



 WALK, RIDE, & ROLL ADVISORY COMMITTEE

Work Session Agenda

Wednesday, September 15, 2026, 2:00 – 3:00 PM

100 Cushman Street, Suite 205 (Key Bank Building)

To join the Zoom Meeting via computer, go to: www.fastplanning.us/keepup/zoom
Zoom Meeting Phone Number: 1 (253) 215-8782, enter Webinar ID: 875 4766 5975

1. Call to Order
2. Introduction of Members and Attendees
3. Public Comment Period
4. Work Session on E-Motos
 - a. Literature/Materials Review
 -  People for Bikes: The E-Bike Problem is an E-moto Problem
 -  People for Bikes: The Hidden Dangers of Illegal E-motos
 -  People for Bikes: Solutions to the E-moto Problem
 -  City of Fairbanks Memo
 -  City of Fairbanks Ordinance 6355
 - b. Brainstorm on the following:
 -  What are we seeing?
 -  Where is it happening?
 -  Who is affected?
 -  Why is it a problem?
 -  What evidence do we have?
 -  What existing rules apply?
 -  Where are the gaps?
 -  Who has authority to act?
 -  What specifically do we want them to do?
 -  What happens if nothing changes?
 - c. Draft a Letter
5. Other Issues
6. Committee Member Comments
7. Adjournment

Next Scheduled Meeting: Thursday, September 24, 2026 | 5:00 – 7:00 P.M.



September 18, 2025

The E-Bike Problem is an E-Moto Problem

By: PeopleForBikes Staff

Topics: [Bike Safety](#) [Electric Bikes](#)



Electric bicycles are under increasing scrutiny, often for the wrong reasons. In this three-part series, PeopleForBikes separates fact from fiction to protect the future of electric bicycles in America, clarify what qualifies as a legal electric



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Part I: Understanding the Problem Behind the Headlines

Electric bicycle incidents may not involve e-bikes at all.

Headlines about crashes, bans, and reckless riding are becoming more common. But here's the problem: most of the "e-bikes" making the news aren't electric bicycles at all. In this three-part series, PeopleForBikes, the trade association representing the U.S. bicycle industry, sets the record straight on what is and isn't an electric bicycle, how safety concerns are being misdirected, and what regulators, consumers, and communities can do to protect the future of electric bicycle riding for recreation and mobility.

There are growing concerns in many communities across America about the safety of "e-bikes." These concerns are often centered around young people, who are increasingly turning to e-mobility devices for transportation well before they become licensed drivers. Lack of familiarity with the rules of the road, along with youthful enthusiasm, has sometimes led to unsafe behavior like speeding, riding on sidewalks, ignoring stop signs and traffic lights and even stunt riding on public roads and highways. Unruly behavior leads to social media posts, complaints to local officials, media reports and calls for more regulation of "e-bikes" or even outright bans. At its worst, unsafe behavior causes crashes, serious injuries, and even deaths of young riders.

As the trade association for the U.S. bicycle industry, including many of the companies that make electric bicycles, one of PeopleForBikes' primary focuses is on safety: product safety, safe places to ride, and safety education for cyclists and e-cyclists. We have advocated for sensible regulation of electric bicycles for over a decade and created the [Three Class Model Law](#) to define what is, and is not, an electric bicycle. We support modernization and adoption of electric bicycle safety standards, including battery testing and certification requirements. We see the growing safety issues on our streets and are responding on behalf of our member companies to help craft solutions to reverse these trends. Here's what we have learned in trying to define, understand and address what is being called the "e-bike problem."



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Operable Pedals	Required	Not required (often fake)
Motor Power	≤ 750W	Often 1,000W–6,000W+
Top Speed	≤ 20–28 mph	30–65+ mph
Throttle	Class 2 only (≤ 20 mph)	Usually throttle-only
Licensing / Registration	No	Required (in most states)
Product Category	Consumer product	Motor vehicle
Street Legal for Minors?	Yes, in many states, depending on age	No, unless registered and licensed

Just What Is An “E-Bike?” Well, it’s definitely not a legally defined vehicle type. “E-bike” is a generic term that lumps together everything with two wheels and an electric motor and can include a variety of devices including electric bicycles, electric mopeds, scooters, electric dirt bikes and electric motorcycles. These are all different vehicle types and their differences need to be taken into account when developing appropriate laws and regulations to govern their safe use on public roads and trails. Let’s dig into electric bicycles and “e-motos” to understand how they are currently regulated and where the issues are actually arising.

