MARATHON COUNTY FORESTRY/RECREATION COMMITTEE AGENDA

Date and Time of Meeting: Tuesday, June 4, 2019 at 12:30pm
Meeting Location: Conference Room #3, 212 River Drive, Wausau WI 54403

MEMBERS: Arnold Schlei (Chairman), Rick Seefeldt (Vice-Chairman), Jim Bove

Marathon County Mission Statement: *Marathon County Government serves people by leading, coordinating, and providing county, regional, and statewide initiatives. It directly or in cooperation with other public and private partners provides services and creates opportunities that make Marathon County and the surrounding area a preferred place to live, work, visit, and do business.*

Parks, Recreation and Forestry Department Mission Statement: *Adaptively manage our park and forest lands for natural resource sustainability while providing healthy recreational opportunities and unique experiences making Marathon County the preferred place to live, work, and play.*

Agenda Items:

1. **Call to Order**
2. **Public Comment Period – Not to Exceed 15 Minutes**
3. **Approval of the Minutes of the May 7, 2019 Committee Meeting**
4. **Educational Presentations/Outcome Monitoring Reports**
   A. Article – Report Says Wisconsin Forestry on the Upswing
   B. Article – Wisconsin Tourism Industry Generates 21.6 Billion
   C. Article – May 2019 Paper and Forestry Products Month
   D. Articles – Electronic Assist Bikes
5. **Operational Functions Required by Statute, Ordinance or Resolution:**
   A. Discussion and Possible Action by Committee
      1. Timber Sale Extension Requests
         a. Tigerton Lumber – Contract #642-15
         b. Central Wisconsin Lumber – Contract #644-15
      2. Discussion and Possible Action on Ordering a Second Appraisal for Knowles-Nelson Stewardship Funding on Property in the Town of Hewitt

   B. Discussion and Possible Action by Committee to Forward to the Environmental Resource Committee for its Consideration - None
6. **Policy Issues for Discussion and Committee Determination for Consideration by Environmental Resources Committee** - None
7. **Next Meeting Date, Time, Location: July 2, 2019, 12:30pm, Rm. 3, 212 River Dr., Wausau, WI 54403**
   A. Announcements/Requests/Correspondence
   B. Future Agenda Items: Timber Sale Closeouts
8. **Adjournment**

SIGNED **/s/ Thomas Lovlien**
PRESIDING OFFICER OR DESIGNEE

ANY PERSON PLANNING TO ATTEND THIS MEETING WHO NEEDS SOME TYPE OF SPECIAL ACCOMMODATION IN ORDER TO PARTICIPATE SHOULD CALL THE COUNTY CLERK'S OFFICE AT 261-1500 OR E-MAIL INFOMARATHON@MAIL.CO.MARATHON.WI.US ONE BUSINESS DAY BEFORE THE MEETING.

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FORESTRY/RECREATION COMMITTEE MAY 7, 2019
MINUTES 12:30PM

Members present: Arnold Schlei (c), Rick Seefeldt, James Bove
Also present: Tom Lovlien-Forest Administrator, Jamie Polley-Director, Chad Keranen-DNR Liaison, News Media

Call meeting to order – Meeting called to order by Chairman Schlei at 12:30pm, Rm 3, 212 River Dr., Wausau.

Public Comment Period – Not to Exceed 15 Minutes – none brought forward

Approve Minutes – **Motion** / second by Seefeldt / Bove to approve the minutes from the April 2, 2019 regular Forestry/Recreation Committee meeting. Motion **carried** by voice vote, no dissent.

Operational Functions Required by Statute, Ordinance or Resolution
A3. Request to Use Nine Mile Trail System for IronBull Events – Andrea Larson, IronBull Executive Director – Larson explained IronBull is creating races hoping to attract and draw people to the area. They are organizing a 120 mile and a 60 mile gravel bike race on October 19th and are focusing on the western half of Marathon County. She is asking permission to use a portion of the snowmobile trail to go through Nine Mile even though it is after the mountain biking closing date. Lovlien said staff was looking at how best to accommodate this, if it were going to be accommodated that would cause the least disruption to the other users of the County forest after the October 15th deadline. The Department is supporting this because it's very close to the October 15th deadline, does not use any single track or cross-country trails, will have no resource damage, and is for one afternoon. That is all taken into consideration when there is a potential event looking to use Nine Mile. Larson explained IronBull is a non-profit entity and will charge a fee for the event because they want to generate revenues to give back to parks and other organizations such as CWOCC. A press release will be done and signs can be placed where hunters park to get information out to the public. Questions were answered. **Motion** / second by Schlei / Bove to grant an exception for the IronBull gravel bike race to use a portion of the snowmobile trail and review it after this year to determine if it will be an annual event. Motion **carried** by voice vote, no dissent.

Lovlien said last November members from CWOCC requested permission to use Nine Mile for a winter January triathlon that involved biking, cross-country skiing and snowshoeing. This Committee gave them permission on a one-year trial basis to do so but because of the weather the event did not happen. The same request is being made for what will be an official IronBull event rather than a CWOCC and Nordic Club event on January 26th, 2020. Currently snow-biking is not allowed at Nine-Mile because of skiing but this event is a cooperative effort between CWOCC and Nordic Ski clubs. Staff does not have any concerns about resource damage and supports the event. Questions were answered. **Motion** / second by Seefeldt / Schlei to approve the IronBull winter triathlon event on an on-going basis. Motion **carried** by voice vote, no dissent.

Educational Presentations/Outcome Monitoring Reports
A. Spring Timber Sale Bid Summary – Keranen explained there were five new sales and one sale that was re-bid. There were twenty-seven bids from thirteen different contractors. The weighted average shows prices increasing ten to twenty percent on the pulp. This was a unique bid opening because the County received $551,371.85 which is a record for this County forest. There is one bigger sale on Springbrook Road in Nine Mile that is a final rotation on red pine that has reached its rotation age and is going to be clearcut and replanted. This sale brought in $336,334.25 so that increased the overall bid prices for the bid opening. The average per cord was $75.11 and $1,388.85 per acre sold. Questions were answered.

B. Consider Setting Date and Time for Fall County Forest Tour
After discussion it was decided to hold the County forest tour on Sept. 12th, 2019 from 10am-3pm. The tour will include a logging job, on invasive species site and other forest highlights.

C. Wisconsin County Forests Association Summer Tour – June 20, 21, 2019
Lovlien requested that if any member is interested in attending the tour in Jackson County they let him know by May 24th.

D. Spring Delays Opening of Several Recreational Facilities
Lovlien said normally most trails are open by May 1st but all of the trail systems forest and park wide were assessed and it was determined that they weren't going to be ready to open by May 1st this year. Staff will continue to work to get them open as soon as possible.

Operational Functions Required by Statute, Ordinance or Resolution:
A. Discussion and Possible Action by Committee

1. Consider Timber Bids and Award Contracts –There were twenty-seven bids from thirteen different contractors. Staff has worked with all of the high bidders before and Lovlien recommends they award the bids to the high bidders. **Motion** / second by Bove / Seefeldt to award the bids to the high bidders. Motion **carried** by voice vote, no dissent.

2. Timber Sale Closeouts

a. Twin Forest Products-Contract #655-16 – A closeout summary was previously provided. Lovlien reported that the estimated number of tons was 2770 and 2410.80 tons were cut. Total revenue for this sale was $54,638.48. Lovlien's recommendation is to close out Twin Forest Products-Contract #655-16 and return their Letter of Credit. **Motion** / second by Seefeldt / Bove to close out Twin Forest Products – Contract #655-16 and return their Letter of Credit. Motion **carried** by voice vote, no dissent.

b. Javorek Logging-Contract #669-18 – A closeout summary was previously provided. Lovlien reported that the estimated number of tons was 1230 and 1777.97 tons were cut. Total revenue for this sale was $22,003.73. Lovlien's recommendation is to close out Javorek Logging-Contract #669-18 and return their Letter of Credit. **Motion** / second by Bove / Schlei to close out Javorek Logging-Contract #669-18 and return their Letter of Credit. Motion **carried** by voice vote, no dissent.

c. Wilson Forestry LLC-Contract #656-16 – A closeout summary was previously provided. Lovlien reported that the estimated number of tons was 5050 and 5228.75 tons were cut. Total revenue for this sale was $102,859.91. Lovlien's recommendation is to close out Wilson Forestry LLC-Contract #656-16 and return their Letter of Credit. **Motion** / second by Schlei / Seefeldt to close out Wilson Forestry LLC – Contract #656-16 and return their Letter of Credit. Motion **carried** by voice vote, no dissent.

