

Zohaib Mahmood
Founder - Boston Personal Electric Vehicles
105 West St.
Malden, MA 02148

April 10th, 2023

Craig Spadafora
Councillor at Large
75 Elm St.
Malden, MA 02148

Dear Mr. Spadafora,

As a City of Malden resident, I am writing to express my strong opposition to the proposed amendments to MCC 11.12.010 REGULATION OF BICYCLE TRAILS contained in Enrolled Ordinance #32-23. I urge you to vote against Enrolled Ordinance #32-23 at the upcoming Malden City Council Meeting on April 11th, 2023.

As someone who relies on a one-wheeled Personal Electric Mobility Device as my primary mode of transportation, a "Uniwheel" by definition in the proposed amendment, I believe that these regulations are overly restrictive and do not take into account current regulations already present in Massachusetts, the rapidly evolving nature of these devices, and their positive impact on health, community well-being, transit access and reduction of carbon emissions and car traffic.

Specifically:

- 1. Personal Electric Mobility Devices should be embraced as a vessel for providing affordable and green transportation options to low-income individuals** who cannot afford the high-costs of car ownership. Over-restricting their use by type of device broadens transit inequity by restricting the viability of this extremely cost-effective and green option for Malden residents. This is a particularly salient point given Malden City Council Resolution #376-22 opposing last year's MBTA Orange Line shutdown, which references the fact that 40% of Malden residents do not own a car.
- 2. The proposed restrictions in the amendment are inconsistent with MGL Chapter 85 Section 11B 3/4**, the current predominate legislation for regulating Personal Electric Mobility Devices in Massachusetts, creating the potential for inconsistent enforcement and a confusing landscape of disparate and potentially competing regulations for Malden residents using multi-use paths. The potential for confusion is compounded by the fact that these paths travel through not only Malden but also several surrounding cities, such as the Northern Strand Community Trail which passes through Everett, Malden, Saugus, and Lynn.

3. **As written, the ordinance is out of touch with the current landscape of personal mobility options available; it is overly restrictive with respect to hardware rather than focused on safe usage.** The proposed amendment singles out “Uniwheel” devices for an outright ban but does not apply similar restrictions to electric bicycles or scooters. Similarly, the proposed amendment states that class 2 E-bikes are permitted with top speeds of 20mph+ and 750w motors, but E-Scooters are only permitted with top speeds of 15mph and less than 300W motors. The minutes from the 3/7/23 Rules & Ordinance Committee meeting detail additional inconsistent statements from Councilor Stephen Winslow, including:

a. ***“Councillor Winslow explained that when Malden first developed the bike path, motorized vehicles were not allowed on them at all but now the state law has changed with last year’s Transportation Bill, causing our bike path ordinance to be out of date.”***

i. While technically true, the definition of motor vehicles at the time of the construction of the path was specific to gas-powered vehicles. These vehicles are still not permitted under revisions to the state law in last year’s Transportation bill. Personal electric mobility devices that are roughly the same size and weight as non-electric devices do not impart any additional wear on the trail compared to non-electric counterparts.

b. ***“One wheel e-scooters would not be allowed because they are not regulated in any way and can go up to 28 miles per hour.”***

i. In fact, there are plenty of electric bicycles and scooters that can reach these same speeds but would not be similarly restricted under this amendment, constituting an unfair and arbitrary restriction of certain mobility devices over others. There is nothing about having one wheel that makes these devices faster than their two-wheeled counterparts. Malden consumers should not be forced to purchase one type of device over another based on regulation that will quickly become out of date as technology advances and new options become available. Instead, a **blanket speed limit** should be the basis for regulation and the responsibility put on the operator to follow it, as is the case with all other forms of transportation.

c. ***“There is no state norm for what may or may not be allowed”***

i. This is actually not the case. MGL Chapter 85 Section 11B provides comprehensive regulations for cyclists. MGL Chapter 85 Section 11B 3/4 extends regulations to include electric bicycles and includes additional restrictions for their operation. MGL Chapter 90 Section 1E details regulations specific to electric scooters. The Commonwealth of Massachusetts is acting swiftly on regulation of Personal Electric Mobility Devices and the City of Malden should not implement competing or inconsistent restriction systems.

