

Your Guide to Forming a Bike Advisory Committee

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Introduction

Welcome – you are an influence pedaler.

By reading this document, you have demonstrated your interest in improving bicycling conditions in Massachusetts. The Massachusetts Bicycle Coalition (MassBike) is grateful to you for everything you've done or want to do to make Massachusetts a better and safer place to bicycle. Whether it be on roads, multi-use paths, transit, or to destinations or the workplace, MassBike is always working to improve bicycling conditions. Since 1977, MassBike has aimed to achieve its goals through a combination of education, advocacy, and raising awareness. MassBike is at the hub of an interconnected wheel throughout the state – channeling and sharing information between groups to help build the bicycling movement. But MassBike is effective at improving bicycling directly because of all the dedicated cyclists working to improve conditions. Without dedicated volunteers working across the state, our efforts would be like a rim without spokes.

This guide aims to give bicycle advocates the tools needed to successfully push for programmatic, policy, and infrastructure improvements.

Over 1.2 million Massachusetts residents bicycle every year. More people want to bicycle more often than their current activity level. The potential for better bicycling and a more potent grassroots movement is extremely strong.

Much of the guidance and advice in the guide was learned the hard way, by trial and error. It is not meant to be the final word on Massachusetts bicycle advocacy – it is meant to be a continually evolving guidance document. MassBike also encourages any and all to send success stories and any other helpful information. Collecting information and success stories is important because collective knowledge is almost always better than individual knowledge. We will do our best to incorporate any information you send. Email suggestions for improvement to: Bikeinfo@massbike.org

The guide is also available on the web at: www.massbike.org. We encourage you to join MassBike on-line if you are not already a member.

Overview

The guide provides information that will aid the effort to integrate bicycling into the transportation, recreational, and cultural fabric of Massachusetts. It will help you help make Massachusetts a better place to bike – whether your interest be a road project, trail, bike parking, education program, or another endeavor. The lessons and guidance provided herein are the product of years of experience – from our blood, sweat, and tears. This guide is also not meant to be repetitive. We will not dwell on topics that have better information available elsewhere.

The Guide has four major sections:

1. Organization Resources – the nuts and bolts of how to start a local bike advocacy group or committee (note: the focus here is on advocacy, not recreational ride clubs)
2. Community Organizing Best Practices – how to inspire and to maintain your vision of better bicycling
3. Programmatic Resources – Tips for advocating for specific bicycling improvements, and how all those state agencies relate to one another.
4. Useful Bicycle Information – Arguments, data, and resources that you can use to advocate for bicycling

The guide takes a different tack from many other resource documents. Instead of listing best-practices documents and providing stand alone information, the guide puts an emphasis on (1) how bicycle advocacy "really" works in the current political framework, and (2) the political and logistical steps required to achieve success for your project or program. For example, after reading the regulations for transportation planning in Massachusetts, a person unknowledgeable about Massachusetts politics may think that all road projects go through a planning process solely decided on the merits on the project - whereas in truth this is certainly not the case. Knowing who to talk to and persuade is just as important, and in many cases more important, than the brilliance of your idea.

In short, this is a “how to get stuff done effectively and efficiently” guide aimed at people interested in improving bicycling conditions.

Why Advocacy?

Advocate (v. definition): “to speak or write in favor of; support or urge by argument; recommend publicly.”

Whenever you have a good idea, think of the following quote: “Good ideas are first ridiculed, then they’re violently attacked, then they’re accepted as common knowledge.”
- unknown

Unfortunately, in the Massachusetts political world, projects and programs do not happen solely because of their merits. Funding and staffing for programs is always scarce. You may have the best idea in the world, but if it is in competition with an existing program, you will have to advocate for it.

Programs and projects are almost always in competition with other projects and programs. This is especially true for bicycle projects. Each year, government agencies answer questions like “should we spend money on roads, or maybe maintenance for the bike path, or should we improve that shoulder on the road?”, “why should we spend money on bike safety, when seat belts are much more important?”, and of course that perennial classic – “why should we accommodate bicyclists – they don’t pay taxes?”

Allocating scarce resources requires a competitive process. Bicycle advocacy is usually about pressing for change, which is inherently more difficult than pressing for the status quo.

To improve bicycling in Massachusetts, advocacy is essential. Bicycle advocates must state their case – to decision makers, the public, and other bicyclists. Otherwise, we will receive little to no consideration in the planning, infrastructure, and education programs vital to improving bicycling.

This guide will stress repeatedly that good ideas do not happen on their own. Good ideas need proponents. Proponents will generally need to find more proponents to make good ideas happen. All this will require advocacy skills.

It’s true that the squeaky wheel gets the grease. But there’s hope. Bicyclists have shown time and again that advocacy works. Advocacy is rewarding, and advocacy is changing Massachusetts.

Organizational Resources

If an advocate is interested in advocating for bicycling, there are generally two ways to start. Either an advocate can "go it alone" or can attempt to form a committee or group. MassBike strongly advises forming a small working group. A group can get more done than an individual, and decision makers and members of the press tend to pay attention if more people are professing a point of view as opposed to just one person. This is not to say that an individual is incapable of making a difference on his or her own.

Individuals working alone are most effective when they gain expert knowledge about a complicated topic area. In situations where individuals can become experts on esoteric policies or procedures, they become valuable resources to decision makers and can wield considerable influence. For example, if you learn everything there is to know about easement law in Massachusetts, you might become a popular person with bikepath proponents.

Generally (and this is the main focus of this guide), individuals will be more effective when they form groups. It's like the old saying - the sum of the whole is greater than the sum of the parts. Think of a bicycle wheel. It's made from a rim, spokes, a hub, and some bearings. These items are not worth much on their own. But put them together, in an effective fashion, and the parts form a wheel capable of carrying a person for thousands of miles.

How to start a local bike committee or group

Forming a group or bike committee will often start with a small group of people. Maybe an event happened that spurred the advocates into action, or maybe they just feel it's time to begin changing things. Whatever the reason may be, MassBike has observed that the following techniques are often most effective for inspiring more people to rally around the cause:

- Pick a good issue to rally around. It is often much easier to bring people into a cause by proposing work on a specific project or program. A specific project or program is just easier and more tangible for people to identify with. Groups are often formed around projects, probably because it just feels less overwhelming. For example, the Berkshire Bike Path committee started work on just the path, but are now beginning to branch out to also advocate for better road conditions. Think of the difference between the following two statements: (1) "I want help to install bike parking downtown," and "I want help to improve bike conditions in my town". Help on bike parking is much more likely to get people involved, because everyone that goes downtown, for example, knows that it is very hard to park a bike. But not everyone, even though it sounds more inclusive, will know what it means to improve bicycling conditions in a town.

- Recruit the right people to the group or committee. When a group is starting out, it pays

to be selective about who will help advocate for the issue at hand. There can be a tendency on the part of bike advocates to welcome anyone to the table to help, and in many ways this is very appropriate with a larger group. But when a group is new, it is very important that there are no bad apples. A person who always dominates or is antagonistic within the group, and who acts inappropriate around others such as town officials, will make it hard for the group to make any headway, and will deter other people from joining the cause.

- Advertise the existence of your group or committee. Town papers are always looking for interesting stories, and the formation of an advocacy group sure beats yet another story about some high school kid shooting off a bottle rocket. Let people know about your group. In addition to telling your local paper, consider leaving leaflets at high traffic areas, such as the library, bicycle racks, the grocery store, or the local bike shop.

- Decide relatively early if you want to be an official or non-official committee. This topic will be discussed in more detail below, but the group will need to determine at an early stage whether it wants to be part of town government or not, because in many respects this will determine what sort of advocacy strategies it will employ. An official committee will have to be more moderate and conciliatory, whereas an unofficial committee has the freedom to be more radical and confrontational if need be.

- Coordinate with local decision makers and potential friends. There may be people in your town or city government that can help you. Seek them out and ask them for advice. Oftentimes, you'll be able to help the government folks because you can say things that they can't. The good apples in government will want you to help, and sometimes to get something done - they will actually need your help.

Government people can be helpful in any number of ways. They may tell you, for example, that another bicycle group already exists, and they may have great ideas for your group that you hadn't thought of yet. Government people to seek out include town planners and town public works employees. You can identify these people by calling your town's main government number, and asking to be connected to the town planning or town public works departments. Another good group of people to contact are local environmental groups or health and fitness groups. They will often support the bicycling cause and have good ideas for additional contacts. Also consider asking your local bike shop for ideas - they often come in contact with bicyclists the most in your community and will have good sense of the pulse of what issues are important.

- Consider like minded causes in your group. Pedestrians, in-line skaters, and equestrians are some of the natural allies. By including additional transportation and recreational modes of travel, you will broaden the scope of your group, which may make it more attractive to decision makers. On the negative side, you will also broaden the scope, and there may be areas where the interests of the various groups will diverge to the point where it will be hard to work towards a common goal.

- Ask for help from MassBike. MassBike maintains lists of bicycle advocates and known

groups in your area, and will be able to help generate and maintain interest in the cause. We'll be able to help you get contact lists for people who might be able to help, and to give you strategic ideas for implementing your vision on the basis of the experience of other groups that have gone before you. Call 617-542-2453 or email bikeinfo@massbike.org

Structure: Official or Non-Official Committees

Forming your group as an official town committee or as a non-official group will have its trade-offs. Generally, official groups will be able to be successful on more minor increments over a long period of time, whereas a non-official group will be much more effective at implementing major change on a single issue.

OFFICIAL COMMITTEES

Official Committees are considered a part of the town or city government. In other words, official committees are chartered by the town (usually by executive directive or vote of the select board or similar body) and conduct official city business.

Advantages of official committees

Official committees are recognized players in local politics, and often have access to town's personnel and resources. At official committee meetings, it is not uncommon to see local police, civil engineers, or town planner sit on the committee. Having an "official status" allows for much more of integration into town politics, and makes it much easier to talk to right person or department to implement a project or program. It can also be much easier to secure funding or authorization for a project or program to move forward. Official committees usually have a standardized meeting schedule, which can make it much easier to accomplish tasks in between meetings and check on progress at regular intervals.

Disadvantages of official committees.

Official committees have responsibilities that can be cumbersome, and they have less political maneuverability. Because official committees are considered to be part of the government, they must adhere to the Massachusetts open meeting law (discussed more in detail below). If an official committee does not notify the public or its meetings or keep adequate records, it could have legal problems if decisions are ever contested later by unhappy citizens.

Official committees also have an institutional disincentive to protest when bad decisions are made by the government. If an official committee sharply criticizes the local government over a policy decision, it can be very difficult to "mend the fences" and work together in the future. Official committees have a bit of a catch-22: they run the risk of

becoming ineffective if they criticize; but if they don't criticize or make suggestions at all, then the local government is unlikely to change. Managing the balancing between criticism and collaboration is the biggest challenge an official committee faces and requires sharp political skills by advocates.

Finally, since official committees are part of the government, they generally cannot accept money from individuals or foundations - the money tends to go into the governments "general fund" - although in some cases it can be earmarked. It can thus be difficult to raise money for smaller projects because it is very hard for the committee to maintain a separate account with the government.

How to form an official committee

To become an official town committee, you will need either an executive order or a vote of your town or city's legislative body. To begin the process, MassBike recommends meeting with a town decision maker (such as the town manager or a select person), and notifying them of your intent. You will need to develop a mission statement and a set of by-laws for the committee (see below for a sample set), and present this to the local government for review and approval. During this stage, you should also generate local support (utilizing the methods discussed above), and encourage other advocates to contact the decision makers, preferably in writing or in a special meeting (grassroots techniques will also be discussed in more detail below).

Once the mission statement and by-laws are approved, you will need to fill the seats of the committee. This process may vary depending on the by-laws, and the individual members of the committee may also need to be approved by the town for pre-specified terms by the local government. At your first meeting and subsequent meetings, you will need to post official notices of the meetings and take official minutes that will be submitted to the town. Most by-laws will also require that the committee elect a chairperson.

NON OFFICIAL COMMITTEES

Non-official committees are groups of advocates that are not officially associated with the local government. Such groups in Massachusetts run from extremely organized to loosely affiliated. They do not report to the town government and are not required by law to post notices about their meeting times or their decisions.

Advantages of non-official committees

Non official committees have much more latitude to criticize local governments than official committees. If a situation is hostile - for example, a selectperson is a serious roadblock to accomplishing your goal - then non-official committees can be very effective because there are no institutional penalties to a healthy dose of criticism. Unofficial committees are especially useful if the city or town you're in is likely to meet

with you incessantly while never actually doing any pro-bike reform. If your group is looking to push for major change on one specific issue, an unofficial committee can bring much more attention to the issue than an official committee because they take positions that are more likely to receive notice. An official committee, by contrast, is theoretically speaking for the town.

Additionally, non-official committees can incorporate as non-profits (see discussion below) and receive donations more easily than official bike committees. For example, a non-official group could receive a grant, or a donation for a wealthy individual - and the donor could write off the donation as a tax-deductible contribution.

Disadvantages of non-official committees

Non-official committees bring more of a rogue element to the decision making process, and they rarely last longer than a few years because they are often driven by a dynamic leader who eventually loses interest. They are also less likely to be taken seriously by the city or town unless the group has a strong grassroots element and can call on many potential voters. Non-official committees don't have access to town or city personnel quite as easily, and the government will be much less likely to pay attention to requests for projects and programs unless the group complains very loudly.

Should our non-official committee incorporate as a non-profit?

If a non-official group plans on being in existence for a significant period of time, it should consider incorporating as a non-profit. Non-profit corporations insulate the members of the group from a certain amount of liability from the actions of the group (although board members could theoretically be held liable if they don't exercise due diligence in their roles) and they offer attractive financial incentives.

There are various types of non-profit organizations (and a full discussion is beyond the scope of this guide). Suffice it to say here that there is one type of non-profit "corporation" that advocates would generally consider. This type is known by its place in the tax code, e.g. as a "501(c)3" corporation.

It is beneficial to incorporate as a 501(c)3 non-profit because it allows a group to set up a bank account and raise funding, and the group does not pay taxes on its revenues or taxes on its purchases (MassBike is a 501(c)3). Most grantmaking foundations exclusively award funding to 501(c)3 non-profits - meaning they won't award funding to other types. Government organizations also like to work with 501(c)3 groups as opposed to other types of non-profits. 501(c)3 non-profits generally receive discounts on a wide variety of services, and donors prefer to give goods and services to non-profits because they are able to write it off.

In return for these benefits, 501(c)3 non-profits are given a number of responsibilities by the IRS, which are enforced to varying degrees. First and foremost, 501(c)3 non-profits

must refrain from endorsing political candidates. This is the big no-no for 501(c)3 non-profits - if caught, the IRS will take action and may strip the group of its 501(c)3 status. 501(c)3 are also required to file state and federal tax forms, although if the amount raised per year is under \$25,000, then the paperwork is extremely minimal. Additionally, the 501(c)3 must have a board of directors of at least three people, and there are limits on the amount the 501(c)3 can spend on "lobbying" for legislation. Note that 501(c)3 non-profits can support issues, but they can not support candidates who support those issues.

To incorporate as a non-profit, an advocate will need to file with the IRS and the Massachusetts Secretary of State's office. The group will need to fill out a form, develop "Articles of Incorporation", pay minimal filing fees, develop a constitution with a specified "educational" mission, and identify the board of directors. For examples of all these documents, contact MassBike at 617-542-2453 or bikeinfo@massbike.org. Note that most advocacy groups, including MassBike, are "educational" non-profits - meaning we are eligible for 501(c)3 status because we educate the public about bicycling.