Next Meeting Date & Time, Location – May 7, 2019 at 12:30pm, 212 River Dr., Rm. 3
A. Announcements/Requests/Correspondence – Lovlien mentioned that Joe Tucker, County Forester had helped the Solid Waste Department complete a 10-acre clearing for facility expansion. They will reimburse the Department for expenses involved and were glad for the help.
B. Future Agenda Items – Timber Sale Closeouts, 2020 Budget

Adjourn – **Motion** / second by Seefeldt / Bove to adjourn at 1:30 pm. Motion **carried** by voice vote, no dissent.

WPR

Gemunu Amarasinghe/AP Photo

Report Says Wisconsin Forestry Industry On The Upswing

Report Based On Data From US Census Bureau, Bureau Of Economic Analysis, Forest Service

By Rob Mentzer

Published: Tuesday, April 30, 2019, 6:25am

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More people are working in Wisconsin's forestry industry, and Wisconsin timber is fetching millions more on the market than it did even a few years ago.

Those are among the findings of a new national study by the National Alliance of Forest Owners.

Its report on the economic impact of privately owned forests shows Wisconsin led the Midwest in the number of timberland acres (16.5 million), total employment in the forestry sector (174,848) and value of timber sales ($21.6 billion) in 2016, the most recent year for which complete data were available. The report is based on data from the U.S. Census Bureau, the Bureau of Economic Analysis and the Forest Service.

Each of those figures has increased since 2010, the last time the organization looked at national data. The new report, released this month, shows employment in the forestry sector increased by nearly 5 percent, and timber sales in dollars were up by nearly 10 percent.

Henry Schienebeck, director of the Great Lakes Timber Professionals Association and chairman of the Wisconsin Council on Forestry, said that while paper mill closures across Wisconsin in the last decade have hurt the timber industry in some instances, other factors have made up for it.

Though the state's consumption of pulp wood has dropped, Schienebeck said, foresters have seen increases in saw timber — the high-quality wood that goes into making hardwood flooring, furniture and other products where quality matters. That's been one way the state's overall industry has seen growth.

"Some of our forests are getting a little older," Schienebeck said. "What that means is we've actually got more saw timber that's growing."

The great majority of forest land in Wisconsin is privately owned. Of about 16.5 million timberland acres, according to the report, about 4.7 million acres are public lands, and the other 11.8 million belong to companies or individuals.

Dave Tenney, CEO of the National Alliance of Forest Owners, said a healthy economy around forestry has the effect of protecting forest lands because it makes it less likely that the lands will be sold or developed for farmland or other uses.

"Anybody who owns and manages forests in the United States knows one thing: It's a long-term commitment," Tenney said. "And in order to make a long-term commitment with forests, they have to make investments today that won't return a yield for 20, 30 or 40 years or longer."

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Wisconsin Tourism Industry Generates $21.6 Billion

Wisconsin's tourism industry generated $21.6 billion last year.

By **Associated Press**, Wire Service Content May 6, 2019, at 10:53 a.m.

MADISON, WIS. (AP) — Wisconsin's tourism industry generated $21.6 billion last year.

That's according to a new report from the state Department of Tourism. The report says visitor spending rose nearly 5 percent in 2018 to $13.3 billion. Tourism brought in $1.2 billion in federal taxes, $879 million in state taxes and $703 million in local taxes.

Most of the growth is tied to recreational activities.

Department of Tourism spokeswoman Kristina LeVan noted several large events drew visitors to the state last year, including Milwaukee Brewers playoff games, the CrossFit Games in Madison and Harley-Davidson's 115th anniversary celebration in Milwaukee.

Tags: Wisconsin

For More Information Contact:	For Immediate Release –May 15, 2019
Scott Suder, WPC	(608) 467-6025
Henry Schienebeck, GLTPA	(715) 282-582
Jane Severt, WCFA	(715) 282-5951
Robin Ginner, Trees For Tomorrow	(715) 479-6456
Crystal Rohde, Wood Industry Collaborative	(715) 635-2197
Scott Manley, WMC	(608) 258-3400
Todd Stuart, WIEG	(608) 441-5740
Brady Francois, LSLA	(715) 561-2200

Trade Association Coalition Hails Passage of Legislative Measures Declaring May 2019 "Paper and Forestry Products Month"

Identical Assembly and Senate Joint Resolutions Pass Both Legislative Houses, Receiving Unanimous Bipartisan Support

Madison… A coalition of trade and non-profit associations representing papermakers, forestry advocates and printers applauded the unanimous passage of Assembly Joint Resolution (AJR) 39 in the State Assembly and Senate Joint Resolution (SJR) 32 in the Wisconsin State Legislature today. AJR 39 and SJR 32 both declare the month of May 2019 as "**Paper and Forestry Products Month**". The coalition expressed appreciation for the strong bipartisan support by legislators from both political parties and extended special thanks to the newly formed **Wisconsin Paper Caucus** for sponsoring the legislation.

"*We are grateful that the Wisconsin Legislature has recognized the importance of paper, forestry and printing to our state's economy by passing these important Joint Resolutions," stated Scott Suder, President of the Wisconsin Paper Council.*

"Declaring May 2019 "Paper and Forestry Products Month" reinforces the important role sustainable forest management and paper making play in Wisconsin's economy and environment," said Henry Schienebeck, Executive Director of The Great Lakes Timber Producers Association.

"We appreciate the Legislature's passage of thes important resolutions which will serve as a positive reminder of our efforts to ensure long term health and sustainability of forest ecosystems throughout Wisconsin," commented Jane Severt, Executive Director of the Wisconsin County Forests Association.

"This recognition of the importance of forestry and papermaking to our state by our elected leaders from both sides of the aisle is both heartwarming and appreciated," said Robin Ginner, Executive Director of Trees for Tomorrow.

"These bipartisan Joint Resolutions highlight the positive impact and contributions that forestry has upon our state's economy and we thank both Legislative Houses for this recognition," stated Crystal Rohde representing the Wood Industry Collaborative.

"WMC thanks members of both parties for highlighting the importance of printing and papermaking to our state's economy and workforce," added Scott Manley, Senior Vice President of Government Relations for WMC.

"Paper, forestry and printing are critical parts of our economy here in Wisconsin and WIEG would like to thank the Legislature for recognizing these contributions," stated Todd Stuart, WIEG Executive Director.

"We appreciate the Wisconsin Legislature's recognition of the many hard-working professionals that make up our timber industry throughout the Midwest," said Brady Francois, LSLA President.

Together, Wisconsin's forestry, papermaking and printing job creators employ over 106,000 men and women with good, family supporting jobs. In addition, these job creators contribute over $238 million annually in tax payments to the State of Wisconsin. Our coalition extends our thanks to the Wisconsin State Legislature for their recognition of these industries.

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LRB-3047/1

CMH:cdc

2019 - 2020 LEGISLATURE

2019 ASSEMBLY JOINT RESOLUTION 39

May 8, 2019 - Introduced by Representatives KRUG, SHANKLAND, BALLWEG, CONSIDINE, DUCHOW, EDMING, FELZKOWSKI, FIELDS, MURPHY, MURSAU, PETRYK, ROHRKASTE, SPREITZER, SPIROS, STAFSHOLT, STEINEKE, STUCK, THIESFELDT, TRANEL and TUSLER, cosponsored by Senators TIFFANY, BEWLEY, COWLES, HANSEN, JACQUE, LARSON, LEMAHIEU, PETROWSKI, ROTH, SCHACHTNER, L. TAYLOR and TESTIN. Referred to Committee on Rules.

Relating to: proclaiming May 2019 as Paper and Forestry Products Month in Wisconsin.

