

ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE

March 28, 2023

1:01 p.m.

MEMBERS PRESENT

Representative Kevin McCabe, Chair
Representative Sarah Vance, Vice Chair
Representative Tom McKay
Representative Craig Johnson
Representative Jesse Sumner
Representative Louise Stutes
Representative Genevieve Mina

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 8

"An Act relating to electric-assisted bicycles."

- MOVED CSHB 8(TRA) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 8

SHORT TITLE: ELECTRIC-ASSISTED BICYCLES

SPONSOR(S): REPRESENTATIVE(S) CARRICK

01/09/23	(H)	PREFILE RELEASED 1/9/23
01/19/23	(H)	READ THE FIRST TIME - REFERRALS
01/19/23	(H)	STA, L&C, TRA
02/23/23	(H)	STA AT 3:00 PM GRUENBERG 120
02/23/23	(H)	Heard & Held
02/23/23	(H)	MINUTE(STA)
02/27/23	(H)	L&C REFERRAL REMOVED
02/27/23	(H)	BILL REPRINTED
03/02/23	(H)	STA AT 3:00 PM GRUENBERG 120
03/02/23	(H)	Moved HB 8 Out of Committee
03/02/23	(H)	MINUTE(STA)
03/06/23	(H)	STA RPT 6DP
03/06/23	(H)	DP: ARMSTRONG, CARPENTER, C.JOHNSON, ALLARD, WRIGHT, SHAW
03/14/23	(H)	TRA AT 1:00 PM BARNES 124

03/14/23 (H) Heard & Held
03/14/23 (H) MINUTE (TRA)
03/28/23 (H) TRA AT 1:00 PM BARNES 124

WITNESS REGISTER

BUDDY WHITT, Staff
Representative Kevin McCabe
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented the summary of changes in the proposed committee substitute for HB 8.

MARC GROBER, representing self
Anchorage, Alaska

POSITION STATEMENT: Spoke in opposition to HB 8.

DYANI CHAPMAN, State Director
Alaska Environment
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 8.

REPRESENTATIVE ASHLEY CARRICK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 8 and responded to questions.

ACTION NARRATIVE

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CHAIR KEVIN MCCABE called the House Transportation Standing Committee meeting to order at 1:01 p.m. Representatives McKay, Vance, Mina, and McCabe were present at the call to order. Representatives C. Johnson, Stutes, and Sumner arrived as the meeting was in progress.

HB 8-ELECTRIC-ASSISTED BICYCLES

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CHAIR MCCABE announced that the only order of business would be HOUSE BILL NO. 8 "An Act relating to electric-assisted bicycles."

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REPRESENTATIVE VANCE moved to adopt the proposed committee substitute (CS) for HB 8, Version 33-LS0196\S, Bergerud, 3/28/23, as a working document.

CHAIR MCCABE objected for the purpose of discussion.

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BUDDY WHITT, Staff, Representative Kevin McCabe, Alaska State Legislature, explained that the proposed CS would add a new section to HB 8, on page 1, line 1, through page 2, line 24, amending AS 16.05.255(a), directing the Board of Game to promulgate regulations to provide that areas closed to motor vehicles for hunting are also closed to the use of electric-assisted bicycles for hunting, except for residents holding a permanent identification card issued under AS 16.05.400(b) or disabled veterans as defined under AS 16.05.341(1) or (2). Further, in Section 12, on page 6, line 15, the proposed CS would add an immediate effective date for HB 8.

MR. WHITT relayed that the immediate effective date could aid starting and existing tour companies that utilize electric bikes ("e-bikes") ahead of the tour season. He noted that the proposed CS was brought to the Board of Game, which is not opposed to the amendment. He pointed out that there are already regulatory guidelines for e-bikes, so he anticipates that once the board is finished with its review, there will be no fiscal impact to HB 8 because promulgation of regulations has already been done. He added that the amendment to Section 1 was from Representative C. Johnson.

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REPRESENTATIVE SUMNER asked if the proposed CS would require a title change for HB 8.

MR. WHITT answered that under the proposed CS title language is added. He explained that the new additions to Section 1 did not require a title change; however, the effective date change did.

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CHAIR MCCABE removed his objection to the motion to adopt the proposed CS for HB 8, Version 33-LS0196\S, Bergerud, 3/28/23, as a working document. There being no further objection, Version S was before the committee.

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CHAIR MCCABE opened public testimony on HB 8, Version S.