4. There is no reasoning or evidence given in the amendment for these wildly different regulations by type of device, and similar discrepancies exist throughout the ordinance. **Instead, the speed at which all devices travel should be the primary factor for determining their use on multi-use pathways**, including non-electric types such as bicycles, kick scooters, and skateboards. All forms of personal electric mobility devices can be operated safely if the operator adheres to safe speed limits and follows all pathway rules.
5. **Restricting Personal Electric Mobility Devices without a concurrent study or literature review to determine the best way for doing so is in opposition to the City of Malden's effort to develop a Climate Action Plan.** Encouraging the use of Personal Electric Mobility Devices are a powerful tool at the City Council's disposal for championing alternative and green forms of transportation to reduce emissions and get cars and traffic off of the road. The inconsistent restrictions present in Enrolled Ordinance #32-23 introduce a significant barrier to the viability of Personal Electric Mobility Devices for residents as a primary mode of transportation.
6. **Community groups that make significant use of multi-use paths in Malden and were instrumental in their creation were NOT consulted and their input NOT considered in the design of this amendment.** Bike to the Sea, one of the key organizations that spearheaded funding and development of the Northern Strand Community Trail, was not reached out to in the drafting process for this amendment. Similarly, Boston Personal Electric Vehicles and Boston Onewheel, community groups with over 500 combined members many of whom are Malden residents, were similarly not given an opportunity for input. While opportunity was given for public comment, there was a *missed* opportunity to develop an initial draft set of regulations in collaboration with key community stakeholders.

Inconsistently restricting the use of certain personal electric mobility devices on multi-use pathways, and banning certain devices outright without reason or evidence, undermines the primary purposes of these pathways, which is to reduce vehicle traffic on roadways, promote healthy and active living, and encourage recreational activities. Embracing the use of personal electric mobility devices on multi-use pathways would provide a viable transportation option for those who are unable to use traditional modes of transportation, such as the elderly, disabled individuals, students, or those who cannot afford a car. It would also promote physical activity and outdoor recreation, leading to improved community health and wellbeing. National advocacy groups, such as the Rails to Trails Conservancy, champion an approach that seeks to "promote greater trail use" for all modes of micromobility. I hope the City of Malden will adopt a similar approach.

For these reasons, I urge you to vote against Enrolled Ordinance #32-23 at the upcoming Malden City Council Meeting on Tuesday, April 11th, 2023.

Sincerely,

Zohaib Mahmood

Signatures:

<p>Gary Chin 557 Salem St Malden, MA 02148</p> <p>Director of Community Enagement at <u>BikesNotBombs</u></p>	<p>Vivian Nguyen 75 Linden St Everett, 02149</p> <p><u>Everett - Ward 5 City Councillor</u></p>	<p>Neil Kinnon 11 Spruce St Malden, MA 02148</p> <p>Former Malden - Ward 6 City Councillor</p>	<p>Jimmy Tri Le</p> <p><u>Everett - Ward 4 City Councillor</u></p>
<p>Brooke Ashleigh 59 Acorn St Malden, MA 02148</p>	<p>Zil Redman 20 Main St Malden, MA 02148</p>	<p>Vivian Du 134 Summer St Malden, MA 02148</p>	<p>Visakha Le-Nguyen 248 Belmont St Malden, MA 02148</p>
<p>Jesse Yu 12 Horace Street Malden, MA 02148</p>	<p>Jason He 206 Summer St Malden, MA 02148</p>	<p>Emily Liang 809 Main St Malden, MA 02148</p>	<p>Luis Sebastian Ramirez 88 Hubbard St Malden, MA 02148</p>
<p>Jovan Paul 50 Hill St Malden, MA 02148</p>	<p>Zhong Y Lam 1030 Main St Malden, MA 02148</p>	<p>Drew Frayre 16 Hill St Malden, MA 02148</p>	<p>Benjamin Li 116 Glenwood St Malden, MA 02148</p>
<p>Barry Chen 32 Fairlawn St Malden, MA 02148</p>	<p>Eliezer Castillo 385 Main St Medford, MA 02155</p>	<p>Robert E. McCarthy 189 W. Wyoming Ave Melrose, MA 02176</p>	<p>Sebastian Marcano 177 Shirley Ave Revere, MA 02151</p>
<p>Sonetta Tang 2314 Founders Way Saugus, MA 01906</p>	<p>Jonathan Goode 3920 Mystic Valley Parkway Medford, MA 02155</p>	<p>Alex Goode 3920 Mystic Valley Parkway Medford, MA 02155</p>	<p>Andrew Baires 11 Lapham St Medford, MA 02155</p>
<p>Coffy Lessig 20 Armory St Brookline, MA 02446</p>	<p>Stephen Roger 1 Fitchburg St Sommerville, MA 02143</p>	<p>Hanxu Liang 160 Commandants Way Chelsea, MA 02150</p>	<p>Kayla Jones 27 Salem St Woburn, MA 01801</p>
<p>Zach Abelson 319 Hungtinton Ave Boston, MA 02115</p>	<p>Benjamin Wallace 6 Hancock Pl Boston, MA 02139</p>	<p>Zach Baum 19 Sparhawk St Brighton, MA 02135</p>	<p>Jason Kibilko 89 Searle Rd Boston, MA 02132</p>
<p>Michael Caminero 1050 Tremont St Boston, MA 02120</p>	<p>Jonathan Choiniere PhD 111 Heath St Boston, MA 02130</p>	<p>Christopher Poulos 51 Sumner St Boston, MA 02125</p>	<p>David Puffer 69 Monsignor O'Brien H Cambridge, MA 02141</p>