Final note: if your group is interested in endorsing political candidates and doing a large amount of lobbying, you may consider filing as a 501(c)4 because this type of activity is allowed under the purview of 501(c)4. However, there are a series of drawbacks to filing as a 501(c)4 - most notably that contributions are not tax-deductible and that most grantmaking foundations will not award funds to 501(c)4 non-profits. Most 501(c)4 funding comes from individuals. Additionally, you may consider forming both 501(c)3 and 501(c)4 arms of your organization. Contact an attorney to discuss these possibilities more fully.

So which is better: Official or Non-Official Committees?

Ultimately, you will have to decide which type of committee is best. Historically, most of the successful groups in the Massachusetts started as non-official committees. Once they gained enough interest and credibility, they approached the city or town and incorporated as official committees. And perhaps the most "mature" communities (in terms of effective bicycle advocacy) have both official and non-official committees. These communities tend to be extremely successful, because they have both the "good cop" and the "bad cop" for bicycle advocacy. The "bad cop" complains and proposes a new idea and backs up the idea with strong grassroots support, and then the "good cop" works with the local government to make it happen.

It is probably easiest to start as a non-official committee, because there are fewer hoops to jump through. All an advocate has to do to start an unofficial committee is gather a few like minded people at a restaurant and talk about ways to make a difference. Once the group establishes a rhythm, consider forming an official committee. And finally, once an official committee is in place, form another non-official group to play the role of the "bad cop." This "bad cop" group can incorporate as a non-profit and raise funds projects important to the community, such as an education program or bike path.

Sample By-Laws

If your group is an official committee, or considering incorporating as a non-profit, you will need by-laws. By-laws are the rules by which the organization conducts its business. Here's a sample of one official committee that's a good general model.

Framingham Bicycle and Pedestrian Advisory Committee Bylaws

Article 1: Name

The name of the committee shall be the Framingham Bicycle and Pedestrian Advisory Committee (FBPAC).

Article 2: Charter

The committee is organized to work to improve bicycling and pedestrian conditions in the Town of Framingham. It will strive to create a comprehensive view of bicycle and pedestrian related activities in the town. Hence, the committee will make it possible for all town groups and departments to coordinate activities that involve or affect cycling and walking in Framingham. More specifically, the committee shall:

- Advise the Board of Selectmen and other town officials on matters relating to proposed recreational paths and physical improvements to street infrastructure. This activity would include advising on a range of infrastructure improvement and safety issues.
- Work with local businesses to encourage bicycle commuting and community investment in bicycle racks, signage, and other mutually beneficial amenities. The goal is not only to involve all elements of the community but also to contribute to the economic development of the town and the well being of its population.
- Coordinate with the MBTA and private transit companies to develop intermodal transportation solutions.
- Encourage bicycle education and riding skill development to improve safety for cyclists of all ages.
- The committee will act to promote bicycling and walking as means of achieving a healthier population as called for in the 1996 Surgeon General's report *Physical Activity and Health*. In addition the committee will promote the bicycle as transportation with the objectives of mitigating congestion and improving air quality. The committee will coordinate regional bicycling initiatives with Bicycle Committees in neighboring communities as well as with the Massachusetts Highway Department Bicycle-Pedestrian Coordinator, Central Transportation Planning Staff, Metropolitan Area Planning Council, MetroWest Growth Management Committee, Bicycle Coalition of Massachusetts, and other entities as necessary or desirable. The committee's long range goal is to make Framingham more bicycle and pedestrian friendly for the mutual benefit of users of non-motorized as well as motorized transportation.
- The committee will operate as a subcommittee, under the jurisdiction of the Board of Selectmen.
- The committee will report to the Board of Selectmen at least twice per year.

Article 3: Membership

The Framingham Bicycle and Pedestrian Advisory Committee shall be composed of citizens and town employees as follows:

- Executive Committee (7 voting members):
- These citizen representatives must take an active interest in Framingham bicycling and pedestrian issues, and they must either reside or work in Framingham. Executive Committee members will be appointed by the Board of Selectmen. FBPAC officers will review applications, and forward recommendations along with all applications to the Board of Selectmen, who will then appoint members. Each member shall serve a two-year term, with reappointments at the

discretion of the Board of Selectmen.

- Executive Committee members must maintain regular attendance at committee meetings. Each Executive Committee member must notify the chairperson if he or she will be absent for a meeting or scheduled event. Excessive absences may result in removal from the committee at the Selectmen's discretion.
- Advisory Board (varying number, non-voting): Two groups comprise the advisory board of the FBPAC:
 - 1. Standing Advisory Members consist of department heads from the following Town departments (or their designees): Board of Selectmen, Planning Department, Planning Board, Police Department, Park and Recreation Department, Health Department, and Department of Public Works. Standing Advisory Board members will be regularly consulted by FBPAC and will receive regular updates on FBPAC activities.
 - 2. Advisory Members-at-Large consist of representatives from other town departments and civic organizations that are related to the FBPAC's work, for example: Conservation Commission, School Committee, Chamber of Commerce, and Historic Commission.
- Advisory Board members are encouraged, but are not required, to attend FBPAC meetings.
- Members at large (varying number, non-voting): Citizen members who do not vote, but who are interested in the committee's work, can attend committee meetings as well as volunteer to execute FBPAC projects.

Article 4: Officers

- Chairperson
- Vice-Chairperson
- Secretary

Officers shall be elected from within the Executive Committee annually at the January meeting of the FBPAC. Officers must be Framingham residents.

Officers will be responsible for following the Open Meeting Law of Massachusetts in conducting the committee's business. The officers will distribute information to FBPAC members, prepare FBPAC correspondence, post meetings, take minutes of meetings, appoint subcommittees, and carry out these bylaws. Officers will be elected on an annual basis each January.

Article 5: Subcommittees

To recruit or replace members, the officers will serve as the Nomination Subcommittee. Subcommittees may be created at the discretion of the officers. All members of the FBPAC are eligible for appointment to any sub committee.

Article 6: Meetings

The FBPAC shall hold regular monthly meetings. Meeting notices will be posted in advance, and the agenda for all meetings will be distributed in advance.

- All discussion in FBPAC meetings will be controlled by the chairperson.

Article 7: Votes

A minimum of four members of the Executive Committee is required for a meeting quorum. All actions of the FBPAC, with the exception of changes to the bylaws, require a majority vote of the Executive Committee.

Article 8: Work Program

A work program for the FBPAC shall be established once per year in September. FBPAC committee members are expected to actively contribute to the objectives and work of the committee.

Article 9: Amendment of bylaws

These bylaws can be amended at any regular FBPAC meeting by a two-thirds vote of the Executive Committee, provided that the amendment has been properly submitted. Proper submission requires that the amendment be circulated in writing to the Executive Committee at least two weeks before the meeting. Any bylaw change must be approved by the Board of

Selectmen. Changes to the bylaws are subject to ratification by the Board of Selectmen.
Adopted January 13,1998

Note: in the preceding example, the by-laws and the mission is in one document (meaning that the charter of the group is included with the rules for how the group will conduct itself). In other organizations, such as at MassBike, the by-laws and constitutional mission are separate. You can view MassBike's by-laws and constitution on our website at www.massbike.org.

Massachusetts Open Meeting Law

If your group becomes an official committee of the local government, it will need to follow the Massachusetts Open Meeting law.

The general intent of the law is that all meetings of government bodies should be open to the public unless there is a really good reason for it to be private, and that any one should be able to attend the meetings. Reasons for closed meetings or lack of notification of meetings include "executive sessions" and emergencies, which generally will not apply to bicycle committees.

The two major requirements that a bicycle committee has under the open meeting law are notifying the public about the meetings and taking minutes of the meetings. To notify the public of the meeting, the meeting should be filed with the city clerk and posted 2 business days before the meeting on an official government bulletin board. The minutes must include the place, date, and time of the meeting, as well as who was in attendance and include an accurate record of any actions taken. The records are filed with the local government and are available to the public for review.

If the open meeting law is not followed, then the government entity can be required to take "remedial action," or some of the actions taken can be challenged.

For those who are really interested, the full text of the Massachusetts Open Meeting law is reproduced below.

CHAPTER 39. MUNICIPAL GOVERNMENT

TOWN MEETINGS

Chapter 39: Section 23A Definitions

Section 23A. The following terms as used in sections twenty-three B and twenty-three C shall have the following meanings:--

""Deliberation", a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

""Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

""Executive session", any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

""Governmental body", every board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority; provided, however, that this definition shall not include a town meeting.

""Made public", when the records of an executive session have been approved by the members of the respective governmental body attending such session for release to the public and notice of such approval has been entered in the records of such body.

""Meeting", any corporal convening and deliberation of a governmental body for which a

quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

""Quorum", a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

TOWN MEETINGS

Chapter 39: Section 23B Open meetings of governmental bodies

Section 23B. All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body will reconvene after the executive session.

Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote has been taken to hold an executive session. Executive sessions may be held only for the following purposes:

(1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) to speak in his own behalf.

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which

involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.

(c) to speak in his own behalf.

(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

(4) To discuss the deployment of security personnel or devices.

(5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

(8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

(9) To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty-three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that: (a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section.

This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction or advisory power.

Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk and he shall file the notice of meetings of the committee with the clerk of each city or town within such district and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town and such secretary shall post such notice in his office or on the principal official bulletin board of the district. If the meeting shall be of a regional or

district governmental body, the officer calling the meeting shall file the notice thereof with the clerk of each city and town. A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. No votes taken in open session shall be by secret ballot.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or by means of videotape equipment fixed in one or more designated locations determined by the governmental body except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or town clerk with a copy of this section. Each such member shall sign a written acknowledgement that he has been provided with such a copy.

The district attorney of the county in which the violation occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or member or officer thereof to carry out such provisions at future meetings. Such order may be sought by complaint of three or more registered voters, by the attorney general, or by the district attorney of the county in which the city or town is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, such order may invalidate any action taken at any meeting at which any provision of this section has been violated, provided that such complaint is filed within twenty-one days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public, unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy. Such order may also include reinstatement without loss of compensation, seniority, tenure or other benefits for any employee discharged at a meeting or hearing held in violation of the provisions of this section.

Such order may also include a civil fine against the governmental body in an amount no greater than one thousand dollars for each meeting held in violation of this section.

The rights of an individual set forth in this section relative to his appearance before a meeting in an executive or open session, are in addition to the rights that an individual

may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements, and the exercise or nonexercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

TOWN MEETINGS

Chapter 39: Section 23C Regulation of participation by public in open meetings

Section 23C. No person shall address a public meeting of a governmental body without permission of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, said officer may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

Community Organizing Best Practices

The Community Organizing Best practices section will look at some of the more effective ways to organize and advocate for bicycling issues. It is not meant as a general tool on community organizing. Many books and many minds have spent a large amount of time writing about community organizing. Rather, this section will look at community organizing specifically from the perspective of bicycle advocacy. It will focus on the techniques likely to be most effective to advocate for bicycling.

Developing a mission and strategic plan for a bike group

Once you've decided to form a group, one of the first steps for the group to determine its overall raison d'etre and what specific goals it wishes to work on. These items are best determined in the context of a mission and strategic plan.

The mission is the reason the organization exists, and it acts as a filter for what the organization will work on. MassBike's mission, for example, is "to make Massachusetts a better and safer place to bicycle." This simple statement achieves many things: it tells the world what MassBike is working on, it is broad enough to include most aspects of bicycling, and it serves as an important rallying tool to recruit people to the cause. It also tells the world what MassBike isn't doing. For example, arms control or genetically modified food, while perhaps worthy causes, are outside of the mission of the organization and it would be inappropriate for MassBike to become involved in them.

Once the mission is determined, it's usually best for a group to develop a written strategic plan. Strategic plans are valuable because they help decide and gain consensus on what the group is doing in the immediate future as well as the long term. But beware: there is a tendency in strategic plans to include anything and everything relating to the group's mission, and this can lead to nothing happening at all.

The major components of a strategic plan, in addition to the mission, are (1) the vision of the organization, (2) the values of the organization, (3) the long term goals, and (4) short term actions that will accomplish the long term goals. The real meat of the plan, in terms of what you'll look at and utilize regularly, is the long term goals and short term actions section.

The vision of the organization is the definition of where the world would be if all your ideas were implemented for bicycling. For example, a vision could be "an environment in which people have viable transportation choices, where people bicycle safely to work and to play, children bicycling and walk to school, bicycle parking is available everywhere, and all citizens respect and encourage a person's right to bicycle." The vision is helpful because it helps remind people in the group what you're working towards and

in some respects it will help guide the culture of your group. For example, a more radical vision might attract more radical people.

The values are the filters that define the direction and affiliations of your organization. Values tend to be broad and specific. For example, one value could be "respect for others and diversity," or specific, such as "a person's right to use a transportation mode without fear." Values can be particularly helpful when trying to decide which groups to affiliate with. For example, if there were a racist bicycle group that fit in well with your mission - other than the fact that they were racist - you could legitimately preclude them on the basis of your written set of values.

Goals are the long term objectives that the organization is trying to accomplish. They will broadly filter what the organization will work on. The MassBike board of directors, for example, decided on five broad goals for MassBike. They are: (1) make roads more bicycle friendly, (2) build a network of safe bike paths, (3) incorporate bicycling into multi-modal transportation, (4) make workplaces and destinations more accommodating to bicycling, and (5) educate both the public and bicyclists about safe bicycling.

Broadly speaking, MassBike works to realize these goals by using the classic non-profit model of educating, advocating, and raising awareness through events and the media, but more concretely MassBike decides on specific actions to realize its goals.

The specific actions of the plan are short term plans that will help realize the long term goals. For example, there are any number of ways MassBike might "make roads more bicycle friendly" (one of its long term goals). MassBike decided that for 2005, it would focus on helping to re-write the MassHighway design manual that would make roads more bike friendly.

Short term plans should be written down and they must not be overly optimistic. Given the group's resources, it should realistically decide what it can and cannot do. In that regard, the short term plan must include three parts for each of its items. Each short term item must include (1) who is going to accomplish the task, (2) how much time it will take, and (3) how much it will cost. Without knowing how much of the group's resources each of the short term items will take in terms of time, people, and money, it will be impossible to determine whether or not the group can do accomplish the short term action.

Once the group decides on its short term plans, it should place all of its agreed plans next to each other to see if they have the resources to accomplish all of them. If the group only has \$100, and the short term plans call for \$500, then the group will have to make tough choice to get within budget.

Finally, once the whole strategic plan and the short term items are agreed to, it's time to put the thing into action! This requires two important pieces: (1) there must be a manager of the plan, who ensures that all the pieces are being completed (oftentimes, this is such a big job that this is all the person should do for the group), and (2) each short term item

must have a "project manager" who take ownership over its completion. The strategic plan manager should check in from time to time the project managers of each project. The project managers should have leeway to determine the best way to accomplish their tasks.

A note about process: it is best to include everyone in the group in the planning process, so that each individual has ownership and "buy-in" of the group, and it is also advisable to revisit the plan at least once a year - most certainly to update the short term plans, but also to re-evaluate the larger concepts such as mission and values just in case these need to be changed.

Campaign planning

An important corollary to strategic planning is campaign planning. Campaign planning will help you decide which issues to work on in both the long term and the short term, because by thinking politically you get a sense of realistic and achievable goals for your group.

PICKING ISSUES YOU CAN WIN

Picking winnable issues is an important part of the mix. The key to deciding what to work on is to think politically. An idea may have a lot of merits, but ideas cannot be thought of in vacuums.

