



Coalition for the Capital Crescent Trail

## E-bike Forum

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*Background: This page is for Trail users to share their views regarding whether electric assisted bicycles are appropriate on the Capital Crescent Trail and whether CCCT should support a change in the "no e-bike" policy. If you wish to post on this page, email your comments to [webmaster@cctrail.org](mailto:webmaster@cctrail.org).*

*CCCT continues to cooperate and work with the police agencies that are tasked with keeping the trail safe for everyone, and we encourage trail users to do so as well. The park police agencies believe they have the legal authority to prohibit electric assisted bicycles from using the trail, and they do enforce a "no e-bike" policy.*

*Other than comments offered by The Coalition For The Capital Crescent Trail, the CCCT does not endorse the comments published below. This dialogue is offered as an informational service for our users. If all cyclists rode safely and responsibly, few people would notice what they were riding and we would likely not need this discussion.*

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### **Forum Comments:**

**Webmaster's Note: This page is temporarily closed. The current webmaster is resigning and moving out of state. CCCT is looking for a new webmaster - email [contact@cctrail.org](mailto:contact@cctrail.org) if you have any interest.**

### **The CCT speed limit makes sense.**

From Jan, Jan. 26 2015

The 15 mph speed limit makes perfect sense for reasons of psychology and traffic safety: Bike riders, just like motorists, always tend to go a tad faster than allowed. Hence, if the speed limit was 20mph, then bikers would probably go at 25 mph avg., which is a speed that disproportionately increases the likelihood of more serious accidents given that we share the bike path with pedestrians and much slower riders.

Moreover, what surprises me is Paul's perception of fairness when it pertains to regulation. I have serious trouble understanding how a 15 mph speed limit on the CCT can appear like a "random punitive measure" while excluding ebikes on the basis of "up-hill acceleration differentials" wouldn't. Except for color of bike or lycra suit, I could hardly think about a more "random" reason for banning a particular CCT user. But I guess if you are not affected personally, it automatically seems fair to you.

If the main issue with ebikes is now "uphill speed differentials", then why do we not ban old and obese people as well since they are much more numerous than ebikes and are cruising uphill sections at much slower speeds than the more sporty CCT average? But wait, if they were using ebikes they could actually keep up with avg. speed riders...hmmm...

Sorry for being a tad polemical, but this really doesn't make any sense to me.

Best regards, Jan

### **Motorized bikes on CCT a bad idea.**

From Paul, Jan. 26 2015

Thanks for this forum. On the issue of electric bikes, I would like them to remain illegal on the trail for at least a couple reasons. One is that the trail is often sufficiently crowded with human-powered modes of transport, and as long as the CCT remains a skinny little trail, human-powered transport is providing plenty of volume on that trail. The second is that, while some motorized riders may obey the posted speed limit, motorized vehicles still have the potential to accelerate unnaturally fast, and to create unnaturally large speed differentials in certain areas such as the uphill sections. It's just a line that does not need to be crossed.

As for the speed limit itself, however, I've been trying without luck to get the county to answer this question, so perhaps some wise reader of the forum can help with it: Why is the CCT speed limit 15 mph? A reasonably healthy adult rider can easily exceed that speed at a cruising pace, and do so quite safely. Is there some scientific basis to the 15 mph limit, and if so what is it? If, for instance, the 15 mph speed limit has to do with the presence of pedestrians on the trail, why is there not a 15 mph speed limit for cars in my neighborhood, where the intentional lack of sidewalks leaves me and my children no option but to walk in the road? And when the county workers were repainting the 15 mph logos on the trail recently, why did they feel safe traveling along the CCT between painting jobs in their motorized vehicle at speeds well in excess of 15 mph? Is there some sense in our society that motor vehicles at 25 mph are somehow safer than a bicycle at 20 mph?

The 15 mph speed limit on the CCT seems like yet another random punitive measure by the car-driving majority against those who choose non-motorized options, but it would be significantly more tolerable and understandable if my young children and I only had to encounter cars moving no faster than 15 mph on the road right outside our front door.

Thanks, Paul

### **CCCT seeks updated policy statements from NPS and MoCo Parks**

From the webmaster, Jan 5 2015

CCCT Chair Ron Tripp is reaching out to authorities at NPS and MoCo Parks to get their latest official positions regarding ebikes on the CCT. We will post any information we receive here. Jan and Michael have both submitted respectful responses to further the discussion they started below about the meaning of the recent MD legislation, but that discussion is being put on hold on this forum until we know what enforcement changes, if any, have occurred as result of the legislation.

### **Motorized Bikes - Does the new law apply to the CCT?**

"Jan" replies to Michael's previous post, Jan 3 2015

Dear CCT Webmaster, this is the new MD legislation I was referring to when I met Michael:

<http://mgaleg.maryland.gov/2014RS/bills/hb/hb0205f.pdf>

Michael made me somehow self-conscious about my speed, so I tested again on my way home: 21mph which is my absolute maximum speed on an even road when I pedal as hard as I can. Having said this: I can reach the same and higher speeds pretty easily on my regular bike, and anyone commuting on the CCT knows that there are tons of Lance Armstrong look-alikes going much faster than 21 mph on their expensive roadbikes.