Low-speed electric bicycles are a clearly defined vehicle type under both [federal](#) and most state laws: they must have operable pedals, an electric motor of 750 watts or less, and a maximum speed when powered solely by the motor of 20 miles per hour. A vehicle that does not meet all three requirements in that definition is not an electric bicycle. Electric bicycles are not motor vehicles. They are consumer products and their use on public roads and trails is generally regulated the same as bicycles. Almost every state already fully defines what an electric bicycle is, and how and where it may be operated.

What Is An E-Moto? E-motos are electric mopeds, electric motorcycles and electric dirt bikes that are much more powerful and faster than any electric bicycle. E-motos may have motors with thousands of watts of power that far exceed the 750 watts allowed for a legal electric bicycle. They are equipped with throttles and typically can go in excess of [30 miles per hour](#), faster than any electric bicycle is capable of traveling. Some E-motos can achieve highway speeds of [65 miles per hour](#).



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recently [passed](#) by the California legislature. While some state laws do not specifically mention electric motor power, the legal status of e-motos as motor vehicles has been settled for many years.

Isn't Anything With Pedals An Electric Bicycle? No. E-motos are often equipped with pedals from the manufacturer or have pedals added by consumers in an attempt to disguise the e-moto as an electric bicycle and “fly under the radar.” While operable pedals are required for a vehicle to be an electric bicycle, *the mere presence of pedals on an overpowered or excessively fast e-moto does not make it a “legal” electric bicycle.* Any vehicle with an electric motor in excess of 750 watts or that can travel over 20 miles per hour when powered only by the motor is not an electric bicycle, even if it has pedals and the manufacturer claims it is “street legal.”

What If The E-Moto Claims To Be Legal Because It Has A Class 2 Or 3 Mode? Despite claims by some sellers, it is legally impossible for a vehicle to be both an electric bicycle and an e-moto. A vehicle with motor power over 750 watts or that can exceed 20 miles per hour by use of a throttle is a motor-driven cycle (moped, motorcycle, electric dirt bike), not an electric bicycle. That is true even if the e-moto's controller has one or more “modes” that can selectively limit or delimit its capabilities to those of an electric bicycle. Based on the legal definitions of an electric bicycle and a motor-driven cycle, if it's too fast or too powerful in any mode, then it's not an electric bicycle, period.

Who Is Responsible For The E-Moto Problem? *The E-moto problem is caused by E-moto manufacturers and sellers.* The companies that make, import and sell e-motos are attempting to skirt legal and safety requirements for motor vehicles in order to sell their products. Their intention is to deceive the public into believing their e-moto is an electric bicycle or “e-bike” that does not require a driver's license to operate and may even be appropriate for children. These manufacturers put pedals on an electric moped, or simply include a mode or setting that limits the top speed to 20 miles per hour and claim it's a Class 2 electric bicycle. This same device can be easily “unlocked” to go faster than 20 miles per hour and may have a faster unlimited “off-road” mode built into the controller. E-motos are motor vehicles.

Unfortunately, e-motos are also very popular and are being purchased by parents for their kids. E-moto companies relentlessly market their products to teens and pre-teens on [social media](#) as “lifestyle” products. Young people riding e-motos recklessly through their communities has led to calls for more regulation of “e-bikes” when electric bicycles are not the primary issue. And this scenario can have tragic results: a teenager riding an unregistered and illegal e-moto loses control, is in a crash with a motor vehicle or hits a pedestrian or cyclist. These crashes have occurred in [California](#), [Massachusetts](#), [Oregon](#), [Virginia](#), [Florida](#), and elsewhere.



September 26, 2025

The Hidden Dangers of Illegal E-Motos

By: PeopleForBikes Staff



Electric bicycles are under increasing scrutiny, often for the wrong reasons. In this three-part series, PeopleForBikes separates fact from fiction to protect the future of electric bicycles in America, clarify what qualifies as a legal electric bicycle, and call out bad actors mislabeling high-powered motor vehicles as “e-bikes.”



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compliant bikes: adding pedals, toggling “Class 2” or “off-road” modes, or claiming they are “legal” for anyone to ride anywhere.

But what if you already bought one? Maybe for yourself, maybe for your child? You're riding it around the neighborhood or to school. What's the harm if it looks like a bike, right?

Unfortunately, so much can go wrong. In this second installment of our series, we examine the legal, financial, and safety risks that e-moto riders and their families face every day. From voided insurance claims to fines and injuries, the implications are serious. Many families are unaware that what they've bought and how they're using it could violate state laws and put young riders in harm's way.

