

SENATE BILL REPORT

SB 5452

As of February 18, 2021

Title: An act relating to electric-assisted bicycles.

Brief Description: Concerning electric-assisted bicycles.

Sponsors: Senators Cleveland, Lias and Wilson, J..

Brief History:

Committee Activity: Transportation: 2/18/21.

Brief Summary of Bill

- Requires local and state agencies with jurisdiction of a non-motorized natural surface trail that is open to use by bicycles, to allow class 1 electric-assisted bicycles to use the trail.
- Requires local and state agencies with jurisdiction of a road open to non motorized use that allows bicycles, to allow class 1 and class 3 electric-assisted bicycles.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kimberly Johnson (786-7472)

Background: Electric-assisted bicycle, or e-bike, means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The motor must have a power output of no more than 750 watts and the electric-assisted bicycle must meet the requirements of one of the three following classifications:

- class 1—in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches 20 mph;
- class 2—in which the motor may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches 20 mph; or

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

- class 3—in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches 28 mph and is equipped with a speedometer.

Persons under the age of 16 may not operate a class 3 e-bike. There is no age limit for the operation of class 1 and 2 e-bikes.

There are various restrictions on where the different classes of e-bikes may be operated, for example, all classes of e-bikes may be operated on a fully controlled limited access highway and class 1 and 2 e-bikes may be used on a sidewalk. Class 3 e-bikes may not be used on a sidewalk unless there is no alternative to travel over a sidewalk as part of a bicycle or pedestrian path.

Generally, a person may not operate an e-bike on a trail that is designated as non-motorized and that has a natural surface, unless otherwise authorized by the state agency or local authority having jurisdiction over the trail.

State Lands. Currently, the Parks and Recreation Commission is managing the use of e-bikes as a bicycle. The Department of Fish and Wildlife and the Department of Natural Resources are managing e-bikes as motorized vehicles.

Summary of Bill: Local and state agencies with jurisdiction over a non-motorized, natural surface trail that is open to bicycles must allow the operation of a class 1 electric-assisted bicycles. However, a local or state agency having jurisdiction over the trail may close the trail to bicycles and electric-assisted bicycles, via an open public process, to protect wildlife or natural resources or to preserve public safety.

Local and state agencies with jurisdiction over a road that is limited to non-motorized access that allow bicycles, must allow class 1 and class 3 electric-assisted bicycles.

Appropriation: None.

Fiscal Note: Requested on February 17, 2021.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: During the pandemic people have flocked to the outdoors to try to maintain our sanity. E-bikes make accessing outdoor recreational opportunities possible for people with mobility issues. My constituent is an avid outdoorsman and was in a bad accident that has left him limited in how he can still get outdoors. Using an e-bike is the only way he can still access many of the areas he wants to go. There are great inconsistencies which cause a lot of confusion about where these bikes

can go.

I do not want to wait for the agencies to do studies. I will be 72 by the time they are done. I am asking to have access now. My e-bike does no more damage than a regular mountain bike. E-bikes are 75 pounds and are designed to be safe, slow, and stable. The average owner of an e-bike is 65. E-bikes, unlike horses, do not have a negative impact like leaving deposits on the trail leading to noxious weeds. This bill just gives e-bikes access to where regular bikes can go which makes sense.

CON: Land managers need to be able to make decisions about trail access and uses on a case by case basis. WDFW is responsible for managing wildlife and we do not know how much the footprint of these trails will expand with the use of e-bikes as they will allow people to get further into the back country. Class 3 e-bikes can travel up to 28 mph and we have heard from other non-motorized user groups with concern of the speed differential on trails and the safety impacts they may cause. The bill as drafted just opens up the trails instead of allowing land-managers to look at what the impacts to wildlife will be. Land-managers must be allowed to manage different uses thoughtfully. We do not support motorized use on non-motorized trails. We do not yet know what trail maintenance impacts these bikes will cause.

OTHER: Access decisions should be contact sensitive for all uses and the bill as drafted removes land manager discretion on what trails should be open to e-bikes. Applying the closure language to all bicycles can actually threaten access to traditional mountain bikes. We would like to see a separate and clear management process for e-bikes from regular bikes. While we agree that e-bikes will increase access for many and that is positive thing, we also hear concerns about safety impacts and unknown longer-term maintenance impacts to facilities. DNR is running an e-bike pilot project near Darrington, Washington to help inform on the best path forward for e-bike use on DNR lands. State Parks has concerns that the bill would not allow for a temporary closure if necessary to address safety or other concerns which hinders their management authority. State Parks would like to retain some discretion to manage e-bikes from regular bikes in the future.

Persons Testifying: PRO: Senator Annette Cleveland, Prime Sponsor; Bruce Barnes; Mark Smith.

CON: Joel Sisolak, Washington Department of Fish and Wildlife; Mitzi Schindele, Back Country Horsemen of Washington.

OTHER: Andrea Imler, Washington Trails Association; Yvonne Kraus, Evergreen Mountain Bike Alliance; Leah Dobey, Department of Natural Resources; Owen Rowe, State Parks and Recreation Commission.

Persons Signed In To Testify But Not Testifying: No one.