Whereas, trees and Wisconsin's sustainable well-managed forests, both private and public, are the backbone supporting Wisconsin's valued way of life and the basis for the social, economic, and ecological well-being of Wisconsinites and the forest products industry; and

Whereas, Wisconsin's lumber and wood products industry predates the state and papermaking began in 1848, three months before Wisconsin became a state, and paper manufacturing has been a cornerstone of the state's economy for more than 165 years, leading the nation in paper manufacturing for more than 60 years; and

Whereas, the logging, papermaking, and printing industries significantly contribute to Wisconsin's economic health and well-being by employing more than 106,000 women and men in family-supporting jobs whose annual income exceeds $6.4 billion; and

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Whereas, the paper and forest products industries contribute an estimated $238 million in state and local taxes; and

Whereas, Wisconsin produces a greater diversity of paper and wood products than any other state in the Union; and

Whereas, as 2019 has been declared by Governor Tony Evers as "The Year of Clean Drinking Water" and Speaker Robin Vos has established a "Water Quality Task Force," Approximately two-thirds of the nation's freshwater resources originate on forested lands, both public and private. Some 180 million people in over 68,000 communities rely on these forested lands to capture and filter their drinking water; and

Whereas, thanks to sustainable forestry practices, Wisconsin forests are growing one and a half times more timber than is being harvested each year and there are more trees in forests throughout the United States than there were 100 years ago; and

Whereas, the paper, pulp, forestry, and printing industries are sustainable, environmentally-conscious and are a major driver of Wisconsin's economy; and

Whereas, Wisconsin's nearly 17 million acres of forest lands and its millions of urban trees significantly enhance the quality of life in our great state, contribute to water quality, support and enhance soil quality, provide habitat and sustenance for terrestrial and aquatic flora and fauna, and offer four-season recreational and aesthetic opportunities to residents and visitors of all ages; now, therefore, be it

Resolved by the assembly, the senate concurring, That the members of the Wisconsin State Legislature proclaim May 2019 as Paper and Forestry Products Month in Wisconsin and commend this observance to all citizens; and, be it further

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Resolved, That the legislature calls upon our citizens to learn more about the important role the paper, forestry, and printing product sectors play in our economy and the environment; and, be it further

Resolved, That the assembly chief clerk shall provide a copy of this joint resolution to the Council on Forestry, the Wisconsin Paper Discovery Center, the Wisconsin Center for Environmental Education at the College of Natural Resources at the University of Wisconsin-Stevens Point, the Wisconsin River Papermaking Museum, the Wisconsin Paper Council, Centergy, the Great Lakes Timber Professionals Association, the USDA Forest Products Laboratory, Trees for Tomorrow, Quad/Graphics, WMC, the Wood Industry Collaborative, the Wisconsin County Forests Association, Wisconsin Woodland Owners, Wisconsin River Papermaking Museum, Federal Sustainable Forestry Committee, and the Lake States Lumber Association.

(END)

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Electric Bike Bills Now in the Hopper

POSTED ON JANUARY 31, 2018
BY DAVE CIESLEWICZ, DIRECTOR EMERITUS

Electric bicycles are coming on strong and Wisconsin law needs to catch up with them.

While still only a small percentage of bicycle sales in America, e-bikes have taken off in Europe and they are the fastest growing segment of the U.S. market. The European Union countries reported 98,000 e-bike sales in 2006 and a whopping 1.6 million in 2016. Sales in the U.S. were 200,000 in 2016, but growing fast.

There are a number of reasons for that, but two that stand out are demographics and technology. With 77 million baby boomers in the U.S. there is a built in market for folks who want to remain fit as they age. Which leads into the technology. The new generation of electric assist bikes is just that: they assist the rider but the motor doesn't operate at all unless the rider is pedaling. The result of the demographics and the technology could be a big part of the reason for the recent growth and the bullishness about the future.

Electric bikes are a fast growing part of the U.S. market.

Which brings us to the Wisconsin law. Our current law lumps electric bikes in with combustion engine motor bikes. So, for example, operators of some types of motor bicycles must have operator's licenses, and motor bicycles may not be used on bike paths unless they are powered solely by their pedals. Our laws need to catch up with modern technology.

So, the Bike Fed is working with the industry group People for Bikes and with Trek Bicycle to develop new legislation. The bill would establish three categories of e-bikes. Class 1 e-bikes are e-assist bikes with a maximum speed of 20 miles per hour. Class 2 bikes would also have a 20 mph maximum speed but they can be operated without pedaling. And Class 3 bikes would be e-assist with a maximum speed of 28 mph.

Class 1 and 2 bikes could be operated on bike paths with the electric motor engaged. Class 3 bikes could not be operated in the same manner unless that was allowed by the governmental unit with jurisdiction over the path. So, basically the bill legalizes the use of electric bikes everywhere as long as the motor does not operate after a maximum speed of 20 mph has been reached.

The bill has a few other provisions. Class 3 bikes could not be operated by children under the age of 16 and they must come with a speedometer. Manufacturers need to clearly label each e-bike with its maximum speed.

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This is model legislation that has already passed in a handful of states, including California and Colorado. These bills have been bi-partisan.

In Wisconsin identical bills have now been introduced in each house of the legislature. They are Assembly Bill 886 and Senate Bill 741 and each bill has sponsors from both parties. The bills have been assigned to the corresponding transportation committees in each house. We'll keep you up to speed on the bills' progress.

About Dave Cieslewicz, Director Emeritus

Dave Cieslewicz served two terms as mayor of Madison where he set the city on a path for Platinum status as one of the best biking cities in North America. Before that he started his own nonprofit, 1000 Friends of Wisconsin, which focuses on land use and transportation policy. He has been an adjunct professor at the UW Madison's Department of Urban and Regional Planning where he teaches a class called Bikes, Pedestrians and Cities. He pronounces his name chess LEV ich, but nobody else does.

View all posts by Dave Cieslewicz, Director Emeritus →

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6 thoughts on "Electric Bike Bills Now in the Hopper"

1. *Joseph Imilkowski* says:
January 31, 2018 at 5:57 pm
Thanks Dave,
I have been e-bikeing for over a decade and had been fearing more draconian restrictions.
This compromise meets my needs and I am glad the Wisconsin Bike Fed helped bring it about.
Thanks Again,
Joe I..

Reply

2. *Harald Kliems* says:
February 1, 2018 at 1:32 pm
Thanks for the update. I agree that sensible e-bike legislation is overdue, and by and large the proposed provisions make sense. I am somewhat concerned about Class 2 bikes on bike and multiuse paths. When I lived in Montreal, you would regularly encounter electric scooters on the bike path. While they had pedals and could theoretically be propelled with those pedals, it was pretty obvious that they were scooters, not bikes. Example picture: http://fr.canoe.ca/archives/voyages/destinations/quebec/weekend/media/2013/06/20130603-142510-a.jpg

I personally don't think this is a huge issue, but be prepared for these machines to show up on Madison's path network shortly, as they may also be able to bypass the moped parking restrictions that the city just enacted. Some people walking and biking may have a very negative reaction to that.

Reply

3. *Jim Wilson* says:
February 2, 2018 at 8:32 pm
I'm glad there is official legislation in the works for e-bike regulation. I'm very supportive of any opportunity to allow more people to realize the benefits of bicycling, and e-bikes are instrumental in that

effort. However, I think there are some problems with the legislation that lend themselves to a vigorous and healthy public debate.

For one, I think that the speeds that e-bikes will be allowed to operate up to are far too high. If Google's metrics are to be believed, 12 mph is a good estimate of a person's average speed on a biologically powered bicycle. 20 mph is more than 60% faster than this average speed. I think that e-bike speeds should be speed limited to not more than 16 mph, which is just over 30% faster than the average cyclist.

I also think that allowing e-bikes designated as "class-2" should not be allowed on our trails. They are effectively "motor vehicles" in the sense that no physical effort is necessary in their operation.

Reply

4. *Michael Rewey* says:
August 3, 2018 at 2:51 pm
Legislation is needed, but…

Class 1 and 2 bikes should be limited to 15.5 mph. This is the equivalent of 25 kph which is the standard for the same legislated classes in Europe (EU) and even South Korean to name others. The bike industry should be going with the international standard. 20 mph is too fast for motorized biking on mutli-pupose trails and even bike lanes (not going downhill). Go with the international standard.

Reply

5. *Nathan Crowley* says:
March 6, 2019 at 4:22 pm
It's been over a year. Has there been any progress on this issue?

Reply

- *Jake Newborn, Education Project Manager* says:
March 6, 2019 at 4:28 pm
Funny you ask I literally am about to post a new blog post with updates!check back in in an hour!

Reply

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E-Bikes Now Allowed on Some State Trails

POSTED ON AUGUST 7, 2017
BY DAVE CIESLEWICZ, DIRECTOR EMERITUS

As of August 1st, a new state policy allows use of electric bicycles on Wisconsin Department of Natural Resources trails.

Electric bikes are now allowed on some state trails.

According to State Trails Coordinator Brigit Brown, here are the basics of the new rules:

• Electric bicycles are now allowed on linear state trails that allow bikes.

• E-bikes are subject to a 15 mph speed limit.

• Only bikes with electric motors are allowed. No combustion engines.

• Counties can decide to close cooperative state trails (DNR state trails operated by counties) to e-bikes, but they must post them as closed to these bikes. Without these signs, the assumption is that they are open. Here is a list of state trails. Those with "county" under "trail operator" have the flexibility to close the trails to e-bikes.

• Electric bikes may also be allowed on other bike trails (such as mountain bike trails) on DNR lands, but only under certain circumstances, only after public input and only by affirmative action of the property manager. Finally, these trails must be specifically posted as open for this use.

• The new rules do not differentiate between size of motor or action (e.g., if it requires pedaling or not), but all bikes are subject to that 15 mph speed limit.

• Electric bikes are required to follow all the same rules as conventional bikes on DNR property.

