

Active Trails Whitehorse Association Support Notes for Delegate Presentation of April 13, 2021

Opening Comment

As far as e-bikes are concerned the City should be concentrating on their use as a non-polluting means of transportation first, and as a form of recreation second.

If they are actually being used to replace urban automobile use (even occasionally), then they will be helping to decrease greenhouse gas emissions.

Suggested changes and background information with regard to the Draft E-Bike Bylaw

1. Class 1 e-bikes are already the most popular class of bike purchased, as these bikes are the most readily accepted type of e-bike for both highway and both paved and non-paved trail use in all provinces and cities, and they are the most affordable.

For Yukoners who wish to recreate in BC and/or in other provinces, the most sensible purchase is the Class 1 e-bike, as there will be fewer restrictions on their use in those areas.

Yukoners recreate in areas such as Atlin, BC, and in the Tatshenshini-Alsek Provincial Wilderness Park, and will have to conform to BC regulations applicable to e-bike use.

In BC, “Those with Class 2 and 3 e-Bikes . . . can only ride on trails and roads designated for motorized vehicles.” (See <https://easybiking.com/electric-bicycle-and-speed-e-bike-rules-and-regulations-in-canada/>.)

2. In the new draft Class 3 e-bikes are *not considered* to be motorized vehicles. However, the draft is basically saying that they *are* motorized, as such bikes are only to operate on “Roadways, Bicycle lanes (as defined in the E-Bike Draft Bylaw), and **motorized** multiple use trails.”

The only exception to the rule being the paved Two Mile Hill **non-motorized** multiple use trail, a **necessary** exception as bicycles for safety reasons are not permitted on the Two Mile Hill roadway.

It is going to be difficult for the City to allow Class 3 e-bikes on the non motorized multiple use Two Mile Hill paved trail, and then *forbid their use* on other non-motorized multiple use paved trails. Try doing this when the Two Mile Hill trail is eventually connected to the paved Riverfront Trail and the City might well receive some pushback.

There are a few **motorized** multiple use trails in the City that are *paved* such as the Hamilton Blvd MMU trail, and the Pine Street Extension paved trail. Both these paved trails lead to other paved trails, which are *not* MMU trails. Common sense suggests that the Class 3 e-bike operator will just continue on to those non-motorized paved trails, and the City will be powerless to do anything about it.

The argument will be that if I, as a Class 3 operator, can go on the Hamilton Blvd paved MMU trail, and the Pine St. Extension paved MMU trail, and the Two Mile Hill paved non-motorized multiple use trail, then why should I not be allowed on *all* paved trails including the MMU Casca Blvd paved *sidewalk* loop?

To avoid this situation Section 13 of the draft bylaw needs clarification as follows: (Suggested additions are in red.)

Class 3 e-bikes are permitted only on Roadways, Bicycle lanes, and unpaved motorized multiple use trails, with the exception of the Hamilton Blvd and Two Mile Hill paved trails (on which they are permitted).

(Comment: This would make it clear that Class 3 e-bikes are not permitted on the Casca Blvd loop “trail” or the Pine St. Extension paved trail, or any other **paved** trail **(whether MMU or NMMU)** in the City).

This is the time to make the above clarification, as at present there are few Class 3 e-bikes in our community.

Please remember that Class 1 and Class 2 e-bikes will be permitted on all paved trails whether non-motorized or not, and walkers and runners who currently have enough difficulty dealing with bicycles on paved paths, will now have to deal with the presence of e-bikes and other mobility devices. The introduction of the potentially faster Class 3 e-bike on paved trails used by walkers and runners will just exasperate the situation.

3. There is no restriction as to age in this revised draft bylaw. Why not? Administration says it would be too difficult to enforce. However, that should not be an excuse to simply abrogate the City’s responsibility to do what it can to ensure the safety of its children.

There must be justifiable reasons why so many provinces have age restrictions. We must not forget that many of these provinces and their municipalities have been addressing e-bike concerns far longer than our territory or our municipal governments.

