

Pedestrian and Pedalcycle Advisory Committee Minutes

Subject: Minutes for Winter Quarterly Meeting
Date and time: December 11, 2019 12:30 PM to 3:00 PM
Location: 8N1 – Keystone Building, Harrisburg, PA

The meeting was called to order at 12:37 PM by Angela Watson (Special Assistant to Deputy Secretary Granger). Roll was taken, and a quorum was declared.

PPAC members in attendance were Josiah Shelly (alternate for Representative Tim Hennessey), Kyle Wagon seller (alternate for Representative Carroll), Nolan Ritchie (alternate for Senator Kim Ward), Jason Gerard (alternate for Senator Sabatina), Angela Watson (alternate for Secretary Leslie Richards), Diane Kripas (alternate for Secretary Cindy Dunn), Ben Guthrie, Sarah Stuart, Frank Maquire, Bradley Flamm, Julie Fitzpatrick, William Hoffman, Lauri Ahlskog, and Chandra Kannan, Fred Richter.

Additional attendees included Justin Lehman (Department of Health), Whitney Dew (Department of Health), Sarah Clark (DOT Legislative Affairs), Emily Watts (PennDOT Policy Office), Laura Heilman (Pa Commuter Services), Chris Metka (PennDOT Program Center), Wayne Mears (PennDOT Press Office), and Samantha Pearson (Elm Street Commission).

The minutes from the October 09th, 2019 meeting were unanimously approved.

Acting Secretary of Transportation Yassmin Gramian was welcomed by Sarah Stewart and she spoke with PPAC members for nearly an hour. She made ten key points of particular interest to bicyclists and pedestrians:

1. Pedestrians and bicycles are an integral part of transportation
2. PennDOT Connect builds communities
3. Get the low hanging fruit: A little bit of pavement and some signage to help bicyclists
4. Bicycle and pedestrians must be part of PennDOT's DNA
5. There are changes on the way within PennDOT's design manual and culture
6. There should be a dedicated bicycle/pedestrian person at least in the big 3 PennDOT districts (6,8 and 11)
7. We will address issues I don't want to wait another four months

8. Bear with me while I learn
9. I appreciate PPAC members' effort and passion
10. We will get together again

Frank Maguire discussed forwarding an e-bike resolution to the acting secretary of transportation supporting a 3 class system for classifying e-bikes based on their power and maximum speeds. 22 states have similar class systems.

Motion by Lauri Ahlskog. Second by Bill Hoffman. Unanimously passed. (Full resolution Attachment #1)

Diane Kripas, Department of Conservation and Natural Resources presented an update on the DCNR's current activities (Attachment # 2)

Justin Lehman, Department of Health, provided an update on the status of the State Physical Activity and Nutrition 5-year grant from CDC for funds from the Walkable Communities initiative and other projects by the DOH (Attachment #3)

Angela Watson, Pennsylvania Department of Transportation, provided a brief update on the progress of the new Statewide Bicycle and Pedestrian Master Plan and other DOT activities (Attachment #4).

Legislative Updates were provided by Nolan Richie who expanded upon a one-page listing of current and proposed bills (Attachment #5).

The meeting was adjourned at 3:00pm

Next Meeting

Date and time: April 6th, 2020 – 12:30pm

Location: Forest Room (plaza level) – Keystone Building, Harrisburg, PA

Fred Richter _____ Secretary

_____ Date of Approval

Attachment #1

E-Bikes:

Statement draft:

The State of Pennsylvania has long encouraged its citizens to get outside and experience the multitude of trails and parks the Commonwealth has to offer, no matter what agency manages the facility. Access to the majority of these parks and trails has long been limited to non-motorized recreational options, primarily foot traffic and traditional bicycles. Advancements in technology and widespread access to said technology has created some confusion as it relates to Electric Bicycles (e-bikes) and their varieties. The increasing interest in this technology has allowed more Pennsylvanians to enjoy recreational options, and should be encouraged.

