

Written Comments to MISPC General Rules MOAHR #2022-52

Hi Steve,

I would like to comment on the
New rules which are intended to:

(1) Regulate the use of electric tricycles/bicycles under the motor vehicle ban in Mackinac Island State Park.

I have been a duly licensed e-bike holder with the City of Mackinac Island since I got my e-bike in 2020. I submitted all required paperwork and the bike has been inspected by the City of Mackinac Island Chief of Police. My bike has been properly licensed for the years 2020, 2021, 2022 and I will license it again for 2023.

Originally, this bike was a Class 2 Rad e-bike. The throttle has been disconnected to the satisfaction of the City of Mackinac Island Chief of Police and is now noted on my bike registration receipt as "CL-2 DISC."

My concern is the limitation of the proposed Mackinac Island State Park rule to ONLY Class One e-bikes. This rule does not appear to take into consideration the modification of a Class 2 bike to conform to Class 1.

It would be logical if the State Park follows the guidelines (rules) of the City of Mackinac Island regarding e-bikes. It would be greatly difficult to be licensed by the City, only to be able to ride on City land and unable to ride in the State Park.

Please follow the City of Mackinac Island rules and rewrite the State Park e-bike rule to include Class 2 e-bikes with modifications.

On another note-

The State Park Hearing regarding the e-bike rule should be held on Mackinac Island or at least a widely available zoom link should be provided. The " Anyone needing assistance to take part in the hearing due to disability..." seems rather prohibitive.

Thank you for passing my comments along.

Cindy Idema

Past Mackinac Island resident/worker
2023 MSHP seasonal employee

Hello Steve,

I sent an earlier email regarding the MSHP proposed e-bike rule.

I do have an additional comment...

Wouldn't it be in the best interest of MSHP to enact the proposed rule:

" An individual shall not operate an electric bicycle within Mackinac Island State Park with the exception that an individual with a physical impairment that substantially limits the ability of the individual to pedal a bicycle may use an electric bicycle within Mackinac Island State Park only if the electric bicycle has a manufacturer's label confirming that it is a class 1 electric bicycle. An electric bicycle is a class 1 electric bicycle if it is equipped with an electric motor that provides assistance only when the rider is pedaling and that disengages or ceases to function when the electric bicycle reaches a speed of 20 miles per hour. "

AND also to

"allow any e-bike rightfully licensed by City of Mackinac Island to operate within Mackinac Island State Park."

Thank you for passing along my comments.
Cindy Idema

Dear Commissioners,

I purchased an ebike prior to moving to Mackinac Island. It is a class II. In accordance with Mackinac Island City rules I have disabled the throttle.

I would appreciate you considering language in your policy to address this issue.

Sincerely,
Robin Dorman
Year round resident and 40% disabled veteran.

Hello Steve,

I'm writing to voice my opinion of the proposal for e-bike regulation in the State Park region of Mackinac Island. While well intentioned, I do see the potential for this proposal opening a "can of worms" for the City of Mackinac Island. Having witnessed several attempts to regulate beyond the scope of the ADA and having spent many taxpayer dollars defending the City, you can be certain that the City Council will be looking at these regulations through that experience.

That being said, and not an attorney myself, I can see several problems that the City will have to address should this regulation be adopted as written, both from an enforcement and possibly a legal point of view:

1) Many mobility challenged Island residents have already purchased Class 2 e-bikes at great expense to themselves. Personally, my husband and I, who both have letters from our physician allowing us to license an e-bike on the Island, have RadPower Class 2 bicycles as they are a mid-cost but extremely durable e-bike with the ability to assist getting up hills. I've noticed that a large percentage of resident and cottager owned e-bikes are of this brand. My husband has the beginning symptoms of Parkinson's or some other motor disorder and exercise is highly recommended to slow the progress of symptoms. Pedaling an e-bike is much preferable to an Amigo-type mobility device, and in my opinion goes much further to maintain the bicycle culture and ambiance of the Island we all love so much. Most (but not all, as I will get to later) enjoy pedaling their e-bikes as a form of exercise that they would be missing with other ADA approved forms of mobility.