These are not bicycles. They are e-bikes, which are heavier, potentially faster, and more difficult to handle.

The following January 2020 article will give you an idea of the age restrictions that exist in other provinces. (See <https://epiccycles.ca/electric-bike-regulations-canada-can-use-electric-bike/>.)

As for enforcement, this bylaw already puts the onus on parents to ensure that children 15 and under wear a bicycle helmet. (See Section 10.) The same could be done with age restrictions.

4. Owners of e-bikes should not be permitted to *modify* bike motors to exceed a power output greater than 500 watts. (This would have to be re-worded if the City is going to permit power outputs of 750 for Class 3 e-bikes.)

For example: No modifications are permitted to the motor to allow it to exceed a power output greater than ____W and a speed greater than ____ km/h.

These bikes are not *regular* bicycles. They are e-bikes with electric motors and can be modified to increase power. (Note: There are modification restrictions in both the Snowmobile and ATV bylaws.)

5. There needs to be a clear statement in the bylaw that e-bikes of all classes are required to refrain from entering the City's greenbelts, and are to stay in permitted areas. We do not need more rogue trails.

6. At present, operators of e-bikes, e-scooters, e-mobility devices and aMTBs, are *only* required to give an audible signal when overtaking others in a *Prepared crossing or on a Sidewalk*. This requirement should be extended to include a *roadway, trail, and bicycle lane*.

(Note: Section 19 of the bylaw requires an audible single to be given, unless one can provide "more than one metre of separation when overtaking another **Trail** user," but this does not seem very practical. Just make it a common rule for all e-bikes to make an audible single when overtaking others. Common sense should dictate when this is necessary.)

7. All e-devices should be *required to have* a bell, horn, or other [City approved] signalling device in order to allow operators to warn others of their approach and intent to pass. (Using one's voice is not necessarily the best audible signal!)

Note: A common complaint ATWA receives is related to the lack of a warning when overtaken by bicycles. We have even had a complaint from a bicycle operator who was overtaken by an e-bike operator, again without any warning.

8. An updated and usable motorized multiple use trail map/app is essential if the City is opening such trails to e-bike use. Operators have to know where these trails are located. (See Action #19 of the 2020 Trail Plan.)

We cannot expect operators of e-bikes to follow the rules if they are not given the tools that are required to enable them to do so.

A reference to this map should be included in the bylaw whether ready or not. As well, the public should be given an idea as to when the required map will be made available. (ATWA has been asking for years to have such a map prepared. Fortunately, the 2020 Trail Plan Action #19 calls for its completion.)

Needed amendments to current bylaws to align with the E-Bike Bylaw

ATV Bylaw:

In order to align with the E-bike Bylaw and the 2020 Trail Plan there are two other definitions in the ATV Bylaw that need to be changed.

The definitions of Motorized Multiple Use Trails and Non-Motorized [Multiple Use] Trails currently found in the ATV Bylaw are no longer correct now that we have a new 2020 Trail Plan.

They have been replaced by the following definitions one of which has now been added to the E-Bike Bylaw under Definitions:

MOTORIZED MULTIPLE USE TRAIL

Trails designed and designated by the City to be used by both non-motorized and motorized users including snowmobilers.

NON-MOTORIZED MULTIPLE USE TRAIL

Trails to be used by a variety of non-motorized users.

Snowmobile Bylaw:

To align with the E-Bike Bylaw, the ATV Bylaw and the 2020 Trail Plan the Snowmobile Bylaw also needs to be amended in order to replace the latter's definition of a Motorized Multiple Use Trail with the *current definition* found in the 2020 Trail Plan.

As well, the definition of a Non-Motorized Multiple use Trail also needs to be included in the Snowmobile Bylaw.

As, according to the 2020 Trail Plan non-motorized multiple use trails are now only open to non-motorized users, and motorized users such as snowmobilers are restricted to MMU trails, the words non motorized multiple use trail(s) needs to be added to the *Permitted or Excluded Areas* Section 15 of the Snowmobile Bylaw.

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