At the same time, it is important to encourage consistent rules that the public can easily understand and expect, regardless of what jurisdictional boundaries may be encountered. To this end, both the Department of Transportation and the Department of Conservation and Natural Resources hold that e-bikes classified as Class 1 should be granted access to roadways, state lands and publicly accessible multiuse trails where bicycles are allowed. Class 2 and 3 e-bikes however, should be restricted to public roadways where bicycles are allowed.

This new guidance encourages class 1 e-bikes, low-speed electric bicycles with pedal assistance, to be considered in the same manner as traditional bicycles, allowing them on park roads, paved or hardened trails, areas designated for off-road motor vehicle use and administrative roads where traditional bikes are allowed. The guidance does not pertain to natural surface trails that allow mountain bikes, since the manner of their construction and remoteness may necessitate further considerations. Currently though, both Bureau of Forestry and Bureau of State Parks allow the use of Class 1 e-mountain bikes on natural surface trails.

E-Bikes can be considered “other power-driven mobility device” (OPDMD) having the capability to facilitate mobility for people with disabilities. The United States Department of Justice has defined an OPDMD in the rules as: "any mobility device powered by batteries, fuel, or other engines— whether or not designed primarily for use by individuals with mobility disabilities”.

Any effort to limit e-bike access due to concerns about potential user conflict or congestion should undertake a study to develop the policy to ensure that it is in compliance with the Department of Justice guidelines pertaining to the American's with Disabilities Act and OPDMD.

Definitions -

- 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. For all classes, the maximum power output is 750 watts (1 h.p.), and manufacturers and distributors of electric bicycles are be required to apply a class identification label to each electric bicycle.

These classifications are consistent with industry standards and regulations in many other states.

Background information -

The Federal Consumer Product Safety Act defines a "low speed electric bicycle" as a two or three wheeled vehicle with fully operable pedals, a top speed when powered solely by the motor under 20 mph (32 km/h) and an electric motor that produces less than 750 W (1.01 hp). The U.S. Congress defines this category of electric-power bicycle (15 U.S.C. 2085(b)), CPSC rules stipulate that low speed electric bicycles (to include two- and three-wheel vehicles) are exempt from classification as motor vehicles providing they have fully operable pedals, an electric motor of less than 750W (1 hp), and a top motor-powered speed of less than 20 miles per hour (32 km/h). An electric bike remaining within these specifications is subject to the CPSC consumer product regulations for a bicycle.

Commercially manufactured e-bikes exceeding these power and speed limits are regulated by the federal DOT and NHTSA as motor vehicles, and must meet additional safety requirements. The legislation enacting this amendment to the CPSC is also known as HR 727.[65] The text of HR

727 includes the statement: "This section shall supersede any State law or requirement with respect to low-speed electric bicycles to the extent that such State law or requirement is more stringent than the Federal law or requirements." (Note that this refers to consumer product regulations enacted under the Consumer Product Safety Act. Preemption of more stringent state consumer product regulations does not limit State authority to regulate the use of electric bicycles, or bicycles in general, under state vehicle codes.)

Rights and duties of operators of electric bicycles:

Except as otherwise provided in this an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle. An electric bicycle is a vehicle to the same extent as a bicycle.

Insurance, licensing, and registration:

An electric bicycle or a person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver's licenses, registration, certificates of title, off-highway vehicles and license plates. An electric bicycle is not a motor vehicle.

Attached and linked Reference materials –

[National Park Service updated guidance](#)

Colorado State Parks

[People for Bikes](#)

DCNR Internal Guidance from Bureau of State Parks

DCNR Internal Guidance from Bureau of Forestry

Attachment #2

DCNR Update

- Provided an update on the 2020-2024 PA Outdoor Recreation Plan. Draft recommendations and actions have gone through a public input process. DCNR is writing the plan and will submit a draft to the Governor's Office for approval in March. One of the plan actions is for Pennsylvania to create a Safe Routes to Parks Program.
- DCNR is also updating the Pennsylvania Land and Water Trail Network Strategic Plan (2020-2024). Draft recommendations and actions are under development and will be put out for public comment in the Spring.
- The Pennsylvania Trails Advisory Committee is also meeting today (12/11) and will be voting on the 2020 Trail of the Year. Note: The Ghost Town Trail was selected. This trail is celebrating its 25th anniversary and has grown from a 12-mile trail in 1994 to 46 miles in 2020. The trail is cooperatively managed by Cambria and Indiana counties and together they have created a premier trail destination that attracts visitors from across the region and state.

