LSC). Consider working with youth interns.

3.3 Survey questions posted at bus stops with QR code / text answers

4. Interviews / Focus Groups

4.1 Virtual or in person

- Key individuals, representatives of organizations
- Council Committees

5. Virtual Public Meetings/Webinars

5.1 Initial – to share project information, existing conditions and survey (late April)

5.2 Second/Follow-up – to share draft recommendations (November)

5.3 Public Hearings for Plan Adoption (March 2022)

1. Public Works Committee
2. Quality of Life Committee
3. City Council

6. Community Events

6.1 Multi Modal Tour – to test out recommendations/perceptions of strategies. Possible coordination with Safe Routes to Schools (August)

6.2 Park(ing) Day – MPO to coordinate with Arts and Culture Dept. (August)

6.3 Attendance at other events

- Virtual Bike Month (May)
- Pancakes on the Plaza – coordination with Rotary / put surveys in pancake kit bags (July)
- Railyard Park Pop Up Playground – coordination with RYPC / Safe Routes to Parks (October) – in coordination with SF century and in-person “Bike Month”
- Santa Fe Century (October 10th)
- Others TBD pending public health requirements

7. Summary of Community Outreach Efforts

7.1 Summary of process and outcomes from above Tasks 1-7.



Santa Fe Metropolitan Planning Organization



March 5th, 2021

MEMO

TO: BPAC Members

Re: MPO Updates for March 11th Meeting

1. MPO Staff in partnership with the National Park Service, Santa Fe Public Schools and Santa Fe County completed a "Community Health Profile" for a section of land near South Meadows and Agua Fria. The profile will assist with leveraging funding for multiple trail projects including the River and Acequia Trails. The next step is to do some visioning via public engagement and detailed GIS mapping.
2. The NMDOT will be announcing "Call for Projects" for Transportation Alternative Program (TAP), Recreational Trails Program (RTP), and Congestion Mitigation Air Quality (CMAQ) funds in May. We will work with each agency to discuss projects from the Bicycle Master Plan and Metro Transportation Plan for consideration.
3. MPO staff met with the City Manager, Regina Wheeler and Councilor Romero-Wirth to discuss a possible E-Scooter Pilot Project. They are favorable with moving forward. The next step is to meet with legal and finance to understand how to develop a request for proposals.
4. The Santa Fe Conservation Trust will be kicking off the Safe Routes to School Program (funding by TAP) in the coming weeks. The Council approved the contract with them in February.
5. The Railyard Park Conservancy was awarded a Safe Routes to Parks technical assistance grant and will be developing a plan over the next year with a focus on parks in the Southside of Santa Fe.
6. The City's "Multi-Modal Transition Plan" is moving forward with data collection and initial baseline analysis of 3 focus areas (Downtown/Mid-Town/Airport Road). The MPO is planning on investing in a subscription to what is called "Streetlight" data. A firm dedicated to providing cell/mobile phone data so we may analyze people movements in these focus areas. This will

include bike/ped/traffic origin and destination data otherwise unavailable until this technology emerged.

7. MPO is assisting the City's Arts and Culture Department's "Call for Artists" to install permanent art project along pedestrian bridges in the vicinity of Zia Road. KRQE did a story on it. You can watch it here. krqe.com/news/new-mexico/santa-fe-seeking-artists-to-help-beautify-trails/
8. MPO reached out to Santa Fe School for the Arts to partner on a grant application to <https://asphaltart.bloomberg.org/> Bloomberg's Asphalt Art program to possibly create a on street art installation near the school.
9. Santa Fe Bike Month Planning is in full form with virtual and COVID safe events in May and possible gathering events in October in coordination with the Santa Fe Century.
10. The MPO has a truck load of Storybooks for 4th – 6th graders at each branch library with a soon to be coming digital copy in full Spanish language. We will be seeking ways to get them in the hands of all students and teachers in these grades. Let us know if you have ideas for sharing.





