

Thank you Chairman Green and Members of the Committee. I appreciate having the opportunity to testify in support of House Bill 250 at today's hearing.

My name is Morgan Lommele and I am here on behalf of PeopleForBikes and the Bicycle Product Suppliers Association. PeopleForBikes is a national advocacy group and 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. A small leadership team from PeopleForBikes and the BPSA have been working to update e-bike law in the United States for three years now. My title is E-Bike Campaigns Manager. I am authorized to speak on behalf of PeopleForBikes and the BPSA in support of HB 250.

Our membership is composed of companies that manufacture, distribute, or sell bicycles and bicycle related products, including electric bicycles. We also have more than 1.2 million individual supporters, including 51,323 supporters in Ohio.

At PeopleForBikes we believe that electric bicycles, or e-bikes, have the potential expand bike riding to new segments of our population, and keep people riding bikes for more of their lives. However, e-bikes are an emerging technology, and 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 used different standards to define e-bikes, and regulate critical issues like their speed, wattage, and operational rules.

Ohio is currently one of the approximately 20 states that lacks rules governing the use of e-bikes. The absence of any provisions aimed at e-bikes makes it particularly confusing for manufacturers, retailers, customers, and law enforcement to determine how they are regulated within our traffic laws or what type of vehicle they are regulated as.

We joined forces with the BPSA e-bike committee and created the class system that is the foundation of House Bill 250 in order to align the law with the three main forms of product that are currently on the marketplace, and create consistent standards and rules for these devices. We also created a uniform labeling standard for all e-bikes to help law enforcement and land managers identify electric bicycles in the event of any 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 worked to enact this system into law in Utah, California, Colorado, Arkansas, Illinois, and Tennessee, and we are eager to have this law passed in Ohio as well.

PeopleForBikes and the BPSA support House Bill 250, and we believe it is the proper way to regulate the use of electric bicycles at the state level. Thank you Chairman Green and Members of the Committee.

Key questions and answers:

What other states use the classification system in this bill?

Utah, Tennessee, Illinois, Colorado, Arkansas, California.

Are you working to advance similar legislation elsewhere this year?

Yes. Michigan, and Wisconsin.

Why is the top speed for Class 3 e-bikes 28 MPH?

In Europe, the classification that is equivalent to a class 3 e-bike is “speed pedelec.” Under European rules, speed pedelecs are limited to a top assisted speed of 45 KPH, which is equivalent to 28 MPH. Therefore, these rules provide uniform product standards between the European and U.S. markets.

I have read the federal definition of an e-bike and it says that the top speed is 20MPH. How are class 3 e-bikes legal given the federal definition?

The federal definition uses very specific language to delineate the top speed of e-bikes. The 20 MPH threshold applies when the e-bike is being operated “solely” under motor power. However, e-bikes are most commonly ridden under a combination of human and motor power. The federal definition does not provide a top speed for when an e-bike is being operated under combined human and motor power. The class 3 definition clarifies this ambiguity by specifying the maximum assisted speed for e-bikes at 28MPH.

Can e-bikes be safely operated on bike paths?

Yes. Researchers who have compared riders of e-bikes and regular bikes at the University of Tennessee observed that e-bikes riders exhibit similar safety behavior as riders of traditional bicycles. Perhaps most importantly, e-bike riders traveled at similar speeds to riders of human-powered bicycles. They rode slightly faster when riding on the road (1.8 mph), but actually slower than regular bikes riders when on bicycle paths (1 mph). Observations regarding the safe use of electric bicycles on existing bike infrastructure are consistent with the results of a pilot study in Boulder, Colorado from 2013, where not safety issues emerged after a lengthy trial period.

Why not regulate e-bikes at the federal level?

E-bikes have been regulated federally since 2002. However, as with other consumer products, the federal regulations are limited to product safety. They do not specify where e-bikes may be ridden or what rules of the road govern their use. While the federal government can intervene in these matters in very rare situations, the rules of the road are generally a matter of state law. Other emerging technologies have followed the same path of creating new state traffic laws to address the use of these devices on our streets. This includes segways, autocycles, and commercial quadricycles.

How can anyone tell what an e-bike is?

E-bikes are becoming more and more difficult to distinguish from regular bicycles. The labeling requirement in House Bill 250 is a proactive measure on behalf of the industry to ensure that law enforcement or land managers can easily tell that a bicycle is in fact an e-bike, and quickly assess which type of e-bike it is.

Can people tamper with e-bikes?

Like other mechanized or motorized devices, it is possible that a user could tamper with an e-bike. We have inserted a tampering provision in House Bill 250 that will place the onus on the owner to have a properly labeled bike if that were to occur. If someone was to tamper with an e-bike and create a machine that can travel faster than any of the specified classifications of e-bikes, they would presumably be operating an unlicensed and unregistered vehicle, and would be subject to any applicable penalties.

Does the bill regulate e-bikes off-road?

House Bill 250 regulates the use of e-bikes on streets and on bicycle paths. The bill does not regulate the use of e-bikes on trails, where land management agencies maintain their authority to regulate. The terminology in the bill is consistent with existing state statutes that govern e-bikes and other types of motorized devices that require off-street infrastructure access, such as segways/EPAMDs.

Who is the typical purchaser of an e-bike?

While all types of people purchase and use e-bikes, older, baby-boomer purchasers are the most common.

How many e-bikes are sold each year in the U.S.?

While our data on this is imperfect, approximately 200,000 e-bikes are sold annually in the U.S. However, they are the fastest growing segment of the bicycle sales.

How much do e-bikes cost?

Entry-level e-bikes are about \$1,500. High-end e-bikes can cost \$8,000 or more.

Why distinguish between class 1 and class 2 e-bikes in the bill if the rules are the same?

The distinction between these two types of e-bikes provides for greater local flexibility. Some municipalities have demonstrated an interest in prohibiting throttle-powered e-bikes from certain types of infrastructure, and this bill provides the flexibility to take those measures if they are desired on a local level.

Does the rider have to be pedaling for the e-bike's motor to be engaged?

It depends on the type of e-bike. For Class 1 and Class 3 e-bikes, the rider must be pedaling for the motor to be engaged. For Class 2 e-bikes, the motor can propel the e-bike without the rider pedaling.