

OFFICIAL NOTICE & AGENDA
of a Meeting of the County Forest
Citizens' Advisory Subcommittee of the
Marathon County Board of Supervisors

COUNTY OF MARATHON
Wausau, WI 54403

A meeting of the County Forest Citizens' Advisory Subcommittee will be held at 212 River Drive, **Rm. #2**, Wausau, WI, 54403, at **6:00pm** on **June 5, 2019**.

Members: Mike Lane (chair), Marcell Wieloch (vice-chair), John Burke, Mark Chickering, Gary Weiland, Susan Haug, Dale Heil, Paul Klocko, Greg Klos, Ryan Schleifer, Susan Stomierski

A G E N D A

- I. Minutes
 - A. Approve Minutes of the March 13, 2019 Meeting

- II. New Business
 - A. 2019 Anticipated Timber Harvest Activity at Nine Mile Forest
 - B. September 2019 Subcommittee Appointments
 - C. 2019 Scheduled Nine Mile Events
 - D. 2019 Spring Timber Sale Summary
 - E. County Forest Tour – September 12, 2019
 - F. Wausau Bird Club Restoring Barker Stewart Island – Susan Haug
 - G. Wisconsin Tourism Industry Generates 21.6 Billion
 - H. Report Says Wisconsin Forestry on the Upswing
 - I. Electronic Assist Bikes – E-Bike Articles
 - J. Member Items

- III. Old Business
 - A. Update on the County Comprehensive Outdoor Recreation Plan – Jamie Polley
 - B. Update on the Potential Land Acquisitions in the Town of Hewitt
 - C. 2021 – 2035 County Forest Comprehensive Land Use Plan Revision
 - D. IronBull Events at Nine Mile Forest Approved
 - E. Final Antlerless Deer Quotas Approved by Natural Resources Board – Mike Lane
 - F. Update on Proposal to Add Snowmaking at Nine Mile Forest – John Burke

- IV. Remaining 2019 Meeting Dates – September 18 and December 18, 2019 at 6:00pm.

- V. Adjourn

Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 261-1500 or e-mail infomarathon@mail.co.marathon.wi.us one business day before the meeting.

ATTN: News Department

THIS NOTICE POSTED AT COURTHOUSE

Daily Herald, City Pages, Marshfield News, Midwest Radio Group &

Faxed by: /s/ Jodi Luebbe

Date:

Date: May 29, 2019

Time:

Time: 11:04 a.m.

By:

Members present: John Burke, Mark Chickering, Dale Heil, Paul Klocko, Mike Lane, Susan Stomieroski, Gary Weiland

Excused: Susan Haug, Greg Klos, Ryan Schleifer, Marcell Wieloch

Wausau and Marathon County Parks, Rec, and Forestry Department staff present: Tom Lovlien-Forest Administrator, Jamie Polley-Parks, Recreation and Forestry Director

Others present: Pat Peckham, Lucy Nitz, Brent Brye, news media

The meeting was called to order at 6:00 p.m. by Chairman Lane

I. Minutes

Motion by Burke to approve the December 19, 2018 minutes. Motion **carried**.

III. New Business

A. Wausau Nordic Ski Club Proposal to Add Snowmaking Capabilities at Nine Mile County Forest

Polley said the Nordic ski club is proposing to add snowmaking capabilities at Nine Mile County Forest. Staff is looking for feedback from the respective user groups. This proposal will go through multiple Committees and County Board. The proposal is to make snow along 3.7 km of lighted ski trail to open earlier in the season. This year Nine Mile did not open for skiing until January 24th. The idea is that the snowmaking would take about two weeks to get an 18 inch base and have the trails open around December 15th or earlier and close April 1st. The Nordic Ski Club would like to move this forward and start to fundraise as soon as possible so that snowmaking could begin for the 2020-2021 season. Staff has questions regarding operations because currently it is also involved with making snow at Sylvan Tubing Hill, working on ice rinks and snow removal operations at the same time. Burke discussed the snow making system. He said water would be pumped through underground pipes that would be buried adjacent to the trail serving water heads that would be above the trail. Getting people skiing sooner could increase the December attendance and enhance the overall consistency so that events, school and company outings could be run on a more regular basis. He believes the inconsistency has hurt events and season pass sales. They believe they can use the snow throughout the winter and also use it for snow farming to supplement other parts of the trail as needed. They are looking at a system with the majority of costs upfront so that the operations would be cheaper to run. The anticipation is that ski club will fundraise to get the infrastructure built and then decide how to transition over to the County. He felt that based on what their group has seen in other areas that they should be able to offset most of, if not all of the operating cost increases of making the snow with additional revenue. Future maintenance costs were brought up and the lifespan of the system was discussed. Burke felt that Wausau is in a great area to be able to make snow and capitalize on the south metro markets coming north for December skiing.

Lane said there is a lot of participation for the muzzle loader and the four-day antlerless deer seasons and questioned where the equipment would be located. Burke said they would start near the chalet and build out from there and it was likely that a lot of the snowmaking activity would be at night. Burke said the area being looked at isn't heavily used for deer hunting because it is close in to proximity to the chalet. Lane thought hunters may be concerned about noise from the pumps but if they are located closer to the chalet it shouldn't be as much of an issue. Burke said bringing in power is cost prohibitive so they would most likely rent a generator. Lovlien said the location recommended for the pond is right by the chalet which would also be better from a maintenance perspective. Currently the chalet and ski trail season does not open until after the antlerless hunt which varies between December 8th and 12th. Skiing wouldn't be open during the four day antlerless hunt but there would be snowmaking during the muzzleloader hunt and bow hunting seasons beginning no earlier than the last day of gun deer season. He believes the nearer it is to the chalet the less of a conflict there will be with the hunting community. Lane questioned how the pond would be filled. Burke said the anticipation is that they would be able to fill it with naturally occurring runoff, rain, and pumping over a period of time. The pond is recommended to have a gradual entry into the water for safety purposes. Heil mentioned some concerns that loggers might have regarding the system. Burke said provisions would be made to identify the water heads which would not be right out by the trail and that the consultant could address concerns about logging equipment and the depth of the water lines. Lovlien said that there is already a seasonal restriction when they don't harvest in the area which would not change.

Polley said from this Committee's perspective, staff wants to hear the impacts of the proposal which they will take to Forestry Committee and Park Commission. The County Board will make a decision based on the long-term maintenance and staffing costs and what impact it has to current staffing and budget. Polley asked members to take the provided information to their groups and to then offer comments and questions to Lovlien by April 15. Burke said there are good examples of these systems around the Midwest where this has been done and felt it would be beneficial to the Wausau area. Polley asked that instead of having this group give a recommendation, she thought it was more important to have comments

and information about how it affects and impacts the user groups.

B. 2018 County Forest Division Annual Report

Lovlien discussed some of the program highlights including revenue and expenses, certification, timber management, road and trail maintenance, wildlife management, recreation, public outreach and professional development.

C. 2018 County Forest Law Enforcement Report

Lovlien reported that twelve tree stands were seized and five citations were written for various violations.

D. 2009-2018 County Forest Division Expense/Revenue Report

Lovlien reported that over the last ten years about four million dollars in gross timber was sold. Net revenue is the amount to the County after the twenty-percent payment to the State for interest free loans and ten-percent payment to the townships. The County sets an even-flow budget because timber revenues fluctuate each year depending on weather, markets, etc. Timber sale contracts are typically two-three years.

E. 2019 Spring Timbersales Being Advertised for Purchase

Staff has held off offering the timber sales until April with a bid opening in May because of snow conditions. Three hundred and ninety-seven acres will be offered on six sales and all were reviewed by the Subcommittee. Lovlien discussed the two sales that will be in Nine Mile. The first sale had been previously discussed with the ski group because it is along a ski trail. The second sale is along Springbrook Road and consists of 80 year old red pine that will be clear cut and replanted. Questions were answered.

F. 2019 – 2021 Governors State Budget Proposals Affecting Forestry Programs

Lovlien said the Governor is proposing an additional \$165,000 for County forest grants to help administer the statewide County forest program. Lovlien said if they can maintain funding or get a slight increase that will be good because the program is competing with other agencies using general purpose revenue. The previous Governor eliminated the Forestry mil tax which was a segregated account for forestry funding.

G. Winter Recreation Trail Program Update – The early season lacked snow and had some extremely cold weather, and rain. The ski trails opened January 24th and the snowmobile trails also opened at the end of January. It has been a good season since then.

H. 2018 High School Mountain Bike Race Participation and Revenue

Lovlien reported there were 541 participants and the revenue was \$3,319.00 from the Mountain Bike Race that was held last October.

I. Parks, Recreation and Forestry Department Mission Statement

Polley reported that staff is currently working on updating its mission statement so that it incorporates all of the core services it provides and aligns with the County and City.

J. Member Items of Importance

Polley said the Department is updating its County Outdoor Recreation Plan this year. She asked members to take a recreation survey and pass it on to others. At the end of April there will be a public open house where people can also provide feedback. Lovlien mentioned that the plan has ties to forestry and recreation and he asked members to consider taking the survey.

Lovlien discussed changes being proposed to the Chapter 16 Code of Ordinances. The ground blind and waterfowl blind regulations will be changed to more closely match the State regulations because the County is having issues with people leaving blinds up or boats on County forest land year round.

II. Old Business

A. County Deer Advisory Council Meeting March 20, 2019 to Set Preliminary Antlerless Quotas for the 2019 Season – Lane said that the meeting will be held at 7:00 pm at 210 River Drive on March 20. The group will set a preliminary

recommendation on the quotas for antlerless tags on private and public land. There will be a presentation by a DNR biologist, discussion, and time for public comments. The recommendation goes to the DNR then there is time for public comments. At the April 22nd meeting a final recommendation will be made.

B. Update on Land Acquisitions in the Town of Hewitt - Lovlien said appraisals have been completed and are at the DNR who reviews and certifies them. Once they are certified he can begin negotiations with the two land owners. If all of the necessary committees approve it, the land could come into County ownership this fall.

C. 2021 – 2035 County Forest Comprehensive Land Use Plan Revision – Lovlien reported that there is a Subcommittee of County forest administrators developing a template each County forest can work off and then each County can add specific information. The last time the plan was developed the Citizen Advisory Subcommittee met every month but he feels that this time just an extra meeting or two should suffice. He would like to have more public participation where people can comment at an open house and public hearing. Everyone has a chance to say what they would like to see in the plan, although not everything makes it into the plan due to resource and budget limitations. Lovlien hopes to get the plan to County Board by September 2020.

