

Date: March 15, 2021

To: Chair Richard Proehl & the House Committee on Transportation

From: City of Overland Park

Re: Written Neutral Testimony with Concern regarding HB 2263

Thank you for allowing the City of Overland Park to submit testimony regarding HB 2263, an act approving the operation and use of electric-assisted bicycles and regulating the use thereof. The City of Overland Park has concerns regarding HB 2263 to the extent it places further limits to home rule authority and we support the full control and authority over those matters which are granted to municipalities by the Kansas Constitution as approved by voters in 1960.

The City supports Constitutional home rule authority of Kansas cities, which provides, in part, "...cities are hereby empowered to determine their own local affairs and government...." Thus, self-governance, and local control, is the rule established by our state's constitution.

Municipalities have an interest in being able to control their rights-of-way, trails, bike lanes and multi-use paths to ensure said rights-of-way are used in a manner which does not threaten the safety or welfare of the traveling public. HB 2263 preempts a municipality's ability to prohibit the use of electric-assisted bicycles on its rights of ways by (1) taking away the local governments' ability to prohibit electric-assisted bicycles on its streets, highways and roadways where bicycles are allowed; and (2) limiting a local governments' ability to prohibit type 1 and type 2 electric-assisted bicycles on its bicycle or multi-use paths by requiring a public hearing and finding that such restriction is needed to protect public safety or comply with other legal obligations.

Our Mayor and Council are fully authorized to handle local issues and problems such as is proposed in HB 2263. They are the government closest to our residents and businesses, and are best prepared to assess, evaluate, regulate and set public policy as they believe is in the best interest of the community. HB 2263 would limit that authority and the ability of our Governing Body to be responsive to their constituents' interests and desires. To that end, the City of Overland Park already has in place a pilot program for electric-assisted bicycles on its parks and recreation paths and trails. The City's current program, after consultation with the Mid-America Regional Council ("MARC") and other area cities and counties, allows types 1 and 3 electric-assisted bicycles but prohibits type 2 electric-assisted bicycles on its parks and recreation paths and trails. This decision was made after a lengthy research and coordinated effort between MARC and the cities in the metropolitan area. HB 2263 would take away the City's ability to tailor its rules and regulations to those which best fit the community which it serves.

Thank you for allowing the City to testify on this legislation. We respectfully request that the Committee consider this testimony when determining whether or not to advance HB 2263 to the full House.