



The Commonwealth of Massachusetts

House of Representatives

State House, Boston 02133-1054

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

Dear Ms. Dietz,

We write to you today regarding the proposed amendments to 302 CMR 11.00 and 302 CMR 12.00. Specifically we wish to comment on the definitions and other provisions relating to electric bicycles (e-bikes).

For many compelling reasons, Massachusetts should be facilitating the use of new mobility options like e-bikes. E-bikes are proving highly desirable to consumers looking to replace car trips with more space-efficient and environmentally-friendly alternatives. In addition, e-bikes allow people to ride further for a longer time while expending less effort, which makes them practical for those who may shy away from traditional bicycles due to age, fitness, disability, or lack of shower facilities at their destination. At the same time, it is important to create an appropriate regulatory framework so that each new mobility option can integrate safely and sustainably into our overall transportation system.

The Legislature is currently considering legislation on e-bikes in H.3014/S.2071, *An Act relative to electric bicycles*. These two identical bills create a statutory definition of electric bicycles and adopt the 3-tiered classification system used by the industry and 22 other states (at the latest count). They also set out rules governing who may operate these different types of e-bikes and under what conditions. In general, the bills treat Class 1 and Class 2 e-bikes, whose engines (pedal-assist or throttle) automatically disengage when the bike reaches 20mph, like traditional bicycles, while adding age restrictions and safety requirements for Class 3 e-bikes, which operate at speeds of up to 28mph. They create a presumption that Class 1 and Class 2 e-bikes are allowed where traditional bicycles are permitted, unless expressly prohibited. Class 3 e-bikes, on the other hand, are presumed prohibited on bike paths and shared-use paths, unless expressly permitted.

If the Department chooses to move ahead with its proposed regulations before the legislature takes action, we ask that the Department adopt the same definitions and classification system contained in H.3014/S.2071 both to conform to industry standards and also to avoid the possibility of a subsequent conflict with the statute.

We further recommend that the amended regulations should, absent special circumstances, allow both Class 1 and Class 2 e-bikes on DCR ways and trails where standard bicycles are permitted. We oppose any distinction, definitionally or functionally, between the two. It is hard to see what public policy goal is achieved by distinguishing between Class 1 and 2 e-bikes based on the way their electric motors engage. Enforcement of such a distinction is also nearly impossible, as the visual differences between Class 1 and 2 e-bikes can be extremely subtle. Certain e-bikes actually use both pedal-assist and throttle technology. Class 1 and Class 2 e-bikes are, however, clearly different from Class 3 e-bikes, which travel at much higher speeds. Most would agree that for safety reasons, Class 3 e-bikes do not belong on trails and ways with pedestrians and traditional cyclists.


Finally, we also ask that the Department take a trail-by-trail approach when determining whether to allow e-mountain bikes on its improved or natural surface trails. E-mountain bikes allow a broader range of people to enjoy open spaces, including older individuals and persons with disabilities for whom mountain biking with traditional bicycles may be impossible. Land managers should be given discretion to permit e-mountain bike use on trails where they can integrate safely with other users.

Thank you for your consideration of our comments. Please do not hesitate to reach out to our offices with any questions.

Best regards,



Dylan Fernandes
State Representative
*Falmouth, Martha's
Vineyard, and
Nantucket*



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