D. Request for Additional Services Evaluation Form – Polley explained that the form is to be used by user groups if they want to do any kind of improvements. It helps in moving the process along.

IV. Remaining 2019 Meeting Dates – June 5, September 18 and December 18, 2019 at 6:00 pm.

V. Adjourn

Motion to adjourn by Burke. Motion **carried**. Meeting adjourned at 8:00pm.

Thomas Lovlien
Secretary

MARATHON COUNTY TIMBER SALE
Nine Mile Forest Unit – September 2017

Tract # 06-17 MAD HEN SALE

| | <u>Species</u> | <u>Estimated Volumes</u> |
|----------------------|----------------|------------------------------------|
| Ticket Sale | Red Pine | 4" Top 1350 Tons |
| | White Spruce | 90 Tons (Incl. 10 Tons White Pine) |
| Option to Bid | Tops/Biomass | Not Offered |

Location: Section 29 & 30, T.28N.-R.07E. (Town of Rib Mountain)

Size: 50 Acres

Seasonal Time Frame: June 1-November 15 (If dry, can start in May)

Cutting Regulations:

Area 1- Select Cut (14 Acres in 2 Blocks: 3rd thinning Red Pine and 36 acres in 9 blocks of 2nd thinning Red Pine and Spruce) - Cut all trees marked with orange paint.

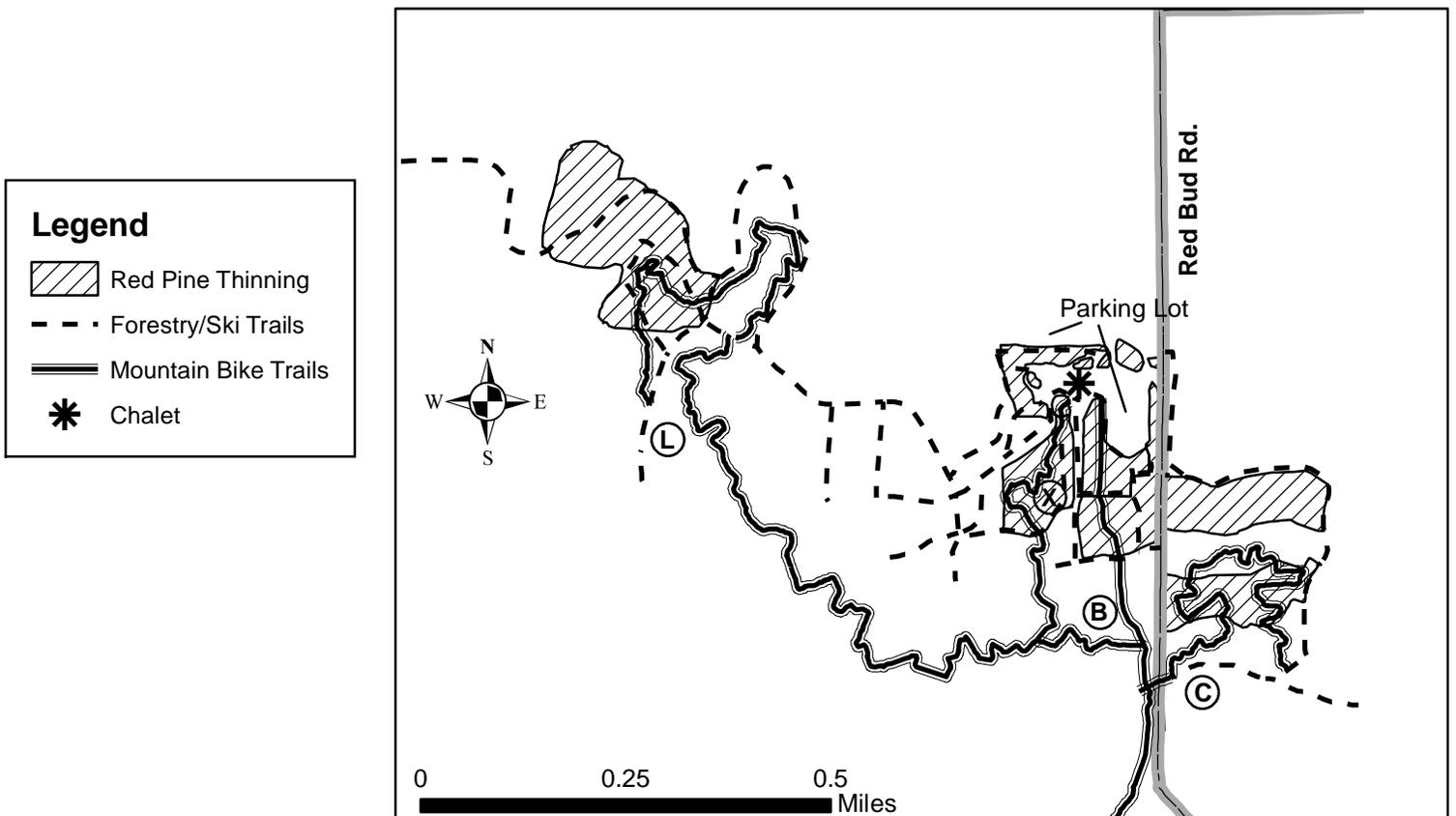
Roads/Trails/Decking Areas: Forestry Division must approve skid routes and decking areas. Minimize skidding down Mt. Bike trails. All trails shall be free of slash daily.

Slash/Wildlife/Other: 16'8" maximum forest product length, except for utility poles. All tops shall be lopped and scattered to lie within 24 inches of the ground. Annosum stump treatments of all conifers SHALL be completed by the end of each working day (see Timber Sale Contract, Page 11, #54). June 1-August 31, all conifers must be hauled within 3 weeks of cutting.

Utilization: Pulpwood/Sawlogs - One or more sticks to a 4 inch diameter inside bark (DIB) on the small end

The bidder must sign and return our contract and a performance bond of at least 25% of the contract value within 15 days of being awarded the bid or the bidder will forfeit the bid bond in its entirety.

Contract Length: Contract must be completed by December 30, 2019.



MARATHON COUNTY TIMBER SALE
Nine Mile Forest Unit – March 2019

Tract # 01-19 DOZER SALE

| Ticket Sale | Estimated Volumes | | | |
|-------------|-------------------|------------------------------------|---------------|--|
| | Species | 4" Top | | |
| | Red Oak | 1250 Tons | Mixed Conifer | 40 Tons (approx. 42% Jack Pine 37% White Pine, 21% Hemlock) |
| | Aspen | 140 Tons | | |
| | Mixed Hardwood | 60 Tons (Incl. 5 tons Basswood) | Red Oak Logs | 70.0 MBF (Incl. <1.0 MBF White Oak & MX HWD.) |

Option to Bid Tops/Biomass (Area 1 only) 250 tons

Location: Section 1, T.27N.-R.6E. (T.O. Mosinee West)
Section 6, T.27N.-R.7E. (T.O. Mosinee East)
Section 36, T.28N.-R.6E. (T.O. Marathon)
Section 31, T.28N.-R.7E. (T.O. Rib Mt.)

Size: 63 Acres
A purple paint line separates cutting areas

Seasonal Time Frame: August 10-November 15

Cutting Regulations:

Area 1 – Leave Tree (54 acres in 1 block) - Cut all trees 1 inch and greater except those marked with green paint AND within green paint lines.

Area 2 – Designate Cut A (7 acres in 1 block) - Cut all merchantable trees except those marked with green paint AND within green paint lines.

Area 3 – Designate Cut B (1 acre in 1 block) - Cut all merchantable aspen and birch except those marked with green paint.

Area 4 – Select Cut (1 acre in 1 block) - Cut all trees marked with orange paint.

Roads/Trails/Decking Areas: Forestry Division must approve skid routes and decking areas. Use of AND crossing of XC-Ski trails shall not be permitted after October 31. XC-Ski trails shall be returned to pre-sale conditions by October 31.

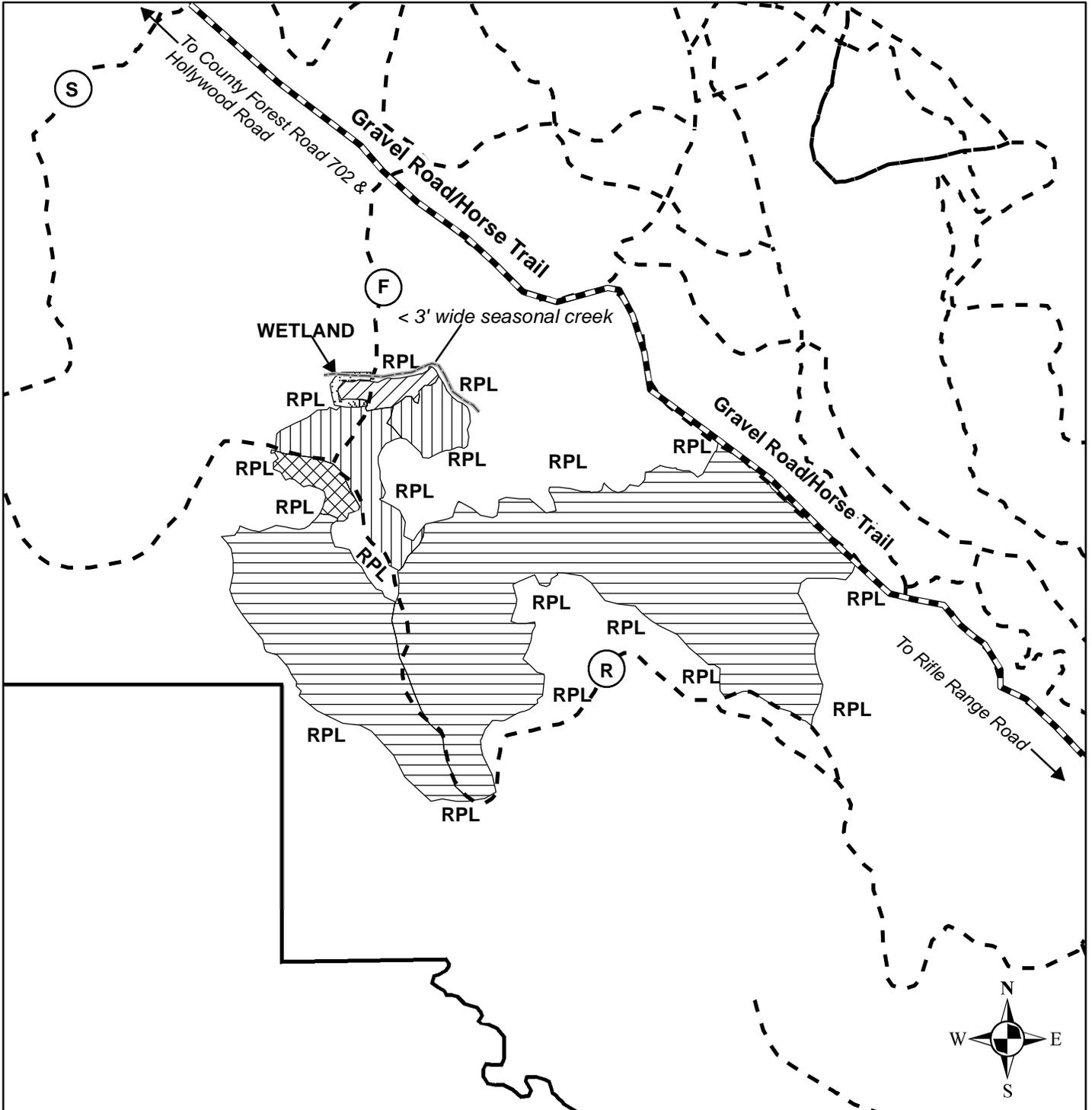
Slash/Wildlife/Other: 16'8" maximum forest product length. All tops shall be lopped and scattered to lie within 24 inches of the ground. No slash within 15 feet of leave trees in Area 1. Maximum stump height shall not exceed the stump diameter, except for stumps less than 10," which shall not exceed 10." Do not cut snags, unless they pose a safety risk to harvesting operations or the public. Recreational events on weekdays and weekends may restrict harvesting/hauling operations for short periods.

