



## WASHINGTON AREA BICYCLIST ASSOCIATION

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June 2, 2016

Elizabeth Hewlett, Chairman  
Prince George's County Planning Board  
14741 Governor Oden Bowie Drive  
Upper Marlboro, Maryland 20772

### **Re: Proposed Updates to Park Rules**

Members of the Planning Board:

On behalf of the Washington Area Bicyclist Association and its members in Montgomery County and Prince George's County, I appreciate the opportunity to share our comments on the proposed M-NCPPC park rules and regulations. There are three main points we would like to highlight:

1. Trail access for bicycles should not be restricted at sunset.
2. Vulnerable trail users should have the right of way at unsignalized intersections as a matter of sound public policy.
3. The rules should carefully distinguish between bicycles with electric assist and motor vehicles such as mopeds.

#### **1. Trail Hours of Access (Chapter 3, Section 2: Hours of Operation, Unauthorized Presence)**

Trails through Prince George's and Montgomery County are an important part of the transportation network in this region. People choose to travel by bicycle for any number of reasons, often out of necessity. Public transportation is not available or reliable at all hours, or for every destination; car shares and Uber can be prohibitively expensive. Bicycling is a legitimate and essential transportation option. People who bike deserve a safe, reliable way to reach their destination, no matter what time of day (or night) they need to travel. Parkways and roads are open 24 hours a day, 7 days a week. The trails provide a much safer commuting option for people on bike than most parkways, and should be open for travel as well.

As the rules are currently drafted, the default is for trails to close at sunset. In the winter months, this is as early as 4:30pm, well before most commuters leave office jobs. Commuters in other industries, such as service or construction, travel at odd hours

sometimes leaving a shift at 3 am, or traveling to start one at 5 am. The proposed rules provide that alternate hours may be designated for trail segments that facilitate commuting by administrative directive. WABA recommends reversing the presumption of trail closure unless changed by administrative directive and instead presuming that trails will be open unless circumstances, such as safety or enforcement concerns, indicate a need for a particular trail segment to be closed for a period of time at night.

## **2. Right of Way at Unsignalized Intersections (Chapter 5, Section 4: Bicycling)**

The rules require bicyclists operating on trails to yield to all vehicular traffic at intersecting roadways. Section 4(B)(4). This requirement, which would prevent a bicyclist from crossing a roadway unless no vehicles are approaching in either direction, promotes a driver-first culture, legalizes victim-blaming and minimizes driver responsibility to follow the law and exercise due care. If a bicyclist is hit crossing the roadway, even if she is legally in the crosswalk, did she yield? In a contributory negligence jurisdiction, like Maryland, this has the potential to be very detrimental to vulnerable trail users harmed at trail intersections.

As a matter of policy, it is far preferable to require the driver to yield to the vulnerable trail user than the reverse. Children use these trails. Drivers wielding 2-ton machines should be highly incentivized to drive safely, non-aggressively, and to be on the lookout for trail users at all crossings. The expectation that drivers must yield is key to creating a safety culture that embraces the fact that no loss of life on trails or roadways is acceptable.

## **3. Motorized bicycles (Chapter 5, Section 14: Segways and Other Motorized Devices)**

With e-bikes and e-assist bikes gaining popularity for family biking, long distance commuting, cargo bikes, older riders, and general utility bikes, the prohibition in 14(A) seems to misunderstand the wide variety of uses that benefit from electric assist. As prices continue to drop, these bikes will be more plentiful, especially for families and longer distance commuters.

Most electric assist bikes will not propel the bike faster than 20 mph. With motors and batteries integrated into the bike frame, it is becoming harder to distinguish an e-bike from a regular one. WABA agrees that motorized scooters do not belong on trails, but bikes do, and some of these technologies are making bicycling accessible to a larger percentage of the population. We hope the M-NCPPC can find a way to craft park rules that accommodate this nuance as the technology around e-bikes continues to evolve. People for Bikes has created a resource<sup>1</sup> to help policymakers navigate this changing landscape, which puts electric bikes into three classes:

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<sup>1</sup> <http://www.peopleforbikes.org/page/-/uploads/E-Bike%20Law%20Primer%20v3%20%281%29.pdf>

1) A “class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle,” is 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.

2) A “class 2 electric bicycle,” or “low-speed throttle-assisted electric bicycle,” is 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.

3) A “class 3 electric bicycle,” or “speed pedal-assisted electric bicycle,” is 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.

WABA endorses the People For Bikes recommendation that Class 1 and 2 electric bicycles be permitted to travel anywhere traditional bikes are permitted, as the maximum assisted speed of these devices is closely aligned with speeds traveled by traditional bicycles. Class 3 electric bicycles could be ridden on streets and roadways where traditional bicycles are permitted, but would be restricted from slower speed areas such as trails and multi-use paths.

Thank you for considering the needs of the growing bicyclist community as you update the park rules. I am available at [tamara.evans@waba.org](mailto:tamara.evans@waba.org) or 202-518-0524 ext. 212 to answer any questions you may have regarding these comments.

Sincerely,

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