Since Michael told me that his main concern is that ebikes might be a danger to other bike riders: When looking at publically available traffic data from California, Canada, and Europe, it is immediately very obvious that serious accidents between ebikes and regular bikes - and between bikes in general - are extremely rare events. Moreover, in 2 years of commuting I have never seen or even heard of an accident between two bike riders on the CCT, let alone an accident involving an ebike.

However, the statistics clearly show that during the same 2 years, there have been tons of serious accidents between (e)bike riders and cars in DC recently, including hundreds of serious injuries and half a dozen fatal accidents. So if Michael is really so concerned about accidents, he should invite all ebike riders to use the trail rather than the road. I think this is particularly valid for DC with its potholes and bad drivers. But I guess Michael is only concerned about the lives of his fellow roadbike riders, while ebike commuters (aka "cheaters") make for great roadkill.

Happy new year everyone - in particular to the few hard-core roadbikers that still use the trail every day despite the increasingly gruesome weather, kudos to you!

*(Webmaster's comment:*

*The speed limit on the trail is 15 mph - regardless of the vehicle.*

*It does not necessarily follow that having an ebike defined by Maryland State vehicle law as a bicycle would prohibit NPS and the MoCo Parks Department from drawing a distinction between them for a shared-use trail on National and County park land. We should not assume ebikes are legal on the CCT before we have an official position from NPS and MoCo Parks about the impact (if any) this new state vehicle law has on their park use policy.)*

### **Motorized Bikes - Change in Law?**

From Michael, Jan 2 2015

I saw a motorized bike at the Georgetown entrance to the trail on New Year's Eve. I stopped to talk to the guy and told him that it's illegal to ride a motorized bike on the Crescent Trail. He insisted that the law has changed within the last six months and that now, a bike with as much as 1 KW of power is legal on the trail. He went on to say that he's been stopped by the cops and he explained that the bike is legal and the cops conceded his position. I asked him if he had the legal support handy and he did not. I invited him to write to this forum to post his authority for the proposition. He said that he's read this forum and is aware of the discussions on it. I repeated my request that he share any authority for the proposition that motorized bikes with no more than 1KW of power are legal on the trail. I'm aware of no such authority.

I left to ride home while he was still fiddling with his headphones but he passed me a couple of hundred yards down the trail and disappeared out of sight within 30 seconds. I was going near my cruising speed of about 13 or 14 mph; he was riding more than 20 mph. He was wearing all black with no reflective gear.

*(Webmaster's comment: We are not aware of any change in the laws or in NPS and Mont. Co. Parks policy that prohibit motorized bikes on the CCT.)*

### **Close call this morning.**

From Andrew, December 3

This morning my wife and I biked to work together, she on her e-bike, and I on a regular bike. We were biking side by side at a relaxed pace, with my wife on the left. At some point we heard the faint sound of a bell behind us. Just as my wife was starting to edge closer to me, the cyclist – a guy on a road bike – shot the gap between us, grazing my wife in the process. He must have been going at least 10 mph faster than us. Fortunately, no one was hurt. Had my wife moved over faster, there would have been a three-bike pile-up.

Now, granted, my wife was biking too far to the left and should have been paying more attention to what was going on behind her. We had been on the trail for 10 minutes and hadn't seen anyone, and she let her guard down. But that's still no excuse for the road biker to take such a big risk. When I shouted, "Hey, dude!" the guy yelled back over his shoulder, "I said, 'On your left.' If you guys aren't paying attention, that's not my problem!"

I disagree. First of all, neither of us heard him say anything. You can't just assume that people hear you, especially in the winter when people wear hats. Second, considering how fast he was going when he shot the gap, it's clear he never slowed down when he approached us. You have to give people time to react.

There have been times when I've approached bikers on the trail going slower than me and blocking my way. Yes, it's annoying to have to slow down and wait for them to move over, but it's the right thing to do. The guy this morning took a senseless risk that could have ended poorly for everyone.

### **E-bike on display**

From Tobias Roy, 11:58 pm Thursday May 15, 2014

Dear fellow bikers, weather is not kind to us this year for the "bike-to work-day". The statistics may turn out to be disappointing and deceiving—better weather, and we'd have record participation. But given the trend, next year will be a blast!

Because of some interest by colleagues, I decided to take down my pedelec bike (with electrically-supported pedaling) down the CCT this Friday morning, to our Murrow Park pit-stop. My bicycle will be marked with (improvised) signs on the front and back that would say "E-Bike/Pedelec".

Needless to say, I will obey all laws of speed and of etiquette. Should any fellow biker be interested and spot me on the trail, please don't hesitate to ask me about the pros and cons of conventional versus pedal-assisted bikes. I use both, and the freedom to choose has enriched my life.