So, as a general rule, an e-bike is now allowed to be used with the motor engaged on linear trails as long as you don't exceed 15 mph. If they are not allowed on a trail or trail portion the trail will have to be posted with signs prohibiting them. For mountain bike trails, the assumption is just the opposite: they are not allowed unless they are specifically posted to allow them.

About Dave Cieslewicz, Director Emeritus

Dave Cieslewicz served two terms as mayor of Madison where he set the city on a path for Platinum status as one of the best biking cities in North America. Before that he started his own nonprofit, 1000 Friends of Wisconsin, which focuses on land use and transportation policy. He has been an adjunct professor at the UW

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RIDE AND BUY LOCAL

Madison's Department of Urban and Regional Planning where he teaches a class called Bikes, Pedestrians and Cities. He pronounces his name chess LEV ich, but nobody else does.

View all posts by Dave Cieslewicz, Director Emeritus →

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11 thoughts on “E-Bikes Now Allowed on Some State Trails”

1. *Ron Friedel* says:
August 7, 2017 at 4:31 pm
Dave writes “all bikes are subject to that 15 mph speed limit.” Really? What about all the pseudo-racers that go past you at 20 -25 mph without saying anything, like “passing” or “on your left?”

I can hear their carbon wheels but way too many people are listening to loud music while riding and crashes happen.

Reply

2. *Harald* says:
August 7, 2017 at 6:35 pm
Thanks for the update, Dave. This seems like a pragmatic, workable solution for now, until the state has figured out a sensible approach to regulating electric assist bikes in general. Is the new policy published somewhere? DNR and county parks staff on the ground may take a while to become familiar with the rules…

Reply

- *Dave Cieslewicz, Executive Director* says:
August 7, 2017 at 8:46 pm
Yes. It’s in an administrative code revision in NR 45. Those changes are posted in a usual legal manner that most local governments understand. I think that Brigit may also have shared it with her list, including local trails managers.

Reply

3. *"Bicycle Bill"* says:
August 7, 2017 at 6:53 pm
• E-bikes are subject to a 15 mph speed limit.”>And how are they going to enforce that?

For now. Mopeds, 50-cc dirt bikes, and battery-operated golf carts coming next.

Reply

4. *"Bicycle Bill"* says:
August 7, 2017 at 6:59 pm
Tried using HTML above and it didn’t work. Here’s what I meant to say:

• E-bikes are subject to a 15 mph speed limit.
And just how are they going to enforce that?

• Only bikes with electric motors are allowed. No combustion engines.
For now. Mopeds, 50-cc dirt bikes, and battery-operated golf cart-like vehicles coming next.

-“BB”-

Reply

5. *Dave Cieslewicz, Executive Director* says:
August 7, 2017 at 8:48 pm
Fair points, BB. I think the DNR was trying get out in front of (or catch up with) the new reality of growing use of e-bikes. It's not perfect, but it seems reasonable.

Reply

6. *Joseph Imilkowski* says:
August 7, 2017 at 9:56 pm
This is an excellent frame work to start with and is better than an outright ban. Enforcement procedures will be worked out

I have just returned from a Rally where electric recumbent trikes made a major appearance. Baby Boomers will have a massive effect in this area in the very near future.

If you have a problem adhering to the letter of the law as it is presently written; then please behave rationally and don't attract attention. I have been known to exceed speed limits to overtake 'Lycras' and demonstrate courteous passing procedures.

Thank you Dave C. for your work on this.

joe i

Reply

7. *Greg* says:
August 9, 2017 at 12:48 pm
I have already seen a couple of e-mtbs out on the Southern Kettle Moraine trails. I wasn't quite sure what to think about it.

Reply

8. *greenways* says:
August 9, 2017 at 9:26 pm
What signage templates are available for trails to use to regulate this bike use? We have horses on our trail and these bikes will cause safety issues.

Reply

- *Dave Cieslewicz, Executive Director* says:
August 10, 2017 at 10:37 am
I asked DNR Trails Coordinator Brigit Brown about your question. She replied immediately and this is what she said:

"DNR has signs available for shared horse/bike/ped use, if it is a public trail and they only need a few signs. Otherwise, I can give them the template and ordering information. FYI, we provided a few hundred of these signs to state and county trail providers earlier this year; Horse Council helped pay for them. You can see more on this in the April STC minutes.

"The person inquiring might want to check with the trail's manager to see if they don't already have some of these signs.

"The person who wrote in should understand that the new electric bike rule only applies to DNR trails…"

Reply

- *Ron Friedel* says:

August 10, 2017 at 12:52 pm
Many paved trails down south have a equestrian trail along side the bike/hiking trail. There are signs where the horse trail crosses the paved trail indicating that the horses have priority, next the walker, and the bike drivers should give them the right-of-way. There is one trail in Florida, the Withlacoochee, that has a commercial service where horses pull wagon loads of people, on the grass, alongside the trail, and the horses are not bothered by the cycists at all.

I've experienced the flighty nature of horses around cyclists. A number of years ago I was on a bike tour through an Amish area. There was an Amish wedding on that Thursday morning and a number of buggies came toward me. I noticed that the horses were shying away from me. So I stopped on the shoulder and waited till they went past on the other side of the road. Well, one horse was not trained at all. While I was stopped, being quiet, the horse pulled the buggy into the ditch overturning it on the other side of the road. The 16 year old driver lost control.

Now I'm careful around horses and ask the riders what I should do.

Reply

Leave a Reply

Your email address will not be published. Required fields are marked *

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Name *

Email *

Website

Save my name, email, and website in this browser for the next time I comment.

Post Comment

http://www.bfw.org/programs/share-be-aware/bicycle-laws/

Electric Bicycles

Electric assist bicycles are a rapidly growing segment of the market. In the United States of America, Congress has defined a low-speed electric bicycle as any bicycle or tricycle with fully operable pedals, an electric motor not exceeding 750 W of power and a top motor-powered speed not in excess of 20 miles per hour. An electric bike or trike that meets these limitations is regarded as a bicycle Ifil by Public Law 107-319.12] This Law defines electric bicycles only for the purpose of Consumer Product Safety and does not allow for their use on roads. It is a safety criteria that manufacturers should use in building electric bicycles, which helps protect manufacturers from the threat of lawsuits from within states that attempt to legislate more stringent safety requirements.

These are Federal regulations that put control of monitoring the safety of electric bicycles into the hands of the Consumer Products Safety Commission (CPSC), which supersede any state law that is more stringent, but only regarding safety equipment required on electric bicycles and not regarding whether electric bicycles are street legal. The states still decide what vehicles are allowed to use the roads in their state.

TEA-21 and SAFETEA-LU Specify that legal Ebikes, as defined above, are legal on urban bicycle trail systems getting any federal funding ***unless states or local entities have passed laws specifically dis-allowing electric assist bicycles***. Under Federal Law, Ebikes are NOT considered motor vehicles unless the state or local entity has passed a law otherwise.

There is a MISCONCEPTION that when “motor vehicles” or “motorized vehicles” are disallowed by law or by signage, that this always means ebikes are illegal on trails. This is UNTRUE in many states; these terms do not include “legal low power electric assist bicycles”, and can only be banned by passing a specific state or local law. (See TEA-21 Federal DOT Law)

SAFETEA-LU is a 2005 Federal Re-authorization of the 1990s TEA-21, and renews the exclusion of legal ebikes from the classification of’motor vehicles’ from urban trail use ***unless a specific local ebike statute is passed***.
http://www.house.gov/transportation democrats/Bike%20Book%2006.pdf

“Motorized vehicles are not permitted on trails and pedestrian walkways EXCEPT FOR: maintenance purposes, motorized wheelchairs, and-when State or local regulations permit-snowmobiles and electric bicycles. Electric bicycles are defined for the purposes of this Act as a bicycle or tricycle with a low-powered electric motor weighing less than 100 pounds with a top motor-powered speed not in excess of20 miles per hour.”

(The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, P.L.109-59 Available from the Government Printing Office or online at www.dot.gov. Title 23, United States Code. Available from the Government Printing Office or your local library system.)

There is some debate as to if and where the 100 lb rule applies. On the surface it appears to be valid on trails. Check your state and local laws for any recent changes.

As always, unsafe operation may be a specific illegal or civil matter to be handled by local courts.

Wisconsin E-bike Laws

Wisconsin state statutes have not been updated to reflect Federal laws, so you may run into trouble using an e-assist bicycle on trails. The Wisconsin Bike Fed will be working with our state legislature to amend and update our laws to bring them into compliance with Federal rules and modern e-bike standards. Currently Wisconsin laws are as follows:

Electric bicycles in Wisconsin are defined as motor bicycles. Motor bicycle operators are required to have a valid driver's license. Motor bicycles cannot be used on bike paths unless they are being operated solely by pedal power, like a bike. When operating you also need to follow the rules of the road. Here are the relevant state statutes:

340.01 (30) Motor bicycle means any of the following:

(a) A bicycle to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator.

