

OFFERED BY COUNCILORS ED FLYNN AND MURPHY



CITY OF BOSTON

IN THE YEAR TWO THOUSAND TWENTY FIVE

AN ORDINANCE ESTABLISHING A ROAD SAFETY AND COMMUNITY ENGAGEMENT COMMISSION TO REGULATE THE USE OF BICYCLES, E-BICYCLES, MOTORIZED BICYCLES, AND MOTORIZED SCOOTERS IN THE CITY OF BOSTON

- WHEREAS,* The City of Boston has implemented a substantial change to the transportation system by increasing the amount of bicycle lanes and condensing existing roadways without proper consideration of community feedback, as stated by the City of Boston Brohel Memo which found “project communications and community engagement to be inadequate, that decision seemed predetermined”; *and*
- WHEREAS,* The development, implementation, organization, and construction of bicycle lanes within the City of Boston lacks a cohesive and effective design, comprehensive master plan and oversight, causing safety, traffic, and construction issues. This includes bike lanes in front of Article 80 development projects that lack any connection to a comprehensive network and end abruptly near dangerous intersections; *and*
- WHEREAS,* Cycling-related collisions and accidents have increased, causing a significant safety problem, including many incidents which are undocumented due to a lack of registration requirements for electric and motorized bicycles and scooters; *and*
- WHEREAS,* The City of Boston shall discontinue its construction of and current approach to bicycle lanes and cycling infrastructure until a master plan is developed that takes into consideration engineering expertise and advice, safety and infrastructure data, and a legitimate and thorough public process which relies on the institutional knowledge and years of experience from residents, small businesses and non-profit partners; *and*

NOW THEREFORE

Be it ordained the City Council of Boston, as follows that the City of Boston Code of Ordinances be amended by adding the following ordinance:

SECTION 1. The City of Boston Municipal Code Chapter XI is hereby amended by inserting after Section 11-11 the following new section:—

11-12 THE ROAD SAFETY AND COMMUNITY ENGAGEMENT COMMISSION.

11-12.01 Purpose.

The purpose of these provisions is to require (i) that the Road Safety and Community Engagement Commission be established as a central authority to facilitate and oversee a comprehensive redevelopment of bicycle lanes and other cycling infrastructure in the City of Boston, (ii) that the Public Works Department and its designees cease construction of bicycle lanes in the City of Boston until the Road Safety and Community Engagement Commission engages an independent engineering firm, collects data, seeks public comment, and develops a comprehensive master plan to ensure the safe operation of bicycles, e-bicycles, motorized bicycles, and motorized scooters in the City of Boston, including accounting for pedestrian safety challenges, and (iii) the construction of a connected network of safe, efficient, and accessible bicycle lanes and other cycling infrastructure in the City of Boston at the direction of the Road Safety and Community Engagement Commission.

11-12.02 Definitions.

For the purposes of Section 11-12, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BICYCLE. Every device propelled by human power upon which any person may ride having no more than two tandem wheels either of which is fourteen inches or more in diameter.

BICYCLE LANE. A designated portion of the street, which is marked as a bicycle lane, allowing for operation of bicycles and e-bicycles, which are not capable of exceeding speeds of over twenty miles per hour or the applicable speed limit of the location, whichever is lower. The bicycle lane shall exclude the operation of prohibited devices, as defined in this Subsection, and shall only be used by those lawfully permitted, as provided herein.

CITY. The City of Boston.

COMMISSION. The Road Safety and Community Engagement Commission.

CONCEPT PLAN. A preliminary comprehensive draft of the master plan developed by the engineering firm, as defined in this Subsection, and the commission, which shall be approved within one year of completion of the survey. The concept plan shall then be subject to a one-year period of public comment from residents of the city and shall include all information required in the master plan, as detailed in Section 11-12.04 (A)(6).

E-BICYCLE. A bicycle or tricycle equipped with fully operable pedals and an electric motor, and meets the requirements of a class 1 electric bicycle or a class 2 electric bicycle, as defined in G.L. c. 90 §1.

ENGINEERING FIRM. An independent engineering firm that is not affiliated with the city, with national and extensive experience with master planning and design and coordination of large, multi-year infrastructure projects, selected by the commission through a competitive

bidding process, which will assist the commission to develop, revise, and implement the concept plan and master plan and with other duties of the commission under this Section, as determined by the commission.