Santa Fe Metropolitan Planning Organization



April 1, 2021

MEMO

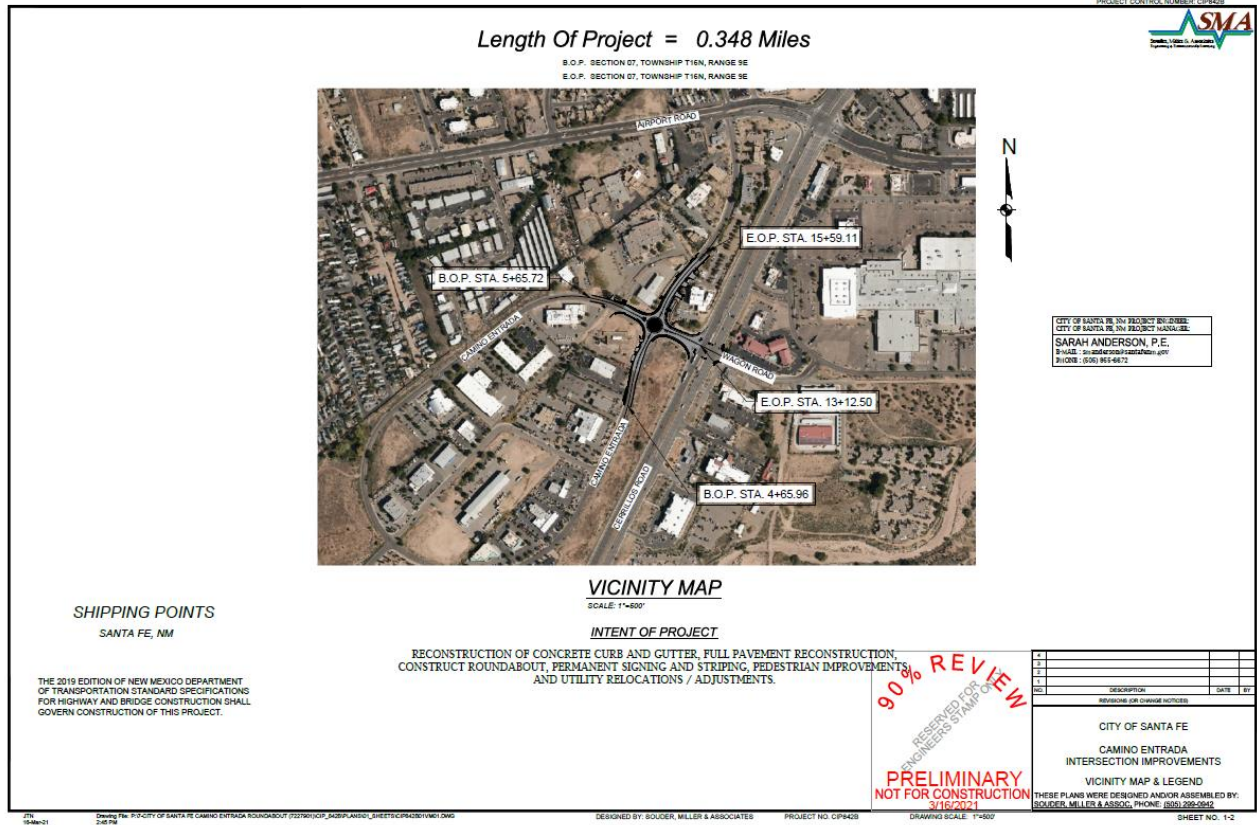
TO: BPAC Members

Re: MPO Updates for April 8th Meeting

1. The New Mexico Legislature saw an approval of \$121 million dollars allocated to the NMDOT's now new "Transportation Project Fund" dedicated for local agencies to utilize for infrastructure projects. The MPO will keep tabs on the process and have alerted City/County officials. We may see a "Call for Projects" released as soon as May.
2. The final draft of the Southside Sector "Community Health Profile" was completed for a section of land near South Meadows and Agua Fria. The profile will assist with leveraging funding for multiple trail projects including the River and Acequia Trails. We also have our application in the NPS to take the next step is to do some visioning via public engagement and detailed GIS mapping.
3. This is a repeat but important. The NMDOT will be announcing "Call for Projects" for Transportation Alternative Program (TAP), Recreational Trails Program (RTP), and Congestion Mitigation Air Quality (CMAQ) funds in May. We will work with each agency to discuss projects from the Bicycle Master Plan and Metro Transportation Plan for consideration.
4. The Santa Fe Conservation Trust kicked off the Safe Routes to School Program (funding by TAP) on March 29th. Look forward to a project update during future meetings.
5. A "Walking Audit" was conducted by The Railyard Park Conservancy, MPO Staff and Santa Fe Conservation Trust at Los Acequias Park in the Southside on Friday April 2nd. This is a good kick off to the Safe Routes to Parks technical assistance grant.
6. Santa Fe Bike Month Planning is in full form with virtual and COVID safe events in May and possible gathering events in October in coordination with the Santa Fe Century.

For Agenda Item 7.a

90% Design Plan Review for Camino Entrada Intersection Improvements Project



TO DOWNLOAD THE FILE:

Please go to www.soudermiller.com and click on “Login” in the upper right corner of the webpage. Enter the username and password below:

Username: **caminoentrada**

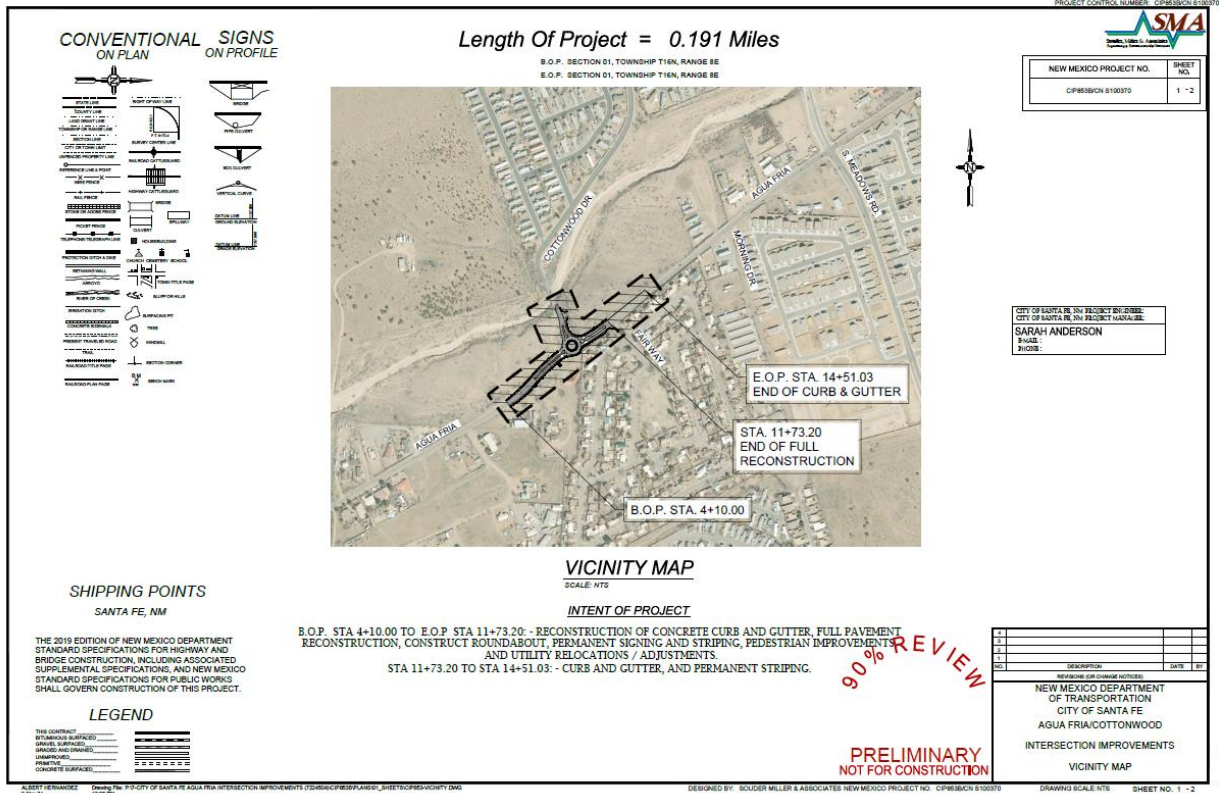
Password: **cip842b**

Click “My Files”, then the “90% Plan Submittal” folder, and the files are available to download.

City Project Manager: Romella Glorioso-Moss, PhD, AICP; rsglorioso-moss@santafem.gov, (505) 955-6623.

For Agenda Item 7.b

90% Design Plan Review of Agua Fria – Cottonwood Intersection Improvements Project



TO DOWNLOAD THE FILE:

Direct your web browser (Chrome or Edge) to:
<https://www.soudermiller.com/account/login>

username: AguaFria
 password: af2021!

Files are located in the My Files Folder under the PIH 90% Folder.

City Project Manager: Thomas Graham, AIA, ADAC, CASp, NCARB
tmgraham@santafenm.gov, (505) 955-6654.

Background information for

7.d Public Works Department Temporary Street Closure Permitting Process

https://www.santafenewmexican.com/news/local_news/santa-fe-city-council-approves-proposal-to-close-downtown-streets/article_87749c1a-b632-11ea-9e4c-efde57357a39.html

Santa Fe City Council approves proposal to close downtown streets

By Daniel J. Chacón dchacon@sfnewmexican.com

Jun 24, 2020

Restaurants and other businesses in Santa Fe trying to survive under occupancy restrictions imposed by the state as part of an ongoing effort to contain the spread of COVID-19 will be allowed to expand their footprint outside.

Mayor Alan Webber and the City Council voted 7-2 Wednesday to approve a resolution that establishes a framework for the closure of city streets to vehicles through at least Halloween.

“You guys went against the voice of the community, and I have to vote ‘no,’ ” said City Councilor Michael Garcia, who proposed an unsuccessful amendment to keep San Francisco Street open between Galisteo Street and Cathedral Place.

While at least one street bordering the Santa Fe Plaza must be accessible to vehicles “at all times” under the measure, an effort by Garcia and City Councilor JoAnne Vigil Coppler to exclude San Francisco Street failed.

“My whole thing here with the San Francisco Street staying open is I have a belief that we have enough controversy in this city right now — we have enormous controversy,” said Vigil Coppler, referring to divisions over historical monuments, among other issues. “We have petitions every which way, and one of them is this one.”

The possibility of closing San Francisco Street generated strong objections from some native Santa Feans and also sparked a petition started by former City Councilor Ron Trujillo and signed by nearly 3,000 people opposing such a closure.

“We as councilors, we listen to the people when we’re out there asking for their vote,” Garcia said. “But we’re not out there listening to that when they’re asking us to do the work on their behalf. So think about your vote.”

