

**DCR Hearing on Proposed Amendments to
302 CMR 11 and 302 CMR 12
Community Rowing, Brighton, MA
July 2, 2019**

Nat McAllister, Bedford, MA: Written statement also submitted. Opposed to proposed amendments. Has worked in bike business for a long time; has ridden all over the world; bikes have evolved from 1-speed, 3-speed, etc. – having pedal-assist technology is part of the evolution of bikes. E-bikes use very little power; they help the rider go further and ride for longer; they enable a rider to be more comfortable, which leads to more riders. Pedal-assist e-bikes are just like traditional bicycles – they’re not at all like motorcycles. They can be used to get trail maintenance volunteers out to remote trails. DCR should not reduce the means people use to enjoy nature. Don’t limit paved path access to paths over 8 ft. wide.

Brian Hall, Hampton, NH: Written statement also submitted. Opposed to proposed amendments. He’s had symptoms of Parkinson’s Disease since he was 15 years old (now in his 40s). Rides a Class 1 mountain bike regularly. Having an e-bike allows him to ride anywhere – feels free now that he has e-bike. Proposed reg amendments don’t limit the use of bicycles, they will limit *people*. He has been working with NH Parks and Rec on e-bikes policy. Should be permitted to ride a Class 1 e-bike anywhere a traditional bike is ridden. DCR should use standard Class 1, 2, 3 e-bike definitions.

Jessica Mink, Roslindale (also chairs Neponset River Greenway Council): E-bikes tend to go very fast on paved paths. Concerned about e-bikes being rented without sufficient education as to their proper use. Scooters should be allowed where e-bikes are, but speeds and behavior can be a problem, so those issues should be addressed in DCR regs. E-bikes are useful for people with mobility issues. Biking community should regulate itself. E-scooters should be regulated.

Jeffrey Ferris, Jamaica Plain (owner, Ferris Wheels): All “motorized conveyances” (e-bikes, scooters, etc.) should be required to have a working speedometer. Wider paved paths are needed, so all users on various conveyances can use them; paths should be striped. Rules re courtesy, audible signals for passing, etc. should be posted along paths; would like to see signs that encourage all users of paths to act courteously. Various types of paths should be defined (e.g., what does “improved” mean?). Queried whether Segways are permitted on DCR paths – how fast do they go?

Brendan Carney, Watertown (WalkBoston): Queried on what data the proposed regulation changes are based. Suggests that DCR pause the regulation amendment process until legislature acts on bills (S.2071 and H.3014). Also suggests that DCR look to other states’ regs/laws as to e-bike usage on various types of paths.

Marty Maturgo, Newton: Recreational paths should be used for recreating – pedal-assist (as opposed to those with a throttle) e-bikes are recreational. Problems with high speeds already exist – not specific to e-bikes; DCR should regulate the behavior, not the device. Slowing down an e-bike is not hard – just stop pedaling or brake.

Galen Mook (Exec. Dir., Massachusetts Bicycle Coalition): There’s a distinct change in bike use in last few years – bikes now used for commuting, errands, etc. E-bikes allow people to

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travel longer distances and use bike for more types of travel. Proposed regulatory amendments are not forward-thinking – DCR should be looking five years ahead, not backward; more multi-modal transportation options are needed. E-scooters and skateboards should not be prohibited either. Speed is not a device issue, it's a people/user issue. DCR should regulate peoples' behavior, not devices. E-mountain bikes on natural surface trails do no more damage to trails than traditional bikes. DCR should pause the regulation amendment process until legislature acts on bills (S.2071 and H.3014) which were filed in January 2019. 39 other states use classification system re e-bikes (e.g., Class 1, 2, 3) – DCR should do the same, as it's sensible and widely understood. Some Class 2 e-bikes are appropriate on some DCR pathways; e-bikes with throttles are not dangerous. Suggests that DCR treat Class 1 and Class 2 bikes as traditional bikes except where specifically prohibited. Suggests that DCR list where specific types of bikes are permitted or prohibited. DCR should not alienate the e-mountain bike community because that advocacy community will regulate itself and will volunteer for trail maintenance and other volunteer projects on DCR property. Regulations should be park- or trail-specific. Regulations should be written with flexibility in mind, to allow for context. Proposed regulatory amendments are overly broad – should not have a blanket prohibition on e-bikes on natural surface trails. Suggested that DCR staff attend demo days (in Walpole and Charlemont) to try out e-bikes (provided flyer).

Dave Huson (Back Bay Bicycles): E-mountain bikes do no more damage to trails than traditional bikes (pedal-assist e-bikes are the same as traditional bikes). E-bikes allow more people to ride, which is good for individual health and the environment. There is no reason for the prohibition on e-bikes on natural surface trails. All riders should follow the rules of the road and be courteous. Most mountain bike trails are fairly empty – rarely run into other users; trails are under-utilized.

