



MIKE ROHRKASTE

STATE REPRESENTATIVE • 55TH ASSEMBLY DISTRICT

Testimony on Assembly Bill 132 April 23, 2019

Mr. Chair and committee members, thank you for this opportunity to speak today on behalf of Assembly Bill 132, which clarifies the statutes governing electric bicycles (“e-bikes”), bicycles with small electric motors that can provide additional power. E-bikes are increasingly popular in Wisconsin, with benefits for both cyclists and the bicycle industry.

State law currently classifies e-bikes with “motor bicycles”, which subjects them and their operators to a number of laws that do not apply to traditional bicycles and cyclists. For example, motor bicycle operators must have operator’s licenses, and motor bicycles may not be used on bike paths unless they are powered solely by their pedals.

AB 132 creates a separate category for e-bikes and eliminates many of the restrictions that currently apply to their use – in general, treating them more like traditional bicycles. With certain specified exceptions, AB 132 grants e-bikes and their riders the same rights, privileges, and duties as traditional bicycles or cyclists. At the same time, local governments, as well as the DNR and DOT, will have the authority to restrict e-bikes’ motor-assisted use on bikeways under their jurisdiction by ordinance or rule.

AB 132 also recognizes a three-class system established by the e-bike industry so that e-bikes can be regulated more precisely. The classes are distinguished by when the motor kicks in and the maximum speed at which the motor operates. For class 1 and class 3 e-bikes, the motor operates only when the cyclist is pedaling, and the motor stops when the e-bike reaches a certain maximum speed – 20 miles per hour for class 1 e-bikes and 28 miles per hour for class 3 e-bikes. Class 2 e-bikes have motors that can operate up to 20 miles per hour *without* the cyclist pedaling. Because class 3 e-bikes have a higher motor-assisted speed than the other classes, they are subject to special restrictions: They must have speedometers, and children under 16 may not operate them (although they can be passengers).

I have introduced some amendments to AB 132 in response to feedback I received following the bill’s introduction. Assembly Amendment 1 recognizes that some e-bike owners may modify their e-bikes in ways that change their classification, in which case they would be required to update the required labeling, while other modifications might not necessarily change the classification. Assembly Amendment 2 is necessary because the federal definition of bicycle includes, in addition to traditional bicycles, only those e-bikes with a maximum motor speed of 20 miles per hour, which would conceivably exempt class 3 e-bikes from many federal safety standards. This amendment requires class 3 e-bikes to abide by federal law as if they fell within the federal definition. Assembly Amendment 3 recognizes that many popular e-bikes have 750-watt motors, whereas current law and the original bill applied only to e-bikes motors of less than 750 watts.



MIKE ROHRKASTE

STATE REPRESENTATIVE • 55TH ASSEMBLY DISTRICT

As I said earlier, e-bikes are increasingly popular in Wisconsin. I've tried one, and I thought it was a lot of fun. I think they may be particularly useful for older cyclists who want to remain active but who may need a little extra boost for longer rides or going up hills. However, people of all ages can enjoy them. Several states, including Illinois and Michigan, have enacted similar laws in recent years, and I believe, clear, consistent e-bike laws may interest more potential users, and they can also benefit the bicycle industry.

Thank you for your consideration.



STATE REPRESENTATIVE
18th ASSEMBLY DISTRICT

April 23rd, 2019

**Public Testimony of State Representative Evan Goyke
Assembly Transportation Committee
Re: Assembly Bill 132**

Good afternoon Chairman Kulp and committee members. Thank you for the opportunity to testify in support of this important and needed legislation.

AB 132 provides an important clarification in the classification of electric bicycles. As you have heard, the current definition is unduly broad. As more efficient vehicles of all types become more popular, the distinction between electric motorcycles and electric bicycles becomes more important to make.

An electric bicycle looks and rides like a normal bicycle but has a small electric motor to provide assistance to the rider. Electric bicycles are often used by those with long commutes or those who need a little extra assistance because of age or disability. They are not motorcycles and they do not have combustion engines. However, under current law, e-bikes are not permitted on bike paths and their riders must have an operator's license. This policy would create a new classification system, separate from the electric motor bicycle classification, that better represents the range in motors and speeds in products currently sold. It also would align the guidelines for operation more along the lines of a traditional bicycle with a few key exceptions like labelling and age restrictions for the most powerful ebikes.

