

## SUMMARY OF PROPOSED CHANGES TO OLATHE MUNICIPAL CODE TITLE 10 (THE OLATHE TRAFFIC ORDINANCE)

The proposed ordinance would amend five sections in the Olathe Traffic Ordinance to address concerns regarding and improve enforcement mechanisms for e-bikes, e-scooters, and similar devices. The ordinance also would repeal an existing section due to the merger of some provisions.

### ***Highlights***

If the ordinance is adopted, then the following changes in law would be made:

*For e-bikes:*

- Class 2 and Class 3 e-bikes will again be considered e-bikes;
- E-bike users must be sure their e-bike is properly class-labeled;
- Bicycle and e-bike users must give an audible signal before passing a pedestrian (bell, “on your left,” etc.);
- Persons under 16 cannot operate a Class 3 e-bike (also state law);
- E-bikes may be operated on roads with speed limits up to 40 m.p.h. (increase from 35 m.p.h.);
- No speed limit for e-bikes on roads; 15 m.p.h. speed limit for e-bikes on sidewalk; and
- Persons under the age of 18 must wear a bicycle helmet when riding on an e-bike.

*For e-scooters:*

- Grouped with motorized skateboards and similar devices (but not e-bikes) into a category called “micromobility devices”;
- Micromobility devices may be used on sidewalks, paths, and trails;
- Micromobility devices may not be used on most roads, but may be used on roads with speed limits up to 30 m.p.h. if there is not a sidewalk (neighborhood roads);
- Micromobility device users must yield the right-of-way to pedestrians on a sidewalk and give an audible signal before passing a pedestrian. Speed limit on a sidewalk is 15 m.p.h.;
- Persons under the age of 18 must wear a bicycle helmet when riding on a micromobility device, and the device cannot carry more persons than it was designed for;
- If a micromobility device is involved in an accident involving injury or property damage, the operator must provide contact information to other involved parties and report the accident to police; and

- Parents may not authorize or knowingly permit their children to violate any of these provisions.

## ***Detailed Summary***

### *1. Changes to Section 10.01.001 (Definitions)*

- Restore the three classes of electric-assisted bicycles (“e-bikes”) to align with state law (K.S.A. 8-1489) and specify how multi-class e-bikes or e-bikes with missing label information will be classified.
- Clarify, consistent with Kansas Department of Revenue (KDOR) interpretation, that “motor-driven cycle” includes any bicycle with an electric motor that does not fall within the definition of “electric-assisted bicycle.”
- Clarify that electric “bikes” that cannot be pedaled fall within the definition of “motorcycle.”
- Clarify, consistent with KDOR interpretation, that a “motorized bicycle” cannot be powered by an electric motor.
- Remove the definition of “motorized scooter” to avoid confusion with term “motor scooter” used in state law and elsewhere in the Olathe Traffic Ordinance.
- Remove a provision treating motorized skateboards as skateboards for certain purposes, because motorized skateboards will be considered to fall within the category of “micromobility devices” under other changes made by the ordinance.

### *2. Changes to Section 10.01.128.1 (Safe Operation of Bicycles Required – Duties of Operator Upon Accident)*

- Require bicycle, e-bike, and micromobility device riders to give an audible signal before overtaking and passing a pedestrian. (The e-bike and micromobility device sections include the requirements of this section by reference.)
- Correct a typographical error.

### *3. Changes to Section 10.01.135 (Electric-Assisted Bicycles – Traffic Law Application)*

- Prohibit the removal, defacing, or concealment of e-bike class labels and prohibit the operation of an e-bike without a class label.
- Allow e-bikes to be prohibited by official signage (if needed in specific, narrow situations such as special events or to avoid potential dangers), consistent with other provisions in Title 10
- In accordance with state law (K.S.A. 8-1592b), prohibit operation of class 3 e-bikes by anyone under 16 years of age.
- In accordance with restoring the state law e-bike classifications, change the general 20 mph speed limit to a 15 mph speed limit on sidewalks.
- Allow e-bikes to be operated on streets with speed limits up to 40 mph (increase from current limit of 35 mph).
- Require a bicycle helmet be worn by anyone under the age of 18 who is operating or riding upon an e-bike.
- Clarify that all code sections specifically regarding bicycle operation and equipment also apply to e-bikes, unless otherwise provided in this section.

4. *Changes to Section 10.01.135.1 (Electric-Assisted Scooters – Traffic Law Application)*

- Combine current provisions from Section 10.01.135.2 regarding motorized skateboards and similar devices into this section regarding electric-assisted scooters (“e-scooters”) and regulate them consistently as a new category called “micromobility devices.” *Note: many of the following provisions currently apply to either e-scooters or to motorized skateboards and similar devices, but grouping them together will apply them uniformly across this category. E-bikes would not be included or considered a “micromobility device.”*
- Prohibit use of micromobility devices on all roadways except:
  - On a roadway with a speed limit of 30 miles per hour or less and where there is no sidewalk or path adjacent to the roadway (intended to allow usage on neighborhood roads without sidewalks);
  - When a roadway has been temporarily designated a play street; or
  - While crossing a street at a crosswalk.
- Allow micromobility devices to be prohibited by official signage (if needed in specific, narrow situations such as special events or to avoid potential dangers), consistent with other provisions in Title 10.
- Establish a 15 mph speed limit for operation on sidewalks.
- Require a bicycle helmet be worn by anyone under the age of 18 who is operating or riding upon a micromobility device.
- Clarify that all code sections specifically regarding bicycle operation and equipment also apply to micromobility devices, unless otherwise provided

in this section or where a provision cannot apply due to the differences between bicycles and micromobility devices. *Note: the bicycle provisions that would apply to micromobility devices include the following provisions that were included as specific provisions within this section in previous drafts but were removed in this draft in conjunction with this clarification (because they would be redundant to the applicable bicycle provisions):*

- *Prohibit operation in a careless, reckless, or negligent manner;*
- *Require micromobility device operators to yield the right-of-way to a pedestrian on a sidewalk and to give an audible signal before overtaking and passing a pedestrian;*
- *Prohibit carrying more persons on a micromobility device than the number for which it is designed or equipped;*
- *Apply existing provisions regarding leaving the scene of an accident involving injury or property damage to operators of micromobility devices; and*
- *Prohibit parents from authorizing or knowingly permitting their child to violate any of the provisions in this section.*

#### 5. *Changes to Section 10.01.201(Penalties)*

- Add the e-bike and micromobility device sections to the schedule of fines established by the municipal court judge.

#### 6. *Repeal of Section 10.01.135.2 (Motorized Skateboards)*

- Repeal this section because its provisions are being incorporated into Section 10.01.135.1.

### **Questions**

*Would the proposed ordinance ban e-bikes or prohibit riding them on roads?*

No. In fact, the proposed ordinance would increase the number of roads on which e-bikes may be ridden.

*Would an e-bike be considered a “micromobility device”?*

No. E-bikes are not included in the definition of “micromobility device,” and will continue to be treated similarly to bicycles, with a few additional provisions found in Section 10.01.135.

*Would the proposed ordinance ban e-bikes or e-scooters from parks or trails?*

No. Specific language regarding paths and trails has been removed from the proposed ordinance due to the confusion it was causing.