Mark Vator: Runs on pathways along Charles river 5 days a week. Biking is good for everyone's health and well-being – e-bikes enable more people to be outdoors with friends. E-bikes should be allowed in more places.

Brian Noonan (Westminster): Proposed regulation is too restrictive – e-bikes should be allowed everywhere. The real danger to cyclists is on roadways, not trails and pathways. Has been biking for many years – now interested in e-biking, as his friends have e-bikes.

July 2, 2019

Thank you for being here and taking the time to listen and for taking input on this important issue.

My Name is Nat McAllister, I grew up here in Bedford, Massachusetts. and have ridden bicycles for as long as I can remember.

These bikes have evolved over the years from my first "hand me down" 3-speed. As advancements in mechanical features and technology have evolved so has my interest in riding throughout the world.

I was so excited to get a bike with gears to help me with the hill across the street to keep up with my brothers and other kids in the neighborhood. In later years having suspension to alleviate my chronic back pain has made an enormous difference in being able to ride at all vs. not riding at all.

Now there are electric assisted bicycles and with this same evolution in technology making it so that people can ride further and for longer.

As an example, my father, now 75, rides an e-bike 4 days a week and rode his longest 23 mile ride ever just yesterday. Previously he might ride 1-2 days a week for 8-10 miles. Can you imagine the sense of accomplishment he has? He is getting leaner and lighter and has more energy now than before.

Personally, with 3 young children at home I have less time than ever to ride but I still try to make it a priority for my own health and to model to my kids that it is important to make time to get outside and keep healthy and connect with nature and your surroundings.

I have a few decent hills behind my house that on my regular mountain bike will take me an hour and a half to ride. On my pedal assisted bike I can make it home in one hour. Now that may not seem like much of a difference but in my life that makes all of the difference between riding and not riding at all.

To climb a trail at 8mph vs 5 mph, in my case, and not be totally cooked at the top is the difference. With less wattage output than a hotel hairdryer these are not the menacing machines that some make them out to be.

These bikes provide assistance and I would invite you all to try one out in person before making a decision.

- Electric bicycles, particularly class 1 bikes, are just that...bicycles. They are human powered. They are not motorcycles.
- They have the same impact on trails as regular mountain bikes. The International Mountain Bicycling Association (IMBA) recently did a study confirming that.
- IMBA's new policy indicates these bikes can be managed in a sustainable way for both the environment and other trail users.
- eMTBs enable people to continue to be able to ride as they get older or experience injuries of health impediments.
- eMTBs are "equalizers" and allow people with varying levels of ability to ride together, as is often the case in families.
- Studies such as those in Jefferson County, Colorado, and Fruita, Colorado found that about 2/3 of people did not even know they were sharing trails with eMTBs. There is no perceived difference amongst riders.
There are many examples throughout the country where eMTBs have been accepted, and given access to trails without problems. I hope that MA takes a page from other states like NH and continues to encourage people to get outside, stay active, be healthy and keep riding.

Thank you again for your time and consideration.

Sincerely,
Nat McAllister

7-2-19

My name is Brian Hall and I ride a Class 1 Pedal Assist EMTB...

Mountain bike riding is an expression of my freedom. Also, it's a passion that I share with many of my fellow cyclists worldwide. Whether it be on a regular mountain bike, or another form of bicycle, such as a pedal assist EMTB for instance. The goal in riding any type of bicycle is exactly the same. To enjoy being in and a part of the great outdoors. In essence, pursuing the feelings of being alive and free!

For a person like me, in my physical situation feeling any sort of physical freedom is an extremely rare event in my life. However, that is exactly what I have found by riding a Class 1 Pedal Assist EMTB.

Why did I choose to ride a Pedal Assist EMTB? Simply put, it grants me a sense of independence and physical freedom. This feeling of physical freedom was unavailable to me on a normal bicycle, due to a 42-year long challenge with Parkinson's disease. I do have a regular road bike & mtb that I still own and use in my fitness training throughout the year. But, before I get ahead of myself, perhaps, I should go back a little bit further...

I first re-engaged in bike riding again back in 2013, as a way to improve my physical health. The goal was to get outside, be able to move around a bit and get back into nature. My partner at the time announced to me she wanted to buy a bike. I quickly followed suit and went down to the same bike shop as her. After, discussing my what I wanted in a bike and my physical limitations, the store owner worked with me to pick out a bicycle. I only a few short minutes I realized that riding a bike was still something that I could do. I bought a hardtail but in no time at all, I upgraded to a full suspension MTB. I bought an old 2003 S-Works Enduro and I immediately fell in love with the sport. However, as you might imagine, I of course, had some physical limitations due to my disease... So, hills and technically challenging terrain would always be the limiting factor on all of my rides... These physical limitations impeded me on every mtb ride that I went on. Thus, affecting my level of fun, and erasing the feelings of freedom I initially had for the sport. Frankly, the feelings of freedom were quickly being replaced with anxiety and fear. Quite the opposite feelings of what initially attracted me to the sport.