Respectfully,  
Tobias Roy

**Why pick on E-bikes?**

From Mark, May 13 2014

E-bike or not, shouldn't we go after people going over 15mph? Why are we picking on E-bikes when road bikes go over 15mph all the time!

**Appearance of E-bikes on trail**

From John Kellenberg, April 21 2014

I have been passed three times in the last ten days by fast-moving electric bikes.

This includes once heading uphill from the Arizona Street bridge towards the Dalecarlia Tunnel, dressed in a suit and dress shoes, barely peddling and passed me at 20 mph. Two other times alongside the C+O Canal, heading from DC towards Montgomery County.

Three separate people on three different types of bikes.

All three times it was around 6:30 - 7:00 p.m.

**An ebike on the trail**

From John Dorsey, 5 March 2014

Westbound, uphill from Fletcher's, March 5 at about 5:30. I've seen couple of these in the past two weeks (at least, those days that the trail has been clear).



### **Discussions from Windsor and New York that seem just too familiar**

Peter Koch submitted these articles on Thurs. Feb. 6

About New York City's ban on e-bikes:

<http://www.evworld.com/focus.cfm?cid=175>

And Windsor, Canada's recent decision to ban e-bikes:

<http://blogs.windsorstar.com/2013/04/08/e-bikes-banned-from-windsors-paths-and-trails/>

With this comment from Peter: "To me, it all comes down to making sure the allowed max. performance/speed of ebikes/pedelecs remains within reasonable limits (which seems to be the case regarding current federal legislation). Otherwise, they should indeed be banned from trails and treated like regular motorcycles."

**"The focus should be on speeding and dangerous behavior, not on the type of bike."**

From Andrew Jewell, Thurs. Feb. 6

It may well be the case that some e-bikers do not bike safely. But the same can certainly be said of regular cyclists. Legal matters aside, if all e-bikes should be banned from the trail because some go too fast, then why not ban all road bikes because some go too fast? The focus should be on speeding and dangerous behavior, not on the type of

bike. I doubt that e-bikes systematically pose more of a risk than, say, racing bikes. In fact, I'm guessing that for every e-bike that breaks the speed limit, there are many more that go unnoticed because they blend in with regular bikes. My impression is that the majority of e-bikers, like those who have posted to this forum, depend on pedal-assist technology because of physical limitations. As long as they're biking safely, why do we want to keep them off the trail? Full disclosure: I'm the husband of "Anna" who posted to this forum on February 3. When we ride together (I have a traditional bike), she has an advantage over me when accelerating from rest or going up a hill. Only in these situations do I notice that she's riding an e-bike — though her speed is hardly excessive. On flat surfaces and on downward inclines, she has trouble keeping up with me.

I applaud Mr. McNamara for reporting the reckless e-biker to the U.S. Park Police. Would he have done the same if the biker had been riding a traditional bike?

### **Icy conditions, E-bike**

From Ryan B., Thurs. Feb. 6, 8:30 a.m.

A few icy spots on the trail today, mainly at the northern end of the bridge over River, and at the southern end of the bridge over the water treatment plant. Just keep it straight and you'll be fine.

Also got buzzed by that e-bike guy at the AZ Ave bridge going southbound around 7:15. Based on my own speed he had to be going at least 25mph, probably more.

*Webmaster: Also posted at [Trail Reports](#)*

### **Public policy reasons point toward encouraging pedal-assist bikes, but getting there will be an "uphill ride"** from Roy Tobias, Tues. Feb. 4, 2014

To Messrs. McNamara and Koch, and all others participating in this discussion, allow me to contribute:

- **FULL DISCLOSURE:** One of my bicycles has a conversion kit as a pedal-assist system. I prefer to call it a "pedelec", which is a more precise definition than the much broader term "e-bike" (<http://en.wikipedia.org/wiki/Pedelec>). I have used my pedelec occasionally on the CCT. Did other users of the CCT notice my bike had a pedal-assist system? I doubt it.

- **LEGAL SITUATION (I):** It appears murky (I'm not a lawyer), but I appreciate Mr. McNamara's argument that local traffic regulations are probably not covered by federal laws such as "PL107-319", except local regulations would exclude traffic itself (which would probably be unconstitutional). I recently heard about an island in California that bans most cars—why not? I trust this has been the result of a public debate about what is best for the municipality.

- **LEGAL SITUATION (II):** The legal distinctions of what is a motorized bicycle as against a traditional bicycle are terribly behind the curve in DC, MD and VA: They lump together any supported bicycle in one only category, the upper bound of which is actually a motorbike. For an example, the DC code defines a bicycle as "*a device which is propelled solely by human power*". Anything else falls in the category of a "*motorized bicycle*" which is "*any motor vehicle having either a tandem arrangement of two wheels equipped with tires (...), having an automatic transmission, and having a motor or engine which produces not more than 1.5 horsepower (...), has a piston displacement of not more than fifty cubic centimeters (50 cc), and is capable of moving the vehicle at a*

*maximum speed of not more than thirty-five miles per hour (35 mph) on level ground when propelled exclusively by such motor or engine.*” I fully agree that such monsters have nothing to do on a bike trail and should be banned. They are also a far cry from any pedelec, which has much less power (typically 250 watt, equivalent to 0.34 horsepower) and speed (20 mph max). Still, pedelecs are placed by the code in the same category, because they are not “*solely propelled by human power*”. This is plainly absurd, and it will change (hopefully) once local policy makers embrace the social implications of technological evolution.

