



Office of the City Manager

DATE: August 21, 2018

TO: Mayor and City Council

FROM: Sabra Newby, City Manager *SN*

THROUGH: Bill Thomas, Assistant City Manager
Lynne Barker, Sustainability Manager *LB*

CC: Brian Sooudi, Deputy City Attorney
Jonathan Shipman, Deputy City Attorney

SUBJECT: Bikeshare Franchise Agreement & Electric Scooters

On April 11, 2018, the Reno City Council approved the City of Reno Dockless Bikeshare Franchise Agreement. The intent was to provide residents and visitors with a transportation alternative, increase first and last mile mobility options to increase transit ridership, and offer a unique experience that provides a range of benefits to the community.

The City participated with the City of Sparks, Washoe County, University of Nevada Reno, and Reno-Sparks Indian Colony on selection and implementation of a dockfree bikeshare provider and system for the region. In addition, RTC Washoe County has been an important partner supporting this initiative. Limebike was selected as the Contractor for a pilot to test dockfree bikeshare in the region.

For the purpose of the franchise, “bicycle” or “bike” referred to the products offered by the provider, including: standard dockless bicycles, electric assisted dockless bicycles, electric scooters, and related dockless mobility products provided by the Contractor.

Limebike plans to deploy electric scooters, targeting the last week in August for deployment of the first shipment of electric scooters. Limebike has been very cooperative, working closely with the City of Reno and participating entities to prepare for deployment of electric scooters.

City staff, including members of the City Manager’s Office, City Attorney’s Office, Reno Police Department, Public Works, and Office of Communications and Community Engagement have been meeting and preparing for the launch of electric scooters by research state and city regulations and how they apply to electric scooters. An attached memo from the City Attorney’s

Office communicates our determination that the NRS and Reno Municipal Code covers electric scooters as they meet the definition of “moped.”

Electric Scooter Equipment Requirement

The franchise required the Contractor to comply with applicable laws NRS Chapter 484B, standards outlined in the Code of Federal Regulations (CFR) under Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles, and safety standards outlined in ISO 43.150 – Cycles, subsection 4210.

Electric scooters shall have an electric motor of 250 watts and a top motor-powered speed of less than 15 miles per hour. Electric scooter shall be 3.5 feet tall and 3 feet long weighing no more than 30 pounds with 8” solid wheels and the frame made from magnesium alloy. The scooter shall be powered by a lithium battery with a travel range of 30 to 37 miles in distance.

Laws and Safety

Per the City Attorney’s Office determination, per NRS the legal requirements for electric scooters users are:

- Must have a valid driver’s license.
- Must ride electric scooters in the road.
- Must follow the rules of the road.
- Must ride as near to the right side of the road way as practical.
- Cannot ride electric scooters on a sidewalk, in parks or trail.
- Not required to use helmets.

Communications

City staff is working closely with the participating entities, RTC Washoe County, and Limebike to ensure robust communications leading up to and after the launch of electric scooters to inform residents and visitors of the laws and safety recommendations pertaining to electric scooters.

Communications from the City of Reno will focus on laws, safety and parking etiquette. A communications calendar is under development that will include press release, invitation to press to demo electric scooters, blogs, and social media, including Facebook, Twitter and Instagram.

Limebike will also communicate through its app and through other channels about electric scooter laws, safety and etiquette, reflecting local laws. When users unlock an electric scooter with the app for the first time, a pop up will highlight local laws. Limebike’s requirements are:

- Must be 18 years old to ride electric scooters.
- Must have a valid driver’s license.

Limebike’s safety recommendations to users are (<https://www.li.me/electric-scooter>):

- Helmets recommended.
- Park properly by the curbside.
- Do not block pedestrian walkway.
- Follow local traffic laws.
- Be mindful of road obstructions such as potholes and rocks.

Indemnification

The franchise agreement indemnifies the City of Reno from issues related to use of Limebike's bikes and electric scooters.



Reno City Attorney

MEMORANDUM

Date: August 21, 2018
To: Mayor, City Council, and City Manager
cc: Jonathan Shipman, Assistant City Attorney
Jason Soto, Police Chief, Scott Dugan, Lieutenant of Traffic Division,
Lynne Barker, Sustainability Manager
Thru: Karl S. Hall, City Attorney
From: Brian Sooudi, Deputy City Attorney
Subject: Lime-S Electric Scooters

Question: Does state law define electronic scooters as a bicycle or moped and does the City need enact any new traffic ordinances to regulate them?

Short Answer: Lime-S electronic scooters fit the definition of “moped” under the Nevada Revised Statutes (NRS) and therefore must comply with all motor vehicle laws. No new traffic ordinance under Reno Municipal Code is needed.

Discussion: NRS 484A.025 defines a “bicycle” as a device that is propelled by human power upon which a person may ride, having two tandem wheels either of which is over 14 inches in diameter, or every such device generally recognized as a bicycle though equipped with two front or two rear wheels except a moped.

Furthermore, NRS 483.067 defines “electronic bicycle” as a device upon which a person may ride having two or three wheels, or every such device recognized as a bicycle that has fully operable pedals and is propelled by a small electric engine which produces not more than 1 gross brake horsepower and which produces not more than 750 watts final output and is designed to travel on not more than three wheels in contact with the ground but is not a tractor and powered solely by such a small electric engine, is capable of a maximum speed of not more than 20 miles

per hour on a flat surface while carrying an operator who weighs 170 pounds. The term does not include a moped.

The Lime-S electronic scooters do not meet the definition of bicycle or electronic bicycle under the NRS. The wheels are not 14 inches in diameter. They are 8 inches in diameter. They do not have operable pedals and are not recognized as a bicycle.

NRS 486.038 defines “moped” as a motor-driven scooter, motor-driven cycle or similar vehicle that is propelled by a small engine which produces not more than 2 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 1500 watts final output. Furthermore, it is designed to travel on not more than three wheels in contact with the ground but is not a tractor and is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged. The term does not include an electric bicycle as defines in NRS 483.067.

Lime-S electronic scooters have a 20+ mile maximum range on a 250-watt motor. The maximum speed is approximately 15 mph. They also don't produce more than 2 gross brake horsepower and their displacement is not more than 50 cubic centimeters. Therefore, Lime-S electronic scooters fit within the definition of moped under NRS 486.038.

Lime-S electronic scooters are a motor vehicle under NRS 484A.130 which states that motor vehicle means every vehicle which is self-propelled but not operated upon rails. Based on this they are subject to NRS chapter 484B Rules of the Road. For example in Nevada a person who operates a moped cannot ride upon sidewalks, NRS 484B.117. Additionally, anyone who operates a moped must possess a valid drivers license under NRS 483.230.

Finally, the Nevada Legislature in 2015 passed AB 422 which stated that local authority shall not enact an ordinance governing the operation and equipment of a motorcycle or moped which is in conflict of state law, NRS 486.180.

The Reno Police Department has all the necessary traffic laws under the NRS and Reno Municipal Code to enforce and no new ordinances are needed at this time.