Attachment #3

Pennsylvania Department of Health, Division of Nutrition and Physical Activity

WalkWorks, a collaboration between the Pennsylvania Department of Health (DOH) and the University of Pittsburgh Graduate School of Public Health, is a program designed to establish activity-friendly routes that connect to everyday destinations.

State Physical Activity and Nutrition grant:

- Collaborate with partners to connect sidewalks, paths, bicycle routes, public transit with homes, early care and education, schools, worksites, parks, or recreation centers through implementing master plans and land use interventions:
 - Establish new or improved pedestrian, bicycle, or transit transportation systems (i.e., activity-friendly routes) that are combined with new or improved land use or environmental design (i.e., connecting everyday destinations).

WalkWorks recently announced the 10 new communities selected to develop and adopt active transportation plans or policies. Two communities will develop both an active transportation plan and a Complete Streets policy. The breakdown is as follows:

- 8 active transportation plans;
- 3 Complete Street policies; and
- 1 Vision Zero policy.

DCNR is funding 2 of the communities, Upper Providence Township and Williamsburg Borough.

To see the list of funded communities, starting in 2017, go to www.pawalkworks.com.

WalkWorks hosted a webinar on Thursday, October 17 called *Implementing Active Transportation Policy*. Speakers shared about implementing active transportation-type projects in Harrisburg, Lancaster and Pittsburgh. To view the webinar, go to www.pawalkworks.com. If you would like to receive the email invitation, please email Justin.

Creating a Walkable Community in Pennsylvania rack cards are available. Please share with partners. Also available at <https://www.health.pa.gov/topics/programs/WalkWorks/Pages/PA-Walkable-Communities.aspx>.

Attachment #4 PennDOT

The comment period for the Draft Active Transportation Plan was closed on December 4th and comments are being reviewed for inclusion. The final plan will be online in February.

PennDOT is preparing to share the draft of the new Chapter 14: Bicycle Design – that will be included in Design Manual 2 - through the clearance transmittal process later this month. PPAC members will be receiving a copy of the draft document to review.

We shared the bicycle and pedestrian crash data in October and the full 2018 Crash Facts and Statistics publication is now online:

<https://www.penndot.gov/TravelInPA/Safety/Pages/Crash-Facts-and-Statistics.aspx>

LTAP is finalizing two additional trainings. One on Crosswalk Installation and one on Active Transportation Planning. The LTAP trainings are free, open and available to local governments to train and assist with a wide range of maintenance, safety, and infrastructure management processes.

Information is available at <https://gis.penndot.gov/ltap/>

The process for updating the PPAC membership for 2020-2023 is ongoing. We hope to have all materials submitted to the Governor's Office by December 20th with a response in January.

Attachment #5

Bills under Consideration by the General Assembly of Interest to PPAC Distracted Driving (SB 131-Sabatina and HB 37-Brown):

- **SB 131:** Creates a cell-phone ban for novice drivers (defined as a driver under 18 years of age) and provides additional measures to mitigate distracted driving such as requiring a question on the driver's license exam and increasing the fine from \$50 to \$100 for 1st offense and \$200 for 2nd and subsequent offense.
 - **Status:** Reported as committed by Senate Transportation on 4/10/19, and currently on 2nd Consideration on the Senate Calendar.
- **HB 37:** Prohibits the use of a hand-held cell phone by any driver. There is a provision excluding a minor (a person under 18 years of age) from using a hands-free accessory or device while operating a vehicle. This bill also increases the fine from \$50 to \$200 for any offense and establishes the Distracted Driver Awareness Fund.
 - **Status:** Reported as amended by House Transportation on 6/10/19, reported as committed by House Rules on 9/17/19, and currently on 2nd Consideration on the House Calendar.