As the e-bike and electric motorcycle industries expand, stakeholders such as Harley Davidson and the Bicycle Federation have requested this change in order to support their customers and members. I believe it is a common-sense reclassification that will allow for safer and easier use of e-bikes.

Former Mayor Steve Arnold

2530 Targhee Street, Fitchburg, WI 53711-5491, (608) 278 7700, Fax (608) 278 7701

Testimony to the Assembly Transportation Committee

Tuesday, 23 April 2019, Madison, Wisconsin

Mr. Chair and Committee members, thank you for taking public testimony on Assembly Bill 132, on regulating electric bicycles.

I am Steve Arnold, a resident and former mayor and alder of the city of Fitchburg. I speak only for myself today but intend to share the perspectives of a person who bikes in Wisconsin, and as a Wisconsin local elected official. I served on Fitchburg's Transportation and Transit Commission for eleven years, chairing the commission for four. As mayor 2015 through 2017, I chaired the Plan Commission and Board of Public Works and served as commissioner on the Dane County Regional Planning Commission.

For identification only, I am a director of Bike Fitchburg, a local advocacy group for accessible, safe, and fun walking and biking, and Secretary of the board of the Wisconsin Bike Fed, the country's largest statewide bicycle advocacy organization. I own three bicycles, none of them electric. I have no financial interest in electric bicycles.

I support AB 132 and the three technical amendments proposed to date.

Electric bicycles grow more popular and numerous every year, but they are in regulatory limbo in Wisconsin. Defined by statutes as "motor bicycles", operators must have licenses, and their legal status on Wisconsin's state trails is murky. Counties and local jurisdictions that would regulate electric bicycles must devise their own definitions, potentially creating a patchwork of regulations affecting a single ride. Uncertainty on where electric bikes may be ridden, and under what rules, discourages purchases and riding, and undermines the public's respect for state law and regulations. In turn, the economic, transportation, health, environmental, and tourism benefits of electric bikes are diminished in Wisconsin.

Last week I turned 70. While I am still healthy and active, I look forward to the opportunity to use an electric bike to stay engaged with the outdoors and my friends as my strength diminishes. You owe it to Wisconsin seniors to make clear law how electric bikes may be legally used.

Last fall I visited my brother, a resident of hilly Seattle, Washington. Throughout the city were positioned the electric bikes of two bicycle sharing systems. Shared electric bikes are an important public transportation option characterized by low cost and space requirements, with minimal negative impact on other urban activities. Electric bikes make more trips feasible for more people.

AB 132 recognizes in statutes the same three classes of electric bicycles produced by the industry and recognized by other states. It makes clear that they may be operated like non-electric bicycles, subject to any additional state and local regulations. It properly requires operators of bicycles of the highest-speed class to be over 15 years old and use a speedometer.

AB 132 does not further regulate electric bicycles. I support this approach and feel that most local elected officials will agree. Like non-electric bicycles, e-bikes can be ridden at a wide range of speeds. Where lower speeds are necessary, as on busy multi-use paths, speed should be regulated, not the source of motive power.

The passage of AB 132 and its Senate companion into law will remove most uncertainty about the use of electric bicycles for buyers, riders, and local elected officials, unleashing a spiral of increased economic, transportation, health, environmental, and tourism benefits. It will build on Wisconsin's reputation as the premier state for bicycle tourism and manufacturing, benefiting every Wisconsin resident, even those who don't ride.

I urge you to recommend passage of Assembly Bill 132 to the entire Assembly! Thank you again for your kind attention. I welcome any questions you may have now or for later staff follow-up at Steve.Arnold@Fitchburg.WI.US.



Testimony of Robert burns
Wisconsin Assembly Bill 132
April 23, 2019

Thank you Chairman Kulp and members of the Assembly Committee on Transportation. I appreciate the opportunity to testify in support of Assembly Bill 132 at today's hearing.

My name is Robert Burns and I am here on behalf of Trek Bicycle Corporation, a Wisconsin corporation that began in a pole barn in Waterloo, WI in 1976. Today, Trek has grown into a global corporation which manufactures, sources, distributes and sells bicycles and bicycle accessories all over the world. Trek currently employs 3,000 people globally, with approximately 1,000 of those employees right here in great state of Wisconsin.