Here is a short list:

- **Speeding/Moving Violation:** Most vehicle stops result from an officer observing a speed limit or other violation, like running a stop sign. Being stopped could lead to questions about the legality of the vehicle, in addition to a traffic ticket.
- **Unregistered Vehicle:** All motor vehicles need to be registered and display a license plate. If you are pulled over and law enforcement determines you are operating a motor vehicle that needs registration, you could be cited for failure to register your e-moto.
- **Motorcycle License:** If the e-moto is determined to be a motorcycle, state law may require the operator to have a specific motorcycle license or endorsement.
- **Lack of Insurance:** Motor vehicles need to have liability insurance in the amounts set by state statute, and the operator needs to have proof of insurance. Another ticket.
- **Impoundment:** Law enforcement may seize, tow and [impound](#) unregistered motor vehicles that are found on public roads, or that the operator is not licensed to operate. In order to reclaim the vehicle, you will need to pay any fines, towing and storage charges, which could be substantial.
- **Increased Insurance Costs:** Vehicle law violations go on your driving record, which is reviewed by your insurance company. They may decide you pose a risk and increase the premium you pay for your other vehicles, or simply drop you as an insured. Your new insurance will likely be more expensive for some time.



charges. While law enforcement may be reluctant to chase an e-moto or be restricted by their internal policy, some departments are now using helicopters and [drones](#) to follow and arrest fleeing e-moto operators. And they probably have some dash or bodycam video as well. Despite these risks, some in the e-moto community irresponsibly support fleeing from police.

Most folks are not going to try to out run the cop, but what if your 14-year old was operating that e-moto and made a [bad decision](#)? All of the above could happen, plus a potential citation for driving without a license (or motorcycle endorsement if required). In addition to possible fines and a criminal record, these sorts of convictions could affect their ability to obtain a learner's permit or driver's license later on, as well as their insurability as a driver.

All of that is bad, but the worst case is a crash where the e-moto operator, a passenger, or a [pedestrian](#) is seriously injured or killed. Even in a less serious crash, there can be expensive property damage to other vehicles. These crashes are becoming more common and the consequences can be quite serious. Certainly, no one wants to see a young person seriously injured or killed in an e-moto crash and the personal toll of these tragedies on families is immense and incalculable.

In addition to criminal charges, what are the civil legal ramifications?

Negligence Per Se: In every personal injury or property damage claim a primary consideration is "who is at fault?" If multiple vehicle and traffic laws were violated because the e-moto involved was an unregistered and illegally operated motor vehicle, that could shift responsibility to the owner and operator of the e-moto. In states with comparative fault, that could greatly reduce or eliminate their claim for damages, even if there were significant fault on the part of others involved in the crash. A severely injured young person operating an e-moto could go uncompensated.

Parental Responsibility: In some states, parents can be held civilly liable for the negligent actions of their children, including those resulting in vehicle crashes. If the e-moto provided by a parent was unregistered and the minor operator was unlicensed, liability for property damage or injuries to others could be the parents' responsibility.

Denial of Coverage: In cases involving serious injuries with large damage claims, insurance companies carefully investigate the facts to determine if their insurance policy excludes coverage for the claim. Motor vehicle insurance typically follows the vehicle, so if an e-moto was not specifically listed as a "covered vehicle," coverage could be denied. Similarly, homeowners' and renters' insurance policies often exclude coverage for motorized vehicles, such as e-motos. Without coverage, the owner and operator of an e-moto involved in a crash could be responsible for all claims, losses and costs of defending any litigation, which can be substantial.

October 9, 2025

Solutions to the E-moto Problem

By: PeopleForBikes Staff



Electric bicycles are under increasing scrutiny, often for the wrong reasons. In this three-part series, PeopleForBikes separates fact from fiction to protect the future of electric bikes in America, clarify what qualifies as a legal electric bicycle, and call out bad actors mislabeling high-powered motor vehicles as “e-bikes.”

public streets and trails. Part Three will offer some proposed solutions to address the growing issues caused by e-motos.

As we've seen, the e-moto problem is multi-faceted and addressing it effectively will require a number of approaches from all levels of government, transportation advocates, and the media.

Let's begin with the basics. Before deciding how to regulate e-motos, we need to carefully define *what* is being regulated. While e-motos are within the broad definition of "motor-driven cycles" they have some additional features that may lend themselves to a more precise legal definition of this vehicle type:

- Powered by an electric motor in excess of 750 watts
- Capable of speeds in excess of 20 miles per hour when powered solely by the motor (by use of a throttle)
- Two wheels
- A seat or saddle that is straddled by the rider
- May have either foot pegs or pedals

The e-motos of most concern are the ones that may be confused with electric bicycles and tend to have these characteristics:

- Unlike electric bicycles, the seat is a fixed "bench" seat that is not adjustable for height or pedaling efficiency
- The seat may be elongated for a passenger
- The frame is an open design to accommodate a larger battery and motor, rather than a bicycle-type frame
- Wheels are less than 24" in diameter and may fit tires of 3" width or more
- Weight in excess of 100 pounds
- Have electrical systems that exceed 50 volts

E-motos designed and intended for off-road use (electric dirt bikes) may have some or all of these features, but typically have footpegs rather than pedals, have robust front and rear suspension and are equipped with knobby off-road tires for traction on loose surfaces.