In the spring of 2015, I read and heard some information about these new Pedal Assist ETMB's. I thought it might be worth trying one out...

When I first demoed a Pedal Assist EMTB, my anxieties and fears from riding a regular mtb were replaced with confidence and joy. It was as if all the limitations I had on my riding were gone. I rode in places on that first ride I had never been in Stratham Hill Park on any other bicycle...It immediately brought back the feelings of freedom, and made my riding much more fun and enjoyable. Truthfully, it has rekindled my passion for the sport of mountain biking. So much so in fact, last year I participated in the Mount Washington Auto Road Bicycle Hillclimb on my Class 1 Pedal Assist EMTB. Both, the

Auto Road and the event benefactor, Tin Mountain Conservation Center after much cautious deliberation, time, research and thought, they decided to allow my entry in the race. I am pleased to say that my involvement in the event was a great success, though initially many people had their concerns too. I was the first E-Bike rider ever allowed on the Mount Washington Auto Road, and the very first rider with Parkinson's to attempt the Hillclimb. I am thrilled to say, that I am again riding in this years race as well. August 17th. Not only my riding in the event, but Jotham Oliver at TMCC, Lisa Mathews McCoy at the Auto Road allowing me to participate, paved the way for others class 1 E-bike riders to have the same opportunities afforded to regular cyclists. This ride and the hope of summiting would be an impossibility for me without a Pedal Assist Class 1 E-bike.

I understand and appreciate NEMBA's commitment to the sport of mountain biking and the landowners that support the trail system. However, comparing a Class 1 Pedal Assist EMTB to a motorcycle, ATVs or snowmobile is an extremely inaccurate comparison in my view. The negative stigma on these bikes in the United States has no just cause and needs to start to change.

We together, right here, right now, can take a huge first step in making this change happen by allowing trail access to Class 1 Pedal Assist EMTB's. Let's treat EMTB's as the bicycles they really are. Discrimination of these bikes and more importantly, the people who choose to ride them, only limits the freedoms of the riders of this freeing sport.

I suggest putting together a coalition of Mtb riders, EMTB riders, landowners and NEMBA officials to talk over whatever concerns there may be, before arbitrarily banning Class 1 Pedal Assist EMTB's and the people's rights to have trail access across New England.

This is a direct quote off the NEMBA website, "Our Mission."

NEMBA, "A community of mountain bikers committed to creating epic riding experiences, preserving open space, and guiding the future of mountain biking in New England."

This statement begs the question...

How can NEMBA be supporting the future of mountain biking in New England while completely disregarding Pedal Assist Class 1 EMTB's and riders such as myself that need these technology driven bikes?

If NEMBA does elect to shutdown trail access to Class 1 Pedal Assist EMTB's at this time, NEMBA also needs to recognize and acknowledge the people that utilize these amazing bikes and their reasons for choosing a Pedal Assist EMTB. Because, it's not only the bikes that will be denied trail access, more accurately it's the people who ride these bikes who will be denied their freedom to participate in the wonderful sport of mountain bike riding. People like me...

Sincerely,
Brian W. Hall



STATE OF NEW HAMPSHIRE
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February 5, 2019

The Honorable George Sykes, Chairman
and the Transportation Committee
Legislative Office Building, Room 203
Concord, NH 03301

RE: HB 148 relative to electric bicycles.

Dear Chairman Sykes and Members of the Committee,

Please accept this testimony on behalf of the Department of Natural and Cultural Resources, Division of Parks and Recreation regarding HB 148 relative to electric bicycles. **The Division supports HB 148**, because it retains our ability to manage these bicycles on DNCR properties. This bill defines what an electric bicycle is, and sets parameters to the different types of bikes that may be included as electric bikes.

The agency fully supports initiatives to get more people out of doors and active in our State. We feel that the proposed Class 1 electric bicycle is very compatible with our existing trails that are open for bicycle use. The bill further specifies that we, as land and trail managers, have the ability to make decisions on all 3 classes of electric bicycles and their use on our properties. These decisions will be made through the Administrative Rules process.

We would like to request an edit to page 2, line 23-26, by rewording the last sentence to say the following: "Off highway recreational vehicles shall not include snowmobiles as defined in RSA 215-C:1 or electric bicycles defined in RSA 259:27-A." We believe this would be a cleaner way of adding electric bikes to this statute. For consistency, this language should also be added to the OHRV definition in RSA 215-A:1.

Thank you for the opportunity to testify **in support of HB 148**. Chris Gamache, Chief of our Bureau of Trails is available to answer any question that the committee should have.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip A. Bryce".

Phillip A. Bryce, Director

Cc: Sarah L. Stewart, Commissioner