As you may know, Wisconsin is an important nucleus of the bicycle industry in the United States. We are home to great companies like Trek, Pacific Cycles, Waterford Cycles, Planet Bike, and Saris. These companies, together with cycling as a sport and a tourism magnet, collectively contribute over \$2.5 billion dollars to the Wisconsin economy each and every year, according to data from the Outdoor Industry Association.

I am also here today on behalf of PeopleForBikes and the Bicycle Product Suppliers Association. PeopleForBikes is a national advocacy group and bicycle industry coalition that works for better policies and infrastructure for bike riding. The BPSA is the primary trade association for bicycle manufacturers, and it has formed an e-bike committee to work on standard electrical bicycle policies in the United States.

We believe that electric bicycles have the potential to expand bike riding to new segments of our population, and keep people riding bikes for more of their lives. E-bikes are the fastest growing segment in the cycling industry. Sales of E-bikes grew 73% from 2017 to 2018 vs. a 6% unit decline for the bicycle industry as a whole over the same period. E-bikes remove a number of barriers to riding and expand access to older adults and cycling commuters. They represent an exciting emerging technology which need clear rules to regulate their use and create stability in the marketplace.

In the years between 2002 and 2014, approximately 25 states passed laws to regulate electric bicycles and treat them like human-powered bicycles. Unfortunately, as this process unfolded, many of these states adopted different standards to define e-bikes, and



regulate critical issues like their speed, wattage, and operational rules. We have been working to create consistent e-bike law in the United States since 2015.

We created the class system that is the foundation of Assembly Bill 132 in order to align the law with the three main forms of product that are currently on the marketplace and with the federal definitions of an electric bicycle, create consistent standards and rules for these devices, and clearly distinguish between an electric bicycle and a motorcycle. A uniform labeling standard for all e-bikes helps law enforcement and public safety officials identify electric bicycles in the event of any enforcement issues.

We have worked to enact this system into law in Arizona, Arkansas, California, Colorado, Connecticut, Illinois, Michigan, Ohio, Tennessee, Washington, Utah, South Dakota and Maryland and we are actively advancing bills in 14 additional states for 2019, including neighboring Minnesota. This model legislation has been codified and implemented with no known issues in those states.

PeopleForBikes, the BPSA and Trek Bicycle Corporation support Assembly Bill 132, and we believe it is the proper way to regulate the use of electric bicycles at the state level. Clear regulation will help this exciting segment of the bicycle industry continue to grow and will also help Wisconsin's cycling industry and tourism sector.

Thank you Chairman Kulp and members of the committee.



**WISCONSIN
BIKE FED**

Wisconsin Bike Fed
3618 W Pierce Street
Milwaukee, WI 53208

Wisconsin Bike Fed Position Statement on eBikes

The Wisconsin Bike Fed believes bicycles with electric assist as defined below are safe and should be allowed in all places mechanical bicycles are allowed.

- Class 1 electric bicycles provide assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- Class 2 electric bicycles may be powered solely by the motor and are not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- Class 3 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Where trail managers are worried more people on eBikes might ride at speeds that pose safety concerns, statutory speed limits should be imposed rather than prohibitions on bicycles with electric assist. In the same way we do not prohibit carbon fiber bicycles with aerodynamic wheels because they allow riders to ride faster, we should not prohibit other modern technologies that get more people out riding bicycles.

Bicycles with electric assist are the fastest growing segment of bicycle sales because they allow many more people to ride more easily and further. In the Netherlands, electric assist bicycles are the majority of adult sales. These eBikes are safe and have the potential to get many more people riding for fitness, recreation, and transportation.

David Schlabowske
Executive Director
Wisconsin Bike Fed

The Wisconsin Bike Fed is one of the largest statewide membership-based bicycle organization in the country. The Bike Fed is here to cultivate, motivate and unite a strong community of citizens as well as business and political leaders to move bicycling forward in Wisconsin – through education, legislation and involvement.



peopleforbikes



P.O. BOX 2359 BOULDER, CO 80306

PeopleForBikes.org | 303.449.4893

April 19, 2019

Dear Chairman Kulp and members of the Assembly Committee on Transportation,

On behalf of PeopleForBikes and the Bicycle Product Suppliers Association, I encourage a favorable report on AB 132.