- **BIKE SPEED (I):** I’d wish to confirm and emphasize the point made by Mr. Koch in his earlier post: It is virtually impossible to exceed the speed of 20 mph with a pedal-assist system. Any ideas such as “*the e-bike engine provides 20 mph, and then the rider adds another 10 mph by his own muscle power*” are ignorant of the technical nature of pedal-assist systems. Once the speed of a pedelec exceeds 20 mph, electric support shuts down completely. Even 21 mph would need to be sustained exclusively by muscle power, and even for an athletic rider this would be very hard to do. I’d go as far as to challenge the original post on the CCT Conditions website of a rider who was supposedly ... “*passed three times in the past 24 hours by a motor assisted bike travelling at about 30 miles an hour.*” Was this observation based on an accurate speed measurement, or was it just a subjective impression? If indeed someone is out there going around on the trail at 30 miles per hour, it must be a hooligan using an e-bike that he (I assume it would be a male) could legally use only on his backyard, because such e-bikes are not legally sold for use on public space.

- **BIKE SPEED (II):** While pedelec-riding on roads and trails, I have frequently been passed by bicycle riders on racing bikes. Bike racing is a popular sport, after all (though my objective is transportation, not competition). The legal speed limit on the CCT is 15 mph. Even with an ordinary bicycle, speed above 15 mph can easily be sustained by many trained riders (particularly on the downhill part into DC), but race riders on ultra-light bikes clock much higher speeds. In practical terms, speeds above 15mph should not pose a problem, as long as courteous trail etiquette is obeyed: any slower moving unit (including walkers and runners) has the right of way; passing will be done only after advance warning has been given, and when it is safe and does not require the unit to-be-passed to make adjustments. There have been numerous complaints about reckless riders on the trail, but they have nothing to do with the mode of propulsion.

- **PUBLIC POLICIES FOR BIKE COMMUTING (I):** Bike ridership went up in recent years, by a combination of rising fuel prices, increasing traffic gridlock, and underinvestment in public transport and deteriorating service. But the pool of potential commuters on traditional bikes is now largely exhausted. The bulk of commuters, who wish to (or can) switch to a bicycle based on the special appeal of combining transportation with hard exercise, have already done so. But what about the other 80 to 85 percent who would embrace bicycling as a healthier and more ecological lifestyle? Some of them may live on a hard hill at the end of their road; some may be suffering from physical conditions that prevent them from taking-up commuting on a non-supported bicycle; others may live just too-far-out to make the commute on a traditional bicycle in this hilly Washington metro area; and many may be senior folks who would like to move more, but prefer moderate to hard exercise.

- **PUBLIC POLICIES (II):** A huge untapped pool of commuters can be convinced to switch to the bicycle by regulations that would encourage the use of pedelecs (rather than by penalizing them through categories such as “mopeds” or “motorized bicycles”). For right of access to roads and trails, pedelecs should be treated as bicycles. This will benefit ALL bicyclists, pedal-assisted or not, because a growing pool of bicyclists will support the public case for a traffic infrastructure better suited for bicycles.

**PUBLIC POLICIES (III):** Should the CCT be a “sanctuary from motors”, as Mr. McNamara suggested in his Jan. 27 post? To me, this tastes a bit like “vested interests”. For sure, keeping out others from the CCT defends the privilege of those who are already entitled to use it. (“*imagine all those additional e-bikers from North Bethesda suddenly descend on our trail—not in my backyard!!*”). Still, restricting trail access through ill-conceived legal fences is the wrong answer. Widening the trail to accommodate the needs of an increasing number of users is a better answer. This is what Montgomery County did on the CCT, which has now an additional trail for runners on

the side on a large stretch, ending at the Dalecarlia Bridge. To make cycling a real and attractive commuting alternative to a maximum number of people, the long-term objective must be the development of a comprehensive network of bike lanes covering all important access routes and directions. But this plan doesn't make sense if you arbitrarily exclude pedal-assisted bikes (which you need to have on board to get the critical mass of users) from important parts of the network.

- **PUBLIC POLICIES (IV):** Washington, D.C., has for a long time suffered from the costs imposed by its special status as the Nation's Capital. Roads have been provided for free to out-of-state commuters jamming-up its center, without any tax or fee compensating for maintenance and repair. Understandably, promoting the commute of out-of-state folks cannot be expected to be in the genes of this city. But converting D.C. into a more universally bike-friendly city would be a win-win. Every commuter coming in by bike rather than by car provides for a pothole less and saves the city costs. Parking space is much easier provided for bike riders. So, extend and widen the bike paths and allow for pedal-assisted bikes on all trails. Everybody will benefit.