Utilization: Sawlogs - 10 inch or larger diameter inside bark (DIB) on the small end, at least 50% sound
Pulpwood - One or more sticks to a 4 inch diameter inside bark (DIB) on the small end
Tops/Biomass - Minimum utilization to a 2 inch diameter inside bark (DIB) on the small end
(MIXED CONIFER CORDWOOD WEIGHT CONVERSION FACTORS POUNDS PER CORD: 4250 lbs.)

The bidder must sign and return our contract and a performance bond of at least 25% of the contract value within 15 days of being awarded the bid or the bidder will forfeit the bid bond in its entirety.

Contract Length: Contract must be completed by November 15, 2020.

Tract 01-19



Legend

-  Area 1: Leave Tree
-  Area 2: Designate Cut A
-  Area 3: Designate Cut B
-  Area 4: Select Cut
-  XC Ski Trails
-  County Forest Boundary
- RPL** Red Paint Line

1,000 500 0 1,000 Feet



December 2018

**MARATHON COUNTY FOREST
CITIZENS' ADVISORY SUBCOMMITTEE**

| | |
|--|---|
| Mark Chickering 2918 Pine Ridge Blvd. Wausau WI 54401 (H) 715-574-4610 Email: markchickering@gmail.com | Mountain Biking 2 year term to 2020 Expires September 1, 2020 |
| John Burke 5907 Old coach Rd. Wausau WI 54401 (H) 715-218-7883 E-mail: johnbethburke@charter.net | Cross-Country Skiing 2 year term to 2020 Expires September 1, 2020 |
| Greg Klos 6603 Cavin Dr. Wausau WI 54401 (H) 842-5951 (W) 845-2206 E-mail: gklos@charter.net | Conservation 2 year term to 2020 Expires September 1, 2020 |
| Susan Haug 168305 River Rd. Ringle WI 54471 (H) 446-2775 E-mail: sjhaug@charter.net | Birding 2 year term to 2020 Expires September 1, 2020 |
| Mike Lane 921 Landfried Ave. Mosinee WI 54455 (H) 693-2749 (C) 715-370-3645 | Hunting 2 year term to 2020 Expires September 1, 2020 |
| Susan Stomieroski 6310 Setter Rd Weston, WI 54476 (H) 715-355-7769 E-mail: susan@stomieroski.com | Equestrian 2 year term to 2020 Expires September 1, 2020 |
| Paul Klocko 3907 Pat St. Weston WI 54476 (H) 715-241-6940 E-mail: pklocko@dwave.net | General Member 2 year term to 2019 Expires September 1, 2019 |
| Marcell Wieloch 214814 Wieloch Rd. Mosinee WI 54455 (H) 693-4449 (C) 715-571-4474 E-mail: mfwieloch@mtc.net | Conservation Congress 2 year term to 2019 Expires September 1, 2019 |
| Ryan Schleifer 511 Bob's Drive Plover WI 54467 (W) 715-213-5541 E-mail: ryan.schleifer@versoco.com | Forest Industry 2 year term to 2019 Expires September 1, 2019 |
| Gary Weiland 3799 Redwood St. Fenwood WI 54426 (H) 715-581-2875 gary.weiland@gmail.com | ATV/Motorized 2 year term to 2019 Expires September 1, 2019 |
| Dale Heil C4051 Karen Ln. Stratford WI 54484 (H) 687-2110 (W) Truck 498-2252 dale.heil@frontier.com | Logging 2 year term to 2019 Expires September 1, 2019 |

Nine Mile Forest Unit: 2019 Scheduled Events & Hunting Seasons

May 1-November 15: Timber Sale (Chalet Red Pine)
May 10-15: Approximate opening of Mt. Bike Trails.
May 25: ATV Safety Class
June 7-9: WEMS Bike Race
June 22: ATV Safety Class
June 26-29: CWOCC Woman's Weekend
July 20: ATV Safety Class
July 25-28: Wausau 24 Race
August 10-November 15: Timber Sale (Oak Shelterwood)
August 17: ATV Safety Class
September 3: Mosinee XC Race
September 4-October 8: Bear Hunting Season
September 5: Marathon XC Race
September 13-15: High School Bike Race
September 14-January 5, 2020: Archery/Crossbow Hunting Season
September 14-January 31, 2020: Small Game Hunting Season
September 16-23: RAGNAR
September 28: ATV Safety Class
October 3: Wausau West XC Race
October 12: ATV Safety Class
October 15: Mountain Bike Trails Close
October 19: Iron Bull Extreme Bike Race
November 23-December 1: Regular Gun/Deer Hunting Season
December 2-December 11: Muzzleloader Deer Hunting Season
December 12-15: Four Day Antlerless Deer Hunting Season
December 16: Cross Country Ski Season Officially Opens/1st Day Chalet Open

MARATHON COUNTY FOREST SPRING 2019 BID OPENING RESULTS

| SPECIES | TONS | HIGH BID | LOW BID | Weighted Average of All Bids | Weighted Average of High Bids | Wt. Av. High Bids Spring 2018 | Wt. Av. High Bids Spring 2018 | Wt. Av. High Bids Fall 2017 |
|----------------|------|----------|----------|------------------------------|-------------------------------|-------------------------------|-------------------------------|-----------------------------|
| ASPEN | 840 | \$27.50 | \$3.00 | \$11.96 | \$17.38 | \$10.60 | \$14.33 | \$16.24 |
| MIXED HWD | 3980 | \$16.01 | \$7.00 | \$11.04 | \$15.69 | \$11.71 | \$13.22 | \$16.18 |
| OAK | 2830 | \$25.00 | \$3.00 | \$7.75 | \$11.40 | \$4.85 | \$8.00 | \$7.87 |
| BASSWOOD | 225 | \$5.00 | \$1.00 | \$2.67 | \$3.44 | \$2.98 | \$5.11 | \$8.73 |
| WHITE PINE | 725 | \$40.30 | \$9.52 | \$23.92 | \$40.30 | xxxx | xxxx | xxxx |
| RED PINE | 6645 | \$48.25 | \$8.00 | \$37.53 | \$48.02 | xxxx | \$31.87 | \$26.62 |
| MIXED CONIFER | 40 | \$16.00 | \$8.33 | \$12.11 | \$16.00 | xxxx | xxxx | xxxx |
| MBF | | | | | | | | |
| RED OAK | 204 | \$440.00 | \$125.00 | \$307.11 | \$414.66 | \$227.56 | \$321.88 | \$445.00 |
| RED MAPLE | 74 | \$330.00 | \$110.00 | \$224.16 | \$332.84 | \$205.00 | \$220.16 | \$297.55 |
| WHITE ASH | 17 | \$260.00 | \$85.00 | \$204.88 | \$257.94 | \$269.00 | \$200.00 | \$259.29 |
| BASSWOOD | 7 | \$200.00 | \$100.00 | \$158.00 | \$200.00 | \$175.00 | \$200.00 | \$205.00 |
| MIXED HWD | 20 | \$250.00 | \$250.00 | \$250.00 | \$250.00 | \$154.18 | \$200.00 | \$212.69 |
| BIOMASS | | | | | | | | |
| All Species | 970 | \$0.50 | \$0.50 | \$0.50 | \$0.50 | \$0.25 | \$0.50 | \$1.00 |

| | 6/6 | 6/7 | 6/7 | 7/8 |
|--------------------------|--------------|--------------|--------------|--------------|
| Number of sales sold | 6/6 | 6/7 | 6/7 | 7/8 |
| Acres sold | 397 | 377 | 301 | 485 |
| Value of sales sold | \$551,371.85 | \$222,496.25 | \$170,890.35 | \$430,571.35 |
| Appraised value of sales | \$426,645.25 | \$288,901.50 | \$174,647.15 | \$327,850.55 |
| \$ / acre sold | \$1,388.85 | \$590.18 | \$567.74 | \$887.78 |
| Ton eq. sold | 16,880 | 16,710 | 11,630 | 14,300 |
| \$ / ton ave. | \$32.66 | \$13.31 | \$14.69 | \$30.11 |
| Cord eq. sold | 7340 | 7270 | 5055 | 6220 |
| \$ / cord ave. | \$75.11 | \$30.60 | \$33.80 | \$69.22 |

This bid opening was for 6 county forest sales
 Received 26 bids from 13 different contractors.

Prices are coming back up it appears. One final rotation red pine sale received strong interest and fetched over \$300,000 for this one sale alone. This brought up the overall averages considerably.