e-Scooters (SB 542-Laughlin and HB 631-Rothman):

- Both bills currently contain identical provisions including a definition of an "electric low-speed scooter", adding it to the definition of "motor vehicle", exempting it from titling and registration, granting it the same rights as a pedalcycle, excluding a person under 16 years of age from operating it, setting the maximum speed at 15 MPH, requiring equipment standards such as lights and reflectors, and allowing local authorities to regulate it.
 - **Status:** Both bills were referred to Senate and House Transportation on 4/10/19 and 2/28/19, respectively. House Transportation held a public hearing on 4/18/19 and also an informational meeting on 6/17/19.

Protected Bike Lanes (SB 565-Farnese and HB 792-Maloney):

- **SB 565:** Authorizes a vehicle to be parked within 12 inches of the outside line of the buffer area between a pedestrian plaza or pedalcycle lane and parking.
 - **Status:** Referred to Senate Transportation on 4/18/19.
- **HB 792:** Authorizes a vehicle to be parked within 12 inches of the outside line of the buffer area between a pedestrian plaza or pedalcycle lane and parking. This bill also

allows local authorities to adopt alternative parking regulations and imposes a \$15 fine for a violation by a vehicle owner.

- **Status:** Passed the House (200-1) on 6/26/19 and referred to Senate Transportation on 7/8/19.

Radar for Local Police (SB 607-Scavello and HB 74-Rothman):

- **SB 607:** Allows full-time law enforcement officers employed by full-service police departments to use radar or lidar for speed enforcement. This bill includes other measures such as operating radar or lidar from a clearly marked vehicle, issuing tickets if speed is over 6 MPH, directing a municipality to adopt an ordinance prior to using radar or lidar, erecting warning signs within 500 feet of the border of the municipality that allows radar or lidar, dedicating excess revenue to the Motor License Fund, etc.
 - **Status:** Passed the Senate (49-1) on 6/25/19, referred to House Transportation on 6/26/19, reported as amended by House Transportation on 11/18/19, and currently on 2nd Consideration on the House Calendar.

Radar for Local Police (continued):

- **HB 74:** Creates a pilot program through December 31, 2024, for full-time police officers in full-service police departments to use radar for speed enforcement after receiving training. This bill includes other measures such as operating radar from a clearly marked vehicle, issuing tickets if speed is over 10 MPH, directing a municipality to adopt an ordinance prior to using radar, certifying speed limits on roadways, submitting annual reports to the Local Government Commission, and dedicating excess revenue to the Transportation Enhancements Grant Program (or ARLE).
 - **Status:** Referred to House Transportation on 1/28/19.

Vulnerable Highway Users (HB 1536-B. Miller):

- **HB 1536:** Defines a “vulnerable highway user” as a pedestrian, an individual on a pedalcycle, an individual on a motorized pedalcycle, an individual on an animal, an individual on an animal-drawn vehicle, an individual on an electric personal assistive mobility device, an individual on a non-motorized self-propelled transportation device, and an individual on a motor-driven cycle who is lawfully on a highway. This legislation also updates the definition of a “pedestrian” to include an individual on a wheelchair or electrical mobility device for the exclusive use of an individual with a mobility-related disability. Next, a motorist who unintentionally causes the death or injury to a vulnerable highway user will be subject to a careless driving citation along with a license suspension and an enhanced fine. (Other penalties in the Criminal Code may apply as well,

dependent on an intentional cause of the accident.) Finally, any person violating the laws for the operation of pedalcycles is increased from \$10 to \$25.

- **Status:** Referred to House Transportation on 6/3/19, reported as amended by House Transportation on 11/18/19, and currently laid on the table in the House.

Updated: 12/5/2019