

ARLINGTON
BICYCLE
ADVISORY
COMMITTEE



www.abac.arlington.ma.us

February 27, 2019

TO: **Arlington Select Board**

CC: Adam Chapdelaine, Town Manager
Howard Muise, Transportation Advisory Committee
Daniel Amstutz, Department of Planning & Community Development

FROM: Christopher Tonkin, chairperson,
Arlington Bicycle Advisory Committee (ABAC)

RE: **Support for Electric-Bicycle Legislation**

During our February 20th meeting, the Arlington Bicycle Advisory Committee (ABAC) voted to request your municipal support for pending state legislation regarding the definition and regulation of low-powered, pedal-assist electric bicycles.

Pedal-assist electric bicycles have become popular for various reasons. With an e-bike, more people can ride more often, farther, and for more trips. E-bikes are designed to be as safe as traditional bicycles and benefit people who may be discouraged from riding a traditional bicycle due to limited physical ability, hilly terrain, or convenience.

An Act Relative to Electric Bicycles (HD.1596 / SD.1882) was recently introduced in the Massachusetts Legislature. This bill clarifies the definition of electric bicycles, recommends basic regulations to treat low-speed electric bikes as regular bikes, and empowers municipalities to regulate their use on roads, trails, and paths (including the Minuteman Bikeway). This legislation will help our efforts to promote sensible and safe electric-bicycle usage, clarify how e-bikes are defined in Massachusetts law, and provide guidelines for where they can be ridden.

For reference, see the two attachments related to this e-bike bill.

On a related topic, Lime is now proposing to operate more pedal-assist, electric Lime-E bikes in Arlington and surrounding communities this year for their regional dockless bike-sharing system. Again, this proposed legislation would clarify and regulate how low-powered electric bikes can be operated on roads, bike lanes, and bike paths like the Minuteman Bikeway.

ABAC supports this e-bike bill, and we request that you consider endorsing it with our local state representatives on behalf of the Town. We would be happy to attend one of your upcoming meetings to discuss this topic further; please contact me with any comments or questions. I can be reached at tonkinc@comcast.net or 617-974-3349.

Thank you for your consideration.

Attachments:

- Text of *An Act Relative to Electric Bicycles* (HD.1596 / SD.1882)
- Summary information on the proposed Massachusetts E-Bike Law

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Dylan A. Fernandes and Jonathan Hecht

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to electric bicycles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>John C. Velis</i>	<i>4th Hampden</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>

Tommy Vitolo

15th Norfolk

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to electric bicycles.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by adding the following definition: -

3 “Electric bicycle” shall mean a bicycle or tricycle equipped with fully operable pedals
4 and an electric motor of less than 750 watts that meets the requirements of one of the following
5 three classes:

6 (a) “Class 1 electric bicycle” shall mean an electric bicycle equipped with a motor that
7 provides assistance only when the rider is pedaling, and that ceases to provide assistance when
8 the bicycle reaches the speed of 20 miles per hour.

9 (b) “Class 2 electric bicycle” shall mean an electric bicycle equipped with a motor that
10 may be used exclusively to propel the bicycle, and that is not capable of providing assistance
11 when the bicycle reaches the speed of 20 miles per hour.

(c) “Class 3 electric bicycle” shall mean an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

SECTION 2. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, in line 265, after the word “hour.” the following sentence:- The definition of “motorized bicycle” shall not include an electric bicycle.

SECTION 3. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, in line 270, after the word “motorcycle” the following words:- or electric bicycle

SECTION 4. Section 1 of Chapter 90 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, in line 288, after the word “include ” the following words:- electric bicycles or

SECTION 5. Section 1 of Chapter 90D of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting, in line 25, after the word “include ” the following words:- electric bicycles or

SECTION 6. Chapter 85 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended by inserting after section 11B1/2 the following section:-

Section 11B3/4. For the purposes of this section, the terms “electric bicycle,” “class 1 electric bicycle,” “class 2 electric bicycle,” and “class 3 electric bicycle” shall have the same definitions as in section 1 of chapter 90. The terms “bike path,” “bike lane,” and “bike route” shall have the same definitions as in section 1 of chapter 90E.