When thinking about what to work on, one must identify likely proponents and likely opponents. Who is likely to support you? Who is likely to work against you? Who is undecided but could probably be convinced? Do you have anything to offer other groups - like newsletter space or other media? (Politicians and government agencies in particular are very appreciative when your group thanks them publicly.) The more potential political momentum, the more likely you are to win on the issue.

When picking a winnable issue, think about the following things:

- is the press going to be interested in the story? Too often advocates focus on government and overlook the press. Everyone in state government pays attention to the media, and they will generally act if they get unfavorable press.
- will it energize your grassroots base? Bicycling issues will almost always need support from more than the just the group pushing it.
- who can you get to work on the issue with you?
- how will the affected agency or company react? A government agency may react negatively, but this should not be a deterrent. You should pay attention to both the lower level employees and the heads of the agencies.
- how will elected officials react? Elected officials are often able to tell government agencies what to do because they control their budgets. Getting elected officials behind your cause and press coverage are two of the most effective methods to winning your issue.

It is equally important to define your goals concretely. You may have to "spend some political capital" to complete a project - meaning you might have to ask for a favor - but be prepared to return the favor or call in a favor when need be. Also be sure not to overextend your grassroots base. Get them involved only if the issue is very important.

WORKING WITH YOUR CONSTITUENCY

A special note deserves to be made about working with your grassroots base. Your grassroots base is usually the lifeblood of your organization. They will support you financially as well as politically. If you ask them to do something for you, many of them will respond favorably. But it is important to remember that different people respond in different ways, and different people have different levels of tolerance.

Some of your supporters will prefer email communication, others will favor a printed newsletter, or maybe a phone call. Do not become lazy and communicate in the same fashion all the time, because you will miss a large percentage or potential supporters.

Groups must also remember to involve their grassroots support into their decision making. It is likely that on any given issue, some of your supporters will not agree with you. If you give everyone a chance to comment on the direction of the group, perhaps through the annual strategic plan process, supporters are more likely to feel ownership and will create an infighting situation.

The Massachusetts bicycle community tends to be spirited and opinionated, sometime to its detriment. Historically, one of the reasons why more has not been done for bicycling is because the bicycle community sometimes cannot decide what should be done. In the interest of forward progress, your group will need to decide if it is best to pick an issue that all can agree on but that might not accomplish as big of a change, or one that is more controversial. You can win on controversial issues by thinking strategically and by utilizing effective lobbying techniques, but must be sure to include all interested parties in the decision making process.

LOBBYING TECHNIQUES

One of the rewarding and invigorating parts of bicycle advocacy is lobbying. Relatively few people work on bicycling issues in Massachusetts, but because of the intelligence and hard work of each of the grassroots group, they are able to accomplish objectives vastly out of proportion to the size of their groups. At some point when working on your issue, you will probably need to sit down with a local select person, a state representative, a member of a state agency, or maybe leaders of other groups in a coalition. The following are few tips for lobbying that MassBike learned the hard way:

- be sure to schedule the meeting in advance and confirm the meeting. The easiest way to set up a meeting is to call or email the person you want to meet with. Explain why you

want to meet with them. They may ask for an official letter requesting a meeting. Whatever they ask for, do it, especially if you haven't met with them before. Part of lobbying is building a working relationship that will make it easier to lobby them in the future. If for some reason they refuse to meet with you, either request a meeting with someone higher or lower (preferably higher) in the same organization.

- prepare a written agenda for the meeting, and pass it out at the beginning. This will allow you to control the discussion and it will make you look professional.
- if your group brings more than one person to the meeting, speak with one voice. If two members from your group disagree in front of a decision maker, or are not sure why they are there, then the decision is 100% guaranteed to do nothing to help you.
- be nice. There's no point in being hostile, even if the person you are meeting with is from the stone ages. You will need to build as many working relationships as possible. They might not like you, and you might not like them, but you will probably have to deal with them again in the future.
- make sure you know your issue. If a person asks you a question and you don't know the answer, don't lie. Get back to them later with the response.
- Act and look professional. Leave the spandex at home. It's always good to bike to meetings, but looking like Lance Armstrong will only add to the stereotype that many non-bicycling people have, namely, that all bicycle advocates are crazy and radical.
- smaller groups work best. As often as possible, you will want to meet with the person who has the authority to make the decision you want. You will be able to build a better relationship (and get more air time) in a smaller group.

Running Effective Meetings

Whether you are planning a meeting of your group, or a meeting with decision makers, you'll want to make sure you accomplish something and have at least one takeaway item. If you have a strategic plan, for example, your meetings may primarily be evaluations of where your group is relative to its stated objectives in the plan. Nothing is worse than a meeting that's a waste of time. Many other resources exist on running a good meeting, but here are a few tips MassBike has picked up over the years:

- Set a date and time for a future meeting while you're at an existing meeting, or schedule a predetermined time (such as "first Monday of every month").
- Remind people of the meeting through several different methods (email and hard copy schedules) and get a positive confirmation from each person that he or she will be attending.
- Craft a realistic agenda (that can be finished within the meeting's time limits) and distribute at least a week in advance of the meeting. This will ensure that everyone has the opportunity to prepare.
- Designate one person to chair the meeting. The chair is in charge of enforcing the agenda and making sure that everyone gets to talk and that the meeting is orderly.
- Contact people who will be reporting on various items before the meeting to make sure they understand their role. Meetings where participants are unprepared are generally a waste of time.

- Foster an environment where everyone can talk. Food and beverages often help towards this end.
- Stay on the agenda. Don't let someone pontificate about a non-essential topic.
- At the end of the meeting, conclude with action items – make sure there is a positive result. Sum up what has been accomplished at the meeting, and identify next steps. Also identify who will be acting upon those next steps.

Another good solution to running a good meeting, especially if your group tends to get off topic frequently, is the use of parliamentary procedure. MassBike, for example, uses a modified Robert's Rules system in its meetings. Parliamentary procedure will generally insure that everyone stays on topic, and that issues that need decided will get voted on.

The following is MassBike's modifications on Robert Rules of parliamentary procedure. They are a bit formal, but they will absolutely ensure that your group focuses on the issues that it needs to!

Parliamentary Procedure Example

I. PARLIAMENTARY PROCEDURE-ITS PURPOSE AND USE

Parliamentary law is a system of maintaining order in organizations. It provides an approved and uniform method of conducting meetings in a fair, orderly, and expeditious manner.

Robert's Rules of Order were written by General Henry M. Robert, a U.S. Army engineer, and published in 1876. His work is still regarded as the basic authority on the subject of parliamentary law. The most recent edition of the work, Robert's Rules of Order Newly Revised (1970), is the accepted authority for almost all organizations today. The procedure below is drawn from Robert's Rules.

II. GENERAL PRINCIPLES OF PARLIAMENTARY PROCEDURE

Basics / Fundamentals

There are five basic principles of Parliamentary Procedure:

1. Only one subject may claim the attention of the meetings at one time.
2. Each proposition presented for consideration is entitled to full and free debate.
3. Every member has rights equal to every other member.
4. The will of the majority must be carried out, and the rights of the minority must be preserved.
5. The personality and desires of each member should be merged into the larger unit of the organization.

III. PARLIAMENTARY TERMS

Adjourn: To end a meeting.

Motion: A motion brings before the group some subject upon which action of the assembly is desired. A motion remains up for consideration until withdrawn, tabled, or voted upon.

Majority: More than half of the votes cast by persons legally entitled to vote,

excluding abstentions.

Point of Information: Request for information concerning a motion.

Previous Question: Motion which, if adopted, orders an immediate vote. (e.g. “I move the previous question”)

Withdraw: To repeal, annul, cancel, or revoke formally a motion.

Resolution: Motion used to express the sentiment of a group, usually beginning with the words “resolved that...”

Second: To indicate support for consideration of a motion by saying: “I second the motion.”

Limit or extend debate: Modifies debate by limiting or extending the number or length of speeches. “I move that debate be limited to one speech of two minutes for each member” or “I move that the speaker’s time be extended three minutes.”

Refer to a committee: Gives a motion more detailed attention or permits it to be handled in privacy. “I move to refer the matter to the Program Committee.”

Amend: Modifies a main motion by inserting, adding, striking, striking and inserting, striking and adding, or substituting some specific language. “I move to amend by adding the words . . .” or “by striking . . .” or “I move to substitute for the pending motion the following:”

Reconsider: Allows a question previously disposed of to come again before the group as if it had not previously been considered.

Table: A “tabled” question remains there until taken from the table or until the close of the next regular meeting. If not taken up by that time, the question dies.

Without objection: The same as Unanimous Consent. Eliminates the need for a second and a vote, unless there is immediate objection from the floor (e.g. “without objection, I move to extend debate another five minutes”).

IV. TRANSACTING BUSINESS AT A MEETING

A. Quorum:

A quorum is the minimum number of members who must be present at a meeting for business to be legally transacted (usually this is at least half of the official members of the group).

B. Obtaining the Floor:

Before a member in a group can make a motion or speak in debate, he or she must obtain the floor; that is, the member must be recognized by the chair as having the exclusive right to be heard at that time.

C. Introducing Business (Making Motions):

Decisions are always carried out in the form of a motion.

D. Seconding a Motion:

1. After a motion has been made, another member, without rising and obtaining the floor, may second the motion.

2.The purpose of a second is to prevent time from being consumed by the group having to dispose of a motion that only one person wants to see introduced.

E. Debate:

1. After a motion has been made and seconded, every member of the group has the right to speak on every debatable motion before it is finally acted upon; this right cannot be interfered with except by a motion to limit debate.

2.All discussion must be confined to the immediately pending question and to whether or not it should be adopted.

3.While debate is in progress, amendments or other secondary motions can be introduced and disposed of accordingly.

G. Amendments:

1. A motion may be modified only by means of an amendment (submitted in the form of the motion).

H. Voting:

1 To bring a matter to a vote, say “I move the previous question.” The group will then vote on whether to end debate. A two-thirds vote is needed to end debate.

Unless special rules apply, a majority decides on the motion. A majority is more than half of the votes cast by persons legally entitled to vote, excluding blank ballots or abstentions.

2.Unless otherwise provided for, voting is by voice vote.

5.Any member may request a record of the vote if there is uncertainty as to the true result of the vote.

Running Successful Events

In the course of your bicycle advocacy efforts, you may wish to hold an event - in order to fundraise, raise awareness, or maybe just for fun. Events oftentimes seem to be the most logical action to take while advocating, but MassBike advises you to think twice before diving into event planning. Events take significant amounts of time, and the group should think long and hard about whether or not the benefits of the event outweigh all of the costs.

Event planning is a massive topic, but here are a few tips and tricks MassBike has picked up over the years:

- Determine the goal of the event. Is it a protest, a fundraiser, an event for awareness, etc.? The goal of the event will help craft the message that you're trying to convey and will largely dictate the type of person who shows up. For example, MassBike has a "BikeFest" every year that aims at recreational cyclists and families, and that's largely who shows up.
- Create an overall logistical plan and determine that dates by which logistical items

must be complete. It can sometimes be best to work backwards from the date of the event. In other words, if the event is on a Friday, what needs to be done by the day before? The week before? As much as possible, stay to your schedule, and expect that some major aspect of your logistical planning will not work out well. Disaster almost always strikes at least once.

- Determine your resource needs. How much money do you need to run the event? How much will you have to charge people to cover your costs? Be realistic with your budget, and don't assume that thousands of people will come to a first year event. Note that if you are charging for a bike ride, and you are not already covered under an insurance plan, you will have to purchase insurance. One good vendor is McKay Insurance Company - www.mckayinsurance.com.

- Pick the date and location as far in advance as possible. Ideally, you should know the date at least nine months ahead if it is a major event. This will give you ample time to promote the event through all of the various channels (such as bike shops, website, ride club newsletters, health clubs, etc.) Additionally, picking a date and location early will make it much easier to secure event sponsors. The most common excuse you'll hear from potential sponsors is "we've already budgeted for this year." If you contact them a year in advance of your event, not only will you look professional, but they have no excuses for not supporting you! (A note about sponsors: they generally want to promote their product to as many people as possible - so the more you can promote them on promo materials before the event and at the event - the more likely they will be happy).

- Plan for rain or shine. Do not rely on the farmer's almanac. You need to have a contingency plan just in case it rains.

- Expect a smaller turnout. The general rule is that about half the people that say they're going to come show up. This is a strong argument for offering incentives for event pre-registration!

If you have more specific questions, such how to plan a bike route (or arrow), or how to successfully promote an event, please contact MassBike at 617-542-2453 or bikeinfo@massbike.org.

Media – generating news and maintaining websites

The media can be your best friend, and will be one of the most effective tools you can utilize to advocate for issue. Too often, advocates forget to notify the media when advocating. This is a major mistake, because almost all decision makers pay close attention to the media and will respond if they start to look bad. For example, most state agencies cut press clipping that affect them, and circulate the articles to senior staff. Also note that the same rules that apply for effective lobbying apply for generating media. This is a political process, and you must be accurate. If you don't know the answer, get back to them later with the correct response.

Media can also be extremely helpful when you're trying to communicate your message to a broad audience. A newspaper or t.v. station may reach 500,000 people. Your email list is probably slightly smaller!

When thinking about media, it's important to consider what the media themselves are looking for. Members of the media want conflict, intrigue, and good personal stories. That generally what sells. If and when you talk to a member of the media, they are probably going to ask you unanticipated questions in an effort to draw you out and create conflict with some group or person that disagrees with you. At times like these, you must remember to stay on message. Whatever it is that you want to say to the media, stay on that topic, and don't get into unrelated back stories. If you want to talk about bicycle education, for example, and a reporter asks you about bike parking, you should say in response something like, "that an interesting question, but what I'm really here to talk about is bicycling education. Did you know that the state doesn't spend any money at all on bicycle education, while it spends millions on motorist education? Does that seem fair?"

The different types of media you may come in contact include:

- print media: newspapers, letters to the editor, magazines
- television stations
- radio stations
- news conferences

Generally the most effective way to utilize the media for bicycling is to use print media. Government agencies and decision makers usually read and save print media, and newspapers and magazines are more likely to pick up stories about bicycling than television. Radio will occasionally feature bicycling, but it's usually in a negative light - for example when radio show hosts complain that roads are just for cars.

To generate print media, you will need to build a relationship with the reporter or newspaper. The easiest way to do this is to "pitch" a story to them. The pitch should be short, no longer than about two minutes. You can pitch a story by either calling them directly, emailing them, or faxing them a press release. Different reporters respond to different methods. Some reporters, for example, only respond to email. It is also important to call them earlier in the day, when they're deciding what to write about and talking to their editors. Generally, you should aim to contact them before noon. If you call them mid-afternoon, it's generally too late.

Of course, you need a reporter's contact information to properly pitch the story. If you don't have it, MassBike may be able to help - contact us at 617-542-2453.

Note: if you ever are interviewed by a radio station, sometimes you can ask to repeat an answer to a question. This also sometimes works with television reporters. Asking for a mulligan never works with newspaper reporters - once you've said something, it's on the record.

Beyond the verbal "pitch", which you may use especially if you have a good working relationship with a reporter, you are probably more likely to send a newspaper or reporter one of three things:

- a press release

- a news advisory
- a letter to the editor

Letters to the editor are the easiest way to communicate to a paper. They are usually printed in the "Op-Ed" section of the newspaper, and the editor will generally print letters on a wide variety of topics. They tend to print letters that refer to a previously published story, but will also publish opinions on the various issues of the day. Letters to the editor can be an excellent method to convey your message to a large number of people. Letters should generally be under 300 words (preferably shorter) and quickly and succinctly address the issue at hand. Information on where to send letters to editor is almost always found on the "Op-Ed" page of the paper, and sometime also on their websites.