Wisconsin Tourism Industry Generates \$21.6 Billion

Wisconsin's tourism industry generated \$21.6 billion last year.

By **Associated Press**, Wire Service Content May 6, 2019, at 10:53 a.m.



MADISON, WIS. (AP) — [Wisconsin's](#) tourism industry generated \$21.6 billion last year.

That's according to a new report from the state Department of Tourism. The report says visitor spending rose nearly 5 percent in 2018 to \$13.3 billion. Tourism brought in \$1.2 billion in federal taxes, \$879 million in state taxes and \$703 million in local taxes.

Most of the growth is tied to recreational activities.

Department of Tourism spokeswoman Kristina LeVan noted several large events drew visitors to the state last year, including Milwaukee Brewers playoff games, the CrossFit Games in Madison and Harley-Davidson's 115th anniversary celebration in Milwaukee.

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WPR



Gemunu Amarasinghe/AP Photo

Report Says Wisconsin Forestry Industry On The Upswing

Report Based On Data From US Census Bureau, Bureau Of Economic Analysis, Forest Service

By Rob Mentzer

Published: Tuesday, April 30, 2019, 6:25am

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More people are working in Wisconsin's forestry industry, and Wisconsin timber is fetching millions more on the market than it did even a few years ago.

Those are among the findings of a [new national study by the National Alliance of Forest Owners](#).

Its report on the economic impact of privately owned forests shows Wisconsin led the Midwest in the number of timberland acres (16.5 million), total employment in the forestry sector (174,848) and value of timber sales (\$21.6 billion) in 2016, the most recent year for which complete data were available. The report is based on data from the U.S. Census Bureau, the Bureau of Economic Analysis and the Forest Service.

Each of those figures has increased since 2010, the last time the organization looked at national data. The new report, released this month, shows employment in the forestry sector increased by nearly 5 percent, and timber sales in dollars were up by nearly 10 percent.

Henry Schienebeck, director of the Great Lakes Timber Professionals Association and chairman of the Wisconsin Council on Forestry, said that while paper mill closures across Wisconsin in the last decade have hurt the timber industry in some instances, other factors have made up for it.

Though the state's consumption of pulp wood has dropped, Schienebeck said, foresters have seen increases in saw timber — the high-quality wood that goes into making hardwood flooring, furniture and other products where quality matters. That's been one way the state's overall industry has seen growth.

"Some of our forests are getting a little older," Schienebeck said. "What that means is we've actually got more saw timber that's growing."

The great majority of forest land in Wisconsin is privately owned. Of about 16.5 million timberland acres, according to the report, about 4.7 million acres are public lands, and the other 11.8 million belong to companies or individuals.

Dave Tenney, CEO of the National Alliance of Forest Owners, said a healthy economy around forestry has the effect of protecting forest lands because it makes it less likely that the lands will be sold or developed for farmland or other uses.

"Anybody who owns and manages forests in the United States knows one thing: It's a long-term commitment," Tenney said. "And in order to make a long-term commitment with forests, they have to make investments today that won't return a yield for 20, 30 or 40 years or longer."

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Bicycle Leadership Day at Capitol and eBike Update

Why I Keep Coming Back - AIDS Ride Wisconsin

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Electric Bike Bills Now in the Hopper

POSTED ON JANUARY 31, 2018
BY DAVE CIESLEWICZ, DIRECTOR EMERITUS

Electric bicycles are coming on strong and Wisconsin law needs to catch up with them.

While still only a small percentage of bicycle sales in America, e-bikes have taken off in Europe and they are the fastest growing segment of the U.S. market. The European Union countries reported 98,000 e-bike sales in 2006 and a whopping 1.6 million in 2016. Sales in the U.S. were 200,000 in 2016, but growing fast.

There are a number of reasons for that, but two that stand out are demographics and technology. With 77 million baby boomers in the U.S. there is a built in market for folks who want to remain fit as they age. Which leads into the technology. The new generation of electric assist bikes is just that: they assist the rider but the motor doesn't operate at all unless the rider is pedaling. The result of the demographics and the technology could be a big part of the reason for the recent growth and the bullishness about the future.



Electric bikes are a fast growing part of the U.S. market.

Which brings us to the Wisconsin law. Our current law lumps electric bikes in with combustion engine motor bikes. So, for example, operators of some types of motor bicycles must have operator's licenses, and motor bicycles may not be used on bike paths unless they are powered solely by their

pedals. Our laws need to catch up with modern technology.

So, the Bike Fed is working with the industry group People for Bikes and with Trek Bicycle to develop new legislation. The bill would establish three categories of e-bikes. Class 1 e-bikes are e-assist bikes with a maximum speed of 20 miles per hour. Class 2 bikes would also have a 20 mph maximum speed but they can be operated without pedaling. And Class 3 bikes would be e-assist with a maximum speed of 28 mph.

Class 1 and 2 bikes could be operated on bike paths with the electric motor engaged. Class 3 bikes could not be operated in the same manner unless that was allowed by the governmental unit with jurisdiction over the path. So, basically the bill legalizes the use of electric bikes everywhere as long as the motor does not operate after a maximum speed of 20 mph has been reached.

The bill has a few other provisions. Class 3 bikes could not be operated by children under the age of 16 and they must come with a speedometer. Manufacturers need to clearly label each e-bike with its maximum speed.



This is model legislation that has already passed in a handful of states, including California and Colorado. These bills have been bi-partisan.

In Wisconsin identical bills have now been introduced in each house of the legislature. They are Assembly Bill 886 and Senate Bill 741 and each bill has sponsors from both parties. The bills have been assigned to the corresponding transportation committees in each house. We'll keep you up to speed on the bills' progress.



About Dave Cieslewicz, Director Emeritus

Dave Cieslewicz served two terms as mayor of Madison where he set the city on a path for Platinum status as one of the best biking cities in North America. Before that he started his own nonprofit, 1000 Friends of Wisconsin, which focuses on land use and transportation policy. He has been an adjunct professor at the UW Madison's Department of Urban and Regional Planning where he teaches a class called Bikes, Pedestrians and Cities. He pronounces his name chess LEV ich, but nobody else does.

[View all posts by Dave Cieslewicz, Director Emeritus →](#)

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6 thoughts on "Electric Bike Bills Now in the Hopper"

- 

Joseph Imilkowski says:
 January 31, 2018 at 5:57 pm
 Thanks Dave,
 I have been e-bikeing for over a decade and had been fearing more draconian restrictions. This compromise meets my needs and I am glad the Wisconsin Bike Fed helped bring it about.
 Thanks Again,
 Joe I..

[Reply](#)
- 

Harald Kliems says:
 February 1, 2018 at 1:32 pm
 Thanks for the update. I agree that sensible e-bike legislation is overdue, and by and large the proposed provisions make sense. I am somewhat concerned about Class 2 bikes on bike and multiuse paths. When I lived in Montreal, you would regularly encounter electric scooters on the bike path. While they had pedals and could theoretically be propelled with those pedals, it was pretty obvious that they were scooters, not bikes. Example picture:
<http://fr.canoe.ca/archives/voyages/destinations/quebec/weekend/media/2013/06/20130603-142510-a.jpg>

I personally don't think this is a huge issue, but be prepared for these machines to show up on Madison's path network shortly, as they may also be able to bypass the moped parking restrictions that the city just enacted. Some people walking and biking may have a very negative reaction to that.

[Reply](#)
- 

Jim Wilson says:
 February 2, 2018 at 8:32 pm
 I'm glad there is official legislation in the works for e-bike regulation. I'm very supportive of any opportunity to allow more people to realize the benefits of bicycling, and e-bikes are instrumental in that



effort. However, I think there are some problems with the legislation that lend themselves to a vigorous and healthy public debate.

For one, I think that the speeds that e-bikes will be allowed to operate up to are far too high. If Google's metrics are to be believed, 12 mph is a good estimate of a person's average speed on a biologically powered bicycle. 20 mph is more than 60% faster than this average speed. I think that e-bike speeds should be speed limited to not more than 16 mph, which is just over 30% faster than the average cyclist.

I also think that allowing e-bikes designated as "class-2" should not be allowed on our trails. They are effectively "motor vehicles" in the sense that no physical effort is necessary in their operation.

Reply

4.  *Michael Rewey* says:
 August 3, 2018 at 2:51 pm
 Legislation is needed, but...

Class 1 and 2 bikes should be limited to 15.5 mph. This is the equivalent of 25 kph which is the standard for the same legislated classes in Europe (EU) and even South Korean to name others. The bike industry should be going with the international standard. 20 mph is too fast for motorized biking on multi-pupose trails and even bike lanes (not going downhill). Go with the international standard.

Reply

5.  *Nathan Crowley* says:
 March 6, 2019 at 4:22 pm
 It's been over a year. Has there been any progress on this issue?

Reply

-  *Jake Newborn, Education Project Manager* says:
 March 6, 2019 at 4:28 pm
 Funny you ask I literally am about to post a new blog post with updates!check back in in an hour!

Reply

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Website

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E-Bikes Now Allowed on Some State Trails

POSTED ON AUGUST 7, 2017 BY DAVE CIESLEWICZ, DIRECTOR EMERITUS

As of August 1st, a new state policy allows use of electric bicycles on Wisconsin Department of Natural Resources trails.



Electric bikes are now allowed on some state trails.

According to State Trails Coordinator Brigit Brown, here are the basics of the new rules:

- Electric bicycles are now allowed on linear state trails that allow bikes.
- E-bikes are subject to a 15 mph speed limit.
- Only bikes with electric motors are allowed. No combustion engines.
- Counties can decide to close cooperative state trails (DNR state trails operated by counties) to e-bikes, but they must post them as closed to these bikes. Without these signs, the assumption is that

they are open. [Here](#) is a list of state trails. Those with "county" under "trail operator" have the flexibility to close the trails to e-bikes.

- Electric bikes may also be allowed on other bike trails (such as mountain bike trails) on DNR lands, but only under certain circumstances, only after public input and only by affirmative action of the property manager. Finally, these trails must be specifically posted as open for this use.

- The new rules do not differentiate between size of motor or action (e.g., if it requires pedaling or not), but all bikes are subject to that 15 mph speed limit.

- Electric bikes are required to follow all the same rules as conventional bikes on DNR property.