Garcia urged his colleagues to not be “dismissive” of the public, who he said in some instances were “shouting from the rooftops, ‘Do not close San Francisco Street.’ ” He said he received “overwhelming requests” to keep the street open.

Webber, who sponsored the resolution, which initially called for the closure of San Francisco Street, said it was “premature” to presume the roadway would be closed.

“We won’t be voting on what gets closed or not. This would be a professional decision based on the expertise of the city staff,” the mayor said. “We won’t be taking it into our own hands.”

Under the resolution, temporary street closures will be established through the issuance of an “obstruction of streets permit” issued by the city’s Public Works Department. At least 75 percent of the businesses and residents whose primary access is on the street must support the proposed street closure. The proposal also calls for all streets surrounding the Plaza to be open to vehicular traffic during designated cruise nights.

Streets deemed as “major arterials and collectors,” such as Cerrillos Road and St. Francis Drive, will not be eligible for street closures.

Follow Daniel J. Chacón on Twitter *@danieljchacon*.

Daniel Chacon

Reporter

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CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2020-24

INTRODUCED BY:

Mayor Alan Webber

A RESOLUTION

**ESTABLISHING A FRAMEWORK FOR THE CLOSURE OF STREETS TO
VEHICULAR TRAFFIC FOR A CERTAIN PERIODS DURING 2020.**

WHEREAS, businesses throughout the City of Santa Fe have felt the economic impact of mandated business closures, followed by limited reopenings, as a result of the COVID-19 pandemic; and

WHEREAS, local businesses and the City government seek creative solutions to allow safe and open options for Santa Fe’s residents and visitors during the unprecedented situation; and

WHEREAS, local businesses, in order to adapt to the current pandemic, have developed creative opportunities to “virtually experience Santa Fe” that allow people to attend cooking classes, take a virtual walkthrough of museums, take flamenco lessons, participate in daily meditations, or even listen to a live book reading from a local bookstore; and

WHEREAS, the Public Health Order issued on June 12, 2020 restricts restaurants to fifty percent (50%) of their normal capacity and restricts retail businesses to twenty-five percent (25%)

1 of capacity;

2 **WHEREAS**, if restaurants and businesses are able to expand their capacities safely, that
3 opportunity will improve their abilities to survive the health and economic crises;

4 **WHEREAS**, one opportunity for restaurants and other businesses to expand their
5 capacities safely is to occupy portions of City-owned properties, such as publically owned
6 sidewalks, roads, or parking spaces; and

7 **WHEREAS**, the City has identified a mechanism for individual business's use of
8 portions of public roads, sidewalk, and parking spaces through an obstruction permit;

9 **WHEREAS**, the State has provided the opportunity for restaurants holding an alcohol
10 license to increase their footprints by twenty-five percent (25%), under certain circumstances;

11 **WHEREAS**, there is legislation under review by the Governing Body to expand the
12 permissible areas for the sale and consumption of alcohol to include City property; and

13 **WHEREAS**, the City closes certain streets to vehicular traffic annually to improve the
14 pedestrian experience, community building opportunities, and economic development
15 opportunities; in particular, the Governing Body adopted Resolution No. 2014-49—People to the
16 Plaza—to close three of the four streets bordering the Plaza, from Memorial Day through the
17 Monday following the annual Fiesta de Santa Fe; and

18 **WHEREAS**, as a result of the popularity of the People to the Plaza initiative, Resolution
19 No. 2014-49 was amended by Resolution Nos. 2014-75 and 2016-80 to extend the time period of
20 the closure to October 31 or such later date determined by the city manager based upon weather
21 on an annual basis; and

22 **WHEREAS**, many members of the Santa Fe business community as well as the public
23 have expressed a desire to provide increased and safer opportunities for pedestrian access
24 throughout the City, such as through additional road closures; and

25 **WHEREAS**, during the pandemic, cities such as Boston, Washington D.C., Minneapolis,

1 Oakland, and Seattle, among others, have temporarily closed streets to vehicular traffic to provide
2 pedestrians and cyclists with increased access while encouraging social distancing; and

3 **WHEREAS**, many of these cities have closed down multiple miles of streets to normal
4 vehicular traffic, with New York City planning on eventually closing down 100 miles of roadway
5 to vehicular traffic; and

6 **WHEREAS**, closing certain streets in Santa Fe until the end of October, 2020, would
7 allow more restaurants and businesses to take advantage of the State and City opportunities to
8 expand their footprints and would allow for greater access to those businesses by non-vehicular
9 traffic; and

10 **WHEREAS**, the opening of streets and allowing businesses to increase their outdoor
11 square footage is not only good for businesses but will increase the safety of workers as they
12 work within the confines imposed as a result of the COVID -19 pandemic.

13 **NOW, THEREFORE, BE IT RESOLVED** that the City shall apply the following
14 framework when evaluating the temporary closure of streets to vehicular traffic:

15 1. Temporary street closures will be established by the City of Santa Fe Public
16 Works Department, in conjunction with the Department's issuance of Obstruction of Streets
17 Permits.

18 2. Before the City issues an Obstruction of Streets Permit to any business seeking to
19 occupy space on a street closed to vehicular traffic, the business shall provide a diagram of the
20 City property the business seeks to use.

21 3. Temporary street closures may only be implemented between July 1 and October
22 31, 2020, unless extended by adoption of a resolution by the Governing Body.

23 4. Any business that utilizes City property on a closed street pursuant to this
24 Resolution shall not conduct business on the street between the hours of 11:00 pm and 6:00 am.

25 5. At least seventy-five percent (75%) of the businesses and residents whose

1 primary access is on the proposed street must support the proposed street closure, as certified by
2 the businesses and residents through a petition submitted to the Public Works Department
3 Director.

4 6. The terms of the closure shall ensure adequate emergency access, verified by the
5 City's Police and Fire Departments.

6 7. The terms of the closure shall accommodate accessible parking, ADA
7 compliance, and adequate access for deliveries before 10:00 a.m. ea ch day.

8 8. At least one street bordering the Plaza shall be accessible to vehicular traffic at
9 all times.

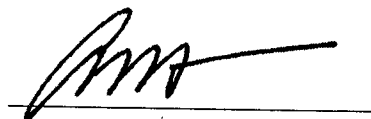
10 9. Major arterials and collectors, as defined by the Santa Fe Metropolitan Planning
11 Organization, shall not be closed to vehicular traffic pursuant to this Resolution.

12 PASSED, APPROVED, and ADOPTED this 24th day of June, 2020.

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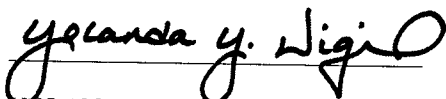
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ATTEST:



ALAN WEBBER, MAYOR

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YOLANDA Y. VIGIL, CITY CLERK

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APPROVED AS TO FORM:

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ERIN K. McSHERRY, CITY ATTORNEY

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Legislation/2020/Resolutions/2020-24 Temporary Street Closure



INSTRUCTIONS FOR OBTAINING PERMIT FOR OBSTRUCTION OF STREETS

City of Santa Fe Code, Chapter 23-1.4 states that any person desiring to place any obstruction on any public street, alley or way in the city shall make application to the public works department for a permit to do so.

