

November 28, 2021

Re: Notice of Proposed Rulemaking - Motorized Bicycles on Shared Use Paths

Dear Mr. Miller,

The Washington Area Bicyclist Association strongly supports the District of Columbia's decision to amend Title 18 to allow motorized bicycles to operate anywhere bicycles are permitted to operate, and to amend the definitions of a public bicycle path to include permitted use of motorized bicycles, and a shared use path to include permitted use by pedestrians, bicycles, and motorized bicycles.

The proposed rulemaking generally extends the requirements, duties, and privileges that apply to someone operating a bicycle to also apply to operating a motorized bicycle. The most important change would finally correct DC regulations to allow the most common types of electric bicycles to be used on DC's off-street trails, bike lanes, and on sidewalks.

WABA is supportive of this rulemaking because e-bikes increase opportunities for people who may not be able to ride a traditional bike due to physical fitness, age, or ability. E-bikes allow riders to travel farther distances, carry heavier loads (like children), and can reduce greenhouse gas emissions when used as an alternative to gasoline or diesel-powered modes of transportation.

We would like to flag the following proposed changes that if left, could create broad interpretation and abuse by law enforcement:

Title 18 Section #	Proposed Change	WABA's Position
1201.2 - 1201.6 & 1201.8 & 1201.10 - 1201.12 & 1201.14 - 1201.16	Extends requirements, duties, and privileges in these paragraphs that apply to someone operating a bicycle to also apply to operating a motorized bicycle.	Support - these changes set one consistent set of expectations and rights for riding a bicycle (whether human powered or electrically powered) in DC.
1201.09	Changes from: "There shall be no prohibition against any person riding a bicycle or personal mobility device upon a sidewalk within the District, so long as the rider does not create a hazard; provided, that no person shall ride a bicycle or operate a personal mobility device upon a sidewalk within the Central Business District except on those sidewalks expressly	Support - this change explicitly allows safely riding a motorized bicycle on sidewalks in the majority of the city and rewords this confusing section for clarity.

	<p>designated by Order of the Mayor, nor shall any person ride a bicycle upon a sidewalk in any area outside of the Central Business District if it is expressly prohibited by Order of the Mayor and appropriate signs to such effect are posted."</p> <p>To: "A person may ride a bicycle, motorized bicycle, or personal mobility device upon a sidewalk within the District, so long as the rider does not create a hazard; provided, that no person shall ride a bicycle or motorized bicycle or operate a personal mobility device upon a sidewalk within the Central Business District except on those sidewalks expressly designated by Order of the Mayor, nor shall any person ride a bicycle or motorized bicycle upon a sidewalk in any area outside of the Central Business District if it is expressly prohibited by Order of the Mayor and appropriate signs to such effect are posted"</p>	
1201.13	<p>From: "No bicyclist shall suddenly leave a sidewalk and ride into the path of a vehicle which is so close that it is impossible for the driver to yield."</p> <p>To: "No person operating a bicycle or motorized bicycle shall move right or left upon a roadway unless and until such movement can be made with reasonable safety."</p>	<p>Oppose - dramatically changes the language to vague "move right or left" prohibition which is open to broad interpretation and abuse.</p> <p>Keep original language and add a mention of motorized bicycles.</p>
1201.17	<p>Changes from: "All provisions of this section shall be equally applicable to the operation and riding of motorized bicycles, except as specifically provided in this chapter; provided, that nothing in this chapter shall be construed as to limit the applicability of Chapters 1, 4, 5, 6, and 7 with respect to the licensing, registration, inspection, or equipment of motorized bicycles or motorcycles."</p> <p>To: "Nothing in this chapter shall be construed as to limit the applicability of Chapters 1, 4, 5, 6, and 7 with respect to the licensing, registration, inspection, or equipment of motorized bicycles</p>	<p>Oppose - Chapters 1, 4, 5, 6, and 7 set requirements for motorized bicycles that are substantially different from those for typical bicycles. This section should be repealed and all references to motorized bicycles should be removed from Title 18 Chapters 1, 4, 5, 6, and 7. By definition, by capability, and by typical use, every bicycle is identical to an electric bicycle and there should not be different requirements for them.</p>

	or motorcycles.”	
1201.18	<p>Repeals the section;</p> <p>Currently reads “Except as otherwise permitted for a motor vehicle, no person shall operate a motorized bicycle on any sidewalk or any off-street bikepath or bicycle route within the District. This prohibition shall apply even though the motorized bicycle is being operated solely by human power.”</p>	E-bikes allow riders to travel farther distances, carry heavier loads (like children), and can reduce greenhouse gas emissions when used as an alternative to gasoline or diesel-powered modes of transportation.
1201.19	<p>No change;</p> <p>Currently reads “A motorized bicycle may be operated on any part of a roadway designated for the use of bicycles.”</p>	Support - this affirmatively allows common ebikes on any road or part of a road that bikes are allowed.
1899.01	<p>Changes definitions of Public Bicycle Path:</p> <p>From: “Public Bicycle Path – means a right-of-way under the jurisdiction and control of the District of Columbia for use primarily by bicycles and pedestrians.”</p> <p>To: “Public Bicycle Path – means a right-of-way under the jurisdiction and control of the District of Columbia for use primarily by bicycles and motorized bicycles.”</p>	Neutral - this terminology does not directly match any bicycle facility definition or designation used by DC government. As described, this is similar to a protected bike lane or cycletrack.
1899.01	<p>Changes definition of Shared Use Path:</p> <p>From: “Shared Use Path – a pathway, designated for non-motorized transportation users, which is physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.”</p> <p>To: “Shared Use Path – a right-of-way under the jurisdiction and control of the District of Columbia, which is physically separated from motorized vehicular traffic by an open space or barrier, for use by bicycles, motorized bicycles, and pedestrians.”</p>	Support

The strategy of selectively adding in “and motorized bicycles” wherever bicycles are mentioned in regulations creates the opportunity for unintended disparities if one is omitted. For example, as proposed, the additional rights applied to bicycles in Section 1200 would not apply to motorized bicycles, but they should.

Bicyclists rights not granted to motorized bicyclists include:

- Granting bicyclists the same rights as a vehicle operator on roads,
- Protection from accruing points on a driver’s license for traffic violations committed while riding a bicycle,
- Allowing use of a motorized bicycle on the road without a license, and more.

Needed Action: Add motorized bicycles to Title 18 Chapter 12 Section 1200 anywhere bicycles are mentioned and review Chapter 12 for any other specific mentions of bicycles that should be applied to motorized bicycles as well.

Additionally, Title 18 Chapter 7 sets a number of unnecessary and duplicative requirements for motorized bicycles such as:

- [706.6 and 706.7](#) set hyper-specific requirements for reflector and tail light placement for motorized bicycles.
- [717](#) sets special headlight brightness requirements for motorized bicycles relative to the speed operated which are different from a traditional bicycle which can be operated at the same speed.

Needed Action: Repeal Section 1201.17 and remove all references to motorized bicycles from Title 18 Chapters 1, 4, 5, 6, and 7.

We would be happy to talk through some of these proposed changes in more detail. Thank you for your consideration.

Sincerely,

Stephanie Piperno
Trails Coalition Manager
Washington Area Bicyclist Association