A press release and news advisory (see the example below) are basically the same thing and follow the same format. The critical difference is that the press release is about breaking news, whereas the news advisory tells the reporter that there will be news in the future (e.g. at an event or press conference). An advocate would use a press release to notify the press about an egregious act on the part of someone, and would use a news advisory to alert the press about a press conference on the topic.

The following is an actual "news advisory" that MassBike sent to television stations that resulted in three major televisions attending a MassBike organized press conference. In parenthesis will be the explanations of the various parts. Also, note that some reporters would prefer this via email, while others prefer fax. Reporters will sometimes read more than a page, and they will rarely read more than two pages, keep it short and to the point! They will call you if they have questions.

News Advisory (include this at the top, or put Press Release here if it's breaking news)

For Immediate Release (include this line, or a date when you want the press to comment on the issue/event)

May 3, 2001 (always put the date)

More Information: (always include this "more information" line, and follow it with contact info. You may also want to put email addresses).

Tim Baldwin, MassBike Exec. Dir., 617.542.2453

Paul Schimek, MassBike President, 617.xxx.xxxx

Civil Rights suit filed by bicyclist against State Police (this is the title of the advisory - put this in a large heading - and try to write it like a headline)

All Road Users Are Created Equal – But Some Are Treated Like Second Class Citizens
(this is the sub-title. It is not required, but sometimes can be used to grab the attention of the reader).

BOSTON, MASS (put the place where the event happened). A Boston-area bicyclist filed a civil rights suit in Middlesex Superior Court today against the State Police. The suit aims to bring to the court's attention decades of documented discrimination by State Troopers against bicyclists.

The lawsuit charges that the State Police have engaged in a pattern of conduct that is discriminatory toward bicyclists as a class of people and violates the Commonwealth's obligation "to treat all its citizens equally and afford equal protection under provisions of the Massachusetts Declaration of Rights and the United States Constitution."

The injunction follows the case of Peter Rowinsky, a cyclist who was arrested in May, 2000 while operating his bicycle on a local parkway. This parkway is open to bicyclists under Massachusetts General Laws chapter 85 section 11b, which allows bicyclists to operate on all roads in Massachusetts, except for divided, ramp-accessed express highways. The criminal case against Rowinsky was quickly dismissed. Rowinsky suspected, however, that he was not the only one who had been discriminated against by State Troopers.

This suspicion proved to be true. Rowinsky's case against the State Police calls on the testimony of several area cyclists who have been cited by Troopers while legally riding their bicycles. The earliest documented case dates to 1983.

"This case is about civil rights," said Rowinsky. "As bicyclists, we have the same rights and responsibilities on the road as anybody driving a car does."

Speaking on behalf of the Massachusetts Bicycle Coalition (MassBike), President Paul Schimek said, "This arrest and repeated discrimination reveals that even police officers share common but mistaken beliefs about bicycling. Bicyclists fare best when they act and are treated as operators of vehicles. We do not believe that the State Police are acting maliciously, but they are operating under false assumptions that are not grounded in the law and that have no factual basis. For example, it is doubly tragic when police order bicyclists onto the sidewalk," Schimek added. "Cyclists are at greater risk of colliding with motor vehicles in crosswalks than they are on the roadway."

"It also shows that we need to adopt House Bill 2101, the Bicyclists' Bill of Rights and Responsibilities," Schimek continued. This bill has been submitted to the Massachusetts legislature, and among other provisions, it mandates training for all police officers concerning the privileges and duties of bicyclists.

MassBike President Paul Schimek commented, "We want the police to enforce the traffic laws – but not to make up their own rules. A bicyclist who runs a red light should be given a ticket just like anyone else. But telling a bicyclist to get off the road is discrimination."

Rowinsky adds that the point of the suit is both to address past wrongs and to require the State Police to change their pattern of treating bicyclists like second class citizens. "This lawsuit complements the legislative effort underway to pass a bicyclists' Bill of Rights

and Responsibilities. When both the police and the citizenry better understand the rights and responsibilities of cyclists on the road, the Commonwealth will become a better place to operate all vehicles – including automobiles and bicycles.”

NOTICE OF PRESS CONFERENCE (include this for news advisories if there is an event, but not for a press release)

- WHO: Peter Rowinsky and his attorney Andrew Fischer; MassBike President Paul Schimek and Executive Director Tim Baldwin
- WHAT: News briefing to announce bicyclist Peter Rowinsky’s lawsuit against the State Police for infringement of bicyclists’ Civil Rights.
- WHEN: 2:00 p.m., Thursday, May 3
- WHERE: Corner of Washington Street and Temple Place – next to the bike racks (Downtown Crossing, Boston)

--PHOTO OPPORTUNITIES-- (notify the press to bring a photographer)

Founded in 1977, the Massachusetts Bicycle Coalition (MassBike) is a statewide organization that promotes better bicycling through education, awareness, advocacy, and improved cycling facilities. For more information, visit the MassBike website at <http://www.massbike.org>. (especially if the press doesn't know your group, you may wish to add a brief explanation)

(these three number signs should always be included - they tell the reader to stop)

Remember, whatever form of media you choose to capitalize on, you must look at it as a political process. Stay on message when talking or writing to the media, and be patient. It can take a significant amount of time to build working relationships with reporters.

Contact lists for the various forms of media are changing all the time. For the contact information for a specific newspaper or television station (or other form or media), contact MassBike at 617-542-2453; we may not have the answer you're looking for, but we do have a large list of media contacts.

Fundraising, finance, and growing membership

In addition to pure bicycle advocacy, most groups will need to fundraise and generate additional support - whether it be for something small like sending a mailing to bicyclists or something large like hiring a staff person. Generating support is about more than just raising money - you will also need to develop accurate ways to forecast and track funding, as well as ways to generate and maintain membership and funding.

FUNDRAISING

Fundraising, like most other aspects of bicycle advocacy, is an inherently political activity that requires strategic thinking. Many books have been written about fundraising, and their secrets do not need to be replicated here. But fundraising for bicycling is not like fundraising for a more typical cause, such as a disease or a homeless shelter. Fundraising for bicycling is very difficult, and it requires creativity and strong personal skills.

Bicycle supporters in general tend to be a little stingy. One of the best parts of the bicycle community is its strong streak of independence amongst its members, but unfortunately this independence often leads to thriftiness. Your past supporters may be the most likely to support you in the future, but this does not mean they will donate large sums of money. In order to be successful monetarily, you will need to be creative and seek out opportunities.

The key to successful fundraising for bicycle advocacy is diversity of funding sources. While most charitable groups in the United States receive most of their funding from individuals, this is generally not true in the bicycle advocacy world. You should aim to generate funding from four major areas (note: it will help greatly in the endeavor if you incorporate as a 501(c)3 non-profit - see the discussion above for more information).

The four major areas are:

- 1) Membership or grassroots supporters. Proven ways to expand membership are discussed in more detail below. Generally, the best way to generate members is to clearly define the benefits of members, identify likely supporters, and ask them to join. Potential supporters are most likely to join when asked in person by people they know and respect.
- 2) Events. Your group can make money from events in several ways. You can ask for sponsorship from businesses in your community. Or you can charge a fee to participate in the event. Events are also successful at gaining members. Several bicycle organizations offer discounted MassBike memberships at events. Many charities, and a few bicycle organizations, have been very successful at "pledge rides", where bicyclists raise money from their friends for a specific cause. The largest pledge ride in the United States is right here in Massachusetts - the Pan Mass Challenge regularly raises upwards of \$15 million for cancer research.
- 3) Grants and large contributions. If your group is a 501(c)3, you will be able to attract foundations that give grants and solicit large contributions because your organization will be categorized as an "educational group" and any donations will be tax deductible. Raising funds from foundations is a laborious process that requires much patience and foresight. Most foundations require a written grant application that is usually between 3 and 10 pages in length. Generally, foundations are more likely to award funding for "projects" as opposed to general operating support. Your challenge will be to couch

initiatives your group would be willing to do anyway in terms of specific projects a foundation might be willing to support.

Keep in mind that you are very likely to be rejected the first time you apply to a foundation. It will likely take you between 6 months to a year, and possibly longer, to identify and receive funds from a foundation. It is also wise to apply to several foundations for the same project, because your chances of receiving funding are quite low for each foundation. Most foundations fund between only 10% and 20% of the proposals they receive. You are most likely to receive funding from foundations in your community, such as the charitable arm of your local bank.

One of the important aspects of foundation fundraising, and the one which is most often overlooked, is identifying the foundations most likely to support your group, and building a relationship with the foundation's staff. Most foundations of any size will have at least a part time administrator, and this person will be very helpful in determining if a proposal has any chance of success and giving you tips on writing a successful proposal. Foundations generally have published guidelines that state the goals of the foundation and the areas that they fund. If their major focus is the Amazon rain forest, for example, they are not going to fund your group. The guidelines are usually available by visiting the foundation's website (if they have one), or by writing a letter of inquiry to the foundation. In fact, many foundations require a letter of inquiry prior to receiving a full proposal. You will need to ascertain all the steps necessary to apply for a grant - again, the best way to do this is by becoming friends.

You will also need to identify potential funders. Several on-line resources exist, such as www.agmconnect.org, but the easiest way to do research is to head down to your local library and ask the reference desk. Most librarians will be very happy to help you. When doing searches, start by looking for community foundations that support your geographic area - these groups will be the most likely to support you. Other good search terms include "community organization", "education", and "land use." You can try to search by the term "bicycle," but unfortunately not too much will come up.

Special tip: once you've identified potential funders, do a search for them on www.guidestar.org. It's a free website that will give you access to the foundation's financial documents (look for the Form 990 tax filing under the financial information), that will tell you to whom the foundation gave money, as well as list board members. If you happen to know a board member, your chances of success will rise dramatically.

Special tip: several non-profits send out an "end of year" appeal to their members, which is usually very successful. Asking for money around the holidays will usually generate contributions from roughly 20% to 30% of your group's overall membership.

4) Fee for service and contracts. In order to receive fee for service funding and contract money, your group will need to have demonstrated expertise in a particular area. MassBike, for example, is able to charge businesses in return for its "bicycle commuter workshop" series. Think of ways your group may be able to provide a service - such as by teaching bicycle safety or running a seminar at the local high school. Make a proposal

to a town manager, or maybe a local business. They may say no - but continue to contact them every four to six months. Many bicycle non-profits are moving to a more "fee for service" funding model, mainly because it tends to be a guaranteed source of income that provides tangible benefits to the purchaser.

Special tip: when looking for state or federal contracts, be sure to look in the Federal Register (accessible by doing an internet search) and on the Massachusetts state website under "Doing Business with the State" - the link is www.comm-pass.com. Occasionally the state and federal governments will issue requests for proposals that non-profits will be eligible for.

Finally, once your group has raised money, it will be very important to keep track funds have been spent. Donors will want to know how their resources have been allocated, and if your group raises over \$25,000 in any given year, the IRS will also want to know. Accounting and budgeting is discussed in more detail below.

MEMBERSHIP

If your group is just starting out, you probably don't have many members or supporters. Recruiting members is a daunting task, but it can be done with creative thinking and dedication. Books have been written about membership. Most of them are pretty boring but very informative - again there is no need to cover a well-covered topic here. From the bicycle advocacy perspective, there is no silver bullet to recruiting members. It requires constant vigilance and attention to detail.

In devising a membership scheme, you will need to make a few determinations. Should the membership be on a rolling basis, or should all memberships be on the same schedule (e.g. from January to January). How much will a membership cost to the supporter, and how much will your group spend on each member? Who will record all the information about members? What will be the benefits of membership, beyond feeling good about giving money to a good cause?

There are two major subsets of recruiting members:

- 1) Recruiting new members
- 2) Retaining existing members.

Several efficient techniques exist for recruiting new members. They include:

- Direct mail. Most groups with dues paying members recruit a large number of people through direct mail. The Rails to Trails Conservancy, for example, grew from 1,000 to 100,000 members just by sending out a lot of letter solicitations. The key to success here is to write a good, simple letter, and to identify the right mailing lists. You will also need to decide how much money it will cost to join (\$20 is a good introductory rate) and how people will respond. Definitely include a return envelope. If you're just starting out, you'll want to utilize some standard mailing lists that have a history of success. These include: the League of American Bicyclists, Adventure Cycling, and Bicycling

Magazine. Many organizations will give you their list for a one-time use in exchange for future use of your list, or possibly even for free. MassBike recommends contacting the membership directors for each of these organizations. Other good leads include local ride clubs in your area. Potential supporters are very likely to join your group if you offer a discount as part of their participation in an event.

- Online. Several resources, such as bikereg.com and active.com, exist for setting up a quick and dirty donation page. The web services take a cut of the donations (typically around 6% to 7%), and in return handle all the administration and send a monthly check with the donations tabulated. MassBike typically generates about \$10,000 a year from on-line donations, and many groups are seeing substantial growth in on-line giving as more people become comfortable with the internet.

- Ask in person. Many non-profits ask each board member to recruit ten new members. This approach can be particularly successful when the group has a competition, or offers incentives to the person who recruits the most members.

All these methods require a mechanism to join - whether it be a membership form or on-line webpage. Make sure you it is easy for your supporter to join. If you say, "you should really join," but don't provide a method for them to donate money, you will have lost a potential member.

Retaining existing members is an entirely different animal than recruiting new members. The most likely group of people to support you in the future are those that have supported you in the past. But you will have to continually earn the support of your members. This can be accomplished in the following ways:

- Thank your members when they renew. The more personal you make the thank you, the more appreciative they will be.

- Communicate with your members regularly. Inform the membership of successes. Even if you haven't been up to much lately, contact them just to say hello, whether it be in the form of an email, newsletter, or other method. The general rule is that your members should hear from you a minimum of six times throughout the year.

- Ask for their support more than once. When it's time for a member to renew, send them more than one renewal notice. Start by sending a renewal notice one month before their membership expires, and then send them another notice every 1.5 months. If a person does not renew, they should receive at least four notices from your group.

Database management and accounting

Keeping accurate financial records and budgeting is not only part of running an effective operation - if you incorporate as a non-profit, it is generally required as due diligence by the board of directors.

DATABASES

You will want to utilize a database to keep track of your members and financial contributions. Unfortunately, there is no one good computer program that is a panacea to all your database problems. Generally, you will want to utilize as few databases as

possible. This will facilitate the ease of retrieving information, and well as make your system less confusing. For small groups, you may be able to use something as simple as handwritten index cards or Microsoft Excel. For larger groups, you will want to consider using specialized program. MassBike uses Filemaker (a special database program) for its membership file and Quickbooks (a financial tracking program) for its financial records.

ACCOUNTING

If your group received financial support, some sort of accounting will generally be required. All groups will have to file with the Massachusetts Secretary of State each year. If you raise less than \$25,000 each year, you will not have to file with the IRS. If you raised between \$25,000 and under \$100,000 you'll be able to file a 990-EZ IRS form which is not difficult to fill out. Groups raising over \$100,000 will need to be audited.

Generally, the filing requirements are not onerous, and most people should not have a problem filling out the forms. Tax forms for non-profits are usually due on May 15 of each year.

Even if your group does incorporate as a non-profit, you will want to consider appointing a treasurer. This person will be in charge of the finances of the group, drafting a budget, and filing all the necessary paperwork.

BUDGETING

Any group that receives or expects to receive funding should develop a budget. Many foundations require a budget as a condition of a grant application, and it is in the best interests of all members of your group to know the financial status of your organization. The budget should include line items for all anticipated revenue categories, as well as expense categories. It can be particularly helpful to factor in the costs of various programs that a group wishes to implement, in order to see how programs will affect the bottom line.