MASTER PLAN. A comprehensive plan established by the commission within one year from the approval of the concept plan and updated periodically that will provide clear details, timelines, estimates, and plans for eight years to oversee and address all bicycle lane construction, collect community feedback and research related to cycling safety and infrastructure from the survey, and propose remedial changes to unsafe sections of bicycle lanes.

MOTORIZED BICYCLE (MOPED). A pedal bicycle which has a helper motor, or a non-pedal bicycle which has a motor, with a cylinder capacity not exceeding fifty cubic centimeters, an automatic transmission.

MOTORIZED SCOOTER. Any two wheeled tandem or three wheeled device, that has handlebars, designed to be stood or sat upon by the operator, powered by an electric or gas-powered motor that is capable of propelling the device with or without human propulsion. The definition of "motorized scooter" shall not include a motorized bicycle or e-bicycle.

OPERATOR. A person that operates a bicycle, e-bicycle, motorized bicycle, or motorized Scooter.

OWNER. A person or entity that owns a bicycle, e-bicycle, motorized bicycle, or motorized Scooter.

SURVEY. An annual survey conducted by the Commission that will encompass the information discussed in Section 11-6.48, including feedback from city community stakeholders, bicycle, e-bicycle, motorized bicycle, or motorized scooter related data, and Bicycle Lane information.

PROHIBITED DEVICE. Any motorized bicycle, motorized scooter, and/or any similar device, which is capable of a maximum speed of greater than twenty miles per hour.

11-12.03 Composition, Appointment, and Term.

(A) There shall be in the city, a commission consisting of five voting members, which shall be composed of the following:

(1) One commission member shall be the Massachusetts Secretary of Transportation or his or her designee;

(2) One commission member shall be the Massachusetts Secretary of the Executive Office of Public Safety and Security or his or her designee;

(3) Two commission members shall be appointed by the governor, for the term of three years, beginning with the first Monday of January in the year of appointment, at least one member of which shall be selected from a list submitted by the Massachusetts American Federation of Labor and Congress of Industrial Organizations;

(4) One commission member shall be appointed by the Mayor for the term of four years, beginning with the first Monday of January in the year of appointment. The Mayor shall appoint a person who is a member of the city Department of Neighborhood Services.

(B) The Mayor shall appoint one additional person, who is not already a member, to serve as the Director of the commission for a term of four years beginning with the first of May of the year in which they are appointed and shall continue thereafter to hold office at the pleasure of the mayor. The Director shall not have any voting power and shall act solely in the interest of the city as reasonably required by the commission in its discretion. The Director shall be an engineer with experience in the city and shall certify, before appointment, that he or she is a civil engineer of recognized standing in the profession, that he or she is an expert in the work which shall devolve upon him or her, such certificate to be filed with the City Clerk and to be open to public inspection.

(C) All commission members shall be qualified by training, experience, and demonstrated interest in engineering, city infrastructure, and innovating an inclusive cycling network within the city. A person shall not be qualified to be a commission member solely based on their interest in cycling.

11-12.04 Powers and Duties.

(A) The commission shall:

(1) Ensure that the Public Works Department and any other third party immediately discontinues all construction of bicycle lanes in the city unless and until a master plan is developed by the commission and approved by the Mayor pursuant to this Subsection. During this period, the commission shall have the sole authority to authorize the repair or removal of portions of bicycle lanes on an emergency basis, as reasonably necessary in its discretion to address safety concerns and other transportation efficiency considerations;

(2) Accept and adjudicate petitions from residents of the city requesting the removal or repair of bicycle lanes in the city on the basis of safety or transportation efficiency, and, with the assistance of the engineering firm, implement such removal or repair for petitions granted by the commission;

(3) Hold annual public hearings where it will receive public comment on the progress made by the commission toward increased safety in cycling infrastructure, including bicycle lanes, and addressing pedestrian safety challenges. Community stakeholders such as City of Boston residents, businesses, and non-profit partners will have sufficient time to ask questions and make public comment;

(4) Within sixty days of passage of this Section, the commission shall initiate a competitive bidding process for an independent engineering firm to assist with the planning,

development, and implementation of the master plan and other commission duties, as determined by the commission, by issuing a request for proposals. To be eligible for selection by the commission, the engineering firm must have national and extensive experience with master planning and design and coordination of large, multi-year infrastructure projects and qualifications that are in the best interest of the city. The commission shall select the engineering firm within ninety days of passage of this Section.