These definitions lead us directly back to the e-moto problem we discussed in Part One of this series. What happens when existing state laws don't quite seem to fit newer types of electric motor vehicles that are being sold and used? How should we address



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motor vehicles, the National Highway Traffic Safety Administration (NHTSA). A manufacturer must also submit certain information about each model it imports and [certify](#) that the vehicle meets the FMVSS.

While an electric dirt bike designed for off-road use is regulated by the US Consumer Product Safety Commission and is not subject to the FMVSS, the importer must furnish U.S. Customs with a substantiating statement to establish that the vehicle was not primarily manufactured for on-road use. Motor vehicles that are designed to be used both on and off-road (dual sport) must still meet all applicable requirements for *on-road* motor vehicles when used on public roads.

Few e-moto manufacturers have registered with NHTSA. If they are registered, that's a pretty good indication that they are making motor vehicles, not electric bicycles. E-moto manufacturers who avoid registration and compliance with NHTSA safety standards by claiming their e-moto is intended for off-road use, but advertise the vehicle as suitable for use on public roads or offer accessories like pedal kits, turn signals, mirrors and lights needed for road use may be violating multiple federal regulations. Federal regulators need to be encouraged to do more to police the marketplace for e-moto and other mobility devices that are motor vehicles, and federal legislation may be needed to clearly give NHTSA and the CPSC authority over these vehicles.

Modernize State Vehicle Laws: While the Federal government regulates vehicle classification and equipment requirements at the the time of import or sale, state laws regulate how vehicles may be used on public roads and lands, and how they are advertised and sold. Depending on their speed capabilities, equipment and motor power, e-motos may be classified by state laws as one of several motor vehicle types:

- Motorized bicycle (bicycle with an attached motor)
- Moped or Motor-driven cycle (low-powered motorcycle, often with pedals)
- Motorcycle
- Off-road or off-highway vehicle (OHV)

Because state law definitions were developed prior to the widespread use of electric motors, they may not always clearly encompass e-motos, allowing manufacturers to ride through the gaps or create “crossover” products. For example, Minnesota defines motorized bicycles (mopeds) by cubic inches and horsepower, rather than watts, along with the maximum speed capability of the vehicle:

"Motorized bicycle" means a bicycle that is propelled by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic centimeters or less, and a maximum of



Subd. 44).

So, how should states make sure their laws adequately address e-motos?

- **States should follow federal law and regulate *all vehicles powered by an electric motor that are capable of exceeding 20 miles per hour on motor power alone and used on roads as motor vehicles*.** Motor-powered speed capability over 20 miles per hour but less than 30 miles per hour, and used on public roads? Define it as moped and require a driver's license to operate it. Speed capability over 30 miles per hour? Regulate it as a motorcycle and require a motorcycle license. Off-road electric dirt bike? Include it in the applicable OHV [definition](#) and require registration as an off-highway vehicle.
- **States should [ban](#) easily modified vehicles and devices used to modify vehicles.** Selling an electric bicycle that is designed out of the box to be easily modified into an e-moto skirts motor vehicle legal definitions and safety requirements and endangers users and others. These bans should include [products](#) like dongles and [apps](#) that are used to reprogram or remove power and speed limitations.
- **States should ban “crossover” products that have pedals and manufacturer settings designed to make them appear to be an electric bicycle.** The [Onyx RCR](#) is an example. This e-moto has an 18,000 watt motor and a top speed of over 65 miles per hour. Onyx is a registered motorcycle manufacturer. But the RCR also has pedals and an “Eco” setting that limits its speed to 20 miles per hour. Why? So users can attempt to operate an electric motorcycle on the street without complying with motorcycle safety, registration and licensing requirements.
- **States should specifically prohibit [false advertising](#) of e-motos.** E-motos are being sold as “street legal” electric bicycles or e-bikes when they do not meet the Federal and state definitions of an electric bicycle. Making false or deceptive advertising claims about any consumer product is illegal, and some states ([Utah](#), [Minnesota](#) and [Connecticut](#)) have gone further by regulating e-moto



consumers by simply advising them to “consult your local laws.” In many cases the e-moto being sold isn’t legal to operate on public streets in any state.

