

**KALAMAZOO AREA TRANSPORTATION STUDY (KATS)
CITIZEN ADVISORY COMMITTEE**

**JUNE 6, 2018 - 4:00 P.M.
KALAMAZOO METRO TRANSIT
530 N. ROSE STREET**

AGENDA

- 1) CALL TO ORDER
- 2) INTRODUCTIONS
- 3) CHANGES/ADDITIONS TO THE AGENDA
- 4) APPROVAL OF THE AGENDA **(ACTION)**
- 5) APPROVAL OF THE MINUTES FROM THE MARCH 21, 2018 MEETING (ENCLOSURE)
(ACTION)
- 6) CITIZENS' COMMENTS *(On non-agenda items only. Comments on agenda items should be made during discussion of those items.)*
- 7) E-BIKE LEGISLATION (ENCLOSURE)
- 8) ONLINE PROJECT MAP (PRESENTATION)
- 9) CITIZEN COMMENTS
- 10) MEMBER COMMENTS
- 11) ADJOURNMENT

KATS Citizen Advisory Committee
Minutes of the March 21, 2018 Meeting

KALAMAZOO AREA TRANSPORTATION STUDY

CITIZEN ADVISORY COMMITTEE

MINUTES OF THE MARCH 21, 2018 MEETING

CALL TO ORDER

The March 21, 2018 meeting of the Kalamazoo Area Transportation Study Citizen Advisory Committee was called to order at the Kalamazoo Metro Transit at 4:00 p.m. by

INTRODUCTIONS

Introductions were made by all present.

MEMBERS PRESENT

Kay Chase, Paul Sotherland, Brendan Molony, Linda MacDonald

MEMBERS ABSENT

Chair Michele McGowen, Marc Irwin

OTHERS PRESENT

Megan Arndt, Kathy Schultz, Lewis Whalen

CHANGES OR ADDITIONS TO THE AGENDA - NONE

APPROVAL OF THE AGENDA

There being no changes or additions to the agenda, the *“agenda of the March 21, 2018 Citizen Advisory Committee”* was APPROVED.

APPROVAL OF THE MINUTES

MOTION by Chase SECOND by Molony, *“to approve the minutes as corrected of the January 10, 2018 Citizen Advisory Committee.”* MOTION APPROVED.

CITIZEN COMMENTS

KATS TIP PRIORITIZATION PROCESS – MEGAN ARNDT

A copy of the TIP Prioritization Process was included in the meeting materials. Arndt commented that KATS is currently working with a subcommittee to make changes to the document before the next call for projects.

Arndt reported that the development of the FY 2020-2023 Transportation Improvement Program would begin in 2019. She noted that KATS needed to move forward with the review and update of the Project Prioritization Process. Arndt stated that the new process would have to support safety performance measure targets and goals. The last meeting of the Project Prioritization Process Subcommittee was December 7, 2017, immediately following the Technical Committee Meeting.

RIVER TO RIVER TRAIL PLANNING – MEGAN ARNDT

KATS Citizen Advisory Committee

Minutes of the March 21, 2018 Meeting

A copy of the KATS Open House flyer was included in the meeting materials. Megan reported that KATS staff is holding an open house at the new office location on Wednesday, January 17. There will also be available times for KATS 101 training sessions.

CITIZEN COMMENTS – NONE

MEMBER COMMENTS

The next meeting of the CAC will be Wednesday, June 6 at 4:00 p.m.

ADJOURNMENT

There being no other business, the March 21, 2018 Kalamazoo Area Transportation Study Citizen Advisory Committee was adjourned at 5:10 p.m.

Electric Bicycles (E-Bikes) and Any Federally Funded Pathway or Trail in Michigan

In October of 2017 the Michigan State Legislature passed a three-bill package that makes legal the use of some e-bikes on some nonmotorized pathways and trails in Michigan. The legislation became effective on January 28, 2018.

Until the passage of Public Acts 138-140 in October of 2017, e-bikes in Michigan were considered mopeds and were prohibited from use on nonmotorized pathways and trails. This prohibition was based on the lack of a legal definition of an e-bike in state law and, as such, the Michigan State Police and other agencies considered e-bikes to be mopeds, i.e. motorized vehicles.