So, as a general rule, an e-bike is now allowed to be used with the motor engaged on linear trails as long as you don't exceed 15 mph. If they are not allowed on a trail or trail portion the trail will have to be posted with signs prohibiting them. For mountain bike trails, the assumption is just the opposite: they are not allowed unless they are specifically posted to allow them.



About Dave Cieslewicz, Director Emeritus

Dave Cieslewicz served two terms as mayor of Madison where he set the city on a path for Platinum status as one of the best biking cities in North America. Before that he started his own nonprofit, 1000 Friends of Wisconsin, which focuses on land use and transportation policy. He has been an adjunct professor at the UW



Madison's Department of Urban and Regional Planning where he teaches a class called Bikes, Pedestrians and Cities. He pronounces his name chess LEV ich, but nobody else does.

[View all posts by Dave Cieslewicz, Director Emeritus →](#)

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11 thoughts on "E-Bikes Now Allowed on Some State Trails"

- 

1. *Ron Friedel* says:
 August 7, 2017 at 4:31 pm
 Dave writes "all bikes are subject to that 15 mph speed limit." Really? What about all the pseudo-racers that go past you at 20 -25 mph without saying anything, like "passing" or "on your left?"

I can hear their carbon wheels but way too many people are listening to loud music while riding and crashes happen.

Reply

- 

2. *Harald* says:
 August 7, 2017 at 6:35 pm
 Thanks for the update, Dave. This seems like a pragmatic, workable solution for now, until the state has figured out a sensible approach to regulating electric assist bikes in general. Is the new policy published somewhere? DNR and county parks staff on the ground may take a while to become familiar with the rules...

Reply

- 

Dave Cieslewicz, Executive Director says:
 August 7, 2017 at 8:46 pm
 Yes. It's in an administrative code revision in NR 45. Those changes are posted in a usual legal manner that most local governments understand. I think that Brigit may also have shared it with her list, including local trails managers.

Reply

- 

3. *"Bicycle Bill"* says:
 August 7, 2017 at 6:53 pm

 - E-bikes are subject to a 15 mph speed limit.>And how are they going to enforce that?

For now. Mopeds, 50-cc dirt bikes, and battery-operated golf carts coming next.

Reply

- 

4. *"Bicycle Bill"* says:
 August 7, 2017 at 6:59 pm
 Tried using HTML above and it didn't work. Here's what I meant to say:

 - E-bikes are subject to a 15 mph speed limit.**
 And just how are they going to enforce that?
 - Only bikes with electric motors are allowed. No combustion engines.**
 For now. Mopeds, 50-cc dirt bikes, and battery-operated golf cart-like vehicles coming next.

-“BB”-



Reply

- 5.  *Dave Cieslewicz, Executive Director* says:
August 7, 2017 at 8:48 pm
Fair points, BB. I think the DNR was trying get out in front of (or catch up with) the new reality of growing use of e-bikes. It's not perfect, but it seems reasonable.

Reply

- 6.  *Joseph Imilkowski* says:
August 7, 2017 at 9:56 pm
This is an excellent frame work to start with and is better than an outright ban. Enforcement procedures will be worked out

I have just returned from a Rally where electric recumbent trikes made a major appearance. Baby Boomers will have a massive effect in this area in the very near future.

If you have a problem adhering to the letter of the law as it is presently written; then please behave rationally and don't attract attention. I have been known to exceed speed limits to overtake 'Lycras' and demonstrate courteous passing procedures.

Thank you Dave C. for your work on this.

joe i

Reply

- 7.  *Greg* says:
August 9, 2017 at 12:48 pm
I have already seen a couple of e-mtbs out on the Southern Kettle Moraine trails. I wasn't quite sure what to think about it.

Reply

- 8.  *greenways* says:
August 9, 2017 at 9:26 pm
What signage templates are available for trails to use to regulate this bike use? We have horses on our trail and these bikes will cause safety issues.

Reply

-  *Dave Cieslewicz, Executive Director* says:
August 10, 2017 at 10:37 am
I asked DNR Trails Coordinator Brigit Brown about your question. She replied immediately and this is what she said:

"DNR has signs available for shared horse/bike/ped use, if it is a public trail and they only need a few signs. Otherwise, I can give them the template and ordering information. FYI, we provided a few hundred of these signs to state and county trail providers earlier this year; Horse Council helped pay for them. You can see more on this in the April STC minutes.

"The person inquiring might want to check with the trail's manager to see if they don't already have some of these signs.

"The person who wrote in should understand that the new electric bike rule only applies to DNR trails..."

Reply

-  *Ron Friedel* says:



August 10, 2017 at 12:52 pm

Many paved trails down south have a equestrian trail along side the bike/hiking trail. There are signs where the horse trail crosses the paved trail indicating that the horses have priority, next the walker, and the bike drivers should give them the right-of-way. There is one trail in Florida, the Withlacoochee, that has a commercial service where horses pull wagon loads of people, on the grass, alongside the trail, and the horses are not bothered by the cyclists at all.

I've experienced the flighty nature of horses around cyclists. A number of years ago I was on a bike tour through an Amish area. There was an Amish wedding on that Thursday morning and a number of buggies came toward me. I noticed that the horses were shying away from me. So I stopped on the shoulder and waited till they went past on the other side of the road. Well, one horse was not trained at all. While I was stopped, being quiet, the horse pulled the buggy into the ditch overturning it on the other side of the road. The 16 year old driver lost control.

Now I'm careful around horses and ask the riders what I should do.

Reply

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<http://www.bfw.org/programs/share-be-aware/bicycle-laws/>

Electric Bicycles

Electric assist bicycles are a rapidly growing segment of the market. In the United States of America, Congress has defined a low-speed electric bicycle as any bicycle or tricycle with fully operable pedals, an electric motor not exceeding 750 W of power and a top motor-powered speed not in excess of 20 miles per hour. An electric bike or trike that meets these limitations is regarded as a bicycle [labeled by Public Law 107-319.12] This Law defines electric bicycles only for the purpose of Consumer Product Safety and does not allow for their use on roads. It is a safety criteria that manufacturers should use in building electric bicycles, which helps protect manufacturers from the threat of lawsuits from within states that attempt to legislate more stringent safety requirements.

These are Federal regulations that put control of monitoring the safety of electric bicycles into the hands of the Consumer Products Safety Commission (CPSC), which supersede any state law that is more stringent, but only regarding safety equipment required on electric bicycles and not regarding whether electric bicycles are street legal. The states still decide what vehicles are allowed to use the roads in their state.

TEA-21 and SAFETEA-LU Specify that legal Ebikes, as defined above, are legal on urban bicycle trail systems getting any federal funding *unless states or local entities have passed laws specifically dis-allowing electric assist bicycles*. Under Federal Law, Ebikes are NOT considered motor vehicles unless the state or local entity has passed a law otherwise.

There is a MISCONCEPTION that when “motor vehicles” or “motorized vehicles” are disallowed by law or by signage, that this always means ebikes are illegal on trails. This is UNTRUE in many states; these terms do not include “legal low power electric assist bicycles”, and can only be banned by passing a specific state or local law. (See TEA-21 Federal DOT Law)

SAFETEA-LU is a 2005 Federal Re-authorization of the 1990s TEA-21, and renews the exclusion of legal ebikes from the classification of motor vehicles’ from urban trail use *unless a specific local ebike statute is passed*.

http://www.house.gov/transportation_democrats/Bike%20Book%2006.pdf

“Motorized vehicles are not permitted on trails and pedestrian walkways EXCEPT FOR: maintenance purposes, motorized wheelchairs, and-when State or local regulations permit- snowmobiles and electric bicycles. Electric bicycles are defined for the purposes of this Act as a bicycle or tricycle with a low-powered electric motor weighing less than 100 pounds with a top motor-powered speed not in excess of 20 miles per hour.”

(The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, P.L.109-59 Available from the Government Printing Office or online at www.dot.gov. Title 23, United States Code. Available from the Government Printing Office or your local library system.)

There is some debate as to if and where the 100 lb rule applies. On the surface it appears to be valid on trails. Check your state and local laws for any recent changes.

As always, unsafe operation may be a specific illegal or civil matter to be handled by local courts.

Wisconsin E-bike Laws

Wisconsin state statutes have not been updated to reflect Federal laws, so you may run into trouble using an e-assist bicycle on trails. The Wisconsin Bike Fed will be working with our state legislature to amend and update our laws to bring them into compliance with Federal rules and modern e-bike standards. Currently Wisconsin laws are as follows:

Electric bicycles in Wisconsin are defined as motor bicycles. Motor bicycle operators are required to have a valid driver's license. Motor bicycles cannot be used on bike paths unless they are being operated solely by pedal power, like a bike. When operating you also need to follow the rules of the road. Here are the relevant state statutes:

340.01(30) Motor bicycle means any of the following:

(a) A bicycle to which a power unit not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator.

(b) A 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power and an electric motor of less than 750 watts and that is capable, when powered solely by the motor, of a maximum speed of less than 20 miles per hour with a 170-pound rider on a dry, level, hard surface with no wind.

343.05(3)(c) Operators to be licensed; exceptions.

(3) NONCOMMERCIAL VEHICLES

(c) No person may operate a moped or motor bicycle unless the person possesses a valid operators license or a special restricted operators license issued under s. 343.135 or a restricted license issued under s. 343.08. A license under this paragraph does not authorize operation of a moped or motor bicycle if the license is revoked, suspended, canceled or expired.

346.79 Special rules applicable to bicycles.

(5) No person may ride a moped or motor bicycle with the power unit in operation upon a bicycle way.

340.01(5s) Bicycle way means any path or sidewalk or portion thereof designated for the use of bicycles and electric personal assistive mobility devices by the governing body of any city, town, village, or county.

346.804 Riding bicycle on sidewalk is not allowed unless by local ordinance.



Why More States Need to Adopt the Three-Class eBike System

By Claudia Wasko

Electric bikes (eBikes) are gaining traction as a means of transportation in the United States after enjoying years of popularity in Europe. Anyone can ride them, from the most seasoned bike rider to someone who hasn't biked since childhood. They have the potential to expand bike riding to new audiences and keep people riding bikes throughout their lives.

But some confusion around how and where they can be ridden is dampening their growth potential and as an emerging technology, they require clear regulations to govern their use and create stability in the marketplace.