Steps for submitting an application for an Access Permit:

1. **Pick up an Application Packet** from the Public Works Department - Traffic Engineering Division office, 500 Market Street Suite 200, or from the City of Santa Fe website (www.santafenm.gov). Application Packets can also be mailed to applicants via US Mail upon request by calling 955-6931.
2. **Return Completed Applications** to the Public Works Department - Traffic Engineering Division. Completed Applications can also be submitted via US Mail to the City of Santa Fe Public Works Department - Traffic Engineering Division, PO Box 909, Santa Fe, NM, 87504-0909. Completed packets can also be submitted by email to jmmartinez1@santafenm.gov
3. **Please allow up to five (5) working days for application to be approved.**
4. **If approved**, the applicant will be contacted to schedule an appointment to pick up the permit and pay the \$100 permit fee.

CHECK LIST FOR SUBMITTING AN APPLICATION:

1. _____ PERMIT APPLICATION (FOLLOWING PAGE)
2. _____ ACCURATE DRAWING OF PROPOSED OBSTRUCTION OF STREETS INCLUDING ALL NEEDED TRAFFIC CONTROL. TRAFFIC CONTROL MUST COMPLY WITH THE MOST CURRENT EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
3. _____ PROOF OF GENERAL LIABILITY INSURANCE IN THE AMOUNT OF \$1,050,000 THAT NAMES THE CITY OF SANTA FE AS A POLICY HOLDER
4. _____ IN SOME CASES A \$10,000 SURETY BOND THAT NAMES THE CITY OF SANTA FE AS A POLICY HOLDER WILL BE NEEDED. THE TRAFFIC ENGINEERING DIVISION WILL DETERMINE IF A SURETY BOND IS NEEDED.
5. _____ APPLICANT MUST ALSO CONTACT AND COORDINATE WITH THE PARKING DIVISION (505-955-6667 OR 505-955-6615) REGARDING BAGGING PARKING METERS AND/OR PARKING IN OTHER WISE NON-PERMITTED AREAS.
6. _____ A PERMIT FEE OF \$100 WILL BE COLLECTED WHEN PERMIT IS ISSUED. (CASH, VISA OR MASTER CARD, OR CHECK TO THE CITY OF SANTA FE).

*The Traffic Engineering Division must obtain authorization from the City's Fire Marshal prior to issuance of permit.



City of Santa Fe
Public Works Department
Application for Permit for Obstruction of Streets

A Permit for a legal obstruction of any public street alley or way in the city is governed by the requirements of City Code §23-1.4.

APPLICANT NAME _____

MAILING ADDRESS _____

EMAIL ADDRESS (OPTIONAL) _____

APPLICANT PHONE NUMBER _____

IN ACCORDANCE WITH THE ATTACHED PLAN OR SKETCH, APPLICATION IS MADE FOR OBSTRUCTION OF STREETS FOR THE FOLLOWING LOCATION:

COMPANY NAME _____

LOCATION _____

REASON FOR OBSTRUCTION: _____

DATES OF OBSTRUCTION _____

Additional Comments:

If this permit is granted, I/we agree to comply with all of the conditions, restrictions, and ordinances of the City of Santa Fe, which govern this permit. I/We further understand that failure to comply with the conditions of this permit may result in revocation of this permit and possible fines or other legal actions imposed by the City of Santa Fe.

Applicant Signature _____ *Date* _____

For Office Use Only

DATE IN _____ DATE OUT _____

REVIEWED AND SIGNED BY _____

PERMIT APPLICATION NUMBER _____

For Agenda Item 7.e Engineering Staff Requests and Recommendations

2012 Sharrows installed for maintenance.

LOCATION/ NO. of SHARROWS INSTALLED	PRIORITY for MAINTENANCE/ REPLACEMENT			
	IMMEDIATELY	WITHIN A YEAR	SOMETIME NEXT YEAR	NOT A PRIORITY
Henry Lynch (10)				
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Grant Avenue (10)				
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10.				
Palace Avenue (29)				
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LOCATION/ NO. of SHARROWS INSTALLED	PRIORITY for MAINTENANCE/ REPLACEMENT			
	IMMEDIATELY	WITHIN A YEAR	SOMETIME NEXT YEAR	NOT A PRIORITY
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LOCATION/ NO. of SHARROWS INSTALLED	PRIORITY for MAINTENANCE/ REPLACEMENT			
	IMMEDIATELY	WITHIN A YEAR	SOMETIME NEXT YEAR	NOT A PRIORITY
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49.				
Old Santa Fe Trail (27)				
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LOCATION/ NO. of SHARROWS INSTALLED	PRIORITY for MAINTENANCE/ REPLACEMENT			
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Camino De Monte Sol (9)				
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Camino Cabra (6)				
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Camino De Los Montoyas (15)				
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Artist Rd. (5)				

LOCATION/ NO. of SHARROWS INSTALLED	PRIORITY for MAINTENANCE/ REPLACEMENT			
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Lower Gonzales Rd. (3)				
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Upper Gonzales (4)				
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Second St. (4)				
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4.				
Galisteo St. (8)				
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Marcy St. (12)				
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Baca (22)				

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Pacheco St. (9)				
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Paseo De Peralta (32)				
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LOCATION/ NO. of SHARROWS INSTALLED	PRIORITY for MAINTENANCE/ REPLACEMENT			
	IMMEDIATELY	WITHIN A YEAR	SOMETIME NEXT YEAR	NOT A PRIORITY
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Guadalupe St. (13)				
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North Paseo De Peralta (10)				
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LOCATION/ NO. of SHARROWS INSTALLED	PRIORITY for MAINTENANCE/ REPLACEMENT			
	IMMEDIATELY	WITHIN A YEAR	SOMETIME NEXT YEAR	NOT A PRIORITY
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Osage (6)				
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6.				
Cordova Rd. (1)				
1.				
Wagon Rd. (4)				
1.				
2.				
3.				
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Jaguar Drive (13)				
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Governor Miles (1)				
1.				
Washington (from federal to Marcy) (2)				
1.				

LOCATION/ NO. of SHARROWS INSTALLED	PRIORITY for MAINTENANCE/ REPLACEMENT			
	IMMEDIATELY	WITHIN A YEAR	SOMETIME NEXT YEAR	NOT A PRIORITY
2.				

1 **CITY OF SANTA FE, NEW MEXICO**

2 **RESOLUTION NO. 2018-72**

3 **INTRODUCED BY:**

4
5 Councilor JoAnne Vigil Coppler

6 Councilor Peter N. Ives

7
8
9
10 **A RESOLUTION**

11 **IN SUPPORT OF THE INSTALLATION AND MAINTENANCE OF SAFETY SIGNAGE**
12 **IN THE CITY FOR PEOPLE ON BICYCLES.**

13
14 **WHEREAS**, under NMSA 1978, Section 66-3-702 and Section 12-8-2 of the City of
15 Santa Fe Uniform Traffic Ordinance, people on bicycles have the same rights as vehicle drivers,
16 subject to limitations that are unrelated to use of the full lane, therefore people on bicycles may
17 use the full vehicle travel lane; and

18 **WHEREAS**, under NMSA 1978, Section 66-3-705 and Section 12-8-14 of the Uniform
19 Traffic Ordinance, a person on a bicycle may use the full lane in a number of circumstances that
20 the person riding a bicycle must personally assess; and

21 **WHEREAS**, increasing the bicycle safety awareness in the City by better educating
22 vehicle drivers of a person on a bicycle's legal right to use the full vehicle travel lane is a priority
23 for the bicycling community; and

24 **WHEREAS**, the New Mexico Transportation Commission adopted the Federal Highway
25 Administration's "Manual on Uniform Traffic Control Devices" (MUTCD) via Resolution No.