In addition to a financial budget, larger groups will want to develop a cash flow statement for a 12 month period. The cash flow statement is different from a budget in that it explicitly states when budgeted funds will be expended. The cash statement should consist of a beginning balance for each month, and then the expected income and expected expenses for each month. The end result will be the month-end balance. A cash flow statement can be critical to making sure an organization stays afloat. For example, if a group has \$5,000 in the bank at the beginning of a month, but has \$6,000 budgeted for a project, the group will know from its cash flow statement that it cannot spend all of the funding until the rest of its expected revenue comes in.

Programmatic Resources

An Overview of the State's Decision Making Framework

Massachusetts is a very complicated political system. Because of its complexity, it tends to be very inaccessible, particularly when an individual or group wishes to advocate on behalf of bicycling. Massachusetts does not have a viable county system, so there are basically two levels of decision making authority: the state and the town. The state is made up of various agencies that interconnect with each other, and some state agencies are regional in focus. The cities and towns may also have various departments, depending on their size.

One of the most important aspects of bicycle advocacy is determining who has jurisdiction over what you want done. If you want to install bicycle parking, determine who owns the property you wish to utilize. If you want to start an education program, find out who it would reach. In short, the very first thing you will want to determine is who has jurisdiction over your proposed project, problem, or program.

The following is a brief list of the groups and people you may come into contact with (they are explained below in much more detail):

Local

Mayor, Board of Selectmen/aka City Council/aka Board of Aldermen (chief elected officials)

Executive Secretary / City or Town Manager (chief appointed official)

Conservation Commission

Department of Public Works - charged with construction and maintenance and most other installations

City / Town Engineer - designs facilities

Planning Board - determines which projects work on

Parks / Recreation

Police Department

Regional

Regional Planning Agencies - mandated by the federal government and required in order to spend federal transportation money.

Regional Transit Authorities - including the Massachusetts Bay Transportation Authority

MassHighway District Offices

Other State Agency District Offices

State

Massachusetts Legislature

Office of Commonwealth Development

Executive Office of Environmental Affairs, and its subdepartments including the Department of Conservation and Recreation and the Massachusetts Environmental Policy Act

Executive Office of Transportation, including its subdepartments the Massachusetts Highway Department, the Bureau of Transportation and Planning, and the Registry of Motor Vehicles

The Governor's Highway Safety Bureau

National

US Department of Transportation, and its subdepartment - the Federal Highway Administration
(Federal Highway is the promulgator of most funding rules that Massachusetts must abide by
in order to received federal funding)

Members of Congress - they vote on federal funding for transportation

National Park Service - the local office offers technical assistance of River and Trails projects -
go to www.nps.gov to learn more.

We will first review the most important state and regional agencies, and then return to a
discussion of how funding works so you can see the groups in action. The list is generally listed
by hierarchal order and contains contact information as well as editorial comments.

Office of Commonwealth Development
State House, Room 120
Boston, MA 02116
Secretary: Douglas Foy
Deputy Secretary: Steve Burrington

OCD is a new super-agency created by Governor Romney. It sits at the highest level of state
government. It oversees transportation, the environment, and housing for the governor. It
remains to be seen how effective the new agency will be, because the Massachusetts Legislature
essentially refused to authorize its permanent existence. Nevertheless, in operational terms, it
carries great weight because Secretary Foy has the ear of the governor. Secretary Foy is the
highest state official that an advocate can meet with. But note that he would be helpful only if
you have an issue of state policy. For issues under the jurisdiction of the municipality, you'll
want to meet with your town officials.

Executive Office of Transportation & Construction
10 Park Plaza
Boston, MA 02116
(617) 973-7000
Secretary: John Cogliano
Deputy Secretary for Multi-Modal Transportation: Ms. Astrid Glynn

EOT is the executive agency (the second highest in state government), reporting to the Office of
Commonwealth Development, on all policy matters affecting federal, state, and local
transportation issues. Historically, the EOT has not had much power, because it hasn't controlled
the transportation budget (MassHighway, the next agency down, has this luxury), but Governor
Romney is trying to beef up its authority in order to make transportation projects more efficient.
The EOT oversees the Registry of Motor Vehicles, the Bureau of Transportation Planning, and
the Massachusetts Highway Department. The Secretary of the EOT is also chair of the MBTA.

Bureau of Transportation Planning, EOT
Mr. Ken Miller
10 Park Plaza
Boston, MA 02116
(617) 973-7800

For many moons, until 2004, the Bureau of Transportation Planning was a sub-department of the Massachusetts Highway Department. It remains to be seen what role it will have now - because it is now a subdepartment within the EOT. The primary role Planning Department is to map out the long term and short term transportation plans for the state. It also controls the funding for most transportation planning in the state, so traditionally it has held considerable power.

The Bureau of Transportation and Development oversees the 13 Regional Planning Agencies that are listed below. The RPAs are in charge of long range transportation regional planning in Massachusetts. They are not a subdivision of the Bureau of Transportation Planning; they are quasi independent, but they do collaborate closely with the Bureau. Traditionally, the RPAs have held very little power (besides the Cape Cod RPA) because they don't control any real budget. The RPAs will suggest good ideas, but it is then up to other state agencies (until very recently just MassHighway) to determine what actually gets funded. But the RPAs will be very helpful in determining how to make projects happen, how to initiate projects, as well as check on the status of projects.

LIST OF RPAS AND THEIR JURISDICTIONS

Berkshire County Regional Planning - <http://www.berkshireplanning.org/>

Municipalities:

Adams, Alford, Barrington, Becket, Cheshire, Clarksburg, Dalton, Egremont, Florida, Hancock, Hinsdale, Lanesboro, Lee, Lenox, Monterey, Mt. Washington, New Ashford, New Marlborough, North Adams, Otis, Peru, Pittsfield, Richmond, Sandisfield, Savoy, Sheffield, Stockbridge, Tyingham, Washington, West Stockbridge, Williamstown, Windsor

Cape Cod Commission - <http://www.capecodcommission.org/>

Municipalities:

Barnstable, Dennis, Mashpee, Truro, Bourne, Eastham, Orleans, Wellfleet, Brewster, Falmouth, Provincetown, Yarmouth, Chatham, Harwich, Sandwich

Central Mass Regional Planning Commission - <http://www.cmrpc.org/>

Municipalities:

Auburn, Grafton, Northbridge, Sturbridge, Barre, Hardwick, North Brookfield, Sutton, Berlin, Holden, Oakham, Upton Blackstone, Hopedale, Oxford, Uxbridge, Boylston, Leicester, Paxton, Warren, Brookfield, Mendon, Princeton, Webster, Charlton, Millbury, Rutland, West Boylston, Douglas, Millville, Shrewsbury, West Brookfield, Dudley, New Braintree, Southbridge, Westborough, East Brookfield, Northborough, Spencer, Worcester

Franklin County Planning Commission - <http://www.frcog.org/>

Municipalities:

Ashfield, Erving, Monroe, Shutesbury, Bernardston, Gill, Montague, Sunderland, Buckland, Greenfield, New Salem, Warwick, Charlemont, Hawley, Northfield, Wendell, Colrain, Heath, Orange, Whately, Conway, Leyden, Rowe, Deerfield, Leverett, Shelburne

Pioneer Valley Planning Commission - <http://www.pvpc.org/>

Municipalities:

Agawam, Goshen, Middlefield, Springfield, Amherst, Granby, Monson, Tolland, Belchertown, Granville, Montgomery, Wales, Blandford, Hadley, Northampton, Ware, Brimfield, Hampden, Palmer, West Springfield, Chester, Hatfield, Pelham, Westfield, Chesterfield, Holland, Plainfield, Westhampton, Chicopee, Holyoke, Russell, Wilbraham, Cummington, Huntington, South Hadley, Williamsburg, East Longmeadow, Longmeadow, Southampton, Worthington, Easthampton, Ludlow, Southwick

Martha's Vineyard Commission - <http://mvcommission.actwin.com/index.html>

Municipalities:

Chilmark, Gay Head, Oak Bluffs, West Tisbury, Edgartown, Gosnold, Tisbury

Merrimack Valley Planning Commission - <http://www.mvpc.org/>

Municipalities:

Amesbury, Groveland, Methuen, Rowley, Andover, Haverhill, Newbury, Salisbury, Boxford, Lawrence, Newburyport, West Newbury, Georgetown, Merrimack, North Andover

Metropolitan Area Planning Council (Boston metro area) - <http://www.mapc.org/>
60 Temple Place
Boston, MA 02111
(617) 451-2770

Municipalities:

Acton, Framingham, Medway, Sharon, Arlington, Franklin, Melrose, Sherborn, Ashland, Gloucester, Middleton, Somerville, Bedford, Hamilton, Milford, Southborough, Bellingham, Hanover, Millis, Stoneham, Belmont, Hingham, Milton, Stoughton, Beverly, Holbrook, Nahant, Stow, Bolton, Holliston, Natick, Sudbury, Boston, Hopkinton, Needham, Swampscott, Boxborough, Hudson, Newton, Topsfield, Braintree, Hull, Norfolk, Wakefield, Brookline, Ipswich, North Reading, Walpole, Burlington, Lexington, Norwell, Waltham, Cambridge, Lincoln, Norwood, Watertown, Canton, Littleton, Peabody, Wayland, Carlisle, Lynn, Pembroke, Wellesley, Chelsea, Lynnfield, Quincy, Wenham, Cohasset, Malden, Randolph, Weston, Concord, Manchester-by-the-sea, Reading, Westwood, Danvers, Marblehead, Revere, Weymouth, Dedham, Marlborough, Rockland, Wilmington, Dover, Marshfield, Rockport, Winchester, Duxbury, Maynard, Salem, Winthrop, Essex, Medfield, Saugus, Woburn, Everett, Medford, Scituate, Wrentham, Foxborough

MAPC also holds subregional meetings. Within the 101-municipality membership of MAPC, the following subgroups hold regular monthly meetings:

- Inner Core
- Metrowest Growth Management Committee
- Minuteman Advisory Group on Interlocal Coordination
- North Shore Task Force
- North Suburban Planning Council
- South Shore Coalition
- South West Advisory Planning Committee (SWAP)
- Three Rivers Interlocal Council (TRIC)

Montachusett Regional Planning Commission - <http://www.mvpc.org/>

Municipalities:

Ashburnham, Gardner, Lunenburg, Templeton, Ashby, Athol, Ayer, Groton, Harvard, Hubbardston, Petersham, Phillipston, Royalston, Townsend, Westminster, Winchendon, Clinton, Lancaster, Shirley, Fitchburg, Leominster, Sterling

Nantucket Planning & Economic Development Commission - <http://www.nantucket-ma.gov/departments/npedc/npedc.html>

Municipalities: Nantucket

Northern Middlesex Council of Governments - <http://www.nmcog.org/>

Municipalities:

Billerica, Dunstable, Pepperell, Tyngsborough, Chelmsford, Lowell, Tewksbury
Westford, Dracut

Old Colony Planning Council - <http://www.ocpcrpa.org/>

Municipalities:

Abington, Easton, Kingston, Stoughton, Avon, East Bridgewater, Pembroke
West Bridgewater, Bridgewater, Hanson, Plymouth, Whitman, Brockton, Halifax, Plympton

Southeast Regional Planning & Economic Development District (SRPEDD) -
<http://www.srpedd.org/>

Municipalities:

Acushnet, Freetown, Norton, Taunton, Attleboro, Lakeville, Plainville, Wareham, Berkley,
Mansfield, Raynham, Westport, Carver, Marion, Rehoboth, Dartmouth, Mattapoisett, Rochester,
Dighton, Middleboro, Seekonk, Fairhaven, New Bedford, Somerset, Fall River, North Attleboro,
Swansea

Registry of Motor Vehicles
Kimberly Hinden, Registrar
630 Washington Street
Boston, MA 02111

The RMV is now an agency that reports directly to the EOT. It is the chief organization charged with educating the motoring public. They also have a charge to educate the public about bicycling. In the summer of 2004, they were moved under the authority of the Executive Office of Transportation. It remains to be how this change will affect the agency.

Regional Transit Authorities

The regional transit authorities cover the entire state and operate under the semi-autonomously under the purview of the Executive Office of Transportation. Most RTAs, beside the MBTA in the Boston area, consist primarily of bus systems (some also operate ferries). Interestingly, almost all of the RTAs have bike racks on their buses besides the MBTA. You would typically contact an RTA if you wanted to put a bike rack in at a bus stop, to try to get better access to and from stations, or to add bike racks on buses.

Berkshire Regional Transit Authority (BRTA)

Brockton Area Transit Authority (BAT)
Cape Ann Transportation Authority (CATA)
Cape Cod Regional Transit Authority (CCRTA)
Franklin Regional Transit Authority (FRTA)
Greenfield Montague Transportation Area (GMTA)
Lowell Regional Transit Authority (LRTA)
Martha's Vineyard Transit Authority
Massachusetts Bay Transportation Authority (MBTA)
Merrimack Valley Regional Transit Authority (MVRTA)
Montachusett Regional Transit Authority (MART)
Nantucket Regional Transit Authority (NRTA)
Pioneer Valley Transit Authority (PVTA)
Southeastern Regional Transit Authority (SRTA)
Greater Attleboro/Taunton Regional Transit Authority (GATRA)
Worcester Regional Transit Authority (WRTA)

Massachusetts Bay Transportation Authority
Transportation Building
10 Park Plaza
Boston, MA 02116
(617) 222-5000
General Manager: Dan Grabauskus
Bicycle Planner: Steve Woelfel

The MBTA is one of the Regional Transit Authorities. It tends to have the most impact on bicycles because it promulgates the rules on bicycles on the commuter rail as well as the subway.

MBTA Advisory Board
10 Park Plaza
Boston, MA 02116
(617) 426-6054

An oversight and audit agency that reviews operations and finances of the MBTA.

Massachusetts Highway Department (MHD)
Transportation Building
10 Park Plaza
Boston, MA 02116
(617) 973-7500
Commissioner: Luise Paiewonsky
Chief Engineer: Thomas F. Broaderick
Deputy Chief Engineer: John Blundoe

The Massachusetts Highway Department (MHD) or "MassHighway" is responsible for the planning, construction, and maintenance of 12,000 lane-miles of state roadway. MassHighway has traditionally been the 10,000 pound gorilla of transportation in Massachusetts, because they control almost all of the transportation funding in the state for design, construction, and

maintenance of projects and programs. Governor Romney is trying to consolidate the agency underneath EOT, but the results are not yet clear. This is mainly because MassHighway has always operated under the purview of the EOT, but it hasn't been managed by organizations theoretically higher on the totem pole because there are no enforcement mechanisms in place.

Also, the presence of a state route number on a road, however, does not necessarily mean that it is maintained by the state. Consult your local DPW (or RPA) to determine which of your local roads are under state or local control. If you have a design or maintenance question about a larger road, or you are trying to build a bike path, you will likely contact MassHighway.

Contacts within MassHighway

The federal Transportation Equity Act of 1998 (currently under review for re-authorization) made it a requirement for every state to have a Bicycle/Pedestrian Coordinator. The bicycle coordinator is one of the central contacts at MassHighway contact responsible for providing information on bike/pedestrian issues, and helping bicycle advocates understand how to locate the people and resources to undertake a bicycle access project. The state's bicycle program coordinator is:

Josh Lehman
Bicycle/Pedestrian Coordinator
Massachusetts Highway Department
Transportation Building
10 Park Plaza
Boston, MA 02116
(617) 973-7329

Mr. Lou Rabito
Bicycle and Pedestrian Accommodation Engineer
Massachusetts Highway Department (MHD)
10 Park Plaza - Room 6210
Boston, MA 02116-3973
(617) 973-7729

- Chapter 87 is the state law that requires MassHighway to reasonably accommodate bicycling in all of its projects. In 1998 MassHighway created a new position specifically to look at bicycle and pedestrian road design. Lou Rabito is that person within the Engineering Department of MassHighway. He will be able to tell you what a road project is doing to incorporate bicycling.