Lack of Regulation

In the United States at the federal level, the U.S. Consumer Product Safety Commission regulates eBikes for the purpose of product safety at the point of first sale. States decide how eBikes can be used. Over time, without clear guidance, states passed widely varying rules to govern their use - some treating them like human-powered bicycles, some treating them like motor vehicles, and everything in between. Some have no regulation whatsoever.

Taking Steps toward Clarity

Since 2014, with leadership team from [PeopleForBikes](#), a national bicycle advocacy group, and the [Bicycle Product Suppliers Association](#), the bicycle manufacturers' trade association, eight states have pioneered a standardized regulation for eBike use with a simple, straightforward approach known as the "3-Class" System. This model legislation defines three common classes of eBikes (based on speed, wattage, and operation), and allows states to decide which types of bicycle infrastructure each class can use (typically Class 1 and Class 2 eBikes are allowed wherever traditional bikes are allowed). It also requires eBike makers to place a highly visible sticker on the frame to indicate an eBike's Class.

In 2016, California was the first state to adopt this "3-Class" approach, and since then other bike-friendly states such as Arkansas, Colorado, Illinois, Michigan, Tennessee, Utah, and most recently Washington have followed suit, with Arizona, Ohio and Connecticut close behind. More states around the country should adopt this "3-Class" standard to eliminate confusion, enhance safety, and promote this green transportation method.

The three classes are defined as follows:

- **Class 1:** eBikes that are pedal-assist only, with no throttle, and have a maximum assisted speed of 20 mph.
- **Class 2:** eBikes that also have a maximum speed of 20 mph, but are throttle-assisted.
- **Class 3:** eBikes that are pedal-assist only, with no throttle, and a maximum assisted speed of 28 mph.

All classes limit the motor's power to 1 horsepower (750W).

Classes and Access

Some states treat Class 1 eBikes like traditional mountain or pavement bicycles, legally allowed to ride where bicycles are permitted, including bike lanes, roads, multiuse trails and bike-only paths. New York City's Mayor de Blasio recently announced the city will officially allow Class 1 eBikes. While New York City's decision is unrelated to singletrack trail use for electric mountain bikes (eMTBs), we believe that Class 1 pedal-assist eBikes should have the same rights and responsibilities as traditional bikes and therefore also be allowed on non-motorized mountain bike trails, as is the case in Europe.

Class 2 throttle-assist eBikes are often allowed most places a traditional bicycle can go, though some states and cities are opting for additional restrictions (e.g. New York City & Michigan State). Class 2 may not be suitable for singletrack mountainbike trails - it has been shown that they pose greater physical damage to trails due to the throttle-actuation. Class 2 may be better suited for multi-use OHV trails designed for more rugged off-road vehicles.

Class 3 eBikes are typically allowed on roads and on-road bike lanes ("curb to curb" infrastructure), but restricted from bike trails and multiuse paths. While a 20-mph maximum speed is achievable on a traditional bicycle, decision makers and agencies consider the greater top-assisted speed of a Class 3 eBike too fast for most bike paths and trails that are often shared with other trail users.

Everyone stands to benefit from common-sense rules on how and where to ride an eBike. With clear regulation and updated state laws, law enforcement will understand what rights eBike users have and when to enforce the law, and easily identify the class of bike based on the sticker. Bike retailers can help their customers understand where each type of eBike can be used, boosting their sales. People who already ride eBikes will have easy rules to follow on where they can ride, and new bicyclists who may be discouraged from riding a traditional bicycle due to limited physical fitness, age, disability or convenience gain new transportation alternatives.

*Claudia Wasko is General Manager of [Bosch eBikes Systems Americas](#). Claudia can be reached at **Claudia.Wasko3@us.bosch.com**.*

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LRB-2222/1

EVM:kjf

2019 - 2020 LEGISLATURE

2019 SENATE BILL 129

March 20, 2019 - Introduced by Senators ROTH, RISSER, BEWLEY, KOOYENGA, LARSON, MILLER, OLSEN, RINGHAND and SMITH, cosponsored by Representatives ROHRKASTE, GOYKE, ANDERSON, BILLINGS, BOWEN, CROWLEY, DUCHOW, HUTTON, JAGLER, MYERS, POPE, RAMTHUN, SINICKI, SPREITZER, STEFFEN, SUBECK, SWEARINGEN, C. TAYLOR, TUSLER, VORPAGEL and VRUWINK.
Referred to Committee on Transportation, Veterans and Military Affairs.

1 **AN ACT** *to repeal* 340.01 (30) (b); *to consolidate, renumber and amend*
2 340.01
3 (30) (intro.) and (a); *to amend* 23.335 (1) (q), 70.111 (1), 194.01 (7), 340.01
4 (29m)
5 (bm), 340.01 (35), 340.01 (74p) (c), 341.05 (23), 346.02 (4) (title) and 346.02
(4)
(a); and *to create* 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (3m)
and
349.18 (4) of the statutes; **relating to:** electric bicycles and providing a
penalty.

Analysis by the Legislative Reference Bureau

This bill regulates the operation of electric bicycles.

Under current law, a motor bicycle is “a bicycle to which a power unit [that is] not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator” or “a 2-wheeled or 3-wheeled vehicle that has fully operative pedals for propulsion by human power and an electric motor of less than 750 watts and that is capable, when powered solely by the motor, of a maximum speed of less than 20 miles per hour with a 170-pound rider on a dry, level, hard surface with no wind.” In general, a motor bicycle is subject

to the same rules as other bicycles and an operator of a motor bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles. An operator of a motor bicycle, however, must possess a valid operator's license.

This bill eliminates the second type of motor bicycle and establishes a similar definition for electric bicycle. Unlike an operator of a motor bicycle, however, an operator of an electric bicycle is not required to hold an operator's license.

Under this bill, an electric bicycle is “a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of less than 750 watts.” Electric bicycles are divided into three classes, as follows:

1. Class 1 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 20 miles per hour.
2. Class 2 electric bicycles may be powered solely by the motor and are not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
3. Class 3 electric bicycles provide assistance only when the rider is pedaling and cease to provide assistance when the bicycle reaches the speed of 28 miles per hour.

In general, an electric bicycle is subject to the same rules as other bicycles and an operator of an electric bicycle is subject to the same rules and is afforded the same privileges as operators of other bicycles, with the following exceptions:

1. Persons under the age of 16 years may not operate a class 3 electric bicycle.
2. A manufacturer or distributor of an electric bicycle must affix a label containing the classification number of the electric bicycle, the speed at which the motor will cease to provide assistance or power, and the wattage of the motor equipped to the electric bicycle.
3. Either the motor must cease to provide assistance or power when the brakes are applied or the motor must cease to provide assistance or power when the rider stops pedaling.
4. A person may not operate a class 3 electric bicycle unless the electric bicycle is equipped with a speedometer.
5. The Department of Transportation or local authorities may prohibit the operation of electric bicycles, with the power unit in operation, on designated bikeways.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1 .** 23.335 (1) (q) of the statutes is amended to read:
2 23.335 (1) (q) "Off-highway motorcycle" means a 2-wheeled motor vehicle
3 that
4 is straddled by the operator, that is equipped with handlebars, and that is designed
5 for use off a highway, regardless of whether it is also designed for use on a
6 highway.
"Off-highway motorcycle" does not include an electric bicycle, as defined under s.
340.01 (15ph).

1 **SECTION 2.** 70.111 (1) of the statutes is amended to read:
2 70.111 (1) JEWELRY, HOUSEHOLD FURNISHINGS, AND APPAREL. Personal
3 ornaments
4 and jewelry, family portraits, private libraries, musical instruments other than
5 pianos, radio equipment, household furniture, equipment and furnishings, apparel,
6 motor bicycles, electric bicycles, bicycles, and firearms if such items are kept for
7 personal use by the owner and pianos if they are located in a residence.

8 **SECTION 3.** 194.01 (7) of the statutes is amended to read:
9 194.01 (7) "Motor vehicle" means any automobile, truck, trailer,
10 semitrailer,
11 tractor, motor bus, or any self-propelled or motor driven vehicle, except a
12 motorcycle,
13 moped, motor bicycle, electric bicycle, electric personal assistive mobility device,
14 personal delivery device, or vehicle operated on rails.

15 **SECTION 4.** 340.01 (15ph) of the statutes is created to read:
16 340.01 (15ph) "Electric bicycle" means a bicycle that is equipped with fully
17 operative pedals for propulsion by human power and an electric motor of less than
18 750 watts and that meets the requirements of any of the following classifications:

19 (a) Class 1 electric bicycle is an electric bicycle equipped with a motor that
20 provides assistance only when the rider is pedaling and that ceases to provide
21 assistance when the bicycle reaches the speed of 20 miles per hour.

22 (b) Class 2 electric bicycle is an electric bicycle that may be powered solely
23 by
24 the motor and is not capable of providing assistance when the bicycle reaches the
25 speed of 20 miles per hour.

26 (c) Class 3 electric bicycle is an electric bicycle equipped with a motor that
27 provides assistance only when the rider is pedaling and that ceases to provide
28 assistance when the bicycle reaches the speed of 28 miles per hour.

29 **SECTION 5.** 340.01 (29m) (bm) of the statutes is amended to read:

1 340.01 (29m) (bm) "Moped" does not include a motor bicycle or electric bicycle.

2 **SECTION 6.** 340.01 (30) (intro.) and (a) of the statutes are consolidated,
3 renumbered 340.01 (30) and amended to read:
4

340.01 (30) "Motor bicycle" means ~~any of the following: (a) A~~ a bicycle to which a power unit that is not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider

on a dry, level, hard surface with no wind and having a seat for the operator.

"Motor bicycle" does not include an electric bicycle.

SECTION 7. 340.01 (30) (b) of the statutes is repealed.

SECTION 8. 340.01 (35) of the statutes is amended to read:

340.01 (35) "Motor vehicle" means a vehicle, including a combination of 2 or

more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile, an all-terrain vehicle, a utility terrain vehicle, and an electric personal assistive mobility device shall be considered motor vehicles only for purposes made specifically applicable by statute. "Motor vehicle" does not include an electric bicycle.

SECTION 9. 340.01 (74p) (c) of the statutes is amended to read:

340.01 (74p) (c) An operator of a moped, electric bicycle, or motor bicycle.

SECTION 10. 341.05 (23) of the statutes is amended to read:

341.05 (23) The vehicle is a motor bicycle, electric bicycle, or bicycle, except as provided in s. 349.18.