1 2003-5 as the NMDOT Design Manual and it currently governs roadway signage in New Mexico;
2 and

3 **WHEREAS**, the MUTCD includes regulatory sign R4-11, which correctly displays to
4 road users the message that “Bicycles May Use Full Lane”; and

5 **WHEREAS**, under the MUTCD, Section 2B.01.01, regulatory signs that state messages
6 like “Bicycles May Use Full Lane” inform and educate road users of selected traffic laws and
7 indicate the applicability of State’s and City’s legal requirements; and

8 **WHEREAS**, under the MUCTD yellow signs like “Share The Road” are mere advisory
9 warning signs and the MUTCD, under Section 2C.02.02, advises minimal use of advisory signs;
10 and

11 **WHEREAS**, two published transportation studies (“Effects of ‘Bicycles May Use Full
12 Lane’ Signs on Bicyclist and Motorist Behavior along Multi-Lane Facilities, University of Texas
13 at Austin, 2010; and “Bicycles May Use Full Lane” Signage Communicates U.S. Roadway Rules
14 and Increases Perception of Safety, North Carolina State University, 2015) have shown that
15 “Bicycles May Use Full Lane” signs are superior to “Share The Road” signs because they more
16 effectively communicate the rules of the road; and

17 **WHEREAS**, at least thirteen other states or jurisdictions have adopted “Bicycles May
18 Use Full Lane” signs; and

19 **WHEREAS**, in 2011 the Governing Body adopted Ordinance No. 2011-23, which
20 amended Section 12-6-2.7(F) of the Uniform Traffic Ordinance to require a 5-foot minimum
21 passing distance when motor vehicles pass people on bicycles; and

22 **WHEREAS**, vehicle drivers within the City should be educated as to the requirement in
23 Section 12-6-2.7(F) of the Uniform Traffic Ordinance for a 5-foot minimum passing distance
24 when motor vehicles pass people on bicycles; and

25 **WHEREAS**, people on bicycles within the City should be educated on their legal

1 requirements to be safe bicycle riders, sharing the road with vehicle drivers and following the
2 same traffic laws per the Uniform Traffic Ordinance; and

3 **WHEREAS**, the Governing Body seeks to grow the bicycle ecosystem to make the City
4 safe for people on bicycles, attract business investment and growth, promote the outdoor
5 recreation economy, foster public health and wellness, and increase sustainability.

6 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
7 **CITY OF SANTA FE** that it is the policy of the City of Santa Fe to change bicycle safety signs
8 throughout the City as follows:

9 1. cease the use of “Share The Road” signs and adopt the use of “Bicycles May Use
10 Full Lane” signs in accordance with the MUTCD and other applicable standards;

11 3. as soon as practicable, but in no less than one calendar year from the date of the
12 adoption of this Resolution, replace all existing “Share The Road” signs with “Bicycles May Use
13 Full Lane” signs; and

14 3. as soon as practicable, but in no less than one calendar year from the date of the
15 adoption of this Resolution, erect signs that are conspicuous and easily readable from a moving
16 vehicle on roads at the City limits and other such appropriate locations within the City, clearly
17 advising motorists of the City Ordinance requiring a 5-foot minimum passing distance when
18 vehicles pass bicycles in the City.

19 PASSED, APPROVED, AND ADOPTED this 12th day of December, 2018.

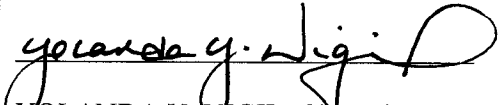
20
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23 ALAN M. WEBBER, MAYOR
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1 ATTEST:

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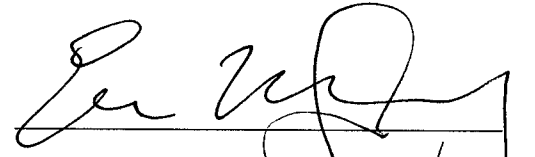
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YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

6

7


ERIN K. McSHERRY, CITY ATTORNEY

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M/Legislation/Resolutions 2018/2018-72 Bicycle Safety Signs



MAY USE

FULL LANE

7.g E-bikes

<https://www.peopleforbikes.org/electric-bikes/policies-and-laws>

State Electric Bicycle Laws | A Legislative Primer

2/24/2021

Table of Contents

Contact

Introduction



The past few years have seen a marked increase in the number of electric bicycles (or “e-bikes”) in the U.S.

This primer deals specifically with low-speed electric bicycles as defined by the Consumer Product Safety Commission. E-bikes are most frequently “pedal-assist” or “muscle-assist,” meaning the rider must be pedaling for the electric motor to engage. E-bikes may also come equipped with a throttle that allows the bike to be propelled without pedaling.

The bicycle's low-speed electric motor provides a boost of power to climb hills, extend the range of trips where a bicycle can be used, allow current bicycle users to bike more often and farther, provide a new recreation option for people who want to bike and in general, extend the range of any ride.

Low-speed e-bikes are as safe and sturdy as traditional bicycles and move at speeds similar to conventional bikes. E-bikes are emissions-free, low impact and operate silently. E-bikes vary widely in terms of shape and size, but the different types closely align with those of regular bicycles. E-bikes resemble traditional bicycles in both appearance and operation and do not function similarly to mopeds, scooters and other motorized vehicles.

According to a 2018 [bicycle industry analysis](#), e-bikes sales increased 83 percent between May of 2017 and May of 2018, and e-bikes made up 10 percent of overall bikes sales in the U.S. for that time period. While the Asian and European e-bike markets are more robust, industry advocates hope to continue to expand U.S. e-bike sales.. Most major U.S. bicycle brands sell e-bikes, and bicycle manufacturers have moved or are positioning themselves to move to the U.S. to capitalize on the growing market.

Electric bicycles cost on average \$2,000 - \$3,000, versus a \$1,000 average investment for a mid-range traditional commuter bicycle. An investment in an electric bicycle is appealing to those who are looking to replace short trips typically made by car, therefore the investment can be justified if the buyer factors in the reduced cost of car maintenance and fuel.

Reasons for purchasing an e-bike vary, with some looking for a cheap commuting mode and others looking for a less physically demanding bicycle option or help bicycling through hilly areas. E-bikes may also provide a more attractive and feasible choice to take short trips. According to U.S. Department of Transportation survey data, half of all trips in the U.S. are three miles or less in length, a distance widely regarded as bikeable for most adults and even more feasible for electric bicycle riders. Seventy-two percent of those trips are currently made by cars and fewer than 2 percent by bicycle. E-bikes also provide a new transportation and recreation option for people with disabilities and those with physical limitations.

E-bikes have even been embraced by the nation's rapidly expanding bike-share systems. In 2011, the University of Tennessee-Knoxville launched the [country's first](#) electric bicycle sharing system, with two bike-share stations on their campus. In 2015, Birmingham, Ala., unveiled a citywide bike-share system with 100 e-bikes in the fleet of 400 bikes, in the hopes the program will attract more novice riders. With the aid of private funds, [Utah has unveiled](#) a small electric bike-share system at their State Capitol complex. Richmond, Va., will be unveiling an electric bicycle sharing system soon. Dockless bike-sharing systems are also rapidly integrating e-bikes into their fleets; companies such as JUMP Bike and Motivate now offer dockless e-bikes in cities such as Austin, Denver and Sacramento.

State legislatures have begun to grapple with how to differentiate and define e-bikes and regulate their operation and equipment standards on roadways and trails in their respective states. One challenge is the distinction between other motorized vehicles such as scooters and mopeds, and the burgeoning market and interest in e-bikes as a cost-effective and environmentally friendly transportation option.