(5) Within ninety days of passage of this Section and annually thereafter, prepare a survey, in cooperation with the engineering firm selected by the commission pursuant to this subsection, and other city departments, including, without limitation, the Public Works Department, Boston Police Department, Boston Fire Department, Boston Emergency Medical Services to assist in the development of the Master Plan, which shall include, but is not limited to, the following:

- a. Input and feedback from city community stakeholders such as residents, civic associations, businesses and non-profits from impacted communities regarding bicycles, e-bicycles, motorized bicycles, and motorized scooters usage, bicycle lanes, cycling infrastructure, and related traffic and safety considerations;
- b. Information and statistics related to bicycle, e-bicycle, motorized bicycle, and motorized scooter accidents, collisions, and relevant public safety issues;
- c. Information and plans related to existing and pending bicycle lanes and cycling infrastructure;
- d. Annual reports from the Public Works Department pursuant to Subsection 11-6.42 for the three years prior to passage of this Section;
- e. Data regarding enforcement of existing laws and regulations related to cycling in the City, including without limitation, G.L. c. 85 § 11B, c. 89 § 2, c. 90 § 1, and c. 90 § 14.
- f. Identified portions of bicycle lanes which fail, in the commission's sole discretion, to conform with proper engineering standards or are otherwise unsafe and are in need of repair, redesign, and/or removal; and
- g. All similarly related material which the commission deems necessary in its discretion to accomplish the purpose discussed herein.

Each survey shall also include a one page summary, on official commission stationery, itemizing the elements recommended. The Director shall file the initial survey with the City

Clerk within ninety days of the passage of this Section and annually thereafter, no later than January 31 of each calendar year, and the survey shall be open to public inspection.

(6) Within one year of the completion of the survey, approve a concept plan, which shall be developed by the engineering firm selected by the commission. The concept plan shall constitute the preliminary draft of the master plan and shall include all information required in the master plan, as detailed in Section 11-12.04 (A)(6). The concept plan shall then undergo revision for an additional one-year period, while the commission and engineering firm collect public comment from residents of the city to incorporate into the concept plan.

(7) Within one year of the approval of the concept plan, approve a master plan, which shall include, but is not limited to, the following:

- a. A timeline for the following eight years detailing the design criteria for bicycle lanes, the dates when the city may resume bicycle lane repairs and construction, the locations at which the city may remove, repair, or construct bicycle lanes, and other details as reasonably necessary in the discretion of the engineering firm;
- b. Research and insights regarding cycling safety and infrastructure obtained from the survey conducted pursuant to this Subsection;
- c. A comprehensive strategy for achieving the goal of cycling safety in the city, through feasibility studies, innovative design, and capital investment;
- d. Clear objectives with deadlines, plans, and cost estimates to expand, connect, improve, renovate, remove, construct, or modify bicycle lanes in the city, along with other cycling infrastructure to create an interconnected network that separates bicycles and similar two-wheeled vehicles from traffic;
- e. Proposed changes to remedy unsafe or dangerous identified portions of bicycle lanes and other cycling infrastructure and improve accessibility;
- f. Public comment and proposals from city community stakeholders such as residents, civic associations, businesses and non-profits from impacted communities related to cycling safety and infrastructure;
- g. Other matters that the commission, in its discretion, determines are reasonable and necessary to achieve the purpose discussed herein.

The Director shall file the master plan with the City Clerk no later than one year after the date of approval of the concept plan, and the City Clerk shall forthwith forward the master plan to the Mayor and the Boston City Council for approval within sixty days of the date of filing.

The master plan shall be revised periodically at the discretion of the Director with each said revised master plan submitted to the City Clerk for forwarding to the Mayor and Boston City Council for approval within thirty days of the date of filing.

(8) Identify and review all signage in the city related to bicycle, e-bicycle, motorized bicycle, motorized scooter, and bicycle lanes to determine accessibility, readability, and clarity and effectuate modifications that the commission deems necessary for carrying out the purpose of this Section;

(9) Effectuate the removal or improvement of bicycle lanes or portions thereof to ensure safety, in the commission's sole discretion, in coordination with the Public Works Department, and as informed by the survey;

(10) Develop safety standards related to bicycle, e-bicycle, motorized bicycle, and motorized scooter usage in bicycle lanes;

(11) Update, repair, remove, and construct bicycle lanes within the city;

(12) Facilitate the registration of all bicycles, e-bicycles, motorized bicycles, and motorized scooters operating in the city, including, but not limited to, by:

- (a) Implementing a registration process;
- (b) Issuing registration stickers to approved applicants; and
- (c) Maintaining a data base of owner registrations.