SECTION 11. 346.02 (4) (title) of the statutes is amended to read:

346.02 (4) (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES, AND MOTOR BICYCLES.

SECTION 12. 346.02 (4) (a) of the statutes is amended to read:

346.02 (4) (a) Subject to the special provisions applicable to bicycles, every person riding a bicycle upon a roadway or shoulder of a highway is granted all the rights and is subject to all the duties ~~which~~ that this chapter grants or applies to the

operator of a vehicle, except those provisions ~~which~~ that by their express terms apply

only to motor vehicles or ~~which~~ that by their very nature would have no application to bicycles. For purposes of this chapter, provisions ~~which~~ that apply to bicycles also

apply to electric bicycles and motor bicycles, except as otherwise expressly provided.

SECTION 13 . 346.806 of the statutes is created to read:



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IMBA Updates eMTB Position Statement

By: Posted: November 7, 2017



The topic of electric mountain bike (eMTB) access to non-motorized trails is increasingly dominating the conversations of mountain bikers, land managers, trail users, the bicycle industry and others. IMBA recognizes this as a complex issue encompassing mountain biking culture, the access landscape and the passions and experiences of different trail users. All sides have valid, logical and emotional arguments to make and IMBA is listening. We have wrestled with the eMTB issue at considerable length and will continue to do so as the landscape evolves. For the past three decades, IMBA has worked tirelessly for mountain biking and access to trails and this has not changed.

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IMBA's Board of Directors updated its 2015 position on eMTBs to now read:

IMBA is supportive of Class 1 eMTB access to non-motorized trails when the responsible land management agency, in consultation with local mountain bikers, deem such eMTB access is appropriate and will not cause any loss of access to non-motorized bikes. IMBA recognizes that changes in design, technology and the numbers of eMTB users is evolving, and believes these bikes can be managed in a sustainable way for both the environment and other trail users.

“First and foremost, we advocate for access for traditional, non-motorized mountain bikes. IMBA does not advocate for access for eMTBs. But, IMBA and mountain bikers need to be at the table for all conversations that discuss access for eMTBs to non-motorized trails that are open to bikes,” said Dave Wiens, IMBA Executive Director.

“Currently, the US Forest Service and Bureau of Land Management (BLM) are clear that they are managing all eMTBs as motor vehicles. But for countless state, county, municipal and other parks and open space trails, there is much uncertainty and confusion. Our position reflects the importance of having local land managers and local mountain bikers involved in decisions to allow eMTB access to non-motorized trails and underscores the importance of maintaining access for traditional, non-motorized bicycles. This topic is being driven by rapidly evolving technology and we recognize that everyone involved needs to be engaged, prepared for challenges and solution-oriented.”

IMBA believes that eMTB access to non-motorized trails that are open to bikes present both opportunity and challenge. If managed effectively, eMTBs may increase ridership and stewardship of trails, along with other benefits. No management, poor management and/or misinformation, however, have the potential to jeopardize current and future access to trails that mountain bikers, local organizations and IMBA have pursued for the past 30 years.

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As the recognized, national leader in trail access and sustainable trail design, IMBA is providing guidance on how best to manage the emergence of eMTBs on local, state and federal lands by mountain bikers, local mountain biking organizations, land managers and the bicycle industry. IMBA occupies a unique position in this discussion, due to the trust it has established with these various stakeholders over the previous three decades, and recognizes there is significant work to be done in this space.

IMBA also believes that local access decisions (at the state, county and municipal level) are best made locally and is working with local mountain bike groups and land management agencies across the country to provide resources and guidance, as it has done for three decades. IMBA has also met with the leaders of federal land management agencies, most of which only allow eMTBs on motorized trails, and is keeping them apprised of and educated on this issue.

IMBA will work to provide information and best-practice resources on this topic from its position as an organization that advocates for traditional, non-motorized mountain biking. IMBA currently offers resources for land managers, including recommendations on what should be considered before access decisions are made, and will continue conversations with all parties to protect the access the mountain biking community has worked hard to gain and keep.

We appreciate your continued support of IMBA's mission to create, enhance and protect great places to ride mountain bikes.

IMBA's current research and documentation can be found [here](#).

[Take our eMTB survey](#)

Select eMTB FAQ

What is a Class 1 eMTB?

There are three classes of electric bicycle and those in Class 1 are the lowest-powered. A Class 1 electric bicycle, or "low-speed pedal-assisted electric bicycle," is defined as a ^{share}

bicycle equipped with a motor that provides assistance only when the rider is pedaling, and the motor is to provide assistance when the bicycle reaches the speed of 20 miles per hour.



Motorized vs. non-motorized

EMTBs represent an emerging technology and are neither classified as a mountain bike nor a motorcycle. As a result, eMTBs confuse long-standing regulatory structures for trail management, which have frequently divided trails as either “motorized” or “non-motorized” regarding who/what can use them.

IMBA recognizes eMTBs as motorized. Defining eMTBs as a new and distinct category of recreation will minimize impacts on access for mountain bikes and protect against an increase of motorized use on non-motorized trails.

How should a land management agency make a decision and manage this new user group?

Enforcement of trail users on public lands is largely a local control issue and IMBA respects the rights and abilities of these land agencies to make appropriate decisions with appropriate tools. IMBA recommends that land managers consider their enforcement and education/outreach abilities prior to allowing Class 1 eMTB access to trails. The decision to allow Class 1 eMTBs on natural surface trails open to mountain biking and designated for non-motorized use should be determined on a trail-by-trail basis by local, state and federal land management agencies. The decision should also be made in collaboration and partnership with local mountain bikers, trail stewards, stakeholders, advocates and other interested users.

Where can I ride an eMTB?

It is imperative that eMTBs are only ridden where permitted. Currently, eMTBs are not defined or dealt with consistently across land management agencies and their access to trails and infrastructure depends on the authority with jurisdiction over the land. The federal land management agencies allow eMTBs on motorized trails and dirt roads, only,

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(and not on non-motorized trails). For more information on eMTB regulations, visit this



<https://www.imba.com/bikes.org/our-work/e-bikes/>

INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION

How influential is the eMTB industry in directing IMBA's work on the eMTB issue?

Thankfully, IMBA has partners and supporters both inside and outside of the bicycle industry that understand and support our mission and want to ensure a positive and prosperous future, one in which we mountain bikers don't lose an inch of trail unnecessarily. Regardless of the source of support for our efforts surrounding eMTB access to trails, traditional non-motorized mountain bike access is IMBA's priority.

About the author

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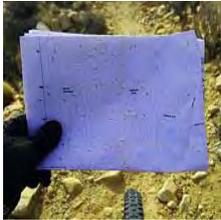
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State Electric Bicycle Laws | A Legislative Primer

3/28/2019

Introduction



The past few years have seen a marked increase in the number of electric bicycles (or “e-bikes”) in the U.S.

This primer deals specifically with low-speed electric bicycles as defined by the Consumer Product Safety Commission. E-bikes are most frequently “pedal-assist” or “muscle-assist,” meaning the rider must be pedaling for the electric motor to engage. E-bikes may also come equipped with a throttle that allows the bike to be propelled without pedaling.

The bicycle’s low-speed electric motor provides a boost of power to climb hills, extend the range of trips where a bicycle can be used, allow current bicycle users to bike more often and farther, provide a new recreation option for people who want to bike and in general, extend the range of any ride.

Low-speed e-bikes are as safe and sturdy as traditional bicycles and move at speeds similar to conventional bikes. E-bikes are emissions-free, low impact and operate silently. E-bikes vary widely in terms of shape and size, but the different types closely align with those of regular bicycles. E-bikes resemble traditional bicycles in both appearance and operation and do not function similarly to mopeds, scooters and other motorized vehicles.

According to a 2018 bicycle industry analysis, e-bikes sales increased 83 percent between May of 2017 and May of 2018, and e-bikes made up 10 percent of overall bikes sales in the U.S. for that time period. While the Asian and European e-bike markets are more robust, industry advocates hope to continue to expand U.S. e-bike sales.. Most major U.S. bicycle brands sell e-bikes, and bicycle manufacturers have moved or are positioning themselves to move to the U.S. to capitalize on the growing market.

Electric bicycles cost on average \$2,000 - \$3,000, versus a \$1,000 average investment for a mid-range traditional commuter bicycle. An investment in an electric bicycle is appealing to those who are looking to replace short trips typically made by car, therefore the investment can be justified if the buyer factors in the reduced cost of car maintenance and fuel.

Reasons for purchasing an e-bike vary, with some looking for a cheap commuting mode and others looking for a less physically demanding bicycle option or help bicycling through hilly areas. E-bikes may also provide a more attractive and feasible choice to take short trips. According to U.S. Department of Transportation survey data, half of all trips in the U.S. are three miles or less in length, a distance widely regarded as bikeable for most adults and even more feasible for electric bicycle riders. Seventy-two percent of those trips are currently made by cars and fewer than 2 percent by bicycle. E-bikes also provide a new transportation and recreation option for people with disabilities and those with physical limitations.

E-bikes have even been embraced by the nation's rapidly expanding bike-share systems. In 2011, the University of Tennessee-Knoxville launched the country's first electric bicycle sharing system, with two bike-share stations on their campus. In 2015, Birmingham, Ala., unveiled a citywide bike-share system with 100 e-bikes in the fleet of 400 bikes, in the hopes the program will attract more novice riders. With the aid of private funds, Utah has unveiled a small electric bike-share system at their State Capitol complex. Richmond, Va., will be unveiling an electric bicycle sharing system soon. Dockless bike-sharing systems are also rapidly integrating e-bikes into their fleets; companies such as JUMP Bike and Motivate now offer dockless e-bikes in cities such as Austin, Denver and Sacramento.

State legislatures have begun to grapple with how to differentiate and define e-bikes and regulate their operation and equipment standards on roadways and trails in their respective states. One challenge is the distinction between other motorized vehicles such as scooters and mopeds, and the burgeoning market and interest in e-bikes as a cost-effective and environmentally friendly transportation option.

E-bike Safety Research



When faced with an e-bike bill, legislators and stakeholders by and large first question the safety, speed and allowed areas of operation for an e-bike. As part of a 2015 survey of Americans regarding their opinions about e-bikes, 72 percent of respondents stated their top concern was safety. With respect to

speed, the research is mixed and somewhat inconclusive thus far with regards to the typical speed of e-bikes and how much that differs from traditional bicycles.