**EXPANDING THE DISCUSSION:** I am grateful for the opportunity to present the public policy aspect of this issue here and consider the e-bike forum an excellent initiative by the Coalition for the CCT Coalition. But if public policy is to move, the discussion must be brought into a wider arena. The appropriate host for the public discussion about low-power pedal-assisted bicycles should be WABA. Unfortunately, despite a considerable public interest in the issue, WABA (at least on their website) does not seem to offer any forum or policy discussion on pedal-assisted biking. This may be a "chicken-egg" problem—commuters interested in the issue may not feel WABA represents their interest and hence stay away, while WABA does not take up the issue because nobody articulates the case for it. Perhaps it is time to break through this spiral of silence. May I suggest to fellow bicyclists who are interested in pedal-assist systems that we all join WABA and speak up?

**"... every single e bike I've seen was going at least faster than 20 mph."**

From Michael McNamara, Tues. Feb. 4, 2014

I got passed again by a motorized bike this morning. Again, the guy was going about 25 mph, eastbound on K Street just after exiting the CCT. I saw ahead as he went through the stop sign at K and Wisconsin without so much as slowing down. It was about 8:35. I called the US Park Police and reported it. I also suggested that if they park a car at the K Street entrance to the CCT at 8:35 am, they'll get him because the guy is clearly commuting.

I saw Anna's post on the forum and I'm sympathetic to her situation. I would love to see e bikes incorporated into our society and our transportation infrastructure. I'm all about efficiency and reducing pollution. The problem with them now is that they are too fast. The e bike that passed me this morning was going about 25 mph. That's very dangerous on the Crescent Trail. If motorized bikes were legalized on places like the Crescent Trail, I think they would need to be modified to have a top speed of 15 mph, even when used with a combined electric motor and pedaling. If I had never seen an e bike going faster than that, I probably never would have complained. But instead, every single e bike I've seen was going at least faster than 20 mph. To the e bike riders who feel like they are being persecuted, I would suggest that they ask themselves: Have I ridden my e bike faster than 15 mph on the Crescent Trail? If you have, then you should ask whether you are being "persecuted" for riding fast or riding your e bike. Even if you haven't ridden faster than that, your e bike brethren have. So, I would suggest that instead of complaining about being persecuted, you start a campaign among e bike riders to slow down.

Separately, thanks much for your trail reports. They are very helpful.

## **Some have physical issues - can we make accommodations for e-bike riders who follow the rules?**

From Anna, Feb. 3, 2014

I hope that the Maryland and DC governments (with CCCT's support) can make accommodations for e-bike riders on the Capital Crescent Trail that follow the rules and ride safely. I have a rare muscle disease that precludes hard workouts, but the moderate exercise I get with my e-bike on my seven-mile commute does wonders for my body and my mind. The only attention I have received on the trail so far has been people asking me where I got my e-bike and how it works, so I am hoping that negative sentiments towards e-bikes are relatively limited. However, if I were stopped on the trail and given a citation for riding an e-bike, I would be a great poster child for the cause. It would be an opportunity to raise awareness about e-bikes and their benefits, while ensuring that all bikers follow the rules, take caution when passing, and treat fellow bikers with respect. Happy riding and see you on the trail!

## **"So I guess Nancy and I should just give up biking, so that you can have your 'sanctuary'."**

Peter Koch gives final response to Michael, Jan. 27, 2014

Dear Mr. McNamara, please forgive my "shaky grasp of American civics" and yes, I am indeed a European.

Yet I must admit that I find your answer somehow disturbing:

1.) You admit the legal situation is murky and traffic rules are not compatible with biking, but:

- you insist on applying this dysfunctional legislation "by-the-book" no matter the socio-economic implications and consequences for less able-bodied citizens like Nancy and me;

- you refuse to consider the example of most European countries (and California) who have consistently regulated e-bikes (up to certain limits) as equal to regular bikes and by doing so (incl. allowing their riders to use bike paths and trails) successfully boosted non(combustion)-motorized commuting like never before.

2.) You mention the curse of DC's car-obsessed culture, lack of infrastructure and aggressive drivers, yet you want to force all categories of e-bike riders to risk their lives on Massachusetts Ave? So I guess Nancy and I should just give up biking, so that you can have your "sanctuary"

3.) As to your "sanctuary from motors"? When regular people think of motors they typically think of noise and pollution - none of which applies to electric motors, so again you appear as being categorical and by-the-book beyond reason.

4.) You seem to have a strong opinion about e-bikes, yet you refuse to take up my offer and actually ride one for the first time. May I ask what exactly your opinion is based on? Is it your single encounter with an apparently reckless e-bike rider? I had hundreds such encounters with overly/dangerously competitive carbon bike riders over the past years...

I am very sorry, but I prefer to stop investing further time into this discussion; it will obviously lead nowhere.

Nonetheless, I wish to express my sincere gratitude to the coalition for providing the platform for discussion. I wish some of what was said here will be taken into consideration before park police will waste further resources in this rather unfair and totalitarian "war against e-bikes" and people like Nancy and me.

