



MEETING OF NOVEMBER 7, 2023

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director
Susan Norton, Chief of Staff

FROM: Matt Mihalevich, Active Transportation Manager

DATE:

SUBJECT: Vehicle Restrictions for Shared-Use Paved Trails & Rules of the Road for Fayetteville Trails, Ordinance Change

RECOMMENDATION:

Staff recommends amending section 71.170 and 71.171 of City code to update the types of electric bicycle and other devices allowed and restricted from using the City's shared-use paved trails.

BACKGROUND:

Section 71.170 of City code "Restrictions of Type Of Vehicles Allowed on City Trails and section 71.171 "Rules of the Road for Fayetteville Trails" was adopted in 2011. The existing ordinance pre-dates the State's 2019 e-bike legislation officially defining and classifying e-bikes.

Arkansas State law definition of e-bikes:

2019 Arkansas Code Title 27 – Transportation Subtitle 4 - Motor Vehicular Traffic Chapter 51 - Operation of Vehicles - Rules of the Road Subchapter 17 - Electric Bicycle Act § 27-51-1702. Definitions

"Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty miles per hour (20 m.p.h.);

"Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that is not capable of providing assistance when the electric bicycle reaches the speed of twenty miles per hour (20 m.p.h.);

"Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of twenty-eight miles per hour (28 m.p.h.); and

"Electric bicycle" means a bicycle equipped with fully operable pedals and an electric motor of less than seven hundred fifty watts (750 W) that meets one (1) of the classifications defined in subdivisions (1)-(3) of this section.

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The proposed ordinance change has been drafted with support from the City Attorney's office and presented at the following public committee meetings and unanimously supported by all voting members.

- Parks and Recreation Advisory Board, August 7th and October 2nd meeting
- The Active Transportation Advisory Committee, August 9th and October 11th meeting
- Transportation Committee, August 29th meeting

DISCUSSION:

The proposed amendment would explicitly allow all e-bikes (as legally defined by State law) as well as other electrified personal mobility devices to be operated legally on the City's shared-use paved trails while restricting the use of vehicles, such as electric motorcycles, with motors 750 watts or greater. The proposed amendment also updates language throughout the ordinance to correct place names and device types.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS: 2023-1186 Code Amendment 71.170 & 71.171 RESTRICTION OF TYPES OF VEHICLES ON TRAILS (#3)

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Legislation Text

File #: 2023-1186

Vehicle Restrictions for Shared-Use Paved Trails & Rules of the Road for Fayetteville Trails, Ordinance Change

AN ORDINANCE TO AMEND §71.170 VEHICLE RESTRICTIONS FOR SHARED-USE PAVED TRAILS AND §71.171 RULES OF THE ROAD FOR FAYETTEVILLE TRAILS OF THE FAYETTEVILLE CITY CODE TO UPDATE THE TYPES OF VEHICLES ALLOWED ON THE CITY'S SHARED-USE PAVED TRAILS

WHEREAS, § 71.170 **Restrictions of Type of Vehicles Allowed on City Trails** and § 71.171 **Rules of the Road for Fayetteville Trails** were adopted prior to the enactment of the Electric Bicycle Act, Ark. Code Ann. §27-51-1702, the State's 2019 e-bike legislation officially defining and classifying e-bikes; and

WHEREAS, staff recommends amending § 71.170 and § 71.171 to adopt the definition of e-bikes to align with the Electric Bicycle Act, to clarify the types of vehicles authorized for use on the City's shared-use paved trails, and to use consistent language in the rules of the road for Fayetteville trails.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 71.170 **Restrictions of Type of Vehicles Allowed on City Trails** and enacts a replacement § 71.170 as follows:

“71.170 Restriction Of Type Of Vehicles Allowed On City Shared-Use Paved Trails

(A) No golf carts or comparable sized vehicles nor any gas-powered vehicles or electric vehicles with motor outputs exceeding 750 watts (1 horsepower) (except city maintenance or emergency vehicles) shall be driven or operated on any other city shared-use paved trail, except as follows.

(1) Pedicabs may be operated on city trails pursuant to the authorization and restrictions of §117.102(D) of the Fayetteville Code.

(2) A segment of the Meadow Valley Trail from the Stephen Carr Memorial Blvd underpass through University of Arkansas property and Washington County Fair property adjacent to Interstate 49 shall allow the use of motor vehicles during the annual Washington County Fair or other special events authorized by the Washington County Fair Board or as authorized by the University of Arkansas.

(3) A portion of the Clear Creek Trail from Highway 71 to an existing cabin shall allow motor vehicles for access to the cabin, but only with the permission of the owner of the cabin.

(B) Electrically powered personal mobility devices, including but not limited to electrical bicycles (e-

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bikes) as defined in Ark. Code Ann. § 27-51-1702; and electric motorized scooters (e-scooters) as defined in Ark. Code Ann. § 27-51-1902 may be used on City shared-use paved trails only when their use does not create a safety hazard for other trail users. “

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby repeals § 71.171 **Rules of the Road for Fayetteville Trails** and enacts a replacement § 71.171 as follows:

“71.171 Rules Of The Road For Fayetteville Trails

(A) *Pedestrians and Joggers.* Pedestrians, skaters and joggers should walk, skate or jog near the right side of the trail to accommodate faster runners, skaters, bicyclists, and faster traffic to pass on the left side of the lane.

(B) *Bicyclists, Skaters, Runners and Others.* Persons should ride their bicycles, electrical bikes (e-bikes), skateboards, scooters, and electric motorized scooters (e-scooters) on the right side of the lane unless passing. Persons running, skating, or riding bicycles, e-bikes skateboards, scooters, and e-scooters shall give an audible warning prior to passing slower traffic. Passers shall not cross the solid yellow line. Passers shall not cross the dashed yellow line if oncoming traffic is close enough that the passer cannot return to his/her lane before reaching oncoming traffic or if crossing the dashed yellow line causes any safety hazard.

(C) *Speed Limit.*

(1) No person shall travel on a city shared-use paved trail at a speed greater than is reasonable and prudent under the conditions then existing.

(2) No person shall travel on a city shared-use paved trail at a speed greater than 15 m.p.h..

(3) Persons traveling on a city shared-use paved trail in such a manner as to indicate a reckless disregard for the safety of others shall not only be subject to punishment set forth in §10.99, but may have their right to use the city trails suspended for up to one year. Any person violating a suspension period shall be guilty of a separate violation of this subsection.”