(b) A 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power and an electric motor of less than 750 watts and that is capable, when powered solely by the motor, of a maximum speed of less than 20 miles per hour with a 170-pound rider on a dry, level, hard surface with no wind.

343.05(3)(c) Operators to be licensed; exceptions.
(3) NONCOMMERCIAL VEHICLES

(c) No person may operate a moped or motor bicycle unless the person possesses a valid operators license or a special restricted operators license issued under s. 343.135 or a restricted license issued under s. 343.08. A license under this paragraph does not authorize operation of a moped or motor bicycle if the license is revoked, suspended, canceled or expired.

346.79 Special rules applicable to bicycles.
(5) No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.
340.01(5s) Bicycle way means any path or sidewalk or portion thereof designated for the use of bicycles and electric personal assistive mobility devices by the governing body of any city, town, village, or county.
346.804 Riding bicycle on sidewalk is not allowed unless by local ordinance.

Why More States Need to Adopt the Three-Class eBike System

By Claudia Wasko

Electric bikes (eBikes) are gaining traction as a means of transportation in the United States after enjoying years of popularity in Europe. Anyone can ride them, from the most seasoned bike rider to someone who hasn't biked since childhood. They have the potential to expand bike riding to new audiences and keep people riding bikes throughout their lives.

But some confusion around how and where they can be ridden is dampening their growth potential and as an emerging technology, they require clear regulations to govern their use and create stability in the marketplace.

Lack of Regulation

In the United States at the federal level, the U.S. Consumer Product Safety Commission regulates eBikes for the purpose of product safety at the point of first sale. States decide how eBikes can be used. Over time, without clear guidance, states passed widely varying rules to govern their use - some treating them like human-powered bicycles, some treating them like motor vehicles, and everything in between. Some have no regulation whatsoever.

Taking Steps toward Clarity

Since 2014, with leadership team from PeopleForBikes, a national bicycle advocacy group, and the Bicycle Product Suppliers Association, the bicycle manufacturers' trade association, eight states have pioneered a standardized regulation for eBike use with a simple, straightforward approach known as the "3-Class" System. This model legislation defines three common classes of eBikes (based on speed, wattage, and operation), and allows states to decide which types of bicycle infrastructure each class can use (typically Class 1 and Class 2 eBikes are allowed wherever traditional bikes are allowed). It also requires eBike makers to place a highly visible sticker on the frame to indicate an eBike's Class.

In 2016, California was the first state to adopt this "3-Class" approach, and since then other bike-friendly states such as Arkansas, Colorado, Illinois, Michigan, Tennessee, Utah, and most recently Washington have followed suit, with Arizona, Ohio and Connecticut close behind. More states around the country should adopt this "3-Class" standard to eliminate confusion, enhance safety, and promote this green transportation method.

The three classes are defined as follows:

- **Class 1:** eBikes that are pedal-assist only, with no throttle, and have a maximum assisted speed of 20 mph.
- **Class 2:** eBikes that also have a maximum speed of 20 mph, but are throttle-assisted.
- **Class 3:** eBikes that are pedal-assist only, with no throttle, and a maximum assisted speed of 28 mph.

All classes limit the motor's power to 1 horsepower (750W).

Classes and Access

Some states treat Class 1 eBikes like traditional mountain or pavement bicycles, legally allowed to ride where bicycles are permitted, including bike lanes, roads, multiuse trails and bike-only paths. New York City's Mayor de Blasio recently announced the city will officially allow Class 1 eBikes. While New York City's decision is unrelated to singletrack trail use for electric mountain bikes (eMTBs), we believe that Class 1 pedal-assist eBikes should have the same rights and responsibilities as traditional bikes and therefore also be allowed on non-motorized mountain bike trails, as is the case in Europe.

Class 2 throttle-assist eBikes are often allowed most places a traditional bicycle can go, though some states and cities are opting for additional restrictions (e.g. New York City & Michigan State). Class 2 may not be suitable for singletrack mountainbike trails - it has been shown that they pose greater physical damage to trails due to the throttle-actuation. Class 2 may be better suited for multi-use OHV trails designed for more rugged off-road vehicles.

Class 3 eBikes are typically allowed on roads and on-road bike lanes ("curb to curb" infrastructure), but restricted from bike trails and multiuse paths. While a 20-mph maximum speed is achievable on a traditional bicycle, decision makers and agencies consider the greater top-assisted speed of a Class 3 eBike too fast for most bike paths and trails that are often shared with other trail users.

Everyone stands to benefit from common-sense rules on how and where to ride an eBike. With clear regulation and updated state laws, law enforcement will understand what rights eBike users have and when to enforce the law, and easily identify the class of bike based on the sticker. Bike retailers can help their customers understand where each type of eBike can be used, boosting their sales. People who already ride eBkes will have easy rules to follow on where they can ride, and new bicyclists who may be discouraged from riding a traditional bicycle due to limited physical fitness, age, disability or convenience gain new transportation alternatives.

Claudia Wasko is General Manager of Bosch eBikes Systems Americas. Claudia can be reached at ***Claudia.Wasko3@us.bosch.com***.

LRB-2222/1

EVM:kjf

2019 - 2020 LEGISLATURE

2019 SENATE BILL 129

March 20, 2019 - Introduced by Senators ROTH, RISSER, BEWLEY, KOOYENGA, LARSON, MILLER, OLSEN, RINGHAND and SMITH, cosponsored by Representatives ROHRKASTE, GOYKE, ANDERSON, BILLINGS, BOWEN, CROWLEY, DUCHOW, HUTTON, JAGLER, MYERS, POPE, RAMTHUN, SINICKI, SPREITZER, STEFFEN, SUBECK, SWEARINGEN, C. TAYLOR, TUSLER, VORPAGEL and VRUWINK.
Referred to Committee on Transportation, Veterans and Military Affairs.

AN ACT ***to repeal*** 340.01 (30) (b); ***to consolidate, renumber and amend*** 340.01 (30) (intro.) and (a); ***to amend*** 23.335 (1) (q), 70.111 (1), 194.01 (7), 340.01 (29m) (bm), 340.01 (35), 340.01 (74p) (c), 341.05 (23), 346.02 (4) (title) and 346.02 (4) (a); and ***to create*** 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (3m) and 349.18 (4) of the statutes; **relating to:** electric bicycles and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the operation of electric bicycles.

Under current law, a motor bicycle is "a bicycle to which a power unit [that is] not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator" or "a 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power and an electric motor of less than 750 watts and that is capable, when powered solely by the motor, of a maximum speed of less than 20 miles per hour with a 170-pound rider on a dry, level, hard surface with no wind." In general, a motor bicycle is subject

to the same rules as other bicycles and an operator of a motor bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles. An operator of a motor bicycle, however, must posses a valid operator's license.

This bill eliminates the second type of motor bicycle and establishes a similar definition for electric bicycle. Unlike an operator of a motor bicycle, however, an operator of an electric bicycle is not required to hold an operator's license.

Under this bill, an electric bicycle is "a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of less than 750 watts." Electric bicycles are divided into three classes, as follows:

1. Class 1 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 20 miles per hour.

2. 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.

3. 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.

In general, an electric bicycle is subject to the same rules as other bicycles and an operator of an electric bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles, with the following exceptions:

1. Persons under the age of 16 years may not operate a class 3 electric bicycle.

2. A manufacturer or distributor of an electric bicycle must affix a label containing the classification number of the electric bicycle, the speed at which the motor will cease to provide assistance or power, and the wattage of the motor equipped to the electric bicycle.

3. Either the motor must cease to provide assistance or power when the brakes are applied or the motor must cease to provide assistance or power when the rider stops pedaling.

4. A person may not operate a class 3 electric bicycle unless the electric bicycle is equipped with a speedometer.

5. The Department of Transportation or local authorities may prohibit the operation of electric bicycles, with the power unit in operation, on designated bikeways.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1 . 23.335 (1) (q) of the statutes is amended to read:

23.335 **(1)** (q) "Off-highway motorcycle" means a 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway.

"Off-highway motorcycle" does not include an electric bicycle, as defined under s. 340.01 (15ph).

SECTION 2. 70.111 (1) of the statutes is amended to read:

70.111 **(1)** JEWELRY, HOUSEHOLD FURNISHINGS, AND APPAREL. Personal ornaments and jewelry, family portraits, private libraries, musical instruments other than pianos, radio equipment, household furniture, equipment and furnishings, apparel, motor bicycles, electric bicycles, bicycles, and firearms if such items are kept for personal use by the owner and pianos if they are located in a residence.