- **States should also require that e-motos meet applicable electrical and battery safety standards.** While several states have adopted mandatory testing standards for electric bicycles and mobility devices and federal standards may soon be adopted, these laws do not cover e-motos which may have untested and unsafe batteries and electrical systems.
- **Last, states need to enforce their existing laws and new e-moto laws against the sellers of these devices, whether they are being sold at retail in the state or online.** The pipeline of deceptive and illegal e-motos needs to be shut off at the source. Sellers need to change their ways and make products that can fully comply with applicable motor vehicle laws, not leave it up to consumers to find out for themselves.

Education, Education, Education: While ignorance of the law is never an excuse (looking at you, e-moto manufacturers), we’ve just had to use a lot of words to explain the differences between electric bicycles and e-motos. This lack of understanding is leading consumers into buying “e-bikes” that are actually motor vehicles, and when children are allowed to use those e-motos the results can be tragic. Knowledge is power, and government, law enforcement, school districts and the bicycle industry are responding with new educational offerings to educate the public about these different vehicle types, the applicable laws and regulations, and safe operating practices:

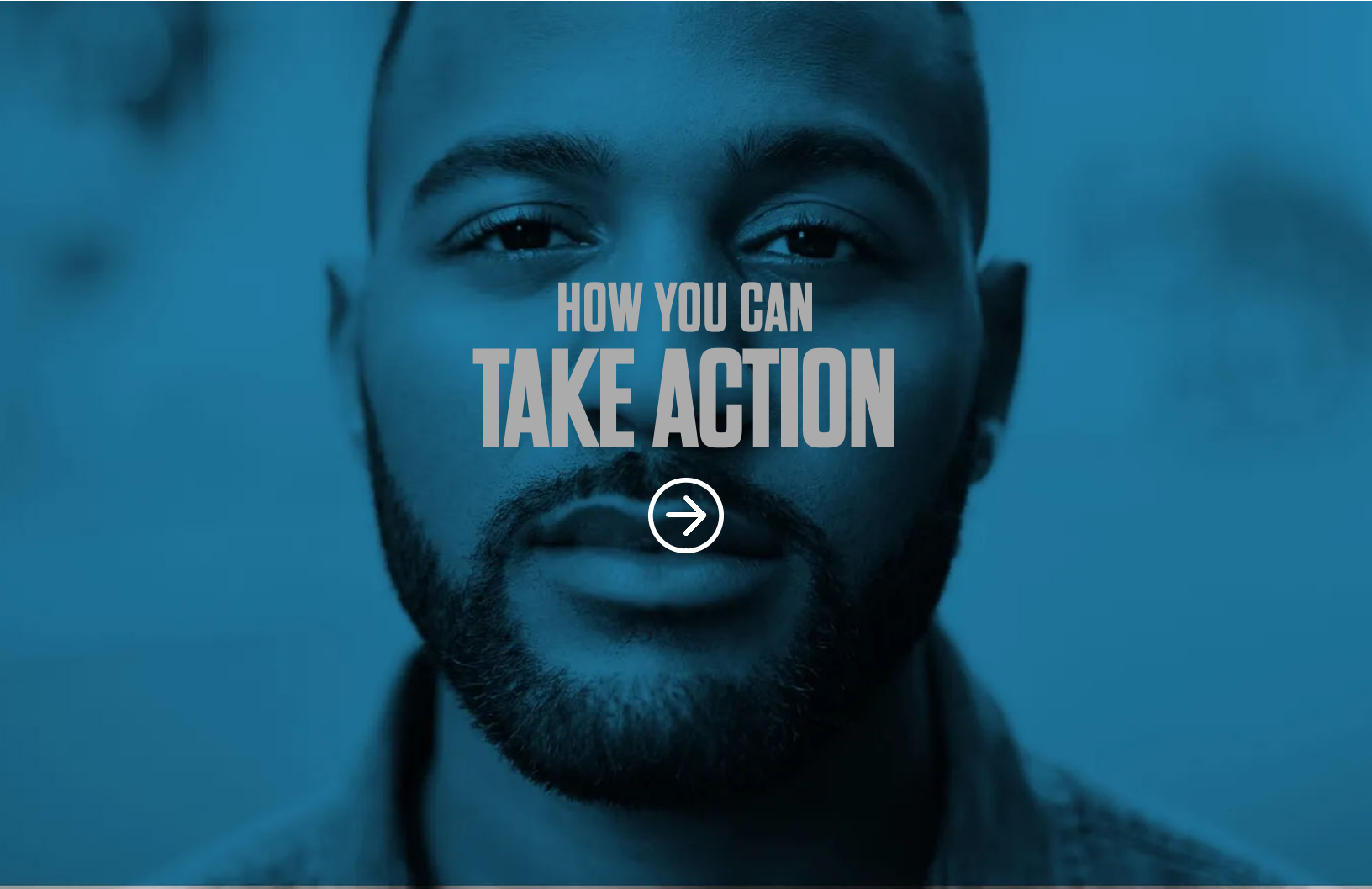
- States can require bicycle and electric bicycle [safety training in schools](#)
- State motor vehicle agencies can publish informational content explaining the difference electric vehicle types and the laws that apply to their use
- Local police are creating safety training programs that can be an alternative to prosecution and turning to social media to get the word out about e-motos



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with tips on safe riding and operation that our members can provide to their customers. We worked with the League of American Bicyclists to create [E-bike Smart](#), a free online training course. And we worked with the Motorcycle Safety Foundation to create the [eBike eCourse](#), an in-depth, comprehensive online training course.