Peter Koch

**"...just obey the rules and it will be a safer place for all."**

From Andrew Racca, Jan. 27, 2014

I don't understand the objection to E-bikes. They can be ridden with the same responsibility as a non E-bike. For the # of bikes on the path I would say it is not the E-bikes that are breaking the laws such as 15MPH not stopping for stop signs and not giving right of way to walkers. You don't know how many times bikes have yelled at people walking to get out of their F%xKing way. I don't think we need to worry if it is powered or not just obey the rules and it will be a safer place for all.

**A federal statute that is specific to trails.**

From Michael McNamara, Jan. 27, 2014

The federal government does place restrictions on highways and other transportation infrastructure, such as bike paths, that are built with federal dollars. One of those restrictions, found at 23 USC Section 217(h)(4), provides: "Motorized vehicles may not be permitted on trails and pedestrian walkways under this section, except for (4) when State or local regulations permit, electric bicycles." Since DC law clearly bars motor-assisted bikes where cars are prohibited, motor-assisted bikes are prohibited on the CCT.

I'm sympathetic to Nancy's situation. But the question isn't whether motor-assisted bikes should be banned everywhere. The question is whether they should continue to be prohibited on the Crescent Trail—and similar bike paths—one of the few paved surfaces free from motorized vehicles.

Michael McNamara

**"The electric bike allows me to leave my car in the garage..."**

From Nancy L., Jan. 27, 2014

I would like to thank Peter for his courageous and well written appeal.

I am a 67 year old retiree and have been riding my iZip electric bike along the trail almost every day for the past 6 months. The electric bike allows me to leave my car in the garage and run many of my daily errands in and around Bethesda while breathing fresh air, something that would be unthinkable without the support of the electric motor.

I am appalled by the backward and unqualified stigmatization of electric bikes the coalition seems to be promoting. Don't forget that the trail is not your exclusive property, and not everyone has the good health to do large distances by bike.

Nancy L.

**"...places like the CCT are rare sanctuaries from motors..."**

Michael McNamara responds, Jan. 27, 2014

Mr. Koch,

First, I'm terribly sorry to hear about your accident last summer. That sounds awful and I hope that you're recovering. More broadly, your post raises important societal issues. The explosion of urban biking in the last few years has created major tension between cars and bikes in our car-obsessed culture. Making our infrastructure and culture more bike-friendly would be great, but it will be a long slog. Many car drivers simply hate bikers.

The absence of clear rules contributes to this. Our traffic rules are not entirely compatible with biking. Stop signs are a focal point. Bikes have kinetic energy and coming to a full stop means you spend much more energy starting again. Anyone who drives a hybrid car can understand this better. I am occasionally asked by drivers whether I stop at stop signs and I concede that I don't always, but then I ask them if they've ever driven their car in excess of the posted speed limit. The answer is always yes, and in fact most of the time. And in front of police who do not ticket them for it, unless they drive so far in excess of the posted speed limit that it's dangerous (or some other unwritten rule about when to ticket and when to look the other way). So who is to decide which of our rules to enforce and which not to enforce?

But places like the CCT are rare sanctuaries from motors, so the law prohibiting motorized vehicles—including motor-assisted bikes—from the CCT must be enforced. And it is the law. Your reply on this misses my point. You cite "HR 727" which is a House of Representatives bill – not the law. And you also cite the Code of Federal Regulations which merely implements the law allowing the CPSC to regulate motor-assisted bikes for contents, design, labeling and the like. It does not regulate where they can be ridden; that is a subject of state and local law. It doesn't change anything. I hope that I'm not being too presumptuous here, but I'm guessing that you're European. You write very well and seem well-educated, but you have a shaky grasp of American civics. The federal government does not regulate traffic safety in the states. This is so well engrained in most Americans that it is intuitive. Someone has started evangelizing that because the CPSC regulates motor-assisted bikes, they are legal anywhere. I don't want to be nasty, but that proposition is simply absurd. It may have worked to convince a few motor-assisted riders to take their bikes on the CCT or other bike paths. And those riders may not have been stopped—mostly because the police weren't patrolling there because there was no need for them to. But one or two riders is very different from a steady stream, and bicyclists like me simply won't stand for motor-assisted bikes on the limited paths where we have sanctuary from motors. We will insist that the police enforce the law there. You can certainly continue to take your position; the First Amendment gives us freedom of speech. But if you ride a motor-assisted bike on the CCT, you are at risk of a ticket.

Finally, your invitation for me to use your motor-assisted bike is very generous. I appreciate it. Unfortunately, I'm not riding any bikes now because of the snow, and when it melts I'll be riding the road bike that I just got last week—my first road bike after eight miles commuting on a mountain bike. But again, thanks for the offer.

Regards,  
Michael McNamara

**Regardless of the doctrine of preemption,  
look at approaches in other countries.**

Peter Koch responds to Michael McNamara, Jan. 26, 2014.