SECTION 3. 194.01 (7) of the statutes is amended to read:

194.01 **(7)** "Motor vehicle" means any automobile, truck, trailer, semitrailer, tractor, motor bus, or any self-propelled or motor driven vehicle, except a motorcycle, moped, motor bicycle, electric bicycle, electric personal assistive mobility device, personal delivery device, or vehicle operated on rails.

SECTION 4. 340.01 (15ph) of the statutes is created to read:

340.01 **(15ph)** "Electric bicycle" means a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of less than 750 watts and that meets the requirements of any of the following classifications:

(a) Class 1 electric bicycle is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(b) Class 2 electric bicycle is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

(c) Class 3 electric bicycle is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

SECTION 5. 340.01 (29m) (bm) of the statutes is amended to read:

340.01 **(29m)** (bm) "Moped" does not include a motor bicycle or electric bicycle.

SECTION 6. 340.01 (30) (intro.) and (a) of the statutes are consolidated, renumbered 340.01 (30) and amended to read:

340.01 **(30)** "Motor bicycle" means ~~any of the following: (a) A~~ a bicycle to which a power unit that is not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator. "Motor bicycle" does not include an electric bicycle.

SECTION 7. 340.01 (30) (b) of the statutes is repealed.

SECTION 8. 340.01 (35) of the statutes is amended to read:

340.01 **(35)** "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile, an all-terrain vehicle, a utility terrain vehicle, and an electric personal assistive mobility device shall be considered motor vehicles only for purposes made specifically applicable by statute. "Motor vehicle" does not include an electric bicycle.

SECTION 9. 340.01 (74p) (c) of the statutes is amended to read:

340.01 **(74p)** (c) An operator of a moped, electric bicycle, or motor bicycle.

SECTION 10. 341.05 (23) of the statutes is amended to read:

341.05 **(23)** The vehicle is a motor bicycle, electric bicycle, or bicycle, except as provided in s. 349.18.

SECTION 11. 346.02 (4) (title) of the statutes is amended to read:

346.02 **(4)** (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES, AND MOTOR BICYCLES.

SECTION 12. 346.02 (4) (a) of the statutes is amended to read:

346.02 **(4)** (a) Subject to the special provisions applicable to bicycles, every person riding a bicycle upon a roadway or shoulder of a highway is granted all the rights and is subject to all the duties ~~which~~ that this chapter grants or applies to the operator of a vehicle, except those provisions ~~which~~ that by their express terms apply only to motor vehicles or ~~which~~ that by their very nature would have no application to bicycles. For purposes of this chapter, provisions ~~which~~ that apply to bicycles also apply to electric bicycles and motor bicycles, except as otherwise expressly provided.

SECTION 13 . 346.806 of the statutes is created to read:

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INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION

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IMBA Updates eMTB Position Statement

By: Posted: November 7, 2017

The topic of electric mountain bike (eMTB) access to non-motorized trails is increasingly dominating the conversations of mountain bikers, land managers, trail users, the bicycle industry and others. IMBA recognizes this as a complex issue encompassing mountain biking culture, the access landscape and the passions and experiences of different trail users. All sides have valid, logical and emotional arguments to make and IMBA is listening. We have wrestled with the eMTB issue at considerable length and will continue to do so as the landscape evolves. For the past three decades, IMBA has worked tirelessly for mountain biking and access to trails and this has not changed.

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IMBA's Board of Directors updated its 2015 position on eMTBs to now read:

IMBA is supportive of Class 1 eMTB access to non-motorized trails when the responsible land management agency, in consultation with local mountain bikers, deem such eMTB access is appropriate and will not cause any loss of access to non-motorized bikes. IMBA recognizes that changes in design, technology and the numbers of eMTB users is evolving, and believes these bikes can be managed in a sustainable way for both the environment and other trail users.

> "First and foremost, we advocate for access for traditional, non-motorized mountain bikes. IMBA does not advocate for access for eMTBs. But, IMBA and mountain bikers need to be at the table for all conversations that discuss access for eMTBs to non-motorized trails that are open to bikes," said Dave Wiens, IMBA Executive Director.
>
> "Currently, the US Forest Service and Bureau of Land Management (BLM) are clear that they are managing all eMTBs as motor vehicles. But for countless state, county, municipal and other parks and open space trails, there is much uncertainty and confusion. Our position reflects the importance of having local land managers and local mountain bikers involved in decisions to allow eMTB access to non-motorized trails and underscores the importance of maintaining access for traditional, non-motorized bicycles. This topic is being driven by rapidly evolving technology and we recognize that everyone involved needs to be engaged, prepared for challenges and solution-oriented."

IMBA believes that eMTB access to non-motorized trails that are open to bikes present both opportunity and challenge. If managed effectively, eMTBs may increase ridership and stewardship of trails, along with other benefits. No management, poor management and/or misinformation, however, have the potential to jeopardize current and future access to trails that mountain bikers, local organizations and IMBA have pursued for the past 30 years.

As the recognized, national leader in trail access and sustainable trail design, IMBA is regularly asked for guidance on how best to manage the emergence of eMTBs on local, state and federal lands by mountain bikers, local mountain biking organizations, land managers and the bicycle industry. IMBA occupies a unique position in this discussion, due to the trust it has established with these various stakeholders over the previous three decades, and recognizes there is significant work to be done in this space.

IMBA also believes that local access decisions (at the state, county and municipal level) are best made locally and is working with local mountain bike groups and land management agencies across the country to provide resources and guidance, as it has done for three decades. IMBA has also met with the leaders of federal land management agencies, most of which only allow eMTBs on motorized trails, and is keeping them apprised of and educated on this issue.

IMBA will work to provide information and best-practice resources on this topic from its position as an organization that advocates for traditional, non-motorized mountain biking. IMBA currently offers resources for land managers, including recommendations on what should be considered before access decisions are made, and will continue conversations with all parties to protect the access the mountain biking community has worked hard to gain and keep.

We appreciate your continued support of IMBA's mission to create, enhance and protect great places to ride mountain bikes.

IMBA's current research and documentation can be found here.

Take our eMTB survey

Select eMTB FAQ

What is a Class 1 eMTB?

There are three classes of electric bicycle and those in Class 1 are the lowest-powered. A Class 1 electric bicycle, or "low-speed pedal-assisted electric bicycle," is defined as a

bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

Motorized vs. non-motorized

EMTBs represent an emerging technology and are neither classified as a mountain bike nor a motorcycle. As a result, eMTBs confuse long-standing regulatory structures for trail management, which have frequently divided trails as either “motorized” or “non-motorized” regarding who/what can use them.

IMBA recognizes eMTBs as motorized. Defining eMTBs as a new and distinct category of recreation will minimize impacts on access for mountain bikes and protect against an increase of motorized use on non-motorized trails.

How should a land management agency make a decision and manage this new user group?

Enforcement of trail users on public lands is largely a local control issue and IMBA respects the rights and abilities of these land agencies to make appropriate decisions with appropriate tools. IMBA recommends that land managers consider their enforcement and education/outreach abilities prior to allowing Class 1 eMTB access to trails. The decision to allow Class 1 eMTBs on natural surface trails open to mountain biking and designated for non-motorized use should be determined on a trail-by-trail basis by local, state and federal land management agencies. The decision should also be made in collaboration and partnership with local mountain bikers, trail stewards, stakeholders, advocates and other interested users.

Where can I ride an eMTB?

It is imperative that eMTBs are only ridden where permitted. Currently, eMTBs are not defined or dealt with consistently across land management agencies and their access to trails and infrastructure depends on the authority with jurisdiction over the land. The federal land management agencies allow eMTBs on motorized trails and dirt roads, only,

(and not on non-motorized trails). For more information on eMTB regulations, visit this page: [illegible]bikes.org/our-work/e-bikes/

How influential is the eMTB industry in directing IMBA's work on the eMTB issue?

Thankfully, IMBA has partners and supporters both inside and outside of the bicycle industry that understand and support our mission and want to ensure a positive and prosperous future, one in which we mountain bikers don't lose an inch of trail unnecessarily. Regardless of the source of support for our efforts surrounding eMTB access to trails, traditional non-motorized mountain bike access is IMBA's priority.

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State Electric Bicycle Laws | A Legislative Primer

3/28/2019

Introduction

The past few years have seen a marked increase in the number of electric bicycles (or "e-bikes") in the U.S.

This primer deals specifically with low-speed electric bicycles as defined by the Consumer Product Safety Commission. E-bikes are most frequently "pedal-assist" or "muscle-assist," meaning the rider must be pedaling for the electric motor to engage. E-bikes may also come equipped with a throttle that allows the bike to be propelled without pedaling.