One study from Sweden found average travel speeds for e-bikes to be over 5 miles per hour faster than for traditional bicycles (14 mph versus 8.7 mph). However, a study of the University of Tennessee-Knoxville's e-bike sharing system did not find much difference in the average travel speeds and the average top speeds for e-bikes versus traditional bikes and stated in its finding that "With few exceptions, riders of e-bike behave very similarly to riders of bicycles." A 2016 study examining the relative probability of an e-bike versus a conventional bike to be involved in a traffic conflict did note that there was a higher risk of conflict at an intersection for e-bikes, because of higher speeds approaching an intersection. Otherwise, the study found little or no difference with regards to risk or actual conflicts.

Cultural norms, law enforcement of speed limits, physical infrastructure and other factors all likely play a role in bicycling speeds and other bicycling operation decisions made by conventional traditional bikes and e-bikes and it is clear further research is needed.

Electric Bicycle



An e-bike that meets the federal definition of an electric bicycle and is subject to product safety standards for bicycles.

Electric Scooter

An electric scooter that does not meet the federal definition of an e-bike and is regulated as a motor vehicle.



Federal Role, Definition and Actions

At the federal level, a 2002 law enacted by Congress, HB 727, amended the Consumer Product Safety Commission definition of e-bikes. The law defined a low-speed electric bicycle as “A two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.” The federal law permits e-bikes to be powered by the motor alone (a “throttle-assist” e-bike), or by a combination of motor and human power (a “pedal-assist” e-bike).

Significantly, the federal law only specifies the maximum speed that the e-bike can travel under motor power alone. It does not provide a maximum speed when the bicycle is being propelled by a combination of human and motor power, which is how e-bikes are predominantly ridden. The Consumer Product Safety Commission has clarified that the federal law does allow e-bikes to travel faster than 20 mph when using a combination of human and motor power.

This law distinguishes, at the federal level, e-bikes that can travel 20 mph or less under motor power alone from motorcycles, mopeds and motor vehicles. Devices that meet the federal definition of an electric bicycle are regulated by the Consumer Product Safety Commission and must meet bicycle safety standards. However, as a 2014 e-bike law primer notes, this federal law only applies to the e-bike’s product standards and safety.

State traffic laws and vehicle codes remain the sole domain of states and state legislatures. In other words, the manufacturing and first sale of an e-bike is regulated by the federal government, but its operation on streets and bikeways lies within a state’s control. Thus, many states still have their own laws that categorize e-bikes with mopeds and other motorized vehicles, require licensure and registration, or do not enable them to be used on facilities such as bike lanes or multi-purpose trails.

State Legislative Scan

There has been a steady stream of legislative action at statehouses regarding e-bikes since 2015. State legislation has focused on three dynamics:

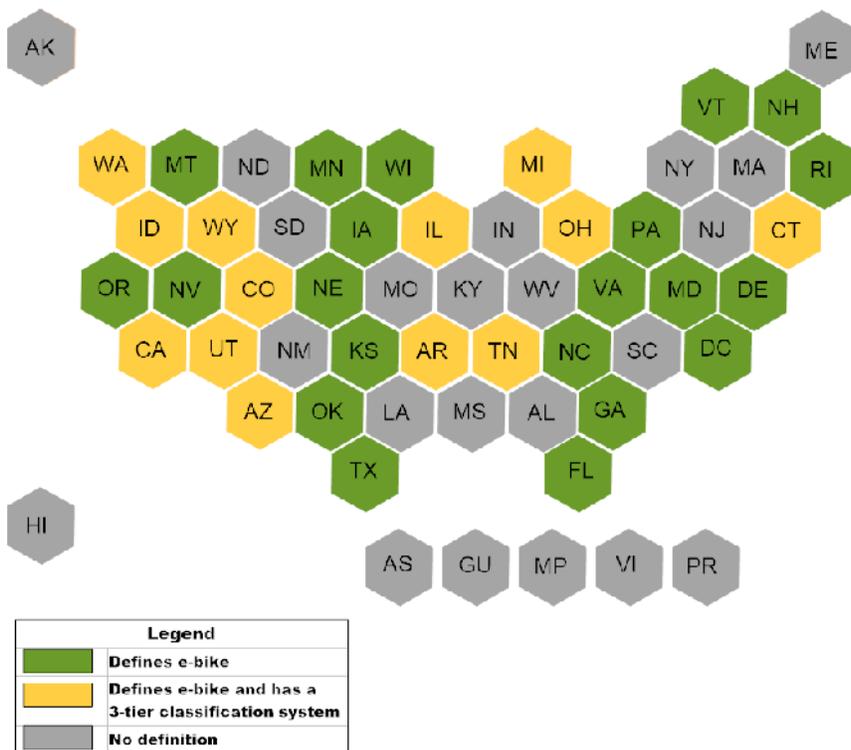
- Revising older state laws that classify e-bikes as mopeds and scooters and may include burdensome licensure, registration or equipment requirements;
- Creating three-tier classification systems for e-bikes depending on their speed capabilities; and
- Refining more recent e-bike laws that could benefit from further clarification and detail.

The District of Columbia and 33 states in some manner define an electric

bicycle: Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin and Wyoming. All of these states have different laws regarding their operation. In the remaining states, electric bicycles lack a specific definition and may be included within another vehicle class such as “moped” or “motorized bicycle.”

In Mississippi, there is no clear designation for an electric bicycle, but an attorney general opinion indicates that an electric bicycle would be considered a bicycle. While Kentucky also lacks a definition for e-bikes, the Department of Transportation passed an administrative regulation in 2015 that brought e-bikes within the scope of the state’s bicycle regulations.

States that Define an Electric Bicycle



Three-Tiered E-Bike Classification System

Thirteen states (Arizona, Arkansas, California, Colorado, Connecticut, Idaho, Illinois, Michigan, Ohio, Tennessee, Utah, Washington and Wyoming) have created a three-tiered e-bike classification system intended to differentiate between models with varying speed capabilities. These states have almost identical defining language for e-bikes, as well as similar safety and operation requirements:

| | |
|--------------------------|---|
| Class 1 electric bicycle | 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. |
| Class 2 electric bicycle | 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. |
| Class 3 electric bicycle | 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. |

Any device outside of these definitions is not considered a low-speed electric bicycle that would be regulated as a bicycle.

Helmet Requirements

The thirteen states with a three-tiered classification system do differ in terms of helmet requirements. Connecticut has the strictest requirement, requiring operators and passengers for all classes of e-bikes to wear protective headgear. California, Ohio and Tennessee require the operator and all passengers of a class three electric bicycle, regardless of age, to wear protective headgear. Arkansas and Utah require operators and passengers of a class three e-bike under age 21 to wear protective headgear. Colorado and Michigan require helmet use for those under age 18 operating or riding on a class three e-bike. Arizona, Idaho, Illinois, Washington and Wyoming's laws include no helmet requirements for any class of e-bike.

E-Bike Helmet Requirements in States with

Age Restrictions

With regards to age restrictions to operate an e-bike, in California and Utah, an individual under the age of 16 may not operate a Class 3 electric bicycle.

In Michigan and Tennessee, the age limit is 14 to operate a class three e-bike, although in both states a passenger under the age of 14 is permitted to ride on an electric bicycle that is designed to carry passengers.

In Arkansas, Colorado, Connecticut, Illinois, Ohio and Washington, a class 3 low-speed electric bicycle may not be operated by a person under the age of 16. However, in Arkansas, Colorado, Connecticut, Illinois and Ohio a person under the age of 16 may ride as a passenger on a class 3 low-speed electric bicycle if that bicycle is designed to carry passengers.

Utah has further restrictions for operating any class of e-bike for younger age groups. Those under age 14 may not operate any electric bicycle with the electric motor engaged on any public property, highway, path, or sidewalk unless under the supervision of the individual's parent or guardian.

Additionally, those under age eight may not operate an electric bicycle with the electric motor engaged on any public property, highway, path, or sidewalk.

Arizona, Idaho and Wyoming have no age restrictions to operate an e-bike for any e-bike class.

Registration, Licensure, and Insurance Requirements

Twelve of the thirteen states with a tiered-classification system exempt an e-bike from registration, licensure, and insurance requirements, another key way legislatures are differentiating between e-bikes and other motorized vehicles such as mopeds and scooters. However, Illinois' law allows local authorities to regulate the operation of bicycles, low-speed electric bicycles, and low-speed gas bicycles, and require the registration and licensing of the same, as well as requiring a registration fee. All thirteen states require an e-bike to be affixed with a label that states the classification number, top-assisted speed and motor wattage.

E-Bike Licensing and Operation

Overall, 17 states require a license to operate an e-bike, typically because they still fall under the designation of another motorized vehicle classification with licensure and registration requirements and have not had a distinct e-bike law created. Utah and Vermont are examples of states that have recently eliminated e-bike licensure and registration requirements. Some states, including Oklahoma and Wisconsin, that define e-bikes in some manner still nonetheless require an operator's license to operate an e-bike.

E-bike Operation on Multi-Use Paths



Of the 33 states that explicitly define e-bikes, some state laws, such as in Arizona, Georgia, Minnesota, Oklahoma, Utah and Washington, specifically allow e-bike operation on facilities such as bicycle paths or greenways, with the caveat that many carve out exceptions for localities to enact stricter operation regulations on such bike and pedestrian facilities. Georgia's law simply states "Electric assisted bicycles may be operated on bicycle paths." In Delaware, Florida, Iowa and Nebraska, electric bicycles

are defined within the existing definition of a bicycle, therefore there is not a distinction when it comes to operation on trails. Vermont specifies that motor-assisted bicycles are governed as bicycles and have the same rights and duties applicable to bicyclists.

California and Tennessee's laws only specifically disallow class 3 electric bicycle operation on a bicycle paths, but allow localities to opt-in and allow their use on such facilities. As noted above, their laws do allow localities to restrict the use of class 1 and 2 e-bikes on bike paths.

Conclusion

Assuming the continued robust growth of the e-bike industry, state legislatures will likely continue to grapple with defining e-bikes, clarifying operation, safety and equipment standards and further distinguishing from motorized vehicles such as mopeds and scooters.

For further information on e-bike laws, research, news and industry updates, visit [People for Bikes](#).

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