The three-bill package:

- 1) establishes the definition of an e-bike (Act 139 of 2017 Section 13e(a))
- 2) establishes three distinct classes for e-bikes based on their operational characteristics (Act 139 of 2017 Section 13e(b))
- 3) establishes operational requirements for individuals operating e-bikes (Act 139 of 2017 Section 657, 662a(1), 662a(4))
- 4) establishes criteria for the manufacture and distribution of e-bikes and prohibits the tampering of labels or e-bike mechanicals (Act 139 of 2017 Section 662a(2), 662a(3), 662a(5))
- 5) establishes parameters on where e-bikes can be used based on class (Act 139 of 2017 Section 662a(6), 662a(7), 662a(8), 662a(9), 662a(10), 662a(13))
- 6) defines a process for allowing or excluding the use of e-bikes based on class by a local authority or agency of the state. (Act 139 of 2017 Section 662a(8), 662a(9), 662a(10), 662a(11), 662a(12))
- 7) eliminates registration requirement (Act 140 Section 3101(2)(i))

The new state laws provide explicit guidance on the parameters for use of e-bikes from a Michigan perspective. However, other rules and regulations will impact the use of e-bikes on some pathways and trails in Michigan. For pathways and trails where federal funding has ever been used, agencies must consider the federal guidance outlined in 23 U.S.C. Section 217.

The Federal Highway Administration (FHWA) released in February 2008 a *Framework for Considering Motorized Use on Nonmotorized Trails and Pedestrian Pathways*, which defines an electric bicycle as “any bicycle or tricycle with a low-powered electric motor weighing under 100 pounds, with a top motor-powered speed not in excess of 20 miles per hour.”

When considering this FHWA guidance in context with Michigan e-bike classifications, technically only Class I and Class II e-bikes would be permitted on most* federally funded nonmotorized pathways and trails. Class III e-bikes are prohibited from any federally funded pathway or trail based on their top speed exceeding 20 miles per hour (mph). However, both state law and FHWA guidance allow a local authority or agency of the state to “opt-in” and allow Class III e-bikes to be used on federally funded pathways and trails. For Class III e-bikes to be used on federally funded pathways and trails, consultation with FHWA Division offices is required.

* All e-bikes are prohibited on pathways and trails funded with Recreational Trails Program (RTP) funding that are set-aside to comply with the 30% minimum nonmotorized requirement (23 U.S.C. 206(d)(3)).

Based on State Law:

1. Class I e-bikes are permitted on linear pathways or trails having an asphalt, crushed limestone, or similar surface, or any rail trail, regardless of surface type; unless part of the RTP 30% nonmotorized set-aside.
2. A local agency may authorize, or opt-in and allow, Class II e-bikes to be used on pathways and trails in Michigan if the local agency desires this and holds a public hearing on the matter.
3. Class III e-bikes are prohibited on all federally funded pathways and trails. An exception may be requested if the local agency or some other agency of the state, and the State Department of Transportation in consultation with FHWA, together agree to permit Class III e-bikes on a federally funded pathway or trail. The Section 217 prohibition does not apply to trail projects funded under the Recreational Trails Program specifically to allow motorized use. It also does not apply to projects using regular federal-aid highway program funds, if the original intent of the facility was for motorized vehicle transportation, except where prohibited, such as on limited access highways.

E-bikes at a Glance on Federally Funded Trails

	Class I	Class II	Class III
Maximum speed of motor	20 mph	20 mph	28 mph
Motor only assists when pedaling	Yes	No	Yes
Permitted on federally funded pathways/trails*	Yes	No – but can be authorized by appropriate agency	No – must be approved by appropriate agency, MDOT and FHWA
Permitted on improved linear pathway/trails	Yes	No – but can be authorized by appropriate agency	No – but can be authorized by appropriate agency

*excludes RTP projects set aside to comply with 30% nonmotorized requirement.

ADA Compliance

Public Act 139 of 2017 Section (11) states: the “state or local authority or agency of this state shall administer the provisions of this section in a manner that complies with the Americans With Disabilities Act of 1990, Public Law 101-336, and the Persons with Disabilities Civil Rights Act, 1976 PA 220, MCL 37.1101 to 37.1607.”

Resources:

[FHWA Framework for Considering Motorized Use on Nonmotorized Trails and Pedestrian Walkways Under 23 U.S.C \[Sect\] 217](#)

[Public Act 138 of 2017](#)

[Public Act 139 of 2017](#)

[Public Act 140 of 2017](#)