

ANCHORAGE, ALASKA
AO No. 2024-51(S), As Amended

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**
2 **MUNICIPAL CODE SECTIONS 09.04.010, 9.38.020, AND 25.10.010 TO REFIN**
3 **THE DEFINITION OF THE “ELECTRIC BICYCLE”, ALLOW FOR THE USE OF**
4 **ELECTRIC SCOOTERS, AND INCREASE EQUITABLE ACCESS AND IMPROVE**
5 **USER SAFETY ON TWO-WAY MIXED-USE TRAILS AND SIDEWALKS.**

6
7 **WHEREAS**, the Anchorage Assembly passed AO No. 2023-65(S-1), As Amended,
8 defining the term “vulnerable road user” and has worked to increase safety for
9 vulnerable road users on streets and roadways; and

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

13
14 **WHEREAS**, electric-assisted bicycles and electric-assisted scooters represent
15 [an] exciting and emerging alternative modes of transportation with the potential to
16 increase access to Anchorage’s extensive trail system; and

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

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23 **WHEREAS**, as with any new and potentially disruptive technology, electric-
24 assisted bicycles and electric-assisted scooters have yet to become a
25 uniformly~~[uniformally]~~ defined and regulated mode of transportation; and

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

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32 **WHEREAS**, adopting an industry-standard three-class definition of electric-
33 assisted bicycles, as used in 39 other states, can improve user awareness,
34 reduce overall confusion, and facilitate more effective enforcement; and

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36 **WHEREAS**, State of Alaska legislation establishing the three-class E-Bikes
37 system passed in May 2023 with strong bipartisan agreement but was vetoed
38 by the governor with the explanation that this decision should be made at the
39 local level; and

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41 **WHEREAS**, improving clarity in Municipal code for E-Scooters and E-Bikes is
42 consistent with the Safer People objective of the Safe System Approach for
43 addressing roadway safety; now, therefore,

~~[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 Class 1 or Class 2][an]~~ [A LOW-SPEED] electric-**assisted** bicycle, ~~an electric-assisted scooter, or[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-assisted bicycle means a bicycle or tricycle equipped with fully operable pedals and an electric motor of no more [less] than 750 watts; that can safely share a bicycle transportation facility with other users of such facility; and meets the requirements of one of the following classifications:

A. Class 1 electric-assisted bicycle means a bicycle equipped with an electric motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the speed of the bicycle reaches or exceeds 20 miles per hour.

B. Class 2 electric-assisted bicycle means a bicycle equipped with an electric motor that may be used exclusively to propel the bicycle and is not capable of providing assistance when the speed of the bicycle reaches or exceeds 20 miles per hour.

C. Class 3 electric-assisted bicycle means a bicycle equipped with an electric motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the speed of the bicycle reaches or exceeds 28 miles per hour.

Electric-assisted scooter (E-Scooter) means a two-wheeled device that is operable from a standing position; that has handlebars and a floorboard; and is powered by an electric motor that has a power output of not more than 500 watts that: a) is incapable of propelling the device

at a speed of more than 20 miles per hour; and b) disengages or ceases to function when the device's brakes are applied. For the purposes of this title, an electric-assisted scooter is considered a bicycle.

~~[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 **(not to include electric-assisted scooters)**, moped or bicycle with a 50cc or smaller engine displacement motor attached or producing less than five brake horsepower, or any moped, dirt bike, or bicycle equipped with an electric motor that does not meet the definition of an [Class 3] electric-assisted [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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Separate roadway means a street divided into two or more roadways by leaving an intervening space, or a physical barrier, or a clearly indicated dividing section. A roadway with four or more lanes plus a center turn lane is considered a separate roadway. (AO No. 2011-113(S), § 1, 12-22-11)

Shared micromobility device means an electric-assisted bicycle, electric-assisted scooter, or bicycle owned and offered for rent to the public by a Shared Micro-mobility Program Service Provider.

Shared micromobility program means a system of electric-assisted bicycles, electric-assisted scooters, bicycles, or any combination thereof, staged in the public right-of-way, for self-service hire and use through a mobile application or phone-based accessibility option, operated by a Shared Micro-mobility Program Service Provider, which does not require a docking station, rack, or other object.

Shared micromobility program service provider (or service provider) means a person who owns, manages, operates, or acts on behalf of a Share Micro-mobility Program, including third-party subcontractors.

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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.

- A. Every person operating a bicycle shall be granted all of the rights and shall be subject to all of the duties applicable to a person operating a vehicle by this title, except as to special regulations in this chapter, and except as to those provisions of this title which by their nature have no application.
- B. A person shall not operate a bicycle so as to suddenly leave a curb or other place of safety and move into the path of any other vehicle so close as to constitute an immediate hazard.
- C. A person operating a bicycle, electric-assisted bicycle, electric-assisted scooter, or a device moved solely by any combination of human muscular power, wind or gravity, upon and along a sidewalk, trail or pathway shall have all the rights and duties applicable to a pedestrian under the same circumstances as follows:

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(CAC 9.38.020; AO No. 78-72; AO No. 2005-77, § 2, 11-22-05; AO No. 2011-113(S), § 107, 11-22-11, eff. 12-22-11; AO No. 2016-67, § 3, 6-21-16)

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

25.10.010 Definitions.

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

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

Contract means an agreement of any kind, including an option, regardless of

what it may be called.

Motor vehicle means any vehicle propelled by a force other than electric current, human muscular power, gravity or wind, including, without limitation, automobiles, jet skis, hydroplanes, boats, all-terrain vehicles, three-wheelers, motorcycles, motor-driven cycle[HIGH-SPEED ELECTRIC BICYCLES], snowmachines and model cars and boats, and airplanes. For purposes of this title, **electric-assisted scooters, and [Class 1 and 2]** [LOW-SPEED] electric-**assisted** bicycles as defined in section 9.04.010 are not motor vehicles [, AND THE DEFINITIONS OF HIGH- AND LOW-SPEED ELECTRIC BICYCLES ARE AS PROVIDED IN SECTION 9.04.010].

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

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

(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 30th day of July, 2024.

Chair

ATTEST:

Municipal Clerk