

HOUSE BILL REPORT

ESSB 5452

As Reported by House Committee On:
Rural Development, Agriculture & Natural Resources

Title: An act relating to electric-assisted bicycles.

Brief Description: Concerning electric-assisted bicycles.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Cleveland, Lias and Wilson, J.).

Brief History:

Committee Activity:

Rural Development, Agriculture & Natural Resources: 3/16/21, 3/23/21 [DPA].

**Brief Summary of Engrossed Substitute Bill
(As Amended By Committee)**

- Directs the Department of Fish and Wildlife (WDFW) and the Department of Natural Resources (DNR) to undergo a public process to collect information related to electric-assisted bicycle (e-bike) use on natural surface trails and roads.
- Directs the WDFW and the DNR to report their findings to the Legislature by September 30, 2022.
- Authorizes persons who possess a current parking placard for persons with disabilities to use class 1 and class 2 e-bikes on nonmotorized natural surface trails and closed roads on lands managed by the DNR and by the WDFW until June 30, 2023, or until legislation is enacted or rules are adopted on this topic, whichever is earlier.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE & NATURAL RESOURCES

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.

Majority Report: Do pass as amended. Signed by 15 members: Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Fitzgibbon, Klicker, Kloba, Kretz, Lekanoff, McEntire, Morgan, Orcutt, Ramos, Schmick and Springer.

Staff: Robert Hatfield (786-7117).

Background:

An electric-assisted bicycle (e-bike) is 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 e-bike 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 miles per hour;
- 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 miles per hour; or
- class 3—in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches 28 miles per hour and is equipped with a speedometer.

Summary of Amended Bill:

The Department of Fish and Wildlife (WDFW) and the Department of Natural Resources (DNR) are directed to undergo a public process to collect information related to e-bike use on natural surface trails and roads that are limited to non-motorized use to determine where e-bike operation may occur and which classes of e-bikes are acceptable on the roads and trails under the agencies' management. The public process engaged in by the DNR and the WDFW related to e-bikes and recreational trails must include a consideration of opportunities to improve awareness of applicable trail rules and trail etiquette among all classes of trail users.

The public process must include, at a minimum, input from a list of interested parties and user groups. The WDFW and the DNR must report their findings to the Legislature by September 30, 2022.

Until June 30, 2023, or until legislation is enacted or rules are adopted related to the use of e-bikes on nonmotorized natural surface trails and closed roads on lands managed by the DNR and by the WDFW, whichever is earlier, the DNR and the WDFW must allow persons who possess a current parking placard for persons with disabilities, issued by the Department of Transportation, to use class 1 and class 2 e-bikes on all nonmotorized natural surface trails and closed roads on which bicycles are allowed.

Amended Bill Compared to Engrossed Substitute Bill:

The committee striker adopted by the Rural Development, Agriculture, and Natural Resources Committee makes the following changes relative to the underlying bill:

- changes the date that the DNR and the WDFW must submit their findings regarding e-bikes and recreational trails to the Legislature, from January 1, 2022, to September 30, 2022;
- requires that the public process engaged in by the DNR and the WDFW related to e-bikes and recreational trails include a consideration of opportunities to improve awareness of applicable trail rules and trail etiquette among all classes of trail users; and
- authorizes persons who possess a current parking placard for persons with disabilities to use class 1 and class 2 e-bikes on nonmotorized natural surface trails and closed roads on lands managed by the DNR and by the WDFW until June 30, 2023, or until legislation is enacted or rules are adopted on this topic, whichever is earlier.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) It is good to expand the opportunity to ride e-bikes to areas where they are not currently used. The WDFW and the DNR are reviewing their rules which define e-bikes as being motorized. It is important to include language to specify that e-bikes are not motorized vehicles.

It is important for everyone to have an opportunity to access the outdoors. Any action to allow e-bikes on public lands must be based on science and a broad public input process.

Many trails on lands managed by the DNR and the WDFW are open to multiple uses. Electric-assisted bicycle technology can expand outdoor access but, it is not yet clear how e-bikes will impact other users or long-term trail maintenance needs. The DNR is doing an e-bike pilot project near Darrington. A public process is needed, and the bill calls for that. The current timeline for the process is very fast; pushing the deadline for the report to September 30, 2022, would allow a more comprehensive, thorough process. The agencies could present initial findings by the current deadline, but more in-depth work at the local level would require more time.

The bill begins a much needed public process to determine where e-bikes may ride. The

bill will encourage stakeholder feedback to arrive at clear and consistent guidance for a popular technology. The bill will also address consumer confusion regarding where e-bikes can and cannot go. It would be good to limit the process to trails and roads that are already open to bicycles and be clear that there is not an attempt to expand into trails and roads that are not open to bikes currently.

(Opposed) None.

(Other) There is a need to clarify the agencies' positions on e-bikes. Recreation has to be compatible with conservation and other uses. There are concerns about the timeline for the public process. The success of the bill hinges on the quality of the stakeholder process. The current timeline does not allow much time for a process that will have to look at thousands of miles of roads.

The DNR and the WDFW's answer to everything is to say "no." There needs to be amendments to the bill. The request under the bill is that e-bikes simply be allowed wherever mountain bikes are allowed. Electric-assisted bicycles do comparatively little damage compared to clearcuts. A road that can handle a logging truck can handle an e-bike. There is no difference in safety between a mountain bike and an e-bike. There is a lack of access for people with disabilities to recreate outdoors in Washington.

Persons Testifying: (In support) Senator Cleveland, prime sponsor; Andrea Imler, Washington Trails Association; Leah Dobey, Department of Natural Resources; Yvonne Kraus, Evergreen Mountain Bike Alliance; and Mark Smith.

(Other) Joel Sisolak, Washington Department of Fish and Wildlife; and Bruce Barnes.

Persons Signed In To Testify But Not Testifying: None.