The bicycle's low-speed electric motor provides a boost of power to climb hills, extend the range of trips where a bicycle can be used, allow current bicycle users to bike more often and farther, provide a new recreation option for people who want to bike and in general, extend the range of any ride.

Low-speed e-bikes are as safe and sturdy as traditional bicycles and move at speeds similar to conventional bikes. E-bikes are emissions-free, low impact and operate silently. E-bikes vary widely in terms of shape and size, but the different types closely align with those of regular bicycles. E-bikes resemble traditional bicycles in both appearance and operation and do not function similarly to mopeds, scooters and other motorized vehicles.

According to a 2018 bicycle industry analysis, e-bikes sales increased 83 percent between May of 2017 and May of 2018, and e-bikes made up 10 percent of overall bikes sales in the U.S. for that time period. While the Asian and European e-bike markets are more robust, industry advocates hope to continue to expand U.S. e-bike sales.. Most major U.S. bicycle brands sell e-bikes, and bicycle manufacturers have moved or are positioning themselves to move to the U.S. to capitalize on the growing market.

Electric bicycles cost on average $2,000 - $3,000, versus a $1,000 average investment for a mid-range traditional commuter bicycle. An investment in an electric bicycle is appealing to those who are looking to replace short trips typically made by car, therefore the investment can be justified if the buyer factors in the reduced cost of car maintenance and fuel.

Reasons for purchasing an e-bike vary, with some looking for a cheap commuting mode and others looking for a less physically demanding bicycle option or help bicycling through hilly areas. E-bikes may also provide a more attractive and feasible choice to take short trips. According to U.S. Department of Transportation survey data, half of all trips in the U.S. are three miles or less in length, a distance widely regarded as bikeable for most adults and even more feasible for electric bicycle riders. Seventy-two percent of those trips are currently made by cars and fewer than 2 percent by bicycle. E-bikes also provide a new transportation and recreation option for people with disabilities and those with physical limitations.

E-bikes have even been embraced by the nation's rapidly expanding bike-share systems. In 2011, the University of Tennessee-Knoxville launched the country's first electric bicycle sharing system, with two bike-share stations on their campus. In 2015, Birmingham, Ala., unveiled a citywide bike-share system with 100 e-bikes in the fleet of 400 bikes, in the hopes the program will attract more novice riders. With the aid of private funds, Utah has unveiled a small electric bike-share system at their State Capitol complex. Richmond, Va., will be unveiling an electric bicycle sharing system soon. Dockless bike-sharing systems are also rapidly integrating e-bikes into their fleets; companies such as JUMP Bike and Motivate now offer dockless e-bikes in cities such as Austin, Denver and Sacramento.

State legislatures have begun to grapple with how to differentiate and define e-bikes and regulate their operation and equipment standards on roadways and trails in their respective states. One challenge is the distinction between other motorized vehicles such as scooters and mopeds, and the burgeoning market and interest in e-bikes as a cost-effective and environmentally friendly transportation option.

E-bike Safety Research

When faced with an e-bike bill, legislators and stakeholders by and large first question the safety, speed and allowed areas of operation for an e-bike. As part of a 2015 survey of Americans regarding their opinions about e-bikes, 72 percent of respondents stated their top concern was safety. With respect to

speed, the research is mixed and somewhat inconclusive thus far with regards to the typical speed of e-bikes and how much that differs from traditional bicycles.

One study from Sweden found average travel speeds for e-bikes to be over 5 miles per hour faster than for traditional bicycles (14 mph versus 8.7 mph). However, a study of the University of Tennessee-Knoxville's e-bike sharing system did not find much difference in the average travel speeds and the average top speeds for e-bikes versus traditional bikes and stated in its finding that "With few exceptions, riders of e-bike behave very similarly to riders of bicycles." A 2016 study examining the relative probability of an e-bike versus a conventional bike to be involved in a traffic conflict did note that there was a higher risk of conflict at an intersection for e-bikes, because of higher speeds approaching an intersection. Otherwise, the study found little or no difference with regards to risk or actual conflicts.

Cultural norms, law enforcement of speed limits, physical infrastructure and other factors all likely play a role in bicycling speeds and other bicycling operation decisions made by conventional traditional bikes and e-bikes and it is clear further research is needed.

Electric Bicycle

An e-bike that meets the federal definition of an electric bicycle and is subject to product safety standards for bicycles.

Electric Scooter

An electric scooter that does not meet the federal definition of an e-bike and is regulated as a motor vehicle.

Federal Role, Definition and Actions

At the federal level, a 2002 law enacted by Congress, HB 727, amended the Consumer Product Safety Commission definition of e-bikes. The law defined a low-speed electric bicycle as "A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph." The federal law permits e-bikes to be powered by the motor alone (a "throttle-assist" e-bike), or by a combination of motor and human power (a "pedal-assist" e-bike).

Significantly, the federal law only specifies the maximum speed that the e-bike can travel under motor power alone. It does not provide a maximum speed when the bicycle is being propelled by a combination of human and motor power, which is how e-bikes are predominantly ridden. The Consumer Product Safety Commission has clarified that the federal law does allow e-bikes to travel faster than 20 mph when using a combination of human and motor power.

This law distinguishes, at the federal level, e-bikes that can travel 20 mph or less under motor power alone from motorcycles, mopeds and motor vehicles. Devices that meet the federal definition of an electric bicycle are regulated by the Consumer Product Safety Commission and must meet bicycle safety standards. However, as a 2014 e-bike law primer notes, this federal law only applies to the e-bike's product standards and safety.

State traffic laws and vehicle codes remain the sole domain of states and state legislatures. In other words, the manufacturing and first sale of an e-bike is regulated by the federal government, but its operation on streets and bikeways lies within a state's control. Thus, many states still have their own laws that categorize e-bikes with mopeds and other motorized vehicles, require licensure and registration, or do not enable them to be used on facilities such as bike lanes or multi-purpose trails.

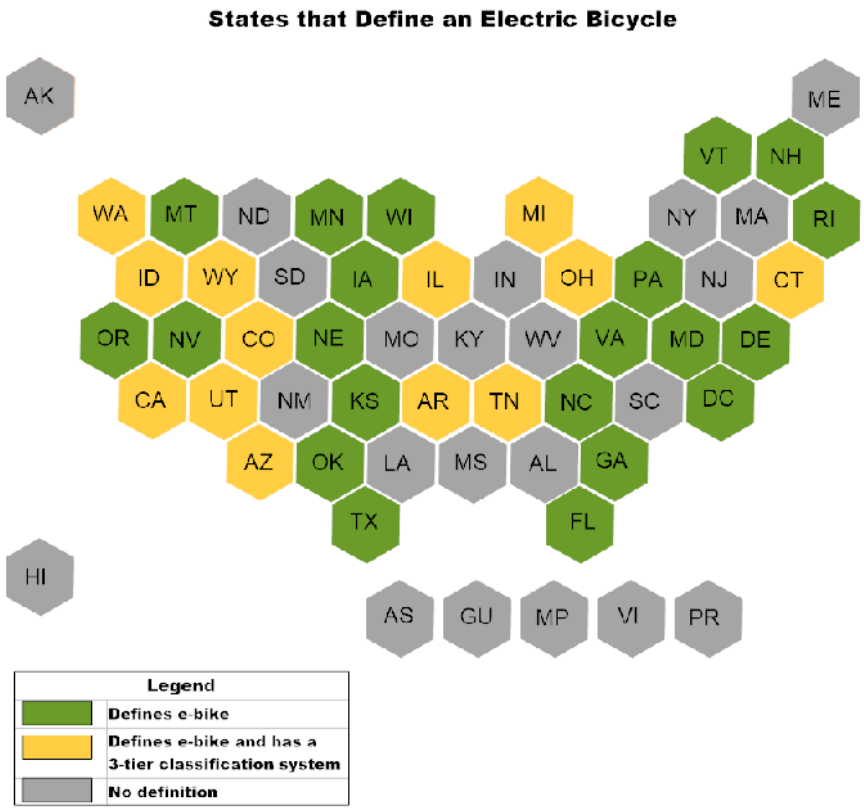
State Legislative Scan

There has been a steady stream of legislative action at statehouses regarding e-bikes since 2015. State legislation has focused on three dynamics:

- Revising older state laws that classify e-bikes as mopeds and scooters and may include burdensome licensure, registration or equipment requirements;
- Creating three-tier classification systems for e-bikes depending on their speed capabilities; and
- Refining more recent e-bike laws that could benefit from further clarification and detail.

The District of Columbia and 33 states in some manner define an electric bicycle: Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin and Wyoming. All of these states have different laws regarding their operation. In the remaining states, electric bicycles lack a specific definition and may be included within another vehicle class such as "moped" or "motorized bicycle."