E-bike Safety Research



When faced with an e-bike bill, legislators and stakeholders by and large first question the safety, speed and allowed areas of operation for an e-bike. As part of a [2015 survey](#) of Americans regarding their opinions about e-bikes, 72 percent of respondents stated their top concern was safety. With respect to speed, the research is mixed and somewhat inconclusive thus far with regards to the typical speed of e-bikes and how much that differs from traditional bicycles.

One study from Sweden found average travel speeds for e-bikes to be over 5 miles per hour faster than for traditional bicycles (14 mph versus 8.7 mph). However, [a study](#) of the University of Tennessee-Knoxville's e-bike sharing system did not find much difference in the average travel speeds and the average top speeds for e-bikes versus traditional bikes and stated in its finding that "With few exceptions, riders of e-bike behave very similarly to riders of bicycles." A [2016 study](#) examining the relative probability of an e-bike versus a conventional bike to be involved in a traffic conflict did note that there was a higher risk of conflict at an intersection for e-bikes, because of higher speeds approaching an intersection. Otherwise, the study found little or no difference with regards to risk or actual conflicts.

Cultural norms, law enforcement of speed limits, physical infrastructure and other factors all likely play a role in bicycling speeds and other bicycling operation decisions made by conventional traditional bikes and e-bikes and it is clear further research is needed.

Electric Bicycle



An e-bike that meets the federal definition of an electric bicycle and is subject to product safety standards for bicycles.

Federal Role, Definition and Actions

At the federal level, a 2002 law enacted by Congress, [HB 727](#), amended the Consumer Product Safety Commission definition of e-bikes. The law defined a low-speed electric bicycle as “A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), 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.” The federal law permits e-bikes to be powered by the motor alone (a “throttle-assist” e-bike), or by a combination of motor and human power (a “pedal-assist” e-bike).

Significantly, federal law only specifies the maximum speed that the e-bike can travel under motor power alone. It does not provide a maximum speed when the bicycle is being propelled by a combination of human and motor power, which is how e-bikes are predominantly ridden. The Consumer Product Safety Commission has clarified that the federal law does allow e-bikes to travel faster than 20 mph when using a combination of human and motor power.

This law distinguishes, at the federal level, e-bikes that can travel 20 mph or less under motor power alone from motorcycles, mopeds and motor vehicles. Devices that meet the federal definition of an electric bicycle are regulated by the Consumer Product Safety Commission and must meet bicycle safety standards. However, as a 2014 [e-bike law primer](#) notes, this federal law only applies to the e-bike’s product standards and safety.

State traffic laws and vehicle codes remain the sole domain of states and state legislatures. In other words, the manufacturing and first sale of an e-bike is regulated by the federal government, but its operation on streets and bikeways lies within a state’s control. Thus, many states still have their own laws that categorize e-bikes with mopeds and other motorized vehicles, require licensure and registration, or do not enable them to be used on facilities such as bike lanes or multi-purpose trails.

State Legislative Scan

There has been a steady stream of legislative action at statehouses regarding e-bikes since 2015. State legislation has focused on three dynamics:

- Revising older state laws that classify e-bikes as mopeds and scooters and may include burdensome licensure, registration or equipment requirements.
- Creating three-tier classification systems for e-bikes depending on their speed capabilities.
- Refining more recent e-bike laws that could benefit from further clarification and detail.

The District of Columbia (D.C.) and 44 states in some manner define an electric bicycle:

Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee,

Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin and Wyoming. All these states have different laws regarding the operation of electric bicycles. In the remaining states, electric bicycles lack a specific definition and may be included within another vehicle class such as “moped” or “motorized bicycle.”

In Mississippi, there is no clear designation for an electric bicycle, but an [attorney general opinion](#) indicates that an electric bicycle would be considered a bicycle. While Kentucky also lacks a definition for e-bikes, the Department of Transportation passed an administrative regulation in 2015 that brought e-bikes within the scope of the state’s bicycle regulations.

Three-Tiered E-Bike Classification System

Twenty-six states (Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Louisiana, Maine, Maryland, Michigan, New Hampshire, New York, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, Wisconsin and Wyoming) have created a three-tiered e-bike classification system intended to differentiate between models with varying speed capabilities. These states have almost identical defining language for e-bikes, as well as similar safety and operation requirements.

New Jersey and West Virginia both established a two-tiered classification system. In New Jersey’s case, the definition only includes the first two tiers of classification. The legislature then modified its “motorized bicycles” definition by stating that such device is one that operates in excess of 20 MPH with a maximum motor-powered speed of 28 MPH. This would generally meet the definition of a “class three” e-bike. In West Virginia, the law provides for “class one” and “class three” e-bikes, but not the “class two” classification e-bike that can be propelled solely by a motor up to 20 MPH.

Class 1 electric bicycle	A 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 miles per hour.
Class 2 electric bicycle	A 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 miles per hour.
Class 3 electric bicycle	A 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 miles per hour and is equipped with a speedometer.

Any device outside of these definitions is not considered a low-speed electric bicycle that would be regulated as a bicycle.

Helmet Requirements

At least 25 states and D.C. have some sort of helmet requirement for e-bike riders and passengers. These often apply to riders under a certain age.

- Connecticut has the strictest requirement, requiring operators and passengers for all classes of e-bikes to wear protective headgear.
- Florida, Maine and Maryland require any e-bike operator or passenger under 16 years of age to wear a helmet, while New Jersey requires any e-bike operator or passenger under 17 to wear a helmet and New York requires any e-bike operator or passenger under 14 to wear a helmet. Moreover, Delaware requires any e-bike operator or passenger under 18 to wear a helmet.
- California, Georgia, Louisiana, New York, Ohio, Tennessee, Virginia and West Virginia require the operator and all passengers of class three electric bicycles, regardless of age, to wear protective headgear.
- Arkansas requires operators and passengers of a class three e-bike under age 21 to wear protective headgear.
- Colorado, Indiana, Michigan, New Hampshire, South Dakota and Utah require helmets for those under age 18 operating or riding on a class three e-bike. Additionally, in South Dakota, any passenger on a class three e-bike, regardless of age, must wear a helmet.

However, 25 states do not have helmet requirements for any class of e-bike. Of which, at least eight, including Arizona, Idaho, Illinois, Oklahoma, Texas, Washington, Wisconsin and Wyoming, have enacted specific e-bike laws without such requirements.

Twenty-two states and D.C. have helmet laws that apply to all bicyclists, including e-bike riders, under a certain age, ranging from under 12 to 18 years of age.

- Alabama, Connecticut, Florida, Georgia, Hawaii, Kansas, Maine, Maryland, Massachusetts, New Hampshire, North Carolina, Oregon, Rhode Island, Tennessee and D.C. require riders under age 16 to wear a helmet.
- In California, Delaware and New Mexico, riders under 18 must wear a helmet.
- In New Jersey, riders under 17 must wear a helmet. In West Virginia, riders under 15 must wear a helmet and, in New York, riders under 14 must wear a helmet. In Louisiana and Pennsylvania, riders under 12 must wear a helmet.

Registration, Licensure, and Insurance Requirements

States with a three-tiered classification system typically exempt an e-bike from registration, licensure and insurance requirements to differentiate between e-bikes and other motorized vehicles such as mopeds and scooters.

