

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

**Commonwealth of Massachusetts  
Department of Conservation and Recreation**

**Response to Comment on Amendments to:**

**302 CMR 11: Parkways, Traffic, and Pedestrian Rules  
302 CMR 12: Parks and Recreation Rules**

**June 10, 2022**

**Regulatory Authority**

**M.G.L. c. 21, § 1; M.G.L. c. 132A, §§2D, 7, 7A;  
M.G.L. c. 92, §§33, 34B, 35, 35A, 37, 38, 41, 95A;  
St. 1981, chapter 746; St. 2003, chapter 41;  
St. 2011, chapter 68, § 29**

**Background and Purpose**

The Massachusetts Department of Conservation and Recreation (DCR) proposed amendments to 302 CMR 11: *Parkways, Traffic, and Pedestrian Rules* and 302 CMR 12: *Parks and Recreation Rules* relative to the regulation of motorized bicycles (sometimes known as “e-bikes”). Current DCR regulations prohibit the use of “power-assisted” bicycles on DCR property “unless the operator holds a valid motor vehicle license and the vehicle is equipped for legal operation on Massachusetts public ways” (*see* 302 CMR 12.14(14)). Recognizing the growing popularity of e-bikes, DCR seeks to authorize the use of Class 1 e-bikes on certain types of paths (improved paths that measure 8 feet or wider). Under the amended regulation, e-bikes will not be permitted on any natural surface trails where motor vehicles are not permitted, regardless of width. DCR is finalizing the regulations as follows: (a) incorporating a three-tier classification of e-bikes (*see Definitions* sections); (b) permitting Class 1 e-bikes on improved paths that are 8 feet or wider; (c) permitting Class 1, Class 2, and Class 3 e-bikes where vehicular traffic is permitted (including bike lanes on roadways).

**Public Comment Process**

In 2016, DCR proposed extensive amendments to 302 CMR 11 in order to consolidate certain regulations of DCR’s predecessor agencies, Metropolitan District Commission (MDC) [350 CMR 3.00, 350 CMR 4.00, 350 CMR 5.00] and Department of Environmental Management (DEM) [304 CMR 12], into one regulation at 302 CMR 11.00. (The current version of 302 CMR 11.00 is limited to rules related to applying for and issuing Construction and Access Permits.) The proposed amendments were sought in order to consolidate, define, and regulate all parkways, ways, and roadways under the care and control of DCR similarly, thereby ending conflicts among MDC and DEM regulations and providing the traveling public with a single set

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

of rules regulating the use of DCR transportation assets. One amendment was proposed to 302 CMR 12, which would clarify that in certain circumstances, permission could be granted to groups to hold certain special events, such as motor cross rallies, on DCR property without requiring that bikers be licensed. (For instance, young motor cross dirt bikers who were permitted by the Office of Law Enforcement through off-highway vehicle registration and safety courses would be able to participate in rallies.) No comments were received relative to the amendments proposed for 302 CMR 11 or 302 CMR 12. However, comments were received relative to the use of electric bicycles/motorized bicycles (“e-bikes”) on DCR properties.

DCR issued a second draft regulation containing e-bike provisions and sought additional public input on the proposed regulations which would permit pedal-assist e-bikes (so-called “class 1” e-bikes) on improved surface trails that are at least 8 feet wide and on dirt roads on which vehicular traffic is permitted. Public hearings were held in Holyoke on June 27, 2019 and in Brighton on July 2, 2019. Public hearing notices were published in the *Massachusetts Register* on June 14, 2019 and in the *Boston Herald*, *Worcester Telegram*, and *Berkshire Eagle* on June 4, 2019. Additionally, interested parties were notified via electronic mail. The public comment period ran from June 25, 2019 until July 24, 2019. Generally, DCR received 171 comments opposed to the proposed amendments and 98 comments supportive of the proposed amendments.

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

**Comments and Responses**

**Comment:** E-bikes tend to go fast on paved paths; their speed should be regulated.

**Response:** DCR appreciates this comment and notes that existing regulations require that riders keep to the right and follow other safety measures on DCR property. In addition, as revised, the regulations prohibit the use of electric bicycles on trails that provide assistance at speeds above 20 mph (i.e., Class 2 and Class 3 electric bicycles are prohibited on trails).