Addressing e-motos at their source by adopting and enforcing innovative laws and educating the public about electric bicycles and e-motos will help us fix the “E-moto Problem.” When properly regulated as the motor vehicles they are and limited to properly licensed adult users, e-motos can find their place on public streets and in off-road vehicle areas.



HOW YOU CAN
TAKE ACTION



Donate Now

City Of Fairbanks
800 Cushman Street
Fairbanks, AK 99701



Office of the City Attorney
(907) 459-6750 || kstickel@fairbanks.gov
Kaylee Stickel, Deputy City Attorney

DATE: July 29, 2026

TO: Council Members; Mayor

THROUGH: City Attorney

FROM: Kaylee Stickel, Deputy City Attorney

SUBJECT: Regulation of Electric Motorcycles (E-Motos)

During a recent City Council Meeting, there was some discussion regarding the regulation of electric bicycles (e-bikes) and electric motorcycles (e-motos).¹ **Current state law and local ordinances prohibit e-bikes and e-motos from operating on sidewalks and in parks.**

Alaska Statute § 28.90.990(33) broadly defines a “vehicle” as “a device in, upon, or by which a person . . . may be transported or drawn upon or immediately over a highway or vehicular way or area.”² Pursuant to this broad definition, e-bikes and e-motos are properly classified as “vehicles.”³

Pursuant to 13 Alaska Administrative Code (AAC) 40.010(a)(5), a “bicycle” is “a vehicle propelled exclusively by human power upon which a person may ride, having two tandem wheels or three wheels in contact with the ground, except scooters and similar devices.”⁴ Because they are not exclusively propelled by human power, e-bikes and e-motos are distinct from “bicycles.”⁵

13 AAC 02.487 provides: “No person may drive a vehicle on a sidewalk . . . , except as a municipality allows the riding of bicycles on sidewalks outside of a business district.”⁶

Accordingly, bicycles may be permitted on certain sidewalks in the City.⁷ However, because e-bikes and e-motos are “vehicles” and not “bicycles,” 13 AAC 02.487 prohibits e-bikes and e-motos from operating on sidewalks in the City.⁸

¹ In most regulatory schemes, e-bikes and e-motos are classified separately, and e-bikes are regulated more like “bicycles.” Pursuant to most definitions, e-bikes have three defining characteristics: (1) functional pedals (which function to propel the bike); (2) a maximum-assisted speed of 28 mph; and (3) a maximum engine size of 750 watts (or 1 hp). E-motos lack one or more of these characteristics. Current Alaska law does not define, or differentiate between, an e-bike and e-moto for traffic control purposes.

² AS § 28.90.990(33); AS § 28.90.990(34) (A “vehicular way or area” is “a way, path, or area . . . that is open to the public for purposes of pedestrian or vehicular travel and which . . . may be restricted in use to pedestrians, bicycles, or other specific types of vehicles . . .”).

³ See AS § 28.90.990(33).

⁴ 13 AAC 40.010(a)(5).

⁵ See *id.*

⁶ 13 AAC 02.487 (Driving on sidewalk); 13 AAC 40.010(a)(48) (defining “sidewalk” as “that portion of a street between the curblines or the lateral lines of a roadway and the adjacent property lines, and intended for use by pedestrians”); 13 AAC 40.010(a)(7) (defining “business district”).

⁷ See 13 AAC 02.487.

⁸ See *id.*; 13 AAC 02.400 (Riding bicycles on roadways and bicycle paths).

Further, Alaska Statute § 28.90.990(20) defines a “motor vehicle” as “a vehicle which is self-propelled except a vehicle moved by human or animal power.”⁹ Only certain classes of e-bikes, which are self-propelled, may fit this definition.¹⁰ However, e-motos, which lack functional pedals and are self-propelled, are properly classified as “motor vehicles.”¹¹

Fairbanks General Code (FGC) § 78-578 provides: “No person shall operate a motor vehicle, motorbike or motor-driven cycle in any park, playground, school ground or bicycle path within the city except upon pathways specifically designated for such purpose”¹²

Although not all e-bikes clearly fit into the definition of “motor vehicle,” FGC § 78-578 clearly prohibits e-motos from operating in City parks and on bicycle paths.¹³

FGC § 78-578 is somewhat outdated, as it was adopted prior to the incorporation of the Fairbanks North Star Borough, which has present authority over nearly all parks, playgrounds, and school grounds in the City.

