



## Traffic Engineering and Parking Divisions

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TO: Pedestrian/Bicycle/Motor Vehicle Commission  
FROM: David C. Dryer, P.E., City Traffic Engineer and Parking Manager  
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### **Discussion Item: Staff Review Wisconsin Electric Bicycle Statute**

#### **Current Situation:**

Current state of Wisconsin statutes prohibit motor vehicles on any paths or trails in the state. "Electric bicycles" are not exempt from this current prohibition. There is no provision for local municipalities to allow motor vehicles on paths or trails in their jurisdictions.

There are many people currently using electric bicycles on Madison streets, paths, and trails. Staff have received some feedback about fast bicycles buzzing others, but are not aware of any serious interactions between users related to electric bicycles. This may or may not become a bigger issue as the number of electric bicycles used increases.

Electric bicycles offer some benefits including encouraging new people to use bicycles. As a result, there may be more novice bicyclists on roads, paths, and trails however, these novice bicyclists may have less bicycle handling and traffic safety skills, and be on a bicycle with the ability to go faster than their skill level may handle. With the new moped parking restrictions in effect, some affected moped owners may begin riding electric bicycles.

#### **Proposed Statute:**

The proposed statute adds "electric bicycle" next to "bicycle" throughout state statutes.

It defines three classes of electric bicycles:

Class 1 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 20 miles per hour.

Class 2 electric bicycles may be powered solely by the motor and cease to provide assistance when the bicycle reaches the speed of 20 miles per hour.

Class 3 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 28 miles per hour. Class 3 bicycles must have a speedometer.

It specifically states that "Moped" does not include electric bicycle.

SECTION 12. 346.806 of the statutes is created to read:

346.806 Special rules applicable to electric bicycles.

(3)(a) No person may ride a class 3 electric bicycle upon a bicycle way or bicycle path, except upon a bicycle way or bicycle path that is upon or adjacent to a highway or, for a bicycle way or bicycle path under the jurisdiction of the department, unless permitted by a rule promulgated by the department, or, for a bicycle way or bicycle path under the jurisdiction of a municipality or county, unless permitted by an ordinance enacted under s. 349.18 (4).

(b) A person may ride, with the power unit in operation, a class 1 or class 2 electric bicycle upon a bicycle way or bicycle path, for a bicycle way or bicycle path under the jurisdiction of the department, subject to any restrictions specified in a rule promulgated by the department, or, for a bicycle way or bicycle path under the jurisdiction of a municipality or county, subject to any restrictions specified in an ordinance enacted under s. 349.18 (4).

[Note: 340.01(5s) "Bicycle way" means any path or sidewalk or portion thereof designated for the use of bicycles and electric personal assistive mobility devices by the governing body of any city, town, village, or county.]

SECTION 15. 349.18 (4) of the statutes is created to read:

349.18 (4) (a) The governing body of a municipality or county may by ordinance prohibit the operation, with the power unit in operation, of class 1 and class 2 electric bicycles on bicycle ways or bicycle paths under its jurisdiction.

(b) The governing body of a municipality or county may by ordinance authorize the operation, with the power unit in operation, of class 3 electric bicycles on bicycle ways or bicycle paths under its jurisdiction.

(c) The Department of Natural Resources may promulgate rules authorizing or prohibiting the operation, with the power unit in operation, of any class of electric bicycles on lands under its jurisdiction.

**Actions allowed under the new state statutes:**

- 1) No change, i.e. do not create any special ordinances modifying the State Statutes with regard to electric bicycles.
- 2) Create ordinance prohibiting the use of class 2 electric bicycles in throttle-only mode on multi-use paths under city jurisdiction.
- 3) Create an ordinance prohibiting use of power unit for class 1 and class 2 electric bicycles on multi-use paths under city jurisdiction.
- 4) Create ordinance allowing the use of class 3 electric bicycles with power unit in operation on multi-use paths under city jurisdiction.

**Potential Strategies:**

- 1) Allow the state statute to go into effect, and monitor the paths for complaints and issues, and if indicated, consider passing items 1) or 2) above.
- 2) Do a speed study on selected paths before these statute changes become law, and then study again after these changes have been in effect for some designated time period.

- 3) Proactively create an ordinance prohibiting the use of class 2 electric bicycles in throttle-only mode on multi-use paths under city jurisdiction.

**Other issues to consider:**

If the city adds additional regulations to electric bicycles by ordinance, we may want to create a brochure with those rules and require Madison bicycle dealers to include that brochure with any electric bicycle that they sell.

**Recommendations:**

- 1) Do not create an ordinance to allow Class 3 electric bicycles on city paths and trails.
- 2) Do a Speed Study on 1 or 2 paths before this new statute is passed to get a baseline. Then, after the statute has been in effect for a designated time, do a second study to see if there has been a change in speeds. If there is an increase in speed that seems to be creating unsafe conditions, create an ordinance prohibiting use of power unit for class 1 and class 2 electric bicycles.
- 3) Consider creating an ordinance to prohibit using throttle-only mode on city paths and trails for Class 2 electric bicycles independently of doing a Speed Study.

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