



The Commonwealth of Massachusetts
HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

JONATHAN HECHT
STATE REPRESENTATIVE
29TH MIDDLESEX DISTRICT
WATERTOWN • CAMBRIDGE

STATE HOUSE, ROOM 22

Committees:

Children, Families & Persons with Disabilities

Municipalities and Regional Government

Transportation

Public Health

TEL (617) 722-2140

Jonathan.Hecht@MAhouse.gov

Laura Dietz
Assistant General Counsel
Department of Conservation and Recreation
251 Causeway St.
Boston, MA 02114

Dear Ms. Dietz,

I write to you today regarding the Department's proposed amendments to 302 CMR 11.00 and 302 CMR 12.00. I respectfully ask that the Department give careful consideration to how its proposed regulations could hinder the adoption of new micro-mobility devices, particularly electric scooters (e-scooters). While I appreciate the Department's desire to ensure micro-mobility devices integrate safely into our overall transportation system, I urge caution against using overly broad definitions and prohibitions that may unnecessarily deter use of these promising new modes of transport.

Mobility in Massachusetts is changing, out of necessity and out of preference, as we confront intolerable levels of congestion and dangerous levels of transportation emissions. Under these circumstances, it is incumbent upon us to support a range of innovative mobility options. E-scooters are one such innovation. Nearly half of all trips made in the United States are under three miles and over three-quarters of these short trips are currently made in a personal car. In many places, e-scooters and other electric micro-mobility devices are becoming a popular substitute for exactly these types of trips. They offer a convenient, carbon-free way to reach a nearby destination or connect with public transit.

Data collected so far on the use of e-scooters is promising. A pilot project in Portland, Oregon found that 34% of residents and 48% of visitors who took an e-scooter did so in lieu of driving a personal car or using a ride-hailing service. Bird and Lime, two major e-scooter companies, report that between 25 and 40% of their customers use e-scooters to access public transit, suggesting they may help solve the "last-mile" connection problem.

Surveys from Portland further show e-scooters enjoy high levels of support among people of color (74% favorable) and those with incomes under \$30,000 (66% favorable), demonstrating that e-scooters are desirable transportation options in traditionally underserved communities.

According to data from Populus.AI (a mobility platform for cities and towns), women are adopting e-scooters at higher rates than shared bicycle systems, likely because e-scooters can be ridden in skirts, dresses and heels.

Aware of the benefits e-scooters are bringing to other parts of the country, several Massachusetts municipalities have either launched or are planning to launch shared e-scooter pilot programs. Additionally, many residents have already purchased their own e-scooters and are using them daily on our roads, sidewalks, and paths.

Massachusetts' laws and regulations need to change to suit these developments. Legislation is currently pending to create a statutory basis for e-scooter use, which is currently (and inappropriately) governed by laws on motorized scooters (MGL ch. 90, s. 1E). These bills would permit e-scooter use on public ways subject to certain limitations to ensure the safety of both e-scooter riders and other road users. They would also generally permit e-scooters on shared-use and bike paths on an equal footing with bicycles, though some would authorize limiting their use in special circumstances.

In this rapidly evolving technological and legal landscape, DCR should be careful not to adopt rules that create overly broad definitions or unnecessarily constrain e-scooter use. Until the Legislature removes e-scooters from the definition of motorized scooter, e-scooters are already prohibited on DCR boulevards, roadways, parkways and ways. However, by including e-scooters under the definition of "motorized conveyance" (a catch-all term for all motorized modes of transport other than motor vehicles or pedal-assist electric bicycles), the Department's proposed regulations go further than is necessary to limit e-scooter use on shared-use and bike paths.

The proposed regulations would prohibit motorized conveyances on DCR's "improved and natural surface trails." This may be appropriate for "natural surface" trails and for "motorized conveyances" that travel at speeds over 20 mph. But there is no compelling reason to ban e-scooters (which generally have a maximum speed of 15 mph) from improved paths. This prohibition will seriously limit the utility of shared and personal-use e-scooters in municipalities like Cambridge and Watertown where the DCR manages many off-road commuting corridors. Additionally, since not all municipalities will ban e-scooters from paths under their jurisdiction, this has the potential to create confusion amongst riders and inconsistent adherence to the law.

Thank you for your consideration of these comments. Please do not hesitate to reach out to my office with any questions.

Best regards,



Jonathan Hecht
State Representative
29th Middlesex District