Ms. Linda Walsh
Transportation Planner - Enhancements Coordinator
MHD
10 Park Plaza - Room 4150
Boston, MA 02116

- Contact for questions regarding the Transportation Enhancements program - most bicycle path projects in Massachusetts will be funded using Enhancements.

MassHighway has five District Offices, which will be your first line of contact about a project, whether it be a road, bikepath, or something else. MassHighway is fairly hierarchal, and most initial decisions about designs and project need will be decided regionally. The MassHighway district offices are also very involved in the state's planning process, which is critical to determining which projects move forward.

MHD - District 1

District Highway Director : Ross Dindio

270 Main St.

Lenox, MA 01240

Tel : (413) 784-1768, (413) 637-1750

Fax : (413) 637-0309

District 1 area: Adams Alford Ashfield Becket Blandford Buckland Charlemont Cheshire Chester Chesterfield Clarksburg Colrain Conway Cummington Dalton Egremont Florida Goshen Granville, Great Barrington, Hancock Hawley Heath Hinsdale Huntington Lanesborough Lee Lenox Middlefield Monroe Monterey Montgomery, Mount Washington, New Ashford, New Marlborough, North Adams, Otis, Peru, Pittsfield, Plainfield Richmond Rowe Russell Sandisfield Savoy Sheffield Shelburne Stockbridge Tolland Tyringham Washington, West Stockbridge, Williamsburg Williamstown Windsor Worthington

MHD - District 2

District Highway Director : Albert Stegemann

811 North King St.

Northampton, MA 01060

Tel : (413) 584-1611

Fax : (413) 584-8194

District 2 area: Agawam Amherst Athol Barre Belcherton Bernardston Brimfield Chicopee Deerfield, East Longmeadow, Easthampton Erving Gill Granby Greenfield Hadley Hampden Hardwick Hatfield Holland Holyoke Leverett Leyden Longmeadow Ludlow Monson Montague, New Braintree, New Salem Northampton Northfield Orange Palmer Pelham Petersham Phillipston Royalston Shutesbury, South Hadley, Southampton Southwick Springfield Sunderland Templeton Wales Ware Warren Warwick Wendell, West Brookfield, West Springfield, Westfield Westhampton Whately Wilbraham

Winchendon

MHD - District 3

District Highway Director : Thomas Waruzila
403 Belmont St.
Worcester, MA 01604
Tel : (508) 754-7204
Fax : (508) 799-9763

District 3 area: Acton, Ashburnham, Ashby, Ashland, Auburn, Ayer, Bellingham, Berlin, Blackstone, Bolton, Boxborough, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Dunstable, E. Brookfield, Fitchburg, Framingham, Franklin, Gardner, Grafton, Groton, Harvard, Holden, Holliston, Hopedale, Hopkinton, Hubbardston, Hudson, Lancaster, Leicester, Leominster, Littleton, Lunenburg, Marlborough, Maynard, Medfield, Medway, Mendon, Milford, Millbury, Millis, Millville, N. Brookfield, Natick, Northborough, Northbridge, Oakham, Oxford, Paxton, Pepperell, Princeton, Rutland, Sherborn, Shirley, Shrewsbury, Southborough, Southbridge, Spencer, Sterling, Stow, Sturbridge, Sudbury, Sutton, Townsend, Upton, Uxbridge, W. Boylston, Wayland, Webster, Westborough, Westford, Westminster, Worcester

MHD - District 4

District Highway Director : Stephen O'Donnell
519 Appleton St.
Arlington, MA 02476
Tel : (781) 641-8300
Fax : (781) 646-5115

District 4 area: Amesbury Andover Arlington Bedford Belmont Beverly Billerica Boston
Boxford Braintree Brookline Burlington Cambridge Canton Carlisle Chelmsford Chelsea
Concord Danvers Dedham Dover Dracut Essex Everett Georgetown Gloucester
Groveland Hamilton Haverhill Ipswich Lawrence Lexington Lincoln Lowell Lynn
Lynnfield Malden Manchester Marblehead Medford Melrose Merrimac Methuen
Middleton Milton N. Andover N. Reading Nahant Needham Newburyport Newton
Peabody Quincy Randolph Reading Revere Rockport Rowley Salem Salisbury Saugus
Somerville Stoneham Swampscott Tewksbury Topsfield Tyngsboro W. Newbury
Wakefield Waltham Weston Westwood Weymouth Wilmington Winchester Winthrop
Woburn

MHD - District 5

District Highway Director : Bernard McCourt
1000 County St.
Taunton, MA 02780

Tel : (508) 824-6633
Fax : (508) 880-6102

District 5 area: Abington Acushnet Attleboro Aquinnah Avon Barnstable Berkley Bourne
Brewster Bridgewater Brockton Carver Chatham Chilmark Cohasset Dartmouth Dennis
Dighton Duxbury E. Bridgewater Eastham Easton Edgartown Fairhaven Fall River
Falmouth Foxborough Freetown Gosnold Halifax Hanover Hanson Harwich Hingham
Holbrook Hull Kingston Lakeville Mansfield Marion Marshfield Mashpee Mattapoisett
Middleboro N. Attleborough Nantucket New Bedford Norfolk Norton Norwell Norwood
Oak Bluffs Orleans Pembroke Plainville Plymouth Plympton Provincetown Raynham
Rehoboth Rochester Rockland Sandwich Scituate Seekonk Sharon Somerset Stoughton
Swansea Taunton Tisbury Truro W. Bridgewater W. Tisbury Walpole Wareham
Wellfleet Westport Whitman Wrentham Yarmouth

Executive Office of Environmental Affairs (EOEA)
100 Cambridge Street, 20th Floor
Boston, MA 02202
(617) 727-9800
Secretary: Ellen Roy Herzfelder

- EOEA is on the same level in state government as the EOT. EOEA houses the Massachusetts Environmental Policy Act Office, the Department of Conservation and Recreation, and the Department of Environment and Protection. (MEPA) MEPA is responsible for any highway construction project that requires an environmental notification form (ENF). Like its sister agency, the Executive Office of Transportation, Governor Romney is trying to give it more oversight ability.

Department of Environmental Protection (DEP)
Division of Consumer and Transportation Programs
One Winter Street
Boston, MA 02108
(800) 462-0444 (general information)
(617) 292-5500 (main reception number)

- DEP is the central, largest environmental regulatory agency in the state, and it operates underneath the EOEA. It has regional offices in Woburn, Lakeville, Worcester, and Springfield. The DEP Division of Consumer and Transportation Programs oversees the Ridesharing Regulation to reduce pollution by reducing the number of vehicle miles traveled by commuters. The Rideshare regulation requires that each facility in the state employing more than 250 people to register with DEP by filing a Ridesharing Update Report. One of the applicable trip reduction measures is to provide incentives for employees to bicycle to the facility. Detailed information can be found in the DEP brochure “The Ridesharing Regulation” available from the DEP Infoline at 800-462-0444.

Department of Environmental Management (DEM)
100 Cambridge Street, Room 1905
Boston, MA 02202

- (1) Forest, Park, and Trail Management
(617) 727-3180
- (2) Trail Planning and Development - Mr. Danny O' Brien (x557)
(617) 727-3160

Department of Conservation and Recreation
251 Causeway Street
Suite 600
Boston, MA 02114-2104

DCR manages the development, maintenance, and construction on all DCR parkways (such as Fresh Pond and Charles River), park areas, and maintains several bike trails. They are under the auspices of the Executive Office of Environmental affairs. The DCR used to be known as the Metropolitan District Commission (MDC) and the Department of Environmental Management. They manage several bikepaths in the Boston area. They also manage 10 bike paths in state forests and parks, and 160 miles of park roads. You are likely to come in contact with the DCR if you have an issue with a bikepath's condition. DCR manages most of the popular paths, but unfortunately hasn't been allocated the proper funding by the legislature to maintain them. They also have a small grant program that's available for trail maintenance and development.

Environmental Monitor, MEPA Unit
Executive Office of Environmental Affairs
100 Cambridge Street - 20th Floor
Boston, MA 02202

MEPA is the Massachusetts Environmental Policy Act, a division of the Massachusetts Executive Office of Environmental Affairs, and is charged with enforcing Massachusetts environmental laws.

All construction projects which exceed certain thresholds of size or of environmental effects must receive a permit from MEPA. All major highway and development projects are subject to the MEPA process, and are open for a period of public comment. On larger projects, the Secretary of Environmental Affairs may decide that additional study -- and additional comment periods -- are required. All projects which are open for comment are described in the Massachusetts *Environmental Monitor* e-newsletter.

Governor's Highway Safety Bureau
1 Ashburton Place

Rm 611
Boston, MA 02108
Phone 617. 727.6300

Contact: Brook Chipman

GHSB operates nominally within another executive agency (the Executive Office of Public Safety), but is somewhat autonomous - although Gov. Romney may try to bring it more into line with a hierarchal structure. GHSB:

- receives funding from National Highway Transportation Safety Administration (NHTSA)
- Maintain 10 County-wide safety programs, has a great deal of experience working at local level with municipal programs.
- In the past has funded bike helmet programs, and other public safety approaches
- Through a county wide program, GHSB provided a mini grant to at least one Massachusetts community to post "Share the Road" (with a bicycle image).

In recent years, GHSB has not funded bicycle safety in a major way, though it could under its funding parameters. It tends to focus on: improved driving conditions, occupant protection (for example, safety belts), and speeding. They do have a mini-grant helmet program every year, offering up to 50 helmets per group.

How Projects Happen

With this basic structure of the web of state agencies, we can now begin to understand how projects happen. If the project is local, and the town or city wished to spend its own money, then the municipality can utilize its own funding, or use its state apportioned "Chapter 90" funding. Chapter 90 funding is apportioned by the state legislature, and usually amounts to about \$150 million total for all of the 351 cities and towns each year. Generally speaking, most towns do not receive enough state aid through Chapter 90 to maintain their roads, so they turn to the state for help.

All road construction projects within Massachusetts that utilizes state aid must go through a process of being "programmed" into the Statewide Transportation Improvement Program (STIP or TIP, for short).

The TIP process was created by federal legislation in 1991. Essentially, Massachusetts has 13 Regional Planning Agencies that are split amongst the state. Each Regional Planning Agency is in turn required to come up with a long range transportation plan. Within the long range plan, different projects and transportation programs are identified. The Regional Planning Agency, in conjunction with its Metropolitan Planning Organization (another federally mandated organization that is usually made up of the Regional Planning Agency and other state agencies as well as town in the area), come up with the TIP. The TIP then guides funding for the coming year. The money for this plan comes from the federal government as part of the gas tax, and is channeled to the communities by MassHighway. The amounts vary, but Massachusetts typically receives around \$500 million, a lot of which is still channeled to the Big Dig.

MPO's are usually composed of officials from your RPAs, Regional Transit Authorities, the MassHighway Department (MHD), and the Executive Office of Transportation. (EOT). Some have elected town officials as well.

Under federal law, states must designate MPOs in all urbanized areas with a population of 50,000 people or greater. There are ten MPOs in Massachusetts. The remaining three areas have Regional Planning Agencies that function as MPOs.

The function of an MPO is to make sure that each transportation project on the Transportation Improvement Program (TIP) fits into the larger State TIP. By requiring approval from all these agencies, an MPO can make sure that a project in one location is compatible with others.

Why is this important? Because if it is not in the long range transportation plan, it won't be in the TIP. And if it's not in the TIP, it won't happen. Luckily, each Regional Planning Agency has open public meetings to discuss its transportation plan as well as its TIP, so bicycle advocates can wield considerable influence by attending meetings. As a practical matter, a lot of horsetrading can occur in getting an item on the TIP. Historically, projects get on the TIP because a politician or other decision maker wants them there, not because of a seamless planning process. Governor Romney is currently trying to amend the process to make it more seamless.

When a new Transportation Improvement Project (TIP) is being developed, all of the communities in the Regional Planning Area are notified and asked to submit those projects they would like included in the TIP. This annual solicitation for projects takes place during the first three months of the calendar year. The list of projects submitted by the communities is compiled with those submitted by the MPO member agencies (the Planning Agency, the Massachusetts Highway Department (MHD), the Executive Office of Transportation (EOT), and the Regional Transit Authority), and projects that remain from the previous TIP.

If a highway (cycleway/pedestrian) project is to be advanced, the community needs to have secured concurrence from the Massachusetts Highway Department District Highway Director and the Department's Project Review Committee.

Please notice: The Project Review Committee (PRC) approves every project before it becomes even a viable project. This important committee also determines the engineering feasibility of any project. This authority gives the PRC a good deal of influence in selecting and approving projects.

The following process lists the general sequence of steps a community must complete for a projects proposed on federal-aid eligible, locally maintained roadways.

- (1) The community (local bike committee or other interest group) becomes aware of an existing or potential transportation problem. [any construction, reconstruction, or maintenance project]
- (2a) The community writes to the Mass Highway Department District Highway Director asking for assistance with the problem. The letter should include information such as why improvements are needed, a description of the proposed improvements, the level of local support for the project; and a commitment that the project will be designed by the community, and that Right-of-Way acquisitions or easements will be the responsibility of the community.
- (2b) The community submits a copy of the above letter to the Metropolitan Planning

Organization (or Regional Planning Organization for your area).

- (3) The Mass Highway Department District Office investigates and reviews the request.

Advocacy Suggestion: Get to know the District Highway Engineer for your region. This person is the chief contact for the planning, design, and construction of any road improvement(s) in the region they oversee and where you live.

- (4) The MHD District Highway Director may ask the community to prepare a Project Justification Report (PJR).

Advocacy Suggestion: It is good to get to know the local official(s) who have done a PJR in the past. By reviewing a "good" example of this document, a cycling advocate can understand in greater detail the best steps to take to advance their particular project(s).

- (5) The community submits a Project Justification Report (If required) to both the MHD and the Regional Planning Agency which is prepared at local expense.

- (6) The community and the Regional Planning Agency meet with the MHD District Office to discuss potential priority for the project.

Notice: The MHD District may make a recommendation to the municipality to hold an informational meeting to determine the degree of community support (and potential level of opposition).

- (7) The MHD District Office reviews the Project Justification Report and evaluates the local support for the project. If the District concurs with the project need, it will then submit a favorable request to the Project Review Committee of the Mass Highway Department.

- (8) The MHD Project Review Committee approves or disapproves the proposed project.

- (9) The MHD District notifies the community and the MPO in writing if the project is approved by the Project Review Committee. (The District Office will notify the community if the project is not considered viable as a MHD Department-sponsored project and that it is more suitable as a Chapter 90 project).

- (10) Following MHD project approval, the community then works to design the project. The proponent should contact their MPO to request that the project be placed on the statewide TIP. The TIP is a five year document, and the year in which a project is scheduled to be funded is constantly changing.

- (11) The MPO considers the project in terms of regional needs and compliance with the Regional Transportation Plan.

- (12) The Metropolitan Planning Organization votes on approving the project for inclusion in the Draft Regional TIP, which is presented to the public for review.

- (13) The Metropolitan Planning Organization votes on approving the project for inclusion in the Final Regional TIP, which includes revisions based on public input.

- (14) The community hires a design consultant (or uses the community's municipal engineer) to prepare the necessary construction documents, including any necessary environmental documents. The design engineer prepares the documents and submits them to the MHD for approval. Depending on the complexity of the project, submittals may be required at the 25%, 75% and 100% design phase. These are the three benchmarks for construction. The 25% design phase is by far the most important.