2) While item number one expressed the possible challenges from Island residents who have already invested heavily in their current Class 2 e-bikes, one would have to then consider the challenges presented by non-resident e-bike owners. Ferry lines in the past have been either unable or unwilling to enforce/regulate which types of bikes are brought across to the Island by their customers and I agree that the onus of enforcement should not be a burden for which they are responsible. Additionally, as a resident near the marina I am noticing more and more e-bikes being brought by boat owners. I'm not sure what enforcement issues Mackinac Island police are entertaining, but I can see this becoming a full time job for more than one officer!

3) Finally, and this is strictly opinion, I feel that we missed the easiest way to have prevented most of the issues that have been discussed ad infinitum regarding e-bikes the past few years:

enforcement of speed laws. As a resident and speaking with other residents, we pretty much “know” who disregards the speed laws most frequently. We see them whizzing past our homes on their e-bikes, not even pretending to peddle, at speeds in excess of 20 MPH. However, we also know from MANY years of experience that small town news travels with lightning speed and if a few hefty speed citations were given out it wouldn’t take long until those repeat offenders would be slowing down. Pondering this has brought me to the conclusion that it’s really not the BIKES, but the SPEED that is threatening our way of life and at the same time threatening lives themselves. Speeders on e-bikes and even regular bikes need to be cited and fined.

Given these issues I would like to propose going back to the drawing board and seeing if there is a way that addresses the problems presented by speeding bikers without possibly tangling the City of Mackinac Island in further lawsuits. The City has at their disposal, the option of more strictly enforcing the physician recommended requirement for e-bike licensing. Unfortunately, many resident teenagers and young adults without mobility issues documented by a physician will need to know that this is not their time for e-bikes. The City OR the State Parks could and should invest in large, clear, easy to understand placards at all ferry docks on the mainland expressing that e-bikes are NOT allowed without the owner carrying such a physician referral and ALL bikers can and will be cited for speeding. Such a warning should also appear on the ferry websites to avoid last minute disappointment (and possibly anger) at the docks by persons just learning this rule by the placard. However, I still do not feel that ferry employees should have to be the ones to further enforce this rule should a customer insist on bringing their e-bike. The cyclist will have been warned, however, of the possibility of citation. Such a placard should also be placed at the marina, which seems to be the gateway for many non-resident e-bikes.

In summary, I’m asking the State Parks board to re-think how it goes about regulating e-bikes in Mackinac Island State Park as the City of Mackinac Island will need to parallel these regulations and as stated above, I believe there are much simpler enforcement guidelines that bring us to the same - if not better - result.... that being a safer biking experience for all.

Respectfully,

Kelly Rayment
6901 Main St
Mackinac Island, MI 49757
kellyrayment@icloud.com

My comments are being sent to be read at your rules meeting on April 5th., 2023.

I wish to register my objections to the proposed E-Bike rules changes. I am a summer resident of Mackinac Island. I question why the meeting was not scheduled to be held on the Island at a time when more residents could be in attendance to register their concerns. Having it held off the Island is also a concern because public participation is reduced.

Being in the octogenarian club for a few years, any new rules you make that will severely slash or decrease my use of an electric bike to live on the Island without getting help is scary to contemplate. No one in my group of ebike riders speeds or drives recklessly. Note: a throttle is useful and necessary for steep hill climbing, not just for speed.

Will people who have had an Ebike for a few years need to buy a new bike to conform to your proposed new rules? Grandfathered in?. Label on the bike? No,.

Has the commission discussed and considered the opinions of groups in Michigan associated with the American Disability Act?

Many Island residents live their lives while enduring some form of disability. That is the reason we all bought Ebikes in the first place.

For all of us, I implore you to make it legal for us to use our Ebike in a responsible manner. Another point not addressed would include the problem of enforcement with the thousands of tourists going to the Island. How to enforce bike loading on boats and deciding which bikes comply with the new rules.

Thank you for your consideration of my comments. Respectfully yours,
Carl P. Doolen 7570 British Landing Road, Mackinac Island, Michigan 49757

Sent from my iPad

Mr. Brisson,

Please place this email into the record for the upcoming hearing regarding e-bikes.

To the Commission:

Certainly a hot topic discussion is before you. Navigating the issue won't be easy, but your position will forever mark this Island going forward.

