

February 14, 2024

To: Representative McLain and Senator Gorsek, Co-Chairs, Joint Committee on Transportation

Re: STRONGLY OPPOSE HB 4103 - Modifies the definition of electric assisted bicycle for purposes of the Oregon Vehicle Code

Dear Chairs and Committee Members,

As a 38-year veteran and East Multnomah County resident who has commuted daily to both the Columbia River Gorge and surrounding area, I am frustrated by the short sightedness exhibited by HB 4103. As highlighted in the 2022 article by Megan Ramey, a safe route to school and safe systems advocate, located in Hood River; “We are currently living through the next great transportation revolution. It may be difficult to see it while you’re amid it, but the rapid development of the e-bike market – the development of the tech, the emergence of focused retailers, and finally widespread consumer adoption – is a market shift on the scale of the debut of the practical automobile a century ago. Each of these major disruptions comes with promise, and with challenges.”

In communities such as Bend and Hood River, teens getting around town by e-bike instead of a car builds on the potential for a generation of kids to envision a life getting around in something other than single occupancy cars for short trips. Instead, a teen who grows up using an e-bike is much less likely to feel like an \$800 monthly truck payment is 100% mandatory as an adult.

HB 4103 currently highlights one of the challenges we now have as to how our legal system has not yet caught up to this technology. In Oregon, it is still illegal to ride an e-bike under 16 years old, but you can instead obtain a drivers permit at 14 years of age. There are indeed no ordinances or fines for police to cite, making enforcement challenging. In a practical sense, if teens are riding responsibly, there’s not actually a problem to “fix”. But the teens who are handed an e-bike or even a regular bike are not necessarily also trained on how to ride in an urban environment or even less likely to live in a built environment conducive to biking rather than cars. Which unfortunately, means someone is potentially going to get hurt or as recently seen in Hillsboro killed.

Classification and punitive deterrents only provide a limited viewpoint of the transportation dangers many of our children face each day. HB4103 does not in any way address the need for youth education or the need to change our current built environment. Two essential parts of the “safe system” conversation that need to be addressed before we should submit a one-sided incomplete bill that will focus solely

on rider enforcement as a deterrent. The situation demands further action focused on our children's safety, well beyond the classification and punitive stance of HB 4130 and instead on bills such as HB4067- Task Force for emobility.

Should Oregon's e-bike-related laws be modified to include the class system? Should we have constraints for children who utilize e-bikes? Yes, we *could* copy-paste the law from Washington, but I recommend we take the time and do the hard work to make it a better document better suited for **all** Oregonians, encompassing education and infrastructure needs of **all** communities.

The purpose of transportation is to connect **people** and goods to places. Our system must support **all** Oregonians regardless of travel mode or zip code and must include everyone regardless of age, ability, race, gender, or income. Transportation is the leading source of greenhouse gas emissions in Oregon, so our investments must include broad access to public and active transportation as well as electrified modes such as Electric Micromobility and e-bikes.

E-bikes are a new and rapidly evolving transportation mode quickly proving to be one of the most equitable, accessible transportation options available to Oregonians. E-bikes have the potential to expand access to education and jobs for many community members including youth, low-income families, and people with limited physical ability. E-bikes increase bicycling frequency, result in greater physical activity, significantly reduce driving, and could greatly reduce greenhouse emissions if adopted widely.

Currently, safety is a primary barrier for people considering adopting e-bikes as well as those riding traditional bikes. I believe that we can best prevent serious injuries and deaths in traffic by adopting a Safe Systems approach for all age groups. People using the transportation system will inevitably make mistakes, and the system should be re-designed to reduce serious consequences from those mistakes when they do happen.

Legal and regulatory definitions vary widely between cities and between states, and inconsistencies create confusion and uncertainty among consumers and road users. The current state of Electric Micromobility in Oregon requires a timely review of current standards and guidelines for allocating right of way for different road users. To ensure widespread adoption, e-bike policy and investments must be developed to prioritize safety, equity, and accessibility driven by best practices and the best available data and science.

For these reasons - safety, equity, and accessibility - as currently written, I **strongly oppose HB 4103** - Modifies the definition of electric assisted bicycle for purposes of the Oregon Vehicle Code. As currently written, HB 4103:

- Constrains rather than expands opportunity for Oregon’s youth, who often lack access to transportation. While it is possible to get a driver’s permit at age 14, this bill would restrict some of the most affordable e-bike styles to people aged 16 years and older. We need to be encouraging and educating the public about Micromobility options from an early age, rather than criminalizing climate- and health- and safety-conscious choices by young people. We support removing the age restriction for class 1 but would like to see the age restrictions removed from class 2, as well.
- Lacks a funding mechanism for essential Electric Micromobility and bicycling education, leaving Oregon’s families and youth in the dark about the new restrictions and about how to safely ride and operate e-bikes.
- Empowers cities and local communities to ban the use of certain e-bikes from accessing multi-use paths and trails, which are often the safest option for vulnerable riders, including youth, elders, and people with disabilities. This could be confusing for the public and inequitably administered across jurisdictions.
- Does not adequately address equity for Oregonians who are low-income; living with a disability; or are Black, Indigenous, or People of Color (BIPOC). For these vulnerable community members, mobility is often ‘arrested’ due to institutionalized structural racism and criminalization of poverty in policy, planning, design, infrastructure, and law enforcement. Laws that are almost challenging to enforce equitably, such as the one proposed, very often result in discriminatory or inequitable enforcement.
 - Enforcement based on e-bike class will be highly subjective and confusing for users. Class 3 e-bikes and out-of-class e-bikes may be enforced by their speeds, but class 1 and 2 e-bikes are largely similar in operation and safety outcomes.
 - There is an absence of evidence, or inconclusive evidence, that policing policies such as this one meaningfully improve safety outcomes.
- Does not account for one of the major tenets of the “Safe Systems” approach to traffic safety (the current standard of practice): that our streets should allow people to make small errors in judgment without the consequence of death. Pursuing safety goals by focusing on infrastructure and motor vehicle driver behavior is preferable to regulation of vulnerable transportation system users such as bicycle riders.
- Misses the mark on providing a clear definition for e-bikes. There is no attempt to describe the form factor of the vehicles to be regulated and no requirement for Class 2 bikes to have pedals. If a form factor were to be included, it should be careful not to preclude the further development of cargo e-bike models, including those with up to four wheels and motors in excess of 1000W.

Respectfully submitted,



Frank Stevens
Troutdale Resident