

SENATE BILL REPORT

SB 5471

As Reported by Senate Committee On:
Transportation, February 9, 2023

Title: An act relating to the use of electric-assisted bicycles on certain trails and roads by persons with disabilities.

Brief Description: Addressing the use of electric-assisted bicycles on certain trails and roads by persons with disabilities.

Sponsors: Senators Cleveland, Wilson, J., Shewmake, Randall, Lovelett, Valdez, Wilson, C., Dhingra, Kuderer, Lias and Van De Wege.

Brief History:

Committee Activity: Transportation: 1/23/23, 2/09/23 [DPS, w/oRec].

Brief Summary of First Substitute Bill

- Extends the requirement that the Department of Natural Resources and Department of Fish and Wildlife allow persons who possess a current parking placard for persons with disabilities to use class 1 and class 2 e-bikes on all nonmotorized natural surface trails and closed roads on which bicycles are allowed.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5471 be substituted therefor, and the substitute bill do pass.

Signed by Senators Lias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland, Lovelett, Nobles, Padden, Randall, Valdez, Wilson, C. and Wilson, J..

Minority Report: That it be referred without recommendation.

Signed by Senators Fortunato, Hawkins, Kauffman and MacEwen.

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

Staff: Brandon Popovac (786-7465)

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

- class 1—in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches 20 mph;
- class 2—in which the motor may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches 20 mph; or
- class 3—in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches 28 mph and is equipped with a speedometer.

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

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

Generally, a person may not operate an e-bike on a trail designated as nonmotorized and has a natural surface, unless otherwise authorized by the state agency or local authority having jurisdiction over the trail. Until June 30, 2023, or until legislation is enacted or rules are adopted related to the use of e-bikes on nonmotorized natural surface trails and closed roads on lands managed by the Department of Natural Resources (DNR) or the Department of Fish and Wildlife (WDFW), whichever is earlier, DNR and WDFW must allow persons who possess a current parking placard for persons with disabilities to use class 1 and class 2 e-bikes on all nonmotorized natural surface trails and closed roads on which bicycles are allowed.

Electric-Assisted Bicycle Use Study. As required by the Legislature, WDFW and DNR convened an interagency public process to collect input from tribes, persons with disabilities, and other stakeholders on where e-bikes should be allowed on DNR- and WDFW-managed lands, specifically on nonmotorized natural surface trails and roads closed to motorized use. A report with findings from the tribal and other stakeholder engagement processes, conclusions from findings, and recommendations on such e-bike use were published and provided to the Legislature in September 2022.

Summary of Bill (First Substitute): The requirement that DNR and WDFW allow persons who possess a current parking placard for persons with disabilities to use class 1

and class 2 e-bikes on all nonmotorized natural surface trails and closed roads on which bicycles are allowed is extended until the earlier of June 30, 2025, or when an applicable local or regional planning process adopts policies or rules related to the use of e-bikes on such trails and roads.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (First Substitute):

Extends, instead of making permanent, the current allowance for e-bike use on nonmotorized trails and roads where bicycles are allowed for certain persons with disabilities until the earlier of June 30, 2025, or when an applicable local or regional planning process adopts policies or rules addressing such e-bike use.

Appropriation: None.

Fiscal Note: Available.

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

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2023.

Staff Summary of Public Testimony on Original Bill: *The committee recommended a different version of the bill than what was heard.* PRO: Persons with mobility issues are unable to enjoy the great outdoors as others do. Only four percent of the state's population have parking placards. Some persons with disabilities do not have a parking placard. We could build e-bike only trails.

CON: Accidents can occur between persons riding e-bikes, and horses or mules. E-bikes have been considered motorized vehicles, and should not be allowed on trails.

OTHER: Aligning management processes with tribal rights is a necessary first step on e-bike use.

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

CON: Vivian Eason, Backcountry Horsemen of WA; Joyce Williams, Backcountry Horsemen of WA.

OTHER: Brian Considine, Washington Department of Natural Resources.

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