The violation of 13 AAC 02.487 or FGC § 78-578 is an infraction, punishable by a maximum fine of \$300.¹⁴ An infraction is not a criminal offense.¹⁵

In 2023, Governor Dunleavy vetoed legislation which would have clarified the law and applied “bicycle” regulations to “electric-assisted bicycles” (also known as e-bikes).¹⁶ The Governor felt such legislation “create[d] unnecessary bureaucracy by regulating a recreational activity.”¹⁷

If Council would like to explore this issue further, additional research would be required. I am happy to assist the Council if that is the direction chosen.

Respectfully,



Kaylee Stickel
Deputy City Attorney

⁹ AS § 28.90.990(20).

¹⁰ *See id.*

¹¹ *See id; supra* n. 1. Generally, e-motos lack functional pedals and are fully self-propelled.

¹² FGC § 78-578. Neither the FGC nor state law defines a “motorbike.” Alaska Statute § 28.90.990(22) defines a “motor-driven cycle” as “a motorcycle, motor scooter, motorized bicycle, or similar conveyance with a motor attached and having an engine with 50 or less cubic centimeters of displacement” (CCs). AS § 28.90.990(22). E-bikes and e-motos fall outside the definition of “motor-driven cycle” because the size of an electric engine is measured in watts and not CCs.

¹³ *See* FGC § 78-578.

¹⁴ AS § 28.90.010(c); *see also* FGC § 78-37.

¹⁵ AS § 28.90.010(d).

¹⁶ SCS HB 8(STA), 33rd Leg., Reg. Sess. (Alaska 2023).

¹⁷ Letter from Mike Dunleavy, Governor of the State of Alaska, to Cathy Tilton, Speaker of the House (July 20, 2023).

VEHICLE
AS § 28.90.990(33)

MOTOR VEHICLE
AS § 28.90.990(20)

MOTORCYCLE
AS § 28.90.990(21)

**MOTORIZED
BICYCLE***

MOTORBIKE*
?

**MOTOR-DRIVEN
CYCLE**
≤ 50 CCs
AS 28.90.990(22)

BICYCLE
13 AAC 40.010(5)

Motor Vehicle – “a vehicle which is self-propelled except a vehicle moved by human or animal power”
AS § 28.90.990(20)

Motorcycle – “a vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground . . .”
AS § 28.90.990(21)

Motor-Driven Cycle – “a motorcycle, motor scooter, motorized bicycle, or similar conveyance with a motor attached and having an engine with 50 or less cubic centimeters of displacement”
AS 28.90.990(22)

* Although mentioned in state or local law, these terms are not defined by laws governing the use of public space, such as sidewalks and roads, in the City.
13 AAC 02.422 states: “A person driving a motorcycle, a motor-driven cycle, or a motorized bicycle has the rights and is subject to the duties applicable to the driver of a vehicle under this chapter . . .”
FGC § 78-578 states: “No person shall operate a motor vehicle, motorbike or motor-driven cycle in any park, playground, school ground or bicycle path within the city except upon pathways specifically designated for such purpose . . .”

WHERE DO E-BIKES AND E-MOTOS FIT? As shown above, Alaska classifies a “motor-driven cycle” based on the size of its engine in terms of “cubic centimeters of displacement” (CCs). Although “motorized bicycle” is not defined, Alaska law discusses motorized bicycles in terms of CCs. E-bikes and e-motos do not neatly fit into this classification system because the size of an electric engine is measured in watts and not CCs. Due to the outdated definitions, Alaska laws regulating motor-propelled bicycles do not clearly apply to e-bikes and e-motos. However, for the purposes of regulation, e-bikes and e-motos are properly classified as vehicles, motor vehicles, and/or motorcycles within the meaning of Alaska law.