---

**Comment:** E-bikes should not be allowed in bike lanes on busy streets.

**Response:** DCR appreciates this comment but encourages the lawful use of bike lanes.

---

**Comment:** Regulations should follow 3-class model system that defines classes 1, 2, and 3 e-bikes.

**Response:** DCR appreciates this comment. Recognizing that the definition of “pedal-assist electric bicycle” is very similar to that of a so-called “class 1” e-bike, DCR has included a definition of electric bicycles that incorporates the 3 classes commonly used in the industry and codified in the Infrastructure Investment and Jobs Act of 2021 (23 U.S.C. s. 217). The regulation permits the use of class 1 e-bikes on improved paths that are 8 feet or wider, as well as in places where vehicular traffic is permitted (including bicycle lanes on roadways); the use of class 2 and class 3 e-bikes will be limited to places where vehicular traffic is permitted (including bicycle lanes on roadways).

---

**Comment:** Because there is legislation pending in the General Court, DCR should wait to amend its regulations until after that legislation has been acted upon.

**Response:** DCR appreciates this comment but would prefer to allow the limited use of e-bikes now and revisit the regulations if enacted legislation renders it necessary.

---

**Comment:** Class 1 e-bikes should be permitted on off-road, natural surface trails.

**Response:** DCR appreciates this comment but will not permit any e-bikes on natural surface trails, regardless of width, as additional study is needed to determine their impact on trails and compatibility with other trail users. DCR is committed to protecting natural resources while balancing demand for outdoor recreation and associated technologies. DCR will continue to learn through the latest research and studies that seek to quantify the impact of new uses on natural resources.

---

**Comment:** E-bikes do not do any more damage to natural surface trails than traditional bicycles and should therefore be permitted on all types of trails.

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

**Response:** DCR appreciates this comment but will not permit any e-bikes on natural surface trails, regardless of width, as additional study is needed to determine their impact on trails.

---

**Comment:** Class 1 e-bikes should be permitted wherever traditional bicycles are allowed.

**Response:** DCR appreciates this comment, but will allow class 1 e-bikes only on improved surface trails that are 8 feet or wider, as additional study is needed before e-bikes will be permitted on natural surface trails. DCR is committed to protecting our natural resources while balancing demand for outdoor recreation and associated technologies. DCR will continue to study and learn more about the use of e-bikes on different surfaces, as well as the compatibility of e-bikes with other trail users.

---

**Comment:** E-bikes enable more people of varying physical abilities to participate in mountain biking and other types of riding.

**Response:** DCR appreciates this comment, but will permit class 1 e-bikes only on improved surface trails that are greater than or equal to 8 feet wide, as additional study is needed before e-bikes will be permitted on natural surface trails. DCR is committed to protecting our natural resources while balancing demand for outdoor recreation and associated technologies, and will continue to study and learn more about the use of e-bikes on different surfaces, as well as the compatibility of e-bikes with other trail users.

---

**Comment:** Instead of regulating the type of conveyance, DCR should regulate how one behaves on and operates a conveyance, such as regulating speed.

**Response:** DCR appreciates this comment, and has decided to concentrate on e-bikes at this time. E-bike operators will be subject to existing regulations against excessive speed and reckless behavior, and regulating e-bikes provides DCR with another tool to manage public resources.

---

**Comment:** In addition to permitting class 1 e-bikes everywhere traditional bicycles are allowed, class 2 and class 3 e-bikes should be allowed on DCR property “where appropriate.”

**Response:** DCR appreciates this comment, and will, in addition to permitting class 1 e-bikes on improved paths that are 8 feet or wider, permit the operation of class 2 and class 3 e-bikes where vehicular traffic is permitted (including bicycles lanes on DCR roadways).

---

**Comment:** DCR should conduct research and analysis relating to the effects of various classes of e-bikes on various types of terrain before amending its regulations.

**Response:** DCR appreciates this comment, but would prefer to allow the limited use of e-bikes now, as noted in the proposed amendments. DCR is committed to protecting our natural

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

resources while balancing demand for outdoor recreation and associated technologies, and will continue to study and learn more about the impact of e-bikes on different surfaces as well as compatibility with other trail users.

---

**Comment:** A number of other states allow e-bikes on natural surface trails; Massachusetts should follow suit.

**Response:** DCR appreciates this comment but will permit class 1 e-bikes only on improved paths 8 feet or greater in width at this time.

---

**Comment:** A speedometer should be required on all conveyances with motors (bikes, scooters, etc.).

**Response:** DCR appreciates this comment, but requiring certain safety equipment on bikes and other conveyances is not within the agency's purview.

---

**Comment:** All public paths should be widened and striped.

**Response:** DCR appreciates this comment but the state of public pathways is not within the scope of the proposed amendments.

---

**Comment:** Whether or not to permit e-bikes on DCR property should be determined on a property-by-property (or trail-by-trail) basis, based on the conditions of a particular location.