- For example, Idaho’s law specifically states mopeds and motorcycles are not e-bikes and explicitly exempts e-bike operators from licensure, registration and titling requirements.
- New Jersey’s two-tiered classification system exempts “low-speed e-bikes,” which have a maximum operating speed of 20 MPH, from registration, licensure and insurance requirements. However, the law also defines “motorized bicycle” as a pedal bicycle having an electric motor that propels the bicycle in excess of 20 MPH with a maximum motor-powered speed of 28 MPH. These devices must still register with the state Motor Vehicle Commission and riders must also be at least 15, have a valid license, insurance and wear a helmet. Illinois’ law allows local authorities to regulate the operation of bicycles, low-speed electric bicycles, low-speed gas bicycles and also require registration and licensing of the same, as well as requiring a registration fee.
- Wyoming also empowers localities to enact a registration fee as part of any local ordinances governing the operation, registration and licensure of non-electric bicycles and e-bikes.
- Hawaii requires e-bikes to be registered and to pay a one-time fee of \$30. Owners of non-electric bicycles in Hawaii must register their bikes as well, but the fee is \$15.

All 26 states with a three-tiered classification system require an e-bike to be affixed with a label that states the classification number, top-assisted speed and motor wattage.

E-Bike Licensing and Operation

Overall, at least six states—Alabama, Alaska, Massachusetts, Missouri, New Mexico and North Dakota—require a license to operate an e-bike, typically because they still fall under the designation of another motorized vehicle classification with licensure and registration requirements and have not had a distinct e-bike law created. Utah and Vermont are examples of states that have recently eliminated e-bike licensure and registration requirements. Some states, including Alabama and Alaska, that define e-bikes in some manner still nonetheless require an operator’s license to ride an e-bike.

E-bike Operation on Multi-Use Paths



Of the 43 states and D.C. that define e-bikes, some state laws, such as in Arizona, Minnesota, Utah and Washington, specifically allow e-bike operation on facilities such as bicycle paths or greenways, with the caveat that many carve out exceptions for localities to

enact stricter operation regulations on such bike and pedestrian facilities. In Delaware, Iowa and Nebraska, electric bicycles are defined within the existing definition of a bicycle, therefore there is not a distinction when it comes to operation on trails. Vermont specifies that motor-assisted bicycles are governed as bicycles and have the same rights and duties applicable to bicyclists. Hawaii's law does not include restrictions on where e-bikes may operate.

Conclusion

Assuming the continued robust growth of the e-bike industry, state legislatures will likely continue to grapple with defining e-bikes, clarifying operation, safety and equipment standards and further distinguishing from motorized vehicles such as mopeds and scooters.

For further information on e-bike laws, research, news and industry updates visit [People for Bikes](#).



Memo

To: BTAC

From: Yolanda Eisenstein

Re: E-bikes

Date: October 8, 2020

I have done some preliminary research on state laws regarding e-bikes. My search pulled up more than 200 state laws, so I narrowed it down and looked at a few states for any trends. The following is based on the states of California, Connecticut, Illinois, Michigan, Nevada, Tennessee, and Texas. I simply tried to look at a mix of geographies.

Most laws fell into the following categories:

Definitions

The bicycles are in classes 1, 2, and 3. Class 3, which can reach speeds of 28 mph, often had different rules and prohibitions from those for classes 1 and 2. Generally the e-bikes were classified with bicycles, scooters, mopeds, and personal mobility devices, not with motor vehicles.

I found some bikes on the internet that go faster than 28 mph and there were a number of state laws that prohibit modifications. Apparently, some states have either had problems of this nature or are trying to head off any problems in advance.

Manufacturing Specifications/Equipment

Many of the laws were related to manufacturing. I found requirements related to labeling, which should clearly show the class, speed, and wattage; and compliance with federal laws.

Safety

The safety laws were about helmets, age restrictions, lights, reflectors, brakes, etc. Some prohibited Class 3 e-bikes on sidewalks or trails.

Other

Other laws varied. I could not find anything specifically on electric bicycles in the states of Oregon, Washington, and Colorado. That could mean that the municipalities have taken the lead with ordinances; that these states feel that their existing laws are sufficient; or, they just haven't passed anything yet. Gov. Cuomo actually vetoed the first set of laws in New York.

Local ordinances are a bit more tedious to research, but I did look at city ordinances for Seattle and Portland. Portland seems to be looking at the entire electric vehicle industry and is specifically looking at parking ordinances. Seattle has incorporated electric bicycles into their existing ordinances and has enacted some new ones, such as definitions.

New Mexico

I could not find any statutes for New Mexico in the legal database that specifically address electronic bicycles. In an internet search I read that there is a helmet law for e-bikes, but I didn't find it. I assume it's a general bike helmet law. I did find a couple of biking-related websites that said e-bikes are illegal in New Mexico because "they are defined as 'mopeds' and are subject to the licensing and insurance requirements that apply to motor vehicles." As defined in the New Mexico statute, "moped means a two-wheeled or three-wheeled vehicle with an automatic transmission and a motor having a piston displacement of less than fifty cubic centimeters, that is capable of propelling the vehicle at a maximum speed of not more than thirty miles an hour on level ground, at sea level."

I've attached Tennessee's laws to give everyone an idea of what I found generally. At this point I will leave it open for a committee discussion as to our next steps. I'm happy to do some additional research.

Yolanda Eisenstein

Attachments

§ 55-8-301. Definitions, TN ST § 55-8-301

West's Tennessee Code Annotated
Title 55. Motor and Other Vehicles (Refs & Annos)
Chapter 8. Operation of Vehicles--Rules of the Road (Refs & Annos)
Part 3. Electric Bicycles

T. C. A. § 55-8-301

§ 55-8-301. Definitions

Effective: July 1, 2016
Currentness

As used in this part:

- (1) "Class 1 electric bicycle" means an 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 twenty miles per hour (20 mph);
- (2) "Class 2 electric bicycle" means an electric 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 twenty miles per hour (20 mph);
- (3) "Class 3 electric bicycle" means an 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 twenty-eight miles per hour (28 mph); and
- (4) "Electric bicycle" means a device upon which any person may ride that is equipped with two (2) or three (3) wheels, any of which is twenty inches (20") or more in diameter, fully operable pedals for human propulsion, and an electric motor of less than seven hundred fifty (750) watts, and meets the requirements of one (1) of the three (3) classes of electric bicycles defined in subdivision (1), (2), or (3).

Credits

2016 Pub.Acts, c. 823, § 2, eff. July 1, 2016.

T. C. A. § 55-8-301, TN ST § 55-8-301

Current with laws from the 2020 Second Extraordinary Session of the 111th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

§ 55-8-302. Electric bicycle; requirements, TN ST § 55-8-302

West's Tennessee Code Annotated
Title 55. Motor and Other Vehicles (Refs & Annos)
Chapter 8. Operation of Vehicles--Rules of the Road (Refs & Annos)
Part 3. Electric Bicycles

T. C. A. § 55-8-302

§ 55-8-302. Electric bicycle; requirements

Effective: July 1, 2016

Currentness

An electric bicycle and any person operating an electric bicycle is not subject to any requirements or laws applicable to motor vehicles, including the Tennessee Financial Responsibility Law of 1977, compiled in chapter 12, part 1 of this title; the Uniform Classified and Commercial Driver License Act of 1988, compiled in chapter 50 of this title; and chapters 3 and 4 of this title, relating to titling and registration. Except as otherwise specified by this part, the requirements and laws applicable to bicycles in this title shall apply to electric bicycles.

