City Council Staff Report

Subject: Electric Mountain Bike (E-MTB) Ordinance and Policy Discussion
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Department: Sustainability
Date: March 19, 2020
Type of Item: Staff Communication

Recommendation
Based upon previous Council direction, staff conducted a statistically relevant public opinion survey to ascertain objective community feedback regarding the use of E-mountain bikes on natural surface trails within Park City.

Staff recommends Council review the survey results, conduct a policy discussion, continue to solicit public input, and identify desired next steps with regard to a future E-mountain bike policy at a future meeting.

Background
In May 2018, Electric Assisted Bicycles (E-bikes) were defined by Utah State Code (Subsection 17) as bicycles, not "motor vehicles." State law includes three specific classes of electric assisted bicycles, which pertain to the mode of assistance (throttle or pedal assist) and limit top speeds. Below is a high level definition of the classes:

- Class I- ‘Pedal assisted’ e-bikes limited to 20 mph;
- Class II- ‘Throttle assist’ limited to 20 mph (no pedaling required); and
- Class III- ‘Pedal assisted’ e-bikes limited to 28 mph with a speedometer.

While State Law currently allows local jurisdictions to regulate the use of E-bikes, the several members of the Utah Legislature have signaled a strong interest and desire to loosen local regulations, or simply eliminate the ability of local jurisdictions to regulate E-bike usage altogether. Because of the threat to eliminate PCMC’s ability to regulate E-bikes, staff suggests a mindful policy discussion.

On June 30, 2016, City Council amended Municipal Code 10-1-4.5 Non-Motorized Trail Use, the basis of the City’s policy on electric assisted bikes and electric assisted mountain bikes.

- The ordinance prohibits all e-bikes on ‘Natural Surface' trails less than 5’ wide.
  - Exceptions: mobility disabilities, emergencies, events and/or maintenance.
- The ordinance permits Class I and II e-bikes on ‘Multi-Use Pathways’ 8’ wide or greater.
  - Exceptions: mobility disabilities, emergencies, events and/or maintenance.

On August 15, 2019, in response to various public requests, staff presented an E-MTB work session and Council directed staff to complete a survey to gauge community sentiment. August 15, 2019 Work Session (E-Bikes); Aug. 15 Council Minutes

On August 29, 2019, staff returned to City Council with the following recommendations:

- Amend Municipal Code 10-1-4.5, which exempted E-MTB users age 65+ from the natural surface prohibition.
Council approved the amendment.
- Conduct an E-MTB ‘pilot program’ to collect more data associated with the natural surface discussion.
- Council did not approve a pilot program.
- Survey prior to additional recommendations/changes to the current ordinance.
  - Council supported a survey.
- Council also directed staff to establish a ‘task force’ of community members for additional input.
  - Did we form? If yes, say so.

August 29, 2019 E-MTB staff report
August 29, 2019 Council Minutes

The Survey and Task Force
- The City awarded Y2Anaylitics a Professional Service Agreement (PSA) to conduct a statistically relevant survey.
- The task force, consisting of Recreation Advisory Board (RAB), Citizens Open Space Advisory Committee (COSAC) members and representatives from the ski resorts, National Ability Center (NAC), Intermountain Healthcare (IHC), Mountain Trails Foundation (MTF) and Summit Land Conservancy (SLC) met on February 4 to review and discuss proposed survey questions.
  - The survey was provided via private email or postcard invitation to residents within the School District Boundary (Specific link to IP Address).
  - Additional phone interviews were conducted to provide a balanced response rate between residents within and outside of City-limits.
- The survey (email and phone) ran from February 7 through February 28.
- Results of the survey were provided by Y2Analytics in (Exhibit A).

Next Steps
Staff finds that survey results support the current ordinance, yet highlight the need for additional education, outreach, and enforcement. To that point, staff recommends the following next steps:
- Provide additional signage outreach through print and social media.
  - Trailheads and Trails.
  - Non-profits and Bike Shops.
  - Adjacent jurisdictions.
- Provide additional resources, in the form of an ‘open space and trails ranger’ who provides ‘on site’ outreach/education for trail/open space users, for all related ordinance and etiquette items.
  - Dog related
  - Maps/information
  - Ordinances
  - Parking/Trailhead
Funding
Funding may be required dependent on Council direction and addressed through the upcoming budget process.

Attachment
EXHIBIT A- E-MTB Survey Report