The Design Process: the 25% Design Stage

The 25% design stage is the point in road, bridge or trail construction, reconstruction, or resurfacing project, undertaken by the Massachusetts Highway Department (MHD) with or without federal funding, where approximately 25% of the initial design of the project has been completed by the designated engineer. Projects can be undertaken by a local government, by MHD, or by an agency with jurisdiction over the project. MHD is required to hold a public hearing for all projects at the 25% design stage. This is where the broad scope, outline of any project, is determined. Bicycle accommodations must be included at this point. If a project reaches final design, then the window of opportunity to argue for cycling road accommodations before the Planning Board, Department of Public Works, Massachusetts Highway Department, or other agency has been lost. It is at this beginning stage of any project where the planners and engineers will lay out:

- what the reconstructed road or bridge will look like
- how wide the lanes will be, where the road will turn, how it fits into the structure of the existing roadway
- preliminary cost estimates, and timeline of the remaining design calendar, and construction will take place

Advocacy Suggestion: It is critical to know when remaining design hearings will be held. The members of a planning board, or department of public works, may be enthusiastic about the bike accommodations agreed to at the 25% design hearing. However, if a group opposed to the new bike roadway accommodations speaks up at the 75% design hearing in favor of eliminating bike accommodations agreed to at the 25% design hearing, and no bike/ped advocates are present to argue in favor of including the bike accommodations, the previously agreed to accommodations could be deleted from the final design.

- (15) The MHD advertises the project for construction.
- (16) The MHD awards the contract for the project to the qualified low bidder.
- (17) A notice to proceed is issued to the Contractor allowing construction to begin.

Note: the process is essentially the same for bikepath and education projects, even though they utilized difference funding sources. You can also view examples of the TIP and other MassHighway documents by going to www.state.ma.us/mhd

How to advocate for *ROADS AND SIGNS*

The first step in advocating for a road project is to determine who has jurisdiction over the project. It may be solely a town project, but more likely it will be a MassHighway project because they control most of the funding for roads. Under the current rules, your major opportunity for comment will be at the 25% design stage, when the project is first available for public review. Road projects go through three design phases: 25%, 75%, and 100%. 25% is the point at which the basic parameters of the project are identified.

If you're asking for Share the Road with bicycle signs, you should contact the MHD District Director for information. MassHighway, and some towns, have different policies for sign installation. Most require a demonstration of need (in order to reduce sign clutter) and evidence that bicyclists frequent the road.

Also, whenever advocating for roads, remember the prevailing state law in Massachusetts, namely:

Chapter 90E, Section 2A Section 2A. The commissioner [of the Massachusetts Highway Department] shall make all reasonable provisions for the accommodation of bicycle and pedestrian traffic in the planning, design, and construction, reconstruction or maintenance of any project undertaken by the department. Such provisions that are unreasonable shall include, but not be limited to, those which the commissioner, after appropriate review by the bicycle program coordinator determines would be contrary to acceptable standards of public safety, degrade environmental quality or conflict with existing rights of way.

How do I know where and when a 25% Design Hearing is being held?

Local newspapers

Announcements of public hearings for MHD-initiated projects are listed in local newspapers, often in the *Legal Notices* section. This has been the traditional way project hearings have been announced. There are also viewable at www.state.ma.us/mhd. However, this form of notification can be cumbersome. It doesn't target interested parties (such as bicycle advocates) the way a direct mailing or email notification would. While this form of notification can be an impediment to volunteer, cycling advocates, it is generally reliable if you are knowledgeable about a project you want to track. It is generally up to the individual, or town committee, to read the fine print in the newspaper to locate these meetings.

Local planning board, Regional Planning Agency, or DPW

To find out about hearings, or get advance notice of upcoming projects, find the appropriate person (some RPA's have a Transportation Coordinator) in one of these municipal government departments, and ask them what are the upcoming 25% design, or simply the "initial," hearings.

These local officials are notified by the Massachusetts Highway Department of upcoming meetings in their region or town.

MassHighway District Office

The state is divided into five districts by the Massachusetts Highway Department. To find out when and where a 25% design hearing is being held, ask to speak to the District Engineer, for the project located in the appropriate district.

Environmental Monitor

Some, but not all, 25% design hearings are published in the Environmental Monitor, which is published twice a month by the Massachusetts Executive Office of Environmental Affairs. (EOEA) The EOEA houses the Massachusetts Environmental Policy Act/Agency (MEPA). MEPA reviews most major construction projects to determine their impact on the natural environment, water supplies, sewer treatment capacity, etc. These projects often require an Environmental Notification Form (ENF) which the MHD must write and the MEPA Unit reviews. Sometimes projects that are subject to MEPA review will already have entered the later stages, if not the final stage, of design. By this point, including bike accommodations may be too late. Any project subject to an ENF filing will be published in the Environmental Monitor. (see the following section called "The MEPA Process: How to Use It to Promote Bicycling")

For a copy of the Monitor, you can pick one up in person or, call to be put on the mailing list:

Executive Office of Environmental Affairs
Attn: Environmental Monitor, MEPA Unit
100 Cambridge Street - 20th Floor
Boston, MA 02202
(617) 727-5830 ext. 310

or visit

<http://www.mass.gov/envir/mepa/secondlevelpages/environmentalmonitor.htm>

The critical juncture, under the current rules, is the 25% design hearing. Here's some general guidance.

Questions to ask local or state officials at a 25% design hearing:

- (1) How will bicyclists be accommodated on this road?
- (2) If a proposed highway project does not appear to accommodate bicycles (for example, no shoulder that is wide enough for a cycling lane, no sidewalk or railing on a bridge that safely accommodates cyclists and pedestrians, etc.) ask the project planner or engineer:
 - What kinds of bicycle road accommodations did you consider in the design of this project?

OR

- Why did you not consider bike accommodations in the design of this project?
- Bicycles are legal vehicles on all public roads (except expressways) and are ridden on all of them at some time. Why does the proposed design not include bicycle travel?
- Did you know that it is Massachusetts law (chapter 87 - Appendix A) to provide for bike accommodations in the planning, design, and construction, reconstruction or maintenance undertaken by the Massachusetts Highway Department?
- I would like to see documentation from the project planner or engineer why this project cannot accommodate bicycle travel as required by state law.

Prepare alternatives for cycling accommodations

Many times it will be the responsibility of the local bike advocate(s) to propose bike accommodations to the planning board or DPW. Consult your Regional Planning Agency (RPA), the designated Transportation Planner, for advice on what specific options you can propose for a specific project. (for a list of Regional Planning Agencies - see Appendix B)

Developing alternatives to the “official” project design may require a range of actions on the part of bike advocates, the local bicycle committee, or a group of concerned citizens. It may be necessary for this group of people to simply track the public design hearings, know the scope of the officially designed project, and choose their arguments wisely for the inclusion of bicycle/pedestrian road improvements. It may also be the case that professional urban planners, and/or members of your local government (DPW, highway), or Regional Planning Association, may need to prepare written project guidelines in order to demonstrate the need for bicycle accommodations.

Preparing a comprehensive alternative plan to what is being offered by officials of one or more transportation agencies can be a time-consuming endeavor. However, there are a growing number of resources available to individuals, community-based associations, and advocacy groups to assist in this process. Begin by locating resources at the local, regional, state, and national level. General purpose resources can be found at the following government agencies:

Basic Guidelines for Bicycle Accommodation on Major Roads

Width for Lane Sharing

According to the American Association of State Highway and Transportation Officials (AASHTO 1997), “The most critical variable affecting the ability of a roadway to accommodate bicycle traffic is [lane] width. In order for bicycles and motor vehicles to share the use of a roadway without compromising the level of service and safety for either, the facility should provide sufficient paved width to accommodate both modes. This width can be achieved by providing wide outside lanes or paved shoulders.”

Usable Lane Width

On roads that accommodate considerable volumes of traffic, there should be sufficient usable roadway width (generally from the left stripe of the curb travel lane to the edge of pavement) so

that a motorist does not have to change lanes when passing a bicyclist. AASHTO recommends that the minimum *usable lane width* needed is 4.2 m (14 ft). *Usable lane width* includes the curb travel lane combined with the portion of the parking lane (if any) wider than 3.0 m (10 ft) or combined with the paved shoulder (if any). For sections adjacent to on-street parking, the width of a parked motor vehicle (2.0-2.5 m or 6-8 ft) plus its open door (1 m or 3 ft) should be considered—a car door could be opened into the path of an oncoming bicyclist. Therefore usable width for lane sharing begins 10 to 11 feet from the curb where there is on-street parking.

AASHTO recommends adding *an additional 0.3 m* (1 ft.) (to make a total of 4.5 m or 15 ft. of usable width) in the following circumstances: adjacent to a raised curb; on steep stretches of roadway; or where drainage grates or on-street parking reduce road width.

Rural Highway Sections (without curbs or parking)

For rural highway sections, AASHTO recommends *paved* shoulders of 1.2 m (0.9 m bare minimum), plus another 0.3 m if there is a guardrail, curb or other roadside barrier, or if speeds are greater than 90 km/h, or if there is a high volume of trucks and buses. MassBike recommends that this shoulder needed will vary on the circumstance; anything from 2 feet to 5 feet could be appropriate.

Drainage Inlet Grates

According to AASHTO, “bicycle-safe grates shall be used, and grates and covers should be located in a manner which will minimize severe and/or frequent maneuvering by the bicyclist. . . . Drainage inlet grates and utility covers should be placed or adjusted to be flush with the adjacent pavement surface.”

TRAILS

The planning, funding, and construction process for trails and bikepaths will essentially follow the same outline as that detailed about for roads. It should also be noted that many resources for trail advocacy exist from the Rails-to-Trails Conservancy (railtrails.org) and at Bicyclinginfo.org. Rails-to-Trails can be particularly helpful, because they have a Massachusetts office.

Above and beyond the extensive resources available elsewhere, there are several important points worth making about trail building in Massachusetts.

First, for all intents and purposes, advocating for a rail trail is essentially about advocating for the use of a piece of property. It is extremely important to determine who owns the property and how they will be affected before you begin serious efforts at advocacy. In Massachusetts, property decisions are made either at the state or local level (e.g., not the regional level), and most of your interactions will be with people who live next to the land (also known as abutters). It is in your best interest to contact abutters early on and involve them in the trailbuilding process as much as possible.

Second, there tends to be a tendency to build bike paths without thinking through the safety implications of the path's design. Be sure that engineers are knowledgeable about the

proper design of bikepaths, especially at intersections. One good resource is the 1999 AASHTO Guide for the Development of Bicycle Facilities.

Finally, unlike roads, most funding for bikepaths comes from the federal enhancements program, which provides an 80% match for the cost of the project. MassHighway is in charge of its administration, which is run by MassHighway's Enhancements Coordinator (see contact information about in the state agency section, and all of the forms for enhancements are on the MassHighway website at www.state.ma.us/mhd). Typically, about \$6 million is available from the state each year for enhancements, although even this amount is raided for uses more traditionally associated with roads.

In any event, your city, town, or group will have to come up with the remaining 20% of the cost of the project, which can sometimes become significant amounts of money. In most cases, the town and/or the state will team up to fund the local 20% match. You can learn all you'd ever want to know and more about the enhancements process by visiting www.enhancements.org. The important point to take away here is that the state will not fund initial efforts to determine the likelihood a trail could be built - otherwise known as a "feasibility study." This stage is usually required, and costs around \$15,000 to \$25,000. The two basic approaches you have to acquiring this funding is by private fundraising, or by a vote of the municipality.

INTERMODAL FACILITIES AND PARKING

Intermodal facilities - subway stations, trains, buses, ferries; and the accompanying bicycle parking - are often some of the most tangible and easiest ways to achieve advocacy success for bicycling. Bicycle racks are inexpensive to municipalities, and oftentimes all it will take is a mere ask and a local Department of Public Works will install racks. As with other forms of advocacy, it is important to determine who has jurisdiction over the facility you wish to improve.

These issues tend to be solvable on a case by case basis. Contact MassBike if you need help with intermodal bicycle advocacy.

For the most update information on bike parking racks and other resources, visit the MassBike website.

One way to require bike parking is to propose a bicycle parking ordinance in your town. The following is an example of a model ordinance requiring the installation of bicycle racks.

Purpose

The purpose of this bylaw is to provide adequate and safe facilities for the storage of bicycles.

Applicability

Bicycle parking facilities shall be provided for any new building, addition or enlargement of an existing building, or for any change in the occupancy of any new building that results in the need for additional auto parking facilities.

Exemptions

No bicycle parking spaces shall be required for the following uses: single-family residence, two-family residence, funeral parlor, undertaker, automobile repair or body shop, gas station, and car wash.

Bicycle Parking Spaces Required

Off-street bicycle parking shall be provided as follows:

For multi-family residences, there shall be one bicycle space or locker for each two (2) dwelling units or portion thereof.

For all other uses, except those uses exempted under Section 2.0(c), one bicycle parking space shall be provided for every 10 parking spaces required under the bylaw.

In all cases where bicycle parking is required, a minimum of two (2) and a maximum of fifty (50) bicycle parking spaces shall be provided.

The SPGA may reduce the required number of bicycle parking spaces based on information provided by the applicant confirming that fewer bicycle parking spaces are required.

A maximum of two (2) required vehicle parking spaces may be used for bicycle parking spaces.

Location and Design of Bicycle Parking Facilities

Accessory off-street parking for bicycles shall include provision for secure storage of bicycles. Such facilities shall provide lockable enclosed lockers or racks or equivalent structures in or upon which a bicycle may be locked by the user.

Structures that require a user supplied locking device shall be designed to accommodate both chain and U-shaped locking devices and shall support the bicycle frame at two locations (not just the wheel).

All lockers and racks must be securely anchored to the ground or the building structure to prevent the racks and lockers from being removed from the location.

The surfacing of such facilities shall be designed and maintained to be mud and dust free. The use of rock or gravel areas for bicycle parking is permitting provided that edging materials, such as landscape timbers are used so that the bicycle parking area is clearly demarcated and the rock material is contained.

Bicycle parking facilities shall be sufficiently separated from motor vehicle parking areas

to protect parked bicycles from damage by motor vehicles. The separation may be accomplished through grade separation, distance or physical barrier, such as curbs, wheel stops, poles or other similar features.

Required bicycle parking spaces shall be at least two (2) feet by six (6) feet per bicycle.

An aisle a minimum of five (5) feet wide shall be provided behind bicycle parking facilities to allow for maneuvering.

Sufficient space, to be a minimum of 24 inches, shall be provided beside each parked bicycle to allow access. This access may be shared by adjacent bicycles. Racks shall be installed a minimum of 24 inches from any wall or other obstruction.

Bicycle parking facilities shall be located in a clearly designated safe and convenient location. Whenever possible, the bicycle parking shall be placed within 50 feet of building entrances and in well-lit areas.

It is recommended that half of the bicycle parking spaces be provided as long term parking, safe and secure from vandalism and theft, and protected from the elements. The other half shall be provided as short term (customer or visitor) parking, and it is recommended that these parking spaces be visible and convenient to the building entrance.

WORKPLACE AND COMMUTER ACCESS

Probably the most difficult arena in which to advocate for pro-bicycle change is at the workplace and in commercial buildings. Most office buildings and similar structures are privately owned, and have broad discretion over management of the property (unless the municipality has a bike parking by-law, for example).

Some of the solutions you may wish to consider include the installation of indoor and/or outdoor bike parking, showers and lockers, or participation in events such as Bike to Work Week (held every May) or other commuter incentives.