Electric bicycles and operators of electric bicycles shall be subject to the following regulations:

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. Electric bicycles may be ridden on a street, road, way, bike lane, bike path or bike route that is open for use by bicycles; provided, however:

(i) A municipality, local authority or state agency having jurisdiction over a bike path or shared-use path may prohibit the operation of class 1 or class 2 electric bicycles on that path.

(ii) Class 3 electric bicycles shall not be ridden on a bike path or shared-use path unless permitted by the municipality, local authority or state agency having jurisdiction over that path.

(iii) This subsection shall not apply to a trail designated for nonmotorized traffic if such trail has a natural surface tread made by clearing and grading the soil and no surfacing materials have been added. A municipality, local authority or state agency may regulate the use of electric bicycles on such a trail within its jurisdiction.

(2) Electric bicycles shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission established in 16 C.F.R. 1512.

(3) On and after January 1, 2020, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle containing the classification number, top assisted speed, and motor wattage of the electric bicycle.

(4) A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless they appropriately replace the label required by subsection (3).

(5) Class 3 electric bicycles shall be subject to the following additional regulations:

(i) No person under the age of sixteen (16) may operate a class 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(ii) All operators and passengers of class 3 electric bicycles shall wear a properly fitted and fastened bicycle helmet that meets the standards provided by either the United States Consumer Product Safety Commission or the American Society for Testing and Materials, or standards subsequently established by those entities. A violation of this clause shall not be used as evidence of contributory negligence in a civil action.

(iii) All class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

(iv) A municipality or local authority having jurisdiction over streets, roads, or ways may prohibit the operation of class 3 electric bicycles on those streets, roads, or ways.

The Secretary of the Massachusetts Department of Transportation may promulgate additional regulations regarding electric bicycles in the Commonwealth, including but not limited to their safe operation and proper labeling. The Secretary shall submit any such proposed regulations to the Clerks of the House and Senate and to the Joint Committee on Transportation at least 30 days prior to their effective date.



An Act relative to electric bicycles

HD 1596 - Representative Dylan Fernandes

Representative Jonathan Hecht

SD 1882 - Senator Sal DiDomenico

CHANGES TO MASSACHUSETTS' E-BIKE LAW

This bill would regulate low speed electric bicycles like bicycles. The same rules of the road would apply to both e-bikes and human-powered bicycles when it comes to speed, proper passing, following local traffic laws, obeying posted speed limits, and other state and local ordinances.

Changes to the Massachusetts General Laws would define an electric bicycle as a device with two or three wheels which has a saddle and fully operative pedals for human propulsion and an electric motor having a power output of not more than 750 watts. An electric bicycle would meet the one of the following three classes:

- » CLASS 1: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20 mph.
- » CLASS 2: Bicycle equipped with a throttle-actuated motor, that ceases to provide assistance when the e-bike reaches 20 mph.
- » CLASS 3: Bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 28 mph.

In the interest of safety, local governments would be allowed to restrict, regulate or prohibit the use of e-bikes in their parks, on paths and trails. In the absence of local ordinances, the slower Class 1 and Class 2 e-bikes would be allowed on paths and trails; while the Class 3 e-bikes would only be allowed on roadways. The e-bike class model also allows local agencies to permit e-bikes on paths or bikeways where they are traditionally not allowed, in the event that the alternative route is considered hazardous. This is a local jurisdictional decision.

These regulatory updates would also mean that:

- » The definitions of motorized bicycle or motor vehicle would exclude that of an electric bicycle.
- » Helmets would be required for riders of Class 3 e-bikes.
- » Persons under 16 years of age would not be able to ride a Class 3 e-bike, unless as a passenger.
- » All e-bike manufacturers must apply a standard label to each e-bike specifying its type and wattage.
- » Any tampering or modification of the motor would require replacement of the standard label.

With an e-bike, bicyclists can ride more often, farther, and for more trips.

Electric bicycles are designed to be as safe as traditional bicycles, do not compromise consumer safety, and benefit bicyclists who may be discouraged from riding a traditional bicycle due to limited physical fitness, age, disability or convenience.

In many states, e-bikes are regulated under antiquated laws primarily aimed at combustion engine vehicles such as mopeds or scooters.



If you have any questions or want a copy of the final bill language:
for HD 1596 please reach out to Elizabeth Roche at Elizabeth.Roche@masshouse.gov
for SD 1882 please reach out to Christopher Smith at Christopher.Smith@masenate.gov