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MARC GROBER, representing self, shared that he is an administrator of the "Anchorage Bicyclists" Facebook Group. He said that as a retiree, he spends about 10 hours a week biking in Anchorage in the summer. He said that due to his age, leading medical authorities consider him obese, but he regularly travels at 18 miles per hour (MPH). He stressed that this information is important because it seems that proponents of HB 8 live in a utopia where everyone moves slowly and focuses on the concerns of others, but that is not the reality in Anchorage where the coastal trail is becoming a "combat zone." He said there are both responsible and irresponsible people on the trails. He characterized the bill as "feel good" legislation. He said that while the bill seeks to provide equal access to transportation, there are technical defects with HB 8. He pointed out that none of the technical defects were addressed through amendments in this committee or the previous committee. He stated that HB 8 will make roads and trails more dangerous by legalizing devices equivalent to 50cc motorbikes, and without even requiring a license. He informed members that an individual must have a license to operate a 50cc motorbike, which are arguably illegal on most state trails. He said that HB 8 would legalize the use of electric vehicles that have 2,600 watts in power, without a driver's license and on any location the individual wants to use them. He stated that what he described would be the practical result of HB 8. He pointed out that there are 1,000-watt bikes on Anchorage trails, and 2,600-watt all-wheel e-bikes. He said the e-bikes will be a residential hazard due to the influx of residents charging their bikes and causing explosions. He noted he had submitted written testimony.

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DYANI CHAPMAN, State Director, Alaska Environment, stated that there is increasing interest in e-bikes; they are out-selling electric vehicles and plug-in hybrids in 2021. She said that e-bikes extend the ride range for a user, help with hills, and increase the cargo load of the bike; these aspects allow more people to commute by bicycle and use them more often, which would assist in reducing air pollution through more energy

efficient uses of travel. She said regulating e-bikes as bicycles makes it easier and safer for people to use the technology. She shared that she spent time in cities, like Anchorage, where e-bikes were comfortably on the same trails as pedestrians and bicycles. She encouraged members to pass HB 8.

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CHAIR MCCABE, after ascertaining that no one else wished to testify, closed public testimony on HB 8.

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REPRESENTATIVE ASHLEY CARRICK, Alaska State Legislature, thanked the testifiers and noted that her office has been in communication with Mr. Grober regarding his concerns. She said that the Municipality of Anchorage adopted the language that is within HB 8, so the municipality is defining e-bikes and allows such bikes in areas where bicycles are allowed. She informed members that within the committee packet there are support letters from the Alaska Outdoor Alliance, the Juneau Mountain Bike Alliance, and the Fairbanks Cycle Club. She noted previous testimony from the Fairbanks North Star Borough's surface transportation planning executive director. She said that HB 8 received support from People for Bikes, a national organization that also helped the 37 other states in defining e-bikes.

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CHAIR MCCABE asked what the resistance is to HB 8. He likened the decision to when bicycles were allowed on previously on-foot hiking trails, in that pedestrians and bikes do not match well. He asked if the e-bike resistance is coming from the difference in speed.

REPRESENTATIVE CARRICK answered yes and told Chair McCabe that he had well summed up the major concerns with HB 8. She said her intent is to allow e-bikes to have the same accessibility as bicycles. She noted that there have been objections around the trail conflicts on non-motorized trails, but as a trail user herself, she said it is important that users be mindful of each other and respect the rules of trail use. In Anchorage and Fairbanks, for example, there are trails that are multi-use with houseback riding, dog sledding, biking, hiking, and skiing. She said that while there are not "legal rules" around such methods, there are rules on how an individual should appropriately use

the trails. She stated that e-bike users are able to follow the rules on this just the same as bicycle riders.

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REPRESENTATIVE STUTES expressed her support for HB 8, calling it a clarifying bill, in that it makes it easier for individuals to use trails and for law enforcement to know what the rules are. She stated, "Let's move it."

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REPRESENTATIVE C. JOHNSON pointed out that there was a legal memorandum ("memo") regarding HB 8 that said the state could "run afoul" because the bill would discriminate against disabled non-veterans. He stated that veterans are important, and that keeping them in Alaska and providing them with recreational opportunities is a reason he believes veterans do stay in the state. He said that veterans, in this instance, are being set apart as a special class for their service to the country.

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REPRESENTATIVE SUMNER expressed that more freedom for bike riders sounds good to him and HB 8 appears to be a reduction in regulation; therefore, he supports the bill.

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REPRESENTATIVE MINA shared that in her district, there are a number of bicyclists, urban cyclists, and e-bike owners. She said it is good to have more clarity in regulating e-bikes in Alaska.

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REPRESENTATIVE VANCE moved to report CSHB 8, Version 33-LS0196\S, Bergerud, 3/28/23, out of committee with individual recommendations and the attached zero and forthcoming fiscal notes. There being no objection, CSHB 8(TRA) was reported out of the House Transportation Standing Committee.

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ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 1:21 p.m.