(13) Develop safe, efficient, accessible, and sustainable bicycle lanes;

(14) Address the safety concerns of people in the city operating bicycles, e-bicycles, motorized bicycles, and motorized scooters in bicycle lanes; and

(15) Empower the community within the city with a regulatory body to ensure adherence to bicycle, e-bicycle, motorized bicycle, and motorized scooter safety measures.

(B) The commission may adopt rules and regulations consistent with this Section and the laws of the commonwealth to carry out the policy and provisions of this Section and the powers and duties of the commission in connection therewith.

11-12.05 Bicycle, E-bicycle, Motorized Bicycle and Scooter Registration.

(A) Every owner of a bicycle, e-bicycle, motorized bicycle, and/or motorized scooter who operates a bicycle, e-bicycle, motorized bicycle, and/or motorized scooter in the city must register his or her bicycle, e-bicycle, motorized bicycle, and motorized scooter with the commission annually by submitting an application to the commission, according to a form determined by the Director. The commission, in its discretion, may also designate the Registry of

Motors Vehicles of Massachusetts or another appropriate entity to facilitate the registration process in this Subsection.

(B) An owner of a bicycle, e-bicycle, motorized bicycle, and/or motorized scooter who has registered their bicycle, e-bicycle, motorized bicycle, and/or motorized scooter with the Registration of Motor Vehicles of Massachusetts, pursuant to G.L. c. 90 § 1B, shall be exempt from this process, provided that such registration is current and in good standing.

(C) Owners that are approved will receive a sequentially numbered sticker issued by the Director, indicating the year upon which they are approved, which must be affixed to each bicycle, e-bicycle, motorized bicycle, and/or motorized scooter at all times while in operation in the city.

(D) Prohibited devices are not eligible to be registered.

11-12.05 Enforcement and Bicycle Lane Petitions.

(A) Enforcement of this Section shall be implemented by the commission or its designated agent(s) in cooperation with the Boston Police Department.

(B) Any person operating a bicycle, e-bicycle, motorized bicycle, and/or motorized scooter in the city must be registered in accordance with Section 11-12.05. No person shall operate a prohibited device in any bicycle lane within the city.

(C) Any person who desires to register a complaint of noncompliance under the Section may do so by contacting the commission or its designated agent(s).

(D) Any person who wishes to submit a petition for the removal or repair of a bicycle lane or portion thereof may do so by submitting a petition to the commission or its designated agent(s), on a form created by the commission, with the location, description of the bicycle lane, and reason for the request, including without limitation, safety concerns or transportation efficiency. The commission shall investigate the request promptly and determine whether repairs or removal is necessary, in its discretion. The commission, in cooperation with the engineering firm, shall implement such removal or repair for petitions granted by the commission.

11-12.06 Penalties.

(A) Criminal Penalty. Any person who violates any section of this chapter shall be subject to a fine in accordance with the following:

- (1) The first offense shall be a fine not exceeding fifty dollars;
- (2) The second offense shall be a fine not exceeding two hundred dollars;

(3) The third offense shall be a fine not exceeding five hundred dollars; and

(4) The fourth offense shall be loss of use to operate in bicycle lanes.

(B) Noncriminal Disposition. Whoever violates any provision of this chapter may be penalized by a noncriminal disposition as provided in G.L. c. 40, § 21D. For purposes of this Section, the Director shall be the enforcing officer, except that the Director may delegate his or her enforcing authority to designated commission members. The penalty for each violation will be two hundred dollars. Each day's violation shall constitute a separate offense.

11-12.07 Implementation; Severability.

(A) The provisions in this Section shall be effective immediately after passage.

(B) If any provision of this Section is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

SECTION 2. The City of Boston Code is hereby further amended by adding to Subsection 11-6.36 the following sentence:—

Notwithstanding this Subsection or any other section or subsection, the Road Safety and Community Engagement Commission shall have authority over engineering work as stated in Section 11-12 and the Commissioner of Public Works shall cooperate and coordinate with the Road Safety and Community Engagement Commissioner to carry out the purpose of said Section.

SECTION 3. The City of Boston Code is hereby further amended by adding to Subsection 11-6.38 the following sentence:—

Notwithstanding this Subsection or any other section or subsection, the commissioner shall immediately discontinue all construction of bicycle lanes in the city, pursuant to Section 11-12, until a master plan is developed by the Road Safety and Community Engagement Commission and approved by the Mayor pursuant to said Section 11-12.

Filed in Council: May 14, 2025