

City of Salem, Massachusetts



**"Know Your Rights Under the Open Meeting Law, M.G.L. c. 30A ss. 18-25 and
City Ordinance Sections 2-2028 through 2-2033."**

The City Council Committee on Ordinances, Licenses and Legal Affairs co-posted with the Committee of the Whole
met in the Council Chamber on Wednesday November 10, 2021 at 6:04 P.M.
for the purpose of discussing the matters(s) listed below. Notice of this meeting was posted on
November 8, 2021 at 11:23 A.M.

(This meeting is being recorded)

ATTENDANCE

ABSENT WERE: Councilor Sargent, Councilor Dominguez

Also in Attendance: Sharyn Lubas, Assistant City Solicitor; David Kucharsky, Director of Traffic and Parking; Officer Troncoso, Salem Police Traffic Department; Galen Mook, Executive Director of Massachusetts Bicycling Coalition (MassBike); Eric Papetti, Bicycling Advisory Committee

SUBJECT(S)

#527 Home Rule Petition for Electric Bicycles

Mr. Kucharsky begins by summarizing how this came to the City Council. The Traffic and Parking Department has focused on bringing as many multi-modal options to the City as possible. This Home Rule Petition is meant to show our support of e-bicycles, and to show support for the State's proposed legislation on e-bikes.

Mr. Mook addresses the body, describing that the existing legislation discusses motorized bikes as topping out at 35 MPH, 50 cc engine, and does not describe e-bikes. MassBike has been working to pass legislation to describe e-bikes, in 3 classes: Class 1. Pedal Assist – motor kicks in when pedaling; tops out at 20 MPH max. Class 2. Throttle Assist (and pedal assist).; switch on handle bar to help get the motor going, pedal assist after that; motor stops working at 20 MPH. Class 3 – Bridge between bike and moped; tops out at 28 MPH, and would require a driver's license; pedal elect; these are common in Europe. We are looking at Class 1 and Class 2. Municipalities can add their own regulations after the state classifies these bikes. The State is looking at a definitions bill, to define the 3 classes of e-bikes. MassBike is pursuing this because they don't want each of 351 municipalities to tackle this individually. They want the same language across the board. This is a model law in place in 36 states, and 6 others have separated e-bikes from mopeds. Massachusetts doesn't have this distinction between gas powered mopeds and e-bikes. If this helps Salem's bike share program, then that is a benefit. E-bikes are the next leap forward to get more people on bikes: older adults, adults with children, or those with physical disabilities.

Councilor Morsillo asks which classes Salem is seeking to introduce. Mr. Kucharsky states that Class 1 and Class 2 are what Salem is pursuing through Bluebikes.

Councilor Morsillo asks Mr. Mook where the State legislation now stands. He states that they know it is in play in the Pioneer Valley through their bike share program, and the legislature is behind the curve. The challenge is finding a vehicle that is moving and getting this attached. Maybe traffic safety or bonding legislation. It is not controversial. There are questions about etiquette concerns, whether the bikes should be allowed on bike paths. E-bikes are prevalent and are sold throughout the State, so the legislature needs to tackle this. If Salem pushes ahead, it could grease the skids.

Councilor Prosniewski asks Mr. Mook for the cost of the e-bikes as part of Bluebikes. Mr. Mook does not know the price, but he does know that when e-bikes are introduced, they are used more. He does not know the added cost though.

Councilor Prosniewski thinks the State's definition bill for e-bikes is good. He questions how law enforcement will handle the Class 3 e-bikes, which require a license. Mr. Mook states that the vision is law enforcement happens when an accident occurs. Officers won't be stopping bicyclists to check the type of bike and license status.

Mr. Kucharsky added that if a private citizen purchases an e-bike and is in an accident, they should be responsible. In the bike share program, one would need a license to rent a Class 3 e-bike, and the information would be registered with the user. The bike share system can remove users if there are problems.

Officer Troncoso's (and Lt. Tucker's) only concern was the top speed which was covered. He asks if all classes would have pedals. Mr. Mook states that all classes would be full bicycles, with pedals and handle bars and seats. Officer Troncoso asks about the age required to rent one of the e-bikes. Mr. Mook states that Bluebikes has a 16 year old rule, because of the helmet law. But in general, he doesn't think there is an age limit. Officer Troncoso states that he and the Police Department are in favor.

Councilor Morsillo asks for clarification on the minimum age to rent a Bluebike. Mr. Kucharsky says he needs to check into this, but that a credit card needs to be associated with the Bluebike membership. Officer Troncoso states that in the past, young kids were able to rent bikes and scooters, which was a problem.

Mr. Papetti states that he is very supportive of this effort and states that people need to try e-bikes to better understand their usefulness and limitations. He suggests that Bluebikes should bring one of the bikes to Salem for people to try out. They feel like a regular bike. The motor makes the hills feel less steep. First hand experience is very useful.

Public Testimony

Donald Bates, 31 Settlers Way. Mr. Bates, a former City Councilor, just purchased an e-bike, and is 71 years old. He questions the wording of the Home Rule Petition, which states "less than 750 watts." He says the common standard is 750 watts. Will this legislation prohibit him from riding his bike in Salem?

Mr. Mook states that the bill is still in committee, and would be an easy change, to say "no more than 750 watts." The original wording was based on standards from manufacturers, which have changed. He will follow up with the committee and ask for this change.

Mr. Kucharsky thinks that the less than 750 came from the federal law.


Councilor Hapworth moves to change the wording in the Home Rule Petition, in Section 1, to "750 watts or less" instead of "less than 750 watts", seconded by Councilor Prosniewski. Passes 3-0 (2 absent).

Ms. Lubas suggests changing "may" to "shall" in paragraph 2 of Section 1, to require the City to draw up regulations to govern the use of e-bikes in Salem.

Councilor Prosniewski moves to change "may" to "shall" in paragraph 2 of Section 1, seconded by Councilor Hapworth. Passes 3-0 (2 absent).

Councilor Hapworth moves to return this to the Council with a positive recommendation for approval, seconded by Councilor Prosniewski. Passes 3-0 (2 absent).

On the motion of C. Prosniewski the meeting adjourned at 6:48 P.M.



(Chairperson)