**Response:** DCR appreciates this comment but will permit class 1 e-bikes on all improved paths that are 8 feet or greater in width (unless there is a sign posted to the contrary). DCR believes that it is appropriate to establish default rules that apply to all property, but which can be amended on a case-by-case basis by, for instance, posting signage. DCR is committed to protecting our natural resources while balancing demand for outdoor recreation and associated technologies, and will continue to study and learn more about the use of e-bikes on different surfaces, as well as compatibility with other trail users.

---

**Comment:** E-bikes are too fast for narrow, natural surface trails, and should be treated as motorized vehicles.

**Response:** DCR appreciates this comment. E-bikes will not be allowed on natural surface trails at this time. However, DCR will permit e-bikes on improved paths that are 8 feet or greater in width (class 1) and where vehicular traffic is allowed, including bike lanes on DCR roadways (classes 1, 2, 3).

---

**Comment:** E-bikes should not be permitted on natural surface trails, as they will cause erosion

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

on single tracks.

**Response:** DCR appreciates this comment and will not permit e-bikes on natural surface trails at this time.

---

**Comment:** E-bikes should be treated as motorized vehicles.

**Response:** DCR appreciates this comment but will not treat e-bikes as motorized vehicles, choosing, instead, to adopt the widely accepted three-tier classification system for e-bikes. All e-bikes will be permitted where motor vehicles are permitted, as well as in bike lanes on DCR roadways.

---

**Comment:** Permitting e-bikes on DCR property will create conflict between e-bike users and non-motorized users of trails.

**Response:** DCR appreciates this comment and will permit class 1 e-bikes only on improved paths that are at least 8 feet wide. Regulatory provisions require that all users of trails, including e-bike riders, operate in a safe manner, with appropriate safety equipment, and with adherence to all regulatory signs and pavement markings. (*See* 302 CMR 12.12.) DCR believes that these limitations and provisions will address potential conflicts among trail users. Additionally, DCR will continue to study e-bikes to determine their impact on trails and compatibility with other trail users.

---

### **List of Commenters**

Dayle Acquilano  
Michael Alfano  
Patrick Allen  
Michael Amaral  
Joan Angelo  
Appalachian Mountain Club (Heather Clish)  
Cameron Arroyo  
Rob Auffrey  
Todd Balf  
Emily Balkam  
Christopher Ball  
Andrew Bates  
bdarling324  
Jason Bell  
Andy Bellak  
Erich Benedix  
Berkshire Bike and Board  
Jake Berry  
Chuck Berube

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

Bruce Biewald  
Scott Blackwell  
Corey Bollier  
Bill Boles  
Nick Bonfatti  
Charles Boston  
James Bothwell  
Ray Bowden  
Gary Briere  
Matthew Brook  
Jason Brown  
Jacob Buckley-Fortin  
Donald Burn  
Jerry Callen  
Craig Carbone  
Brian Carlson  
Rick Carlson  
David Cassady  
Michael Charney, MD  
Patrick Clapp  
Frank Clouse  
Darren Cole  
Lewis Collins  
Dylan Comb  
Todd Consentino  
Matthew Cornell  
Richard Crampton  
David Creedon  
Hayden Crilley  
Peter Crimmin  
Adam Crossman  
Hon. Julian Cyr (Cape and Islands District)  
Jan Devereux, Vice Mayor, City of Cambridge  
Henry Devlin  
Hon. Sal DiDomenico (Middlesex and Suffolk District)  
Peter DiGregorio  
Mike Duclos  
Matthew Duggan  
Seth Eisenbraun  
Tim Eliassen  
Jay Elling  
Gregory Ely  
Peggy Enders  
Karen English  
Suzy Enos  
Alex Epstein  
Sean Erickson  
Ben Ewing

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

Jonathan Falcetti  
Hon. Tricia Farley-Bouvier (3<sup>rd</sup> Berkshire District)  
Edward Faulkner  
Wayne Feiden  
Hon. Dylan Fernandes (Barnstable, Dukes, Nantucket District)  
Jeffrey Ferris  
Nate Fillmore  
Shawn Fitzgibbons  
Tom Fortmann  
Ron Fousek  
Drew Frayre  
Alex Frieden  
Edward Futcher  
Kalman Gacs  
Stephanie Galaitsi  
Stephen Gammon  
Tony Gavelis  
Zander Geopfert  
Adam Glick  
Joyce Goggins  
Patrick Goguen  
Calvin Goldsmith  
James Goodman  
Walter Goodridge  
Harold Green  
Doug Greenfield  
Michael Hakuta  
Christopher Hall  
Brian Hall  
Andrew Hally  
Dan Hamilton  
John Hann  
Nathan Hardy  
Paul Harrington  
Chris Harris  
Jennifer Harvey  
Maureen Hautaniemi  
Claude Hawks  
Hon. Jonathan Hecht (29<sup>th</sup> Middlesex District)  
Jeff Heintzman  
Martha Heintzman  
Georgene Herschbach  
Robert Hoefler  
Sean Hogan  
Chris Holden  
Nicholas Holland  
Lee Hollenbeck  
Chett Hopkins