Dear Mr. McNamara, thank you very much for your swift response and interpretation of federal law, which I am afraid, is not entirely correct: You will find the amended federal definition of a bicycle in the Federal Electric Bicycle Law HR727, Sec. 1512.2. [Amended] and § 2. Amend Sec. 1512.2, to revise paragraph (a) to regulate “low speed electric bicycles” as bicycles, with the text reading as follows: SEC. 38. (a) Notwithstanding any other provision of law, low-speed electric bicycles are consumer products within the meaning of section 3(a)(1) and shall be subject to the Commission regulations published at section 1500.18(a)(12) and part 1512 of title 16, Code of Federal Regulations. (b) For the purpose of this section, the term `low-speed electric bicycle' means 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 17 pounds, is less than 20 mph.

The above clearly demonstrates the intent of federal legislation to treat e-bikes as equal to regular bikes.

However, instead of getting tied up in the doctrine of preemption and interpretations of conflicting federal and state level regulation, I would appreciate if you could also have a look at the approaches of other (European, less carbon intensive) countries that have consistently regulated this market years ago, and have succeeded in achieving tremendous socio-economic benefits by motivating millions of commuters to abandon their cars.

Moreover, you might want to consider the demographics of the typical e-bike rider: In the Netherlands, the market took off years ago, and today, 80% of all electric bikes are sold to people over 50 and 50% to people older than 65 years. If the US market continues its late, but dynamic growth path, it will very likely develop the same way, and any e-bike ban on the CCT will mainly discriminate senior citizens by hindering them from enjoying the trail like more able bodied riders.

Speaking of able bodies: I would gladly go back to exclusively enjoying the CCT with my road bike on weekends, and taking Mass and Wisconsin for my daily commute. However, after having spent 2 months in hospital last year (collision with a taxi-door on Wisconsin), I am rather reluctant to go back to inhaling car exhaust gases and risking my life. Moreover, it will be a tough struggle to win back the complete mobility of my knee - which is why my physical therapist has highly recommended using an e-bike as core part of my reeducation and gradually adaptable daily workout. Hence the e-bike ban you are so keen on enforcing would not only force me back into the red line but also slow down my recovery process.

By the way: Have you ever used an e-bike? I would love to invite you to take mine for a spin and see for yourself that (i) there is no way you can reach 30mph (not even 25mph, unless you are Lance Armstrong and/or going down a vertical slope) and (ii) my e-bike represents no greater risk to other CCT riders than any halfway decent road bike.

Best regards,  
Peter

**No - E-bike regulation under federal law as a consumer product does not preempt state and local traffic regulations! E-bikes are not legal on the CCT!**

From Michael McNamara, Jan. 26, 2014

I want to respond specifically to Mr. Koch's statement that motor-assisted bicycles are legal. I've seen others make the same argument, citing "Public Law 107-319." That law is now found in 15 United States Code Section 2085, which is part of the Consumer Product Safety Act. It defines electric bikes and makes them "consumer products" that are regulated by the Consumer Product Safety Commission. From that, Mr. Koch concludes that the District of Columbia cannot prohibit motor-assisted bikes from riding on the CCT. This conclusion is wrong. A product's regulation under federal law by the Consumer Product Safety Commission does not preempt state and local traffic regulations.

I suspect this mistake comes from a little bit of knowledge of the doctrine of preemption, which, in layman's terms, provides that when the federal and state rules overlap, the federal law prevails. There is a ton of law on preemption. One of my former partners maintains a very successful practice doing nothing other than fights over preemption. But there is no room for a fight here.

Think about it. Bicycles are consumer products under that Act. Does that mean that states can't prohibit bicycles on limited access freeways? Can I thumb my nose at the Commonwealth of Virginia while riding my Specialized Rockhopper on the beltway? And say that the Commonwealth is powerless to ticket me because my bike is a "consumer product" under the Consumer Product Safety Act? Of course not.

If this common sense explanation is not good enough for you, take a look at the Consumer Product Safety Act's preemption provision. It is at 15 U.S.C. § 2075 and preempts "any provision of a safety standard or regulation which prescribes any requirements as to the performance, composition, contents, design, finish, construction, packaging, or labeling of such product which are designed to deal with the same risk of injury associated with such consumer product, unless such requirements are identical to the requirements of the Federal standard." So, if the state and local traffic laws don't overlap with the subjects of federal regulation—again, performance, composition, contents, design, etc—then they are not preempted. And they don't overlap, so they are not preempted.

I haven't looked at Maryland and Virginia law yet—maybe I'll have time to do that later—but DC law clearly prohibits motorized bicycles from traveling anywhere a car would be prohibited. DC Regulation 18-1201.18 provides: "Except as otherwise permitted for a motor vehicle, no person shall operate a motorized bicycle on any sidewalk or any off-street bikepath or bicycle route within the District. This prohibition shall apply even though the motorized bicycle is being operated solely by human power." So, if cars are prohibited in a particular place, motor-assisted bikes are also prohibited.