CLASSIFICATIONS OF VEHICLES IN ALASKA LAW

Vehicle – “a device in, upon, or by which a person or property may be transported or drawn upon or immediately over a highway or vehicular way or area”
AS § 28.90.990(33)

Bicycle – “a vehicle propelled exclusively by human power upon which a person may ride, having two tandem wheels or three wheels in contact with the ground, except scooters and similar devices”
13 AAC 40.010(5)

ORDINANCE NO. 6355

**AN ORDINANCE AMENDING FAIRBANKS GENERAL CODE
CHAPTER 78, TRAFFIC AND VEHICLES, ADDING DEFINITIONS
INCLUDING ELECTRIC-ASSISTED BICYCLE AND MOTORIZED
BICYCLE AND PROVIDING FOR IMPOUNDMENT**

WHEREAS, electric vehicles with two tandem wheels are becoming increasingly common on streets, sidewalks, and pathways; and

WHEREAS, these vehicles range from low-speed bicycles to high-powered motorcycles; and

WHEREAS, the growing popularity and use of these vehicles has caused concern for the safety of all users of public roadways, sidewalks, and pathways; and

WHEREAS, designating appropriate areas for the operation of these electric vehicles promotes safe enjoyment for all users of these shared public spaces; and

WHEREAS, improving definitions for emerging recreational electric vehicles will help riders understand where they can operate safely and responsibly, supporting compliance; and

WHEREAS, current state law prohibits the operation of these electric vehicles on sidewalks generally and does not permit operation on public roadways without proper licensing, registration, and required safety equipment; and

WHEREAS, because many of these electric vehicles cannot be registered and many of their operators cannot be licensed, riders may unknowingly operate these vehicles in violation of law; and

WHEREAS, clearer local rules and consistent definitions will help riders understand where these electric vehicles can be used safely and will reduce conflicts between riders, pedestrians, and traffic.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

Section 1. Fairbanks General Code Chapter 78, Article I, Section 78-2 is hereby amended, as follows [new text in **bold/underlined** font; deleted text in ~~strikethrough~~ font]:

Sec. 78-2. - ~~Administrative Code~~ Definitions applicable to chapter.

(a) The city incorporates by reference as if set forth fully in this chapter **the definitions provided in AS 28.90.990(a) and** 13 AAC 40.010. ~~The definitions set forth in 13 AAC 40.010 shall be the applicable definitions to this chapter.~~

(b) Additionally, the following definitions are used in this chapter:

1. "Bicycle" includes electric-assisted bicycle.
2. "Electric-assisted bicycle" means a bicycle, equipped with an electric motor, which has:
 - a. Fully operational pedals, which function to propel the bike;
 - b. A maximum assisted speed of 20 miles per hour; and
 - c. A maximum motor size of 750 watts.
3. "Motorbike" means a motorized bicycle, dirtbike, or similar conveyance with an engine attached; "motorbike" does not include electric-assisted bicycle.
4. "Motorized bicycle" means a bicycle equipped with a motor; "motorized bicycle" does not include electric-assisted bicycle.
5. "Public property" includes sidewalks, bicycle paths, and parks.

Section 2. Fairbanks General Code Chapter 78, Article XVI, Section 78-578 is hereby amended, as follows [new text in **bold/underlined** font; deleted text in ~~strikethrough~~ font]:

Sec. 78-578. - Driving motorized vehicles on public property in certain areas prohibited; authority to impound vehicles.

(a) No person shall operate a motor vehicle, motorbike, or motor-driven cycle on any public property in any park, playground, school ground or on any bicycle path within the city, unless the vehicle is operated on a highway or vehicular way or area pursuant to state law, except:

- 1. Upon pathways public property which has been expressly specifically designated and posted by the governing authority for such operation purpose; except that**
- 2. As permitted in borough parks and borough outdoor recreation areas; or**
- 3. Authorized maintenance vehicles and others approved by the city engineer are shall be exempt from this section.**

(b) A vehicle operated in violation of this section is subject to towing and impound. A vehicle impounded under this section may only be released upon proof of ownership and payment of the costs of impound, including towing and storage,

in accordance with the City's Schedule of Fees and Charges for Services. The mayor may waive the costs of impoundment in whole or in part.

(c) If the operator of the vehicle is a minor at the time the vehicle is impounded, the vehicle may only be released to the minor's parent or legal guardian.

(d) After 30 days of impoundment, the vehicle is considered abandoned and may be disposed of as such without further notice to the owner.

(e) Within seven days after the impoundment, the owner of a vehicle impounded under this section may appeal the impoundment to the mayor. Within 10 business days of the filing of the appeal, the mayor shall conduct a hearing on the appeal to determine whether sufficient and probable cause existed to sustain the impoundment. The mayor's decision on the appeal is a final administrative decision, and any further appeal must be filed with the superior court within 30 days from the date of the decision in accordance with the Alaska court rules.

Section 3. When codified, references to the specific definitions in AS 28.90.990(a) and 13 AAC 40.010 used in this ordinance may be included as state law references, including bicycle, highway, motor-driven cycle, motor vehicle, sidewalk, vehicle, and vehicular way or area.

Section 4. The effective date of this ordinance is six days after adoption.

Mindy O'Neill, City Mayor

AYES:
NAYS:
ABSENT:
ADOPTED:

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Thomas A. Chard II, City Attorney