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

Dan Houston  
Kimberley Hunt  
Curtis Jackson  
David Jamison  
Chris Johnson  
Jeff Johnson  
Thouis Jones  
Jim Jutras  
Emily Kassis  
Thomas Kelly  
Michael Kelley  
Tom Kellner  
Richard Kerver  
Grace Kessenich  
Omar Khudari  
Zachary King  
David King  
Paul Knight  
Muris Kobaslija  
Ira Krepchin  
Jayson Lacasse  
Landry's Bicycles (Jack Johnson)  
Lane VP  
Jennifer LauchlanBrent LeBlanc  
David LeBlanc Susan Lee  
Terry Lee  
Mary and Dibba Lerret  
Bob Lesko  
Henry Lieberman  
Jan Lindsay  
Andrew Lindsay  
Leah Lindsay  
Nick Linsky  
Christopher Lucy  
Victor Lum  
Daniel MacDonald  
Adam MacNeill  
Julia Magnusson  
Mike Maina  
Mark  
Henry Martone  
Peter Martone  
Massachusetts Bicycle Coalition (Galen Mook)  
Erica Mattison  
Jonathan Mauterer  
Nat McAllister  
Jay McBain  
Colin McCarthy

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

Jarad McCauley  
Deborah McCrohon  
Mark McDonald  
Thomas McKenna  
Mark and Sarah McKusick  
Richard McLarney  
Marty Meterko  
Christina Michuad  
Jessica Mink  
George Mitchell  
Paul Mitchell  
Terry Morose  
Brandon Morpew  
Andy Morris-Friedman  
Jason Morse  
Scott Mullen  
Gary Muntz  
Kevin Murray  
Dan Mushrush  
Matthew Myette  
Zachary Nagle  
New England Mountain Bike Association  
Andrea Newman  
Brian Noonan  
Chris Patrick  
John Pelletier  
People For Bikes (Morgan Lommele)  
John Pepper  
Carlos Peralta  
Christopher Perham  
Bill Perry  
Jana Pickard-Richardson  
Plaine's Bike Ski Snowboard  
Phil Pless  
Don Podolski  
Russell Polsgrove  
Gabriel Porter-Henry  
Brian Postlewaite  
Hon. Denise Provost (27<sup>th</sup> Middlesex District)  
Sean Rabbitt  
Marie Raftery  
Robert Raimondi  
Jon Ramos  
Carol Lee Rawn  
George Record  
Daniel Reid  
Tara Richer

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

Bruce Rioux  
Peter Roggenbuck  
Steffen Root  
Ken Ross  
Mike Rowell  
Leonard Rubin  
Greg Ryan  
Amanda Rychel  
sbentsen  
George Schneeloch  
Matthew Serreze  
shakin123  
Nate Sharpe  
Jonathan Shefftz  
Stephen Shepard  
James Sherman  
Pieter Sheth-Voss  
Sujit Sitole  
Christopher Smith  
Robbe Smith  
Thomas Snellgrove  
Gina Solman  
Somerville Bicycle Advisory Committee (Tom Lamar)  
Todd Spivak  
Robby St. John  
Margaret Stanley  
Chris Stark  
Stephen  
Charley Stevenson  
Peter Stokes  
Dan Streeter  
Domenico Suppappola  
Rachel Swanson  
Rebecca Tabaczynski  
Jim Tennermann  
Mark Thayer  
Amanda Thompson  
Beth Thomson  
Rachel Thuerk  
Paul Tilton  
Don Topaz  
James Tozza  
Tyler Tsang  
Karin Turer  
John Ustas  
Valley BikeShare Steering Committee  
Patria Vandermark

**Response to Comments on Amendments to  
302 CMR 11, 302 CMR 12**

Michael Vecchia  
Hon. Tommy Vitolo (15<sup>th</sup> Norfolk District)  
Geoff Waite  
Walk Boston (Brendan Kearney)  
Marvin Ward  
Jeffrey Wardle  
Emily Warren  
Sara Wasserman  
Joel Weber  
Ruth Wheeler  
Elizabeth Wickis  
Matt Wilcox  
George Willard, Jr.  
Chad Wolfson  
Ian Woloschin  
Alan Wright  
Vivian Youngberg  
David Zizza