PeopleForBikes is the national advocacy group that works for better policies and infrastructure for bike riding. Our coalition includes companies that manufacture or sell bicycles and related products, including electric bicycles; as well as 75,000 individual supporters in Wisconsin. The BPSA is the 105-year old trade association for bicycle manufacturers.

E-bikes are an emerging technology, and need clear rules to regulate their use and create stability in the marketplace. In states where e-bikes lack a specific vehicle classification, such as Wisconsin, it is unclear how they are regulated, which creates significant confusion for consumers and retailers, and hinders the electric bicycle market. E-bike consumers are baby boomers, people with disabilities, working families, and anyone who chooses a bicycle with this small boost for recreation or transportation.

Manufacturers are faced with inconsistent, outdated and unclear rules that govern where e-bike purchasers can use their product. In response to this, U.S. e-bike manufacturers came together to develop the three-class system four years ago to update regulations around critical issues like their speed, wattage, and operational rules. In states where the three-class system of e-bikes has been promulgated, sales of e-bikes more than doubled.

On the local level, bike retailers in states that have passed this law state that having a three class e-bike system helps their team clearly explain where e-bikes are and aren't. In their retail shops, e-bike sales have taken off and helped stores offset the loss of sales due to other declining categories. E-bike laws are completely changing business models and customer bases.

The bike industry created the class system that is the foundation of AB 132 in order to align the law with the three main forms of product that are currently on the marketplace and with the federal definitions of an electric bicycle, create consistent standards and rules for these devices, and clearly distinguish between an electric bicycle and a motorcycle. A uniform labeling standard for all e-bikes helps law enforcement and public safety officials identify the class of e-bike in the event of enforcement issues. Additional restrictions for higher speed class 3 bicycles will ensure that they are used in a manner that is safe and at speeds that are appropriate for the infrastructure on which they are traveling.

We have helped enact this system in Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Illinois, Maryland, Michigan, Ohio, Oklahoma South Dakota, Tennessee, Washington, Wyoming and Utah; and bills are progressing in 12 other states. It has been codified and implemented with no known issues in those 16 states.

PeopleForBikes and the BPSA support AB 132, and we believe it is the proper way to regulate the use of electric bicycles at the state level. Thank you Chairman Kulp and members of the committee.

Sincerely,

Morgan Lommele
Director of State + Local Policy
PeopleForBikes and Bicycle Product Suppliers Association



Greater Wisconsin
Agency on Aging Resources, Inc.

April 19, 2019

Representative Bob Kulp, Chair
Assembly Transportation Committee

Testimony related to Assembly Bill 132 – Regulating the operation of electric bicycles

The Greater WI Agency on Aging Resources, Inc. delivers innovative support, training, technical assistance and oversight to lead aging agencies in 70 counties (all except Dane and Milwaukee) and 11 tribes. We work together to promote, protect, and enhance the well-being of older people in Wisconsin.

As the Transportation Specialist at GWAAR, I work with communities throughout the state to solve mobility issues for older adults who choose not to or are unable to drive themselves. One legitimate mobility option can be bicycling. The use of electric assistance on bikes can help to extend biking longevity for all of us as we age. While bike use often depends on the availability of safe biking ways, this bill will help clarify the definition of an electric bike and the ability to use them on trails, which are often the only safe routes in a community.

Electric bikes have the potential to keep people biking longer when hills or distance become a barrier and can be an important part of healthy living. Over the last 2 years, the ADRC of Northwest Wisconsin has provided 100 electric trikes to older adults and people with disabilities to get around the community on the roadways and Gander Dancer trail. Not only does this allow individuals to get exercise, but with the lack of public transportation in these areas, these bikes have been used as a mode of transportation to complete tasks and trips for daily living like grocery shopping and other errands that are in places too far to walk.

A global program called Cycling without Age is spreading quickly across WI and uses electric assist trishaws to provide otherwise isolated individuals an opportunity to get out into the community and into nature. This program relies on pilots to cycle people who may no longer be mobile. You can learn more about this inspiring program here. <https://cyclingwithoutage.org/>

We support AB 132 and applaud the legislature for recognizing that electric bikes have a place in our transportation system and that trails are sometimes the safest place to ride. Biking can offer freedom to get around, especially if we no longer drive and electric assistance can extend that freedom for all of us.

Carrie Diamond
Transportation Specialist
Greater WI Agency on Aging Resources, Inc.