In Mississippi, there is no clear designation for an electric bicycle, but an attorney general opinion indicates that an electric bicycle would be considered a bicycle. While Kentucky also lacks a definition for e-bikes, the Department of Transportation passed an administrative regulation in 2015 that brought e-bikes within the scope of the state's bicycle regulations.



Three-Tiered E-Bike Classification System

Thirteen states (Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Illinois, Michigan, Ohio, Tennessee, Utah, Washington and Wyoming) have created a three-tiered e-bike classification system intended to differentiate between models with varying speed capabilities. These states have almost identical defining language for e-bikes, as well as similar safety and operation requirements:

Class 1 electric bicycle	A bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
Class 2 electric bicycle	A bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
Class 3 electric bicycle	A bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour and is equipped with a speedometer.

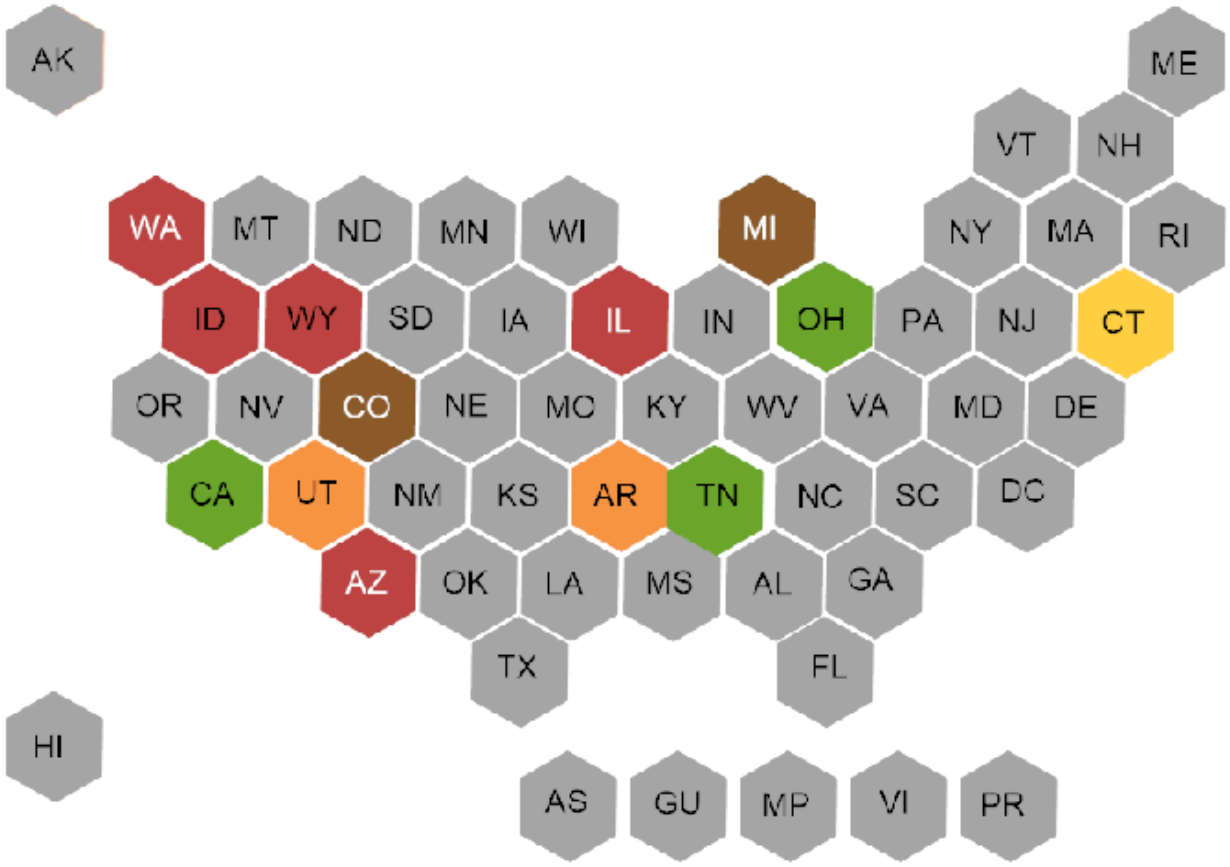
Any device outside of these definitions is not considered a low-speed electric bicycle that would be regulated as a bicycle.

Helmet Requirements

The thirteen states with a three-tiered classification system do differ in terms of helmet requirements. Connecticut has the strictest requirement, requiring operators and passengers for all classes of e-bikes to wear protective headgear. California, Ohio and Tennessee require the operator and all passengers of a class three electric bicycle, regardless of age, to wear protective headgear. Arkansas and Utah require operators and passengers of a class three e-bike under age 21 to wear protective headgear. Colorado and Michigan require helmet use for those under age 18 operating or riding on a class three e-bike. Arizona, Idaho, Illinois, Washington and Wyoming's laws include no helmet requirements for any class of e-bike.

E-Bike Helmet Requirements in States with

Three-Tier Classification System



Legend	
	All e-bike passengers and operators
	Operators and passengers of class three e-bikes
	Operators of a class three e-bike under age 21
	Operators and passengers of a class three e-bike under age 18
	No helmet requirements for any class of e-bike
	No definition

Age Restrictions

With regards to age restrictions to operate an e-bike, in California and Utah, an individual under the age of 16 may not operate a Class 3 electric bicycle.

In Michigan and Tennessee, the age limit is 14 to operate a class three e-bike, although in both states a passenger under the age of 14 is permitted to ride on an electric bicycle that is designed to carry passengers.

In Arkansas, Colorado, Connecticut, Illinois, Ohio and Washington, a class 3 low-speed electric bicycle may not be operated by a person under the age of 16. However, in Arkansas, Colorado, Connecticut, Illinois and Ohio a person under the age of 16 may ride as a passenger on a class 3 low-speed electric bicycle if that bicycle is designed to carry passengers.

Utah has further restrictions for operating any class of e-bike for younger age groups. Those under age 14 may not operate any electric bicycle with the electric motor engaged on any public property, highway, path, or sidewalk unless under the supervision of the individual's parent or guardian. Additionally, those under age eight may not operate an electric bicycle with the electric motor engaged on any public property, highway, path, or sidewalk.

Arizona, Idaho and Wyoming have no age restrictions to operate an e-bike for any e-bike class.

Registration, Licensure, and Insurance Requirements

Twelve of the thirteen states with a tiered-classification system exempt an e-bike from registration, licensure, and insurance requirements, another key way legislatures are differentiating between e-bikes and other motorized vehicles such as mopeds and scooters. However, Illinois' law allows local authorities to regulate the operation of bicycles, low-speed electric bicycles, and low-speed gas bicycles, and require the registration and licensing of the same, as well as requiring a registration fee. All thirteen states require an e-bike to be affixed with a label that states the classification number, top-assisted speed and motor wattage.

E-Bike Licensing and Operation

Overall, 17 states require a license to operate an e-bike, typically because they still fall under the designation of another motorized vehicle classification with licensure and registration requirements and have not had a distinct e-bike law created. Utah and Vermont are examples of states that have recently eliminated e-bike licensure and registration requirements. Some states, including Oklahoma and Wisconsin, that define e-bikes in some manner still nonetheless require an operator's license to operate an e-bike.

E-bike Operation on Multi-Use Paths

Of the 33 states that explicitly define e-bikes, some state laws, such as in Arizona, Georgia, Minnesota, Oklahoma, Utah and Washington, specifically allow e-bike operation on facilities such as bicycle paths or greenways, with the caveat that many carve out exceptions for localities to enact stricter operation regulations on such bike and pedestrian facilities. Georgia's law simply states "Electric assisted bicycles may be operated on bicycle paths." In Delaware, Florida, Iowa and Nebraska, electric bicycles are defined within the existing definition of a bicycle, therefore there is not a distinction when it comes to operation on trails. Vermont specifies that motor-assisted bicycles are governed as bicycles and have the same rights and duties applicable to bicyclists.

California and Tennessee's laws only specifically disallow class 3 electric bicycle operation on a bicycle paths, but allow localities to opt-in and allow their use on such facilities. As noted above, their laws do allow localities to restrict the use of class 1 and 2 e-bikes on bike paths.

Conclusion

Assuming the continued robust growth of the e-bike industry, state legislatures will likely continue to grapple with defining e-bikes, clarifying operation, safety and equipment standards and further distinguishing from motorized vehicles such as mopeds and scooters.

For further information on e-bike laws, research, news and industry updates, visit People for Bikes.

June 2019

TIMBER SALE EXTENSION REQUESTS

Timber Sale Extensions to December 30, 2020

20% increase in stumpage	#642-15	Tigerton Lumber Co. Received Letter Requesting Extension Cash Bond

20% increase in stumpage	#644-15	Central Wisconsin Lumber Received Letter Requesting Extension Cash Bond