Credits

2016 Pub.Acts, c. 823, § 3, eff. July 1, 2016.

T. C. A. § 55-8-302, TN ST § 55-8-302

Current with laws from the 2020 Second Extraordinary Session of the 111th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

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§ 55-8-303. Electric bicycles; label, TN ST § 55-8-303

West's Tennessee Code Annotated
Title 55. Motor and Other Vehicles (Refs & Annos)
Chapter 8. Operation of Vehicles--Rules of the Road (Refs & Annos)
Part 3. Electric Bicycles

T. C. A. § 55-8-303

§ 55-8-303. Electric bicycles; label

Effective: July 1, 2016

Currentness

(a) On or after January 1, 2017, every manufacturer or distributor of new electric bicycles intended for sale or distribution in this state shall permanently affix, in a prominent location, to the electric bicycle a label that contains the classification number, top assisted speed, and motor wattage of the electric bicycle, and is printed in Arial font in at least nine-point type.

(b) On or after January 1, 2017, no new electric bicycle shall be sold to the general public in this state unless a label is affixed to the electric bicycle pursuant to subsection (a).

(c) A violation of subsection (a) or (b) is an unfair and deceptive act or practice under the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1.

Credits

2016 Pub.Acts, c. 823, § 4, eff. July 1, 2016.

T. C. A. § 55-8-303, TN ST § 55-8-303

Current with laws from the 2020 Second Extraordinary Session of the 111th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

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§ 55-8-304. Modifying electric bicycle and label; offense, TN ST § 55-8-304

West's Tennessee Code Annotated
Title 55. Motor and Other Vehicles (Refs & Annos)
Chapter 8. Operation of Vehicles--Rules of the Road (Refs & Annos)
Part 3. Electric Bicycles

T. C. A. § 55-8-304

§ 55-8-304. Modifying electric bicycle and label; offense

Effective: July 1, 2016

Currentness

It is an offense for a person to knowingly modify an electric bicycle so as to change the speed capability of the electric bicycle and not appropriately replace, or cause to be replaced, the label indicating the classification required in § 55-8-303. A violation of this section is a Class C misdemeanor.

Credits

2016 Pub.Acts, c. 823, § 5, eff. July 1, 2016.

T. C. A. § 55-8-304, TN ST § 55-8-304

Current with laws from the 2020 Second Extraordinary Session of the 111th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

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§ 55-8-305. Electric bicycles; requirements; equipment; offense, TN ST § 55-8-305

West's Tennessee Code Annotated
Title 55. Motor and Other Vehicles (Refs & Annos)
Chapter 8. Operation of Vehicles--Rules of the Road (Refs & Annos)
Part 3. Electric Bicycles

T. C. A. § 55-8-305

§ 55-8-305. Electric bicycles; requirements; equipment; offense

Effective: July 1, 2016

Currentness

(a) No electric bicycle shall be operated upon any street or highway unless the electric bicycle:

(1) Complies with applicable equipment and manufacturing requirements for electric bicycles established by state and federal law, including federal standards adopted by the United States consumer product safety commission and compiled in 16 CFR part 1512; and

(2) Is equipped in such a manner that the electric motor is disengaged or ceases to function when the brakes are applied, or that the electric motor is engaged through a switch or mechanism that, when released or activated, will cause the electric motor to disengage or cease to function.

(b) No class 3 electric bicycle shall be operated upon any street or highway unless it is equipped with a speedometer that displays the speed the electric bicycle is traveling in miles per hour.

(c) A person who knowingly operates an electric bicycle in violation of subsection (a) or (b) commits a Class C misdemeanor.

Credits

2016 Pub.Acts, c. 823, § 6, eff. July 1, 2016.

T. C. A. § 55-8-305, TN ST § 55-8-305

Current with laws from the 2020 Second Extraordinary Session of the 111th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

§ 55-8-306. Classes of electric bicycles; restrictions; offense, TN ST § 55-8-306

West's Tennessee Code Annotated
Title 55. Motor and Other Vehicles (Refs & Annos)
Chapter 8. Operation of Vehicles--Rules of the Road (Refs & Annos)
Part 3. Electric Bicycles

T. C. A. § 55-8-306

§ 55-8-306. Classes of electric bicycles; restrictions; offense

Effective: July 1, 2016

Currentness

(a)(1) A class 1 electric bicycle or a class 2 electric bicycle may be operated on any part of a street or highway where bicycles are authorized to travel, including a bicycle lane or other portion of a roadway designated for exclusive use by bicyclists, the shoulder or berm, and any path or trail intended for use by bicyclists.

(2) A local government or state agency having jurisdiction over any part of any path or trail where bicycles are authorized to travel may regulate or prohibit, by resolution or ordinance if a local government or by rule or policy if a state agency, the operation of a class 1 electric bicycle or class 2 electric bicycle on that path or trail, if the local government or state agency determines that the regulation or prohibition is necessary, in the interest of public safety.

(3) No class 3 electric bicycle shall be operated on any part of a path or trail where bicycles are authorized to travel, unless the path or trail is within or adjacent to the street or highway, or the local governing body or state agency having jurisdiction over the path or trail permits, by resolution or ordinance if a local government or by rule or policy if a state agency, the operation of a class 3 electric bicycle on that path or trail.

(4) No electric bicycle shall be operated on any sidewalk unless the use of bicycles on sidewalks is authorized by resolution or ordinance if a local government or by rule or policy if a state agency, of the local government or state agency having jurisdiction over that sidewalk, and the electric motor is disabled.

(5) Any local resolution or ordinance or state agency rule or policy adopted in accordance with this subsection (a) shall use the definitions in this part for electric bicycle, class 1 electric bicycle, class 2 electric bicycle, or class 3 electric bicycle. References to motor vehicles in any local resolution or ordinance shall not be applicable to an electric bicycle.

(6) A person who knowingly operates an electric bicycle in violation of subdivision (a)(3) or (a)(4) commits a Class C misdemeanor.

(b) On any roadway, highway, or street, electric bicycles shall be restricted, limited, or excluded by local resolutions and ordinances to the same extent as bicycles are restricted, limited, or excluded.

§ 55-8-307. Electric bicycle; helmet; delinquent acts; offense, TN ST § 55-8-307

West's Tennessee Code Annotated
Title 55. Motor and Other Vehicles (Refs & Annos)
Chapter 8. Operation of Vehicles--Rules of the Road (Refs & Annos)
Part 3. Electric Bicycles

T. C. A. § 55-8-307

§ 55-8-307. Electric bicycle; helmet; delinquent acts; offense

Effective: July 1, 2016

Currentness

- (a) It is a delinquent act for a person under fourteen (14) years of age to operate a class 3 electric bicycle upon any street or highway; provided, that the person may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.
- (b) The operator and all passengers of a class 3 electric bicycle, regardless of age, shall wear a properly fitted and fastened bicycle helmet meeting federal standards established by the United States consumer product safety commission or the American Society for Testing and Materials. A label on the helmet shall be affixed signifying the helmet complies with this subsection (b).
- (c)(1) A violation of subsection (a) shall be punishable only by a fine not to exceed fifty dollars (\$50.00).
- (2) A person who violates subsection (b) commits a Class C misdemeanor.

Credits

2016 Pub.Acts, c. 823, § 8, eff. July 1, 2016.

T. C. A. § 55-8-307, TN ST § 55-8-307

Current with laws from the 2020 Second Extraordinary Session of the 111th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text.

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