While I won't dally into the nuances of type 1 and type 2 bicycles and throttles, running starts etc. I will make my position as this:

We are at a great cross roads of necessity vs convenience. Without doubt, there are folks who truly define a necessity and ergo their lives have been vastly improved by the use of electric bikes. The problem is, the vast majority of those zipping around the Island at high speeds also run races, swim in around the Island regattas, work construction jobs and before the arrival of electric bikes worked jobs that REQUIRE YOU TO RIDE BIKES. Now, all of a sudden people have turned convenience into their necessity and that's not the way it's supposed to work.

Mackinac Island is a tough place to live.

It was a tough place to live in 1898 when the ban on motor vehicles (ironically 125 years ago this July) was enacted.

I am most certain that in 1898 the town council was inundated with folks who contended that the new fangled "horseless carriage" would make life easier on the Island.

It's a damn good thing that those in power then had the foresight to recognize and embrace that the decision they made would define this Island.

Had the Council (and later the Commission) then opted to allow motor vehicles, I can say without question, that today this Commission (if it even existed) would be meeting once a year to check on things on an Island only reachable by charter boat with no real commerce or activity, an Island who's time came and went because of the shortsightedness of their contemporary leaders.

Your decision is a tough one, many folks are arguing for their convenience. But please know, many folks are content with this Island upholding our heritage and traditions as laid out 125 years ago.

The decision you make will affect this Island for the next 100 years. Be wise.

Jason St. Onge
Umpteenth generation Islander

I would like to applaud the Mackinac Island State Park for taking up the issue of (Class 2) electric bikes. As someone actually born on Mackinac Island, I am keenly aware of and supportive of,

the Island's history, and efforts to maintain it.

My family's ties here date back to my great-great grandfather on my dad's side, and even farther

than that on my mother's side. I was a history major in college, and one of the first half dozen

people to own a ten-speed bicycle on the Island. I participated in bicycle races for several years.

I feel the excessive speed used by almost all Class 2 E-bike users goes against the flow of normal traffic patterns, and is a menace on the State Park roads and trails. I have ridden a conventional bike on the Island's roads and trails my whole life, and was alarmed to be sure,

when the Class 2 Ebikes appeared, and took over the roads. I consider them to be dangerous

to other cyclists, as well as horses.

Finally let me say I consider Class 2 Electric Bikes to be the biggest threat to Mackinac Island's

historical significance that I have seen in my 69 years. For their owners to claim there is no other way for them to enjoy the Island is disingenuous. I hope something is accomplished at

your hearing, and they can be curtailed. Thank you.

Thomas J. Chambers

Mackinac Island, Michigan

To the Mackinac State Park Hearing Officials,

I am writing to share my concerns about the restriction of e-bikes within the State Park. While we agree that having the island overrun by e-bikes is a potential problem, we strongly believe that they are vital for the health and safety of certain individuals in the population. My husband, Vince, is a type 1 diabetic. This means that if his blood sugar should drop, he would have no energy to bike to safety. He may require more assistance when biking. We have already run into situations on the island where his blood sugar has dropped dangerously and he has run out of his emergency food that he always brings with him. We have been lucky, so far, that we have not needed to call for an ambulance.

While class 1 bikes are an option, they are not always affordable and having "proof" from the manufacturer may be difficult especially if the bike is being purchased second hand. I think that putting restrictions on e-bikes, that are inconsistent with the rules of the town, will make things complicated for people with disabilities. The proposed restrictions seem to create an unreasonable burden both financially and practically for people with disabilities. I also believe that for residents of the island to avoid State Park land is impossible. Our lot is surrounded by state land. If we chose to follow the rules placed by the town, and if they are not consistent with the state park rules, we would not be able to freely bike from our land to non-state owned areas. We are forced to bike through state land to get to and from our property. I think that the state park should strive to be consistent with the rules of the town, as it would restrict people with disabilities to have access to only 20% of a very small island.

We ask for consistency in rules between the town and the state park, and to allow various classes of e-bikes to be allowed with the throttle being disabled and maxing the speed to 20mph.

Thank you for your time.