This is all very straightforward. There's no zeal necessary. It's against the law to ride a motor-assisted bike on the CCT. As a regular CCT commuter, my primary concern is safety. I agree with what many others have said; there are plenty of unsafe bicycle riders out there. But two wrongs don't make a right. Introducing motor-assisted bikes to the CCT won't make those unsafe riders safe; it will make it more dangerous for everyone.

### **Federal law supercedes state law - E-bikes are legal on the CCT!**

From Peter Koch, Jan. 25, 2014

Dear friends of the CCT Coalition,

I am a great supporter of your work and have never enjoyed my daily commute more than since I discovered the CC trail. I also very much appreciate your efforts to make the trail safer and get people to ride their bikes within the speed limit. However, I am somehow alarmed by your overzealous quest against electric bikes.

I am sure you are aware that e-bikes do not count as motorized vehicles, but may I reiterate: Federal law (which supersedes state law or any informal e-bike “ban” proclaimed by the coalition) defines low speed electric bicycles (fully operable pedals, 750W max output, 20mph max speed if solely powered by motor) as “consumer products”; hence e-bikes fall into the same vehicle category as regular bikes.

Therefore, and if your campaign against e-bikes is really driven by common sense (and not by the common prejudice that electric bike riders are cheaters, bad people and irresponsible drivers by nature), then I am not sure where your zeal is coming from.

In addition to the abovementioned legal context, I would like to underline an important fact: Even though for some people (e.g. middle aged guys in flashy spandex pants riding 10,000 \$ carbon bikes), sweating, panting and losing weight might indeed be the integral part of commuting by bike.

However, for many other people (including me) a bike is just a smart and eco-friendly way of getting from A to B, and arriving at work all sweaty not an option given the lack of shower and locker facilities.

Consequently, instead of calling for people and police to indiscriminately hunt down e-bike riders no matter how fast or slow they are going, I would appreciate a more reasonable approach and fairness towards this rapidly growing category of environmentally conscious commuters.

Let’s please focus on the real problem: Going at speeds of 30mph on the CCT is insane and completely irresponsible, for e-bike and 10k carbon bike riders alike, and the resulting accidents look just as ugly no matter what type of bike was involved.

Thank you and kind regards,  
Peter Koch

### **On Electric Bikes: from our CCCT Chair, Jan. 16, 2014**

The Coalition For The Capital Crescent Trail has made both the U.S. Park Police and the Montgomery County Park Police aware of the complaints regarding recent appearances of electric bikes on the trail. Please notify them when such a vehicle is seen on the CCT. Even if you are unable to call immediately, do so when you can with time and location of the vehicle. Please report such sightings to us at [report@cctrail.org](mailto:report@cctrail.org) as well.

**If in Montgomery County: MoCo Park Police, 301-949-3010**  
**If in D.C.: NPS Police, 202-619-7300.**

Ron Tripp, Chair, CCCT

**Response to Michael from Tobias on electric bikes**  
15 Jan 2014

E-bikes and pedelecs (bicycles with pedal-assist systems) can go on the CCT as long as they comply with public law PL107-319 (2002): Any electric support must be leveled-off at 20 mph. E-bikes that would provide support beyond this speed are not legally sold for use on any public road or trail. Trained road bikers often (and easily) surpass 20 mph, which is fine if within applicable speed limits. Traffic laws and CCT etiquette apply to all bicycle riders: Fast riders must adjust to accommodate slower riders before passing. Bicyclists must yield to pedestrians. Stay safe and healthy!

***From the webmaster:** Sorry, but the Montgomery County Park Police have given us word that motorized vehicles of all types are banned from the CCT, except for handicapped vehicles such as wheelchairs. Also, NO vehicles can exceed 15 mph on the trail.*

*We will continue to report the interpretation of the law that the Park Police use.*

### **Electric Bikes back, and are still illegal!**

report from Michael, Jan 14, 2014

I've been passed three times in the past 24 hours by a motor assisted bike travelling at about 30 miles an hour. The first time, yesterday morning, the guy was actually on K Street just past the CCT, but in a place where he had obviously come from the CCT. He blew through a stop sign doing about 30. Then last night the same guy passed me on the CCT west of Key Bridge but before Fletchers, in the dark, and again going about 30. That was about 7:00pm. Then again this morning he passed me at 8:35 am in about the same spot going eastbound.

I called US Park Police, and the guy who answered (named Lawrence) said he didn't think it was illegal but said he'd check into it. I think Lawrence is wrong and it would be great if the Coalition could campaign to get these dangerous riders off the trail before someone gets seriously injured or killed.

Thanks,  
Michael M.

***From the webmaster:** Electric Bikes are indeed illegal on the trail - as is going 30 mph! CCCT took this up with the Montgomery County Park Police last May, see [electric bike report](#). **Please help be the eyes of the MoCo Park Police - call 301 949-3010 to report motor assisted bikes on the CCT in Montgomery County. If in DC, call NPS at 301-745-5804.***

*Help us by reporting trail conditions to [webmaster@cctrail.org](mailto:webmaster@cctrail.org).*