Sincerely,

Leslie Warczak

April 2, 2023 Director Steven Brisson Mackinac island State Park Dear Director Brisson, State park commission, and DNR; I am writing to you in regard to the proposed change in rules regarding electric bicycles in Mackinac Island State Park. The rules that have been proposed are in my opinion a violation of the Americans with Disabilities Act of 1990(henceforth referred to as the ADA). There are approximately 583 year 'round residents, including myself. My husband and I are both disabled in different ways. The new rules being proposed will be a huge hinderance on both of us as well as many others that are disabled. The ADA gives equal access under the law. I don't think the state park or any city government has the right to choose which disability is covered under the ADA. My husband is an Islander born and raised, and also a type 1 diabetic. When he has low blood sugar, he needs to drink or eat something with carbohydrates or simple sugar. If he doesn't eat his sugar will continue to fall until he passes out and he will eventually fall into a coma and die if no intervention happens in time. The reason I am bringing this up is because when my husband has low blood sugar when he is riding his bicycle using the throttle on his bike can literally be a matter of life and death. Exertion of any kind lowers his blood sugar. If he can use the throttle to get to a place where he can get sugar or carbs, it saves his life. This has happened probably a hundred times or more. When the chief of police on Mackinac island required our physician to fill out a form stating our disability, the doctor specifically stated on the form that he needed the ebike to use the throttle for when he had low blood sugar. He also has osteo arthritis and has had spinal and rib fractures that limit his mobility. On a practical standpoint let's talk about e-bikes. The average e-bike is approximately 60lbs without a basket and fenders. Due to my medical conditions, pushing a 60lb + ebike up the hill to my house is extremely difficult. I have used the throttle so I can walk along side my bicycle on steep hills or when in heavy traffic where I can't get enough propulsion to get up a hill. Every Electric bicycle I've had over the years has a maximum speed of 20mph, once you reach 20mph via pedaling or throttle the regenerative braking engages slowing the bike down. I literally cannot go over 20mph because the bike won't allow it. I have no desire to go over 20mph. And those of us with disabilities are not looking to speed or be reckless. Just to reiterate pedaling or Throttle will both be at a maximum of 20mph. My desire is to go to town to catch a ferry boat, or meeting up with friends or going to church or a museum, or island event. Another thing that is troubling is that most of us already have our e-bikes. And they are not class 1. Are we supposed to come up with the money for a class 1 bike for both of us to be able to comply with the proposed rules? And the majority of e-bikes on the island are class 2. Majority of employment on the island is manual labor and retail. We can't afford to pay for multiple e-bikes because of an arbitrary rule that is likely illegal and will be repealed. People with disabilities aren't all the same. But we all deserve equal access under the law. Choosing which disability is covered under the ADA is not the job of the state park, or the city. Electric bicycles have changed so many lives. It has helped us to become more active, to go to places we haven't been able to go to for years. It has helped so many people to stay on Mackinac island. And it's the people that make Mackinac the wonderful place it is. Sincerely yours, Molly McGreevy

Dear Mr. Brisson,

I am pleased to write this letter in support of the proposed rule to limit the use of electric bicycles to those with a manufacture's label confirming that it is a class 1 electric bicycle.

I was a witness at the trial in which the Mackinac County Circuit Court (2002) and the Michigan Court of Appeals (2003) supported the claimant's right to use his pedal-assist electric tricycle on Mackinac Island based on the Americans with Disabilities Act. The claimant argued that the pedal

assist tricycle allowed him some level of exercise and the ability to enjoy the same experience as other island residents while accommodating his disability.

While the courts supported the claimant's right to use an electric tricycle, it was determined that both the city and state park had the authority to regulate and license their use. Both jurisdictions subsequently limited permitting to pedal assist electric tricycles/bicycles which do not have throttles and with a maximum speed of 20 MPH; what is now known as a Class 1 electric bicycle. The current proposed rule simply confirms the long-standing policy of the Mackinac Island State Park Commission.

Any allowance for throttle-controlled electric bicycles or those that exceed 20 MPH not only varies from the intent of the original court case but, more importantly, threatens the very nature of Mackinac Island's ban on motorized vehicles. It is important to note that both the city and state park allow throttle controlled mobility carts for residents and visitors who require additional accommodation.

Sincerely, Phil Porter, Director Emeritus, Mackinac State Historic Parks