Larger employers are generally required to provide reasonable options for alternative transportation, and most are willing to listen to requests for more bike racks or other amenities. Smaller employers may be more difficult to deal with. The point of contact for asking for improvements is the property management firm for the building. If your company happens to be negotiating its lease, you may be able to use bicycle access as a negotiating tool.

As a general rule, MassBike recommends that advocates ask for incremental improvements at office and commercial buildings. If no bike facilities currently exist, it is somewhat unlikely that the building will install showers and lockers. However, you

may be able to convince the management company to install bike racks. Once the bike racks become popular, you can then ask for larger improvements.

For the most update information on bike parking racks and other resources, visit the MassBike website.

Education programs (includes Enforcement)

Education programs generally cost less money than physical improvements, and they are very likely to receive support within your community. Extensive ideas about bicycle education programs exist at www.bicyclinginfo.org.

Ideas for programs include kids safety training, teaching children mechanics skills, adult bicycle classes, or implementing Safe Routes to Schools program that make it easier for kids to walk and bicycle to school. MassBike also offers a program that will help train police officers and others interested in the laws that pertain to bicyclists.

Natural allies for implementing education projects include police departments, PTA groups, local ride clubs, and bicycle shops. Additionally, most community foundation provide "mini-grants" for smaller education projects worthy of support.

The Massachusetts Legislative Process

Another advocacy tool is legislation. If a municipality won't take up the cause, you may be able to get the legislature to act. Your state representatives and senators will generally listen to what you have to say because they represent you. While a phone call or email are always welcome by legislators, nothing beats a personal visit. MassBike recommends making arrangements to meet your state Representative and Senator either at the State House or at their district offices.

MassBike is one of the leaders of the legislature's Bike/Ped/Trails Caucus and can assist you in accessing the legislative process. Lobbying for legislation is a difficult but rewarding challenge. All of the advice mentioned in the previous sections of this guide applies. When meeting with legislators, you will want to be professional, prepared, and punctual. Passing a law in Massachusetts requires constant and vigilant advocacy, usually for a long period of time. Every session, thousands of bills are filed. Usually only a couple hundred will become law.

The following material is from the Massachusetts Legislature website, and has been edited for length and content:

LAWMAKING IN MASSACHUSETTS

Participating in the Legislative Process.

Massachusetts citizens are permitted and encouraged to take an active role in the

lawmaking process of the state legislature. It is a good idea for a person who feels strongly about an issue to present his or her ideas to a representative or senator. That person may discover that those concerns have already been formulated into a bill that is awaiting legislative action. If not, the citizen is allowed to file legislation addressing the subject. Massachusetts is one of the few states to allow its citizens to do so. This access is called the "right of free petition."

When to file

Legislation must be filed by the first Wednesday in December prior to the first year of the term of the General Court. You should generally ask your legislator to file legislation for you, or ask them to draft a bill. MassBike can also help with this process. Note that each session is two years long. This means that legislation for the 2005-2006 term, for example, should be filed by the first Wednesday in December 2004. Co-sponsors on bills must be secured before a bill is filed. This means the bill should be circulated in the legislature ideally in November. Once filed, the bill will be referred to a committee. For example, most bicycle bills would go to the Public Safety or Transportation Committees.

Public hearings

Every bill will have a public hearing, which is generally in the spring of the first year of the term. In the 2005-2006 term, for example, the bill will have a hearing in the Spring of 2005. You can usually find out when a hearing is happening by going to www.state.ma.us/legis and searching for the bill, by calling your legislator, or by calling the committee to which it was referred.

A petitioner should be well-prepared before testifying at a public hearing. Well-organized, well-researched presentations and statements naturally have a positive influence on committee members. If unable to attend a public hearing, a petitioner should prepare written testimony which can be accepted by a committee before the scheduled hearing.

Petitioners should prepare a summary of the planned testimony and make a number of copies for distribution to committee members, staff members and any media representatives present. This allows members to make notes on the testimony while the petitioner is speaking. If the petitioner is serving as a spokesperson for a group, he or she should mention that to the committee prior to testifying. Very often, only written testimony is accepted on refiled bills.

Committee Action

At the conclusion of the presentation, committee members may request further information or clarification. After all testimony is heard, the hearing is complete and the committee will meet, in executive session, either that day or at a later time, to decide whether to issue a favorable or unfavorable report. If it is favorably reported, it will go to first reading and follow the process above. If the report is unfavorable, then the bill is generally considered dead for the remainder of the session.

After the hearing, a bill must go through three "readings" in each house before it can

reach the Governor's desk. The first reading of a favorably-reported bill is automatic and occurs when the committee's report appears in the Journal of the House or Senate Clerk.

After the first reading, it is referred to the Senate or House Committee on Ways and Means. If the Ways and Means Committee reports it out favorably, it is open to debate and motions.

After a bill takes its second reading, it is open to debate on amendments and motions. Following debate, a vote is taken and if the bill receives a favorable vote by the membership, it is ordered to a third reading and referred to the Committee on Bills in the Third Reading. This amounts to preliminary approval of the bill in that branch.

That committee examines technical points, as well as the legality and constitutionality of the measure, and ensures that it does not duplicate or contradict existing law. The committee then issues a report and returns the bill to the House or Senate for its third reading. At that time, legislators can further debate and amend the bill. Following the third reading, the body votes on "passing the bill to be engrossed."

The bill must then pass through three readings and engrossment in the second legislative branch. Should that occur, it is sent to the Legislative Engrossing Division where it is typed on special parchment in accordance with the General Laws.

However, if the second branch passes an *amended* version of the bill, the legislation returns to the original branch for a vote of concurrence in the amendment. If concurrence is rejected, a conference committee consisting of the three members from each legislative branch representing both political parties may be formed to effect a compromise piece of legislation. When a compromise is reached, the bill is sent to both legislative branches for their approval.

A vote "to enact" the bill, first in the House and later in the Senate, is the final step in the passage of a bill by the legislature.

Following enactment, the bill goes to the governor, who may sign the bill into law, allow it to become law without signing it (if the governor holds the bill for ten days without taking any action while the legislature is in session, it becomes law without his or her signature), veto it, or return it to the legislature with recommended changes. If the legislature has concluded its yearly session, and the governor does not sign the bill within ten days, it dies. This is referred to as a "pocket veto." The ten-day period includes every day except Sundays and holidays, and it begins the day after the legislation is laid on the governor's desk.

A bill signed by the governor, or passed by two-thirds of both branches over his veto, becomes a law. It is usually effective in ninety days. The day after the governor signs the bill is considered to be the first day, and each succeeding day, including Sundays and holidays is counted until the ninetieth."

Advocacy Tool: Freedom of Information Act

If a government agency is not being forthcoming with information that you need, such as a design layout for a bikepath or records of past meetings, you have the option of serving them with a Freedom of Information Act. Most government documents are considered "public records." Making a request does not require a lawyer and is generally very effective. However, making a Freedom of Information Act request is generally one of the last steps you'll want to make it trying to ascertain information because it can be seen as hostile.

The following is from the state's website:

Commonly Asked Questions About Public Records

Who Do I contact to obtain copies of public records?

To obtain copies of records, you must first make a request to the state or local agency, board, or other government entity that has the records you are interested in. For example, if you are interested in obtaining a copy of the minutes of an open meeting of a local board, you should direct your request to that board. Similarly, a request for a copy of the police log would be directed to the appropriate police department.

A custodian has ten (10) calendar days to respond to your request. A failure to respond within the allotted time period, or a denial in writing from the custodian, allows a requester to appeal to the Supervisor of Public Records. In order to appeal to the Supervisor, you must send a copy of your request letter, with copies of any correspondence provided by the custodian within ninety (90) days. An administrative appeal will then be opened. If the Supervisor determines that the records are public, he or she may order the custodian to provide the records, if necessary.

For example, the MassHighway contact is

MassHighway: Freedom of Information Act (FOIA).

David Veator, Deputy General Counsel

Massachusetts Highway Department

10 Park Plaza

Boston, MA 02116

I received a response to my request within ten days, but it only said that the custodian was in the process of gathering the records. How long must I wait to receive the records I am looking for?

The custodian's written response, made within ten days of the request, must be either an offer to provide the requested materials or a written denial. A denial must detail the specific legal basis for withholding the requested materials. Requesters are free to file an appeal with the Public Records Division if they do not receive the records within the ten day period, or if they dispute the custodian's written denial.

Can you tell me which records held by my local town hall should be made available upon request?

Every record made or received by a government entity is presumed to be a public record, unless it is subject to an exemption. The custodian has the burden of claiming an exemption and showing why it applies. In other words, if you request certain records from a local official, there is a presumption that the record is public. The local official should either give you a copy of the requested record, or provide you with an explanation of why it is not public. You may appeal a decision that the record is not public in the manner described above.

Do I have to put my request for public records in writing?

No. An oral request, made in person (not by telephone) is valid under the Public Records Law. However, in order to appeal the custodian's failure to provide copies or access to records, your original request must be in writing. For this reason, it is advisable to put your request in writing. A written request that is clear and concise also helps the custodian to respond to your request in a timely and efficient manner.

There isn't a specific form that must be used to request records, nor is there any language which must be included in your request. A request for access to, or copies of, government records sent to a record custodian should be treated as a public records request.

I asked a local official a question about his office, but he didn't answer. Can I appeal his refusal under the Public Records Law?

No. The Public Records Law only applies to records that are in existence and in the custody of a government official. This means that an official is not required to answer questions, nor is he required to create a record in response to a request. However, if you request documents from that official and he does not respond, you may appeal that denial in the manner described above.

How much may a custodian charge for copies of public records?

Unless specifically addressed by statute, a custodian may charge twenty cents (\$.20) a page for photocopies, twenty-five cents (\$.25) a page for microfilm copies and fifty cents (\$.50) a page for computer printouts. The actual cost incurred by the custodian may be charged for records "not susceptible to ordinary means of reproduction" such as computer records, or over-sized documents.

A custodian may also charge for the time it takes to search for the records, remove any exempt data, photocopy the record and refile it. The charge for this process must be the prorated hourly wage of the lowest paid employee capable of performing the task. A custodian may waive the fees whenever he or she chooses, but is not mandated to do so. A custodian should also provide a written good faith estimate for the cost of complying with a request where the total cost is expected to exceed ten dollars (\$10.00). The estimate should provide a breakdown of the expected expenses.

Examples of statutes that establish fees for specific public records include: G. L. c. 66, § 10(a) (copies of police records), and G. L. c. 262, § 38 (copies of records at the Registry of Deeds).

I did not receive an estimate for the cost of responding to my request; does that mean I get the records for free?

No. Regulations require that a custodian provide a written, good faith estimate for the cost of complying with a public records request when the cost of compliance is expected to exceed ten dollars (\$10.00). The purpose of this requirement is two fold. First, it lets the requester know how much money is involved in responding to the request. In cases where the cost is a lot more money than expected, a requester may want to limit his request. An estimate also helps the custodian by making it clear how much work is involved in compliance. A custodian may require prepayment of this fee prior to beginning the process of compiling the records. There are no sanctions in the law, however, for a failure to provide an estimate.

I do not wish to receive copies of records, only review them in the custodian's office. May the custodian still charge me a fee?

Yes. While there will be no fee for copying, the custodian may charge the search and segregation time fees as described above.

The custodian told me that I must pay for the records before I receive them. Can they do this?

Yes. A custodian may insist on pre-payment of the statutory fees before they begin the process of compiling the requested records.

Do minutes of open meetings of local boards or commissions have to be approved before they can be made available to the public?

No. Minutes of open meetings become public upon creation. There is no requirement that these minutes be approved before they are made available to the public. A board or commission is advised to mark copies of minutes not yet approved as "draft" minutes, however it cannot withhold those minutes from disclosure. If the minutes are not transcribed at the time a request is made, there is no requirement under the Public Records Law that the board transcribe those minutes in response to a request. However, the audio tape of the meeting or any notes taken by the recording secretary (including shorthand notes) are public records.

Any questions regarding the content of minutes, requirements to keep minutes or any procedural aspects of the Open Meeting Law should be addressed to the local District Attorney.

Does the Public Records Law apply to computer records?

Yes. The term "public records" is defined by statute to include all documentary materials or data, regardless of physical form or characteristics, made or received by any officer or employee of any municipality or agency of the Commonwealth, unless falling within a statutory exemption. Therefore, the Public Records Law clearly applies to government records generated, received, or maintained electronically, including computer records, electronic mail, video and audio tapes.

Do I have to tell the custodian what I plan to do with the records once he provides me with copies?

No. A custodian cannot ask a requester why he wants specific records or what he plans to do with the records once received.

Massachusetts Environmental Policy Act

Another good tool in the advocacy arsenal is to invoke the MEPA process

1) What is MEPA and what does it have to do with improved cycling conditions?

MEPA is the Massachusetts Environmental Policy Act, a division of the Massachusetts Executive Office of Environmental Affairs, and is charged with enforcing Massachusetts environmental laws.

All construction projects which exceed certain thresholds of size or of environmental effects must receive a permit from MEPA. All major highway and development projects are subject to the MEPA process, and are open for a period of public comment. On larger projects, the Secretary of Environmental Affairs may decide that additional study -- and additional comment periods -- are required.

All projects which are open for comment are described in the Massachusetts *Environmental Monitor* newsletter.

2) Your first step: get a free subscription to the Monitor

Executive Office of Environmental Affairs
Attn: Environmental Monitor, MEPA Unit
100 Cambridge Street - 20th Floor
Boston, MA 02202

or go to <http://www.mass.gov/envir/mepa/secondlevelpages/environmentalmonitor.htm>

So, I've subscribed to the Monitor. Now what?

The *Monitor* will arrive via email every couple of weeks. Read the instructions at the front and look through the lists of projects. Some projects (construct septic system and breakwater...) will be of no concern to you as a bicyclist, others (parking and access road at Walpole MBTA Station...) will probably interest you.

Every project that has just come under MEPA review is described in an *Environmental Notification Form* (ENF), usually several pages in length. A typical copy of the *Monitor* will list about 20 projects.

The first page or two of each new ENF is printed in the *Monitor*. From this, you can see whether you want to comment on a project. The *Monitor* will give a phone number to call to get the full ENF. It will be sent to you for free. Often, there is enough information in the *Monitor* for you to write comments on, without the full ENF.

Environmental Impact Reports (EIR's) on major projects are also listed in the *Monitor*, and you may also telephone to get free copies of these. If you have commented on an earlier stage of a

project, later reports on that project will be mailed to you.

How do I prepare comments?

You may write a letter, and address it to the Secretary of the EOEa at the address given above. Be sure to send copies of the letter to the project proponent, to Federal, Massachusetts and local agencies which are involved in the project, and to MassBike.
ATTN: MEPA Comment - include ID# and name of project)

Major projects with EIR's also will usually have public hearings at which you may testify in person. EIR's also will include a list of previous people's comments. You may want to send copies of your letter or testimony to them too.

What does this accomplish?

Bicycling is a recognized air pollution mitigation measure. Comments recommending bicycle-related improvements, for example wide outside lanes or shoulders on roads, bicycle parking and access, are regarded favorably by the EOEa, and the permit for a project may require such improvements.

Whether or not this happens, your comments are a way to make your concerns known to project proponents, government planners and other activists.

You will also find that involvement in the MEPA process is a great way to inform yourself about what is going on with construction projects in your area, and to get to know -- and become one of -- the "players" who are shaping the future of your community and region.

In the long run, you will find that you have become part of a loose community of concerned citizens who are working to promote good planning and environmental consciousness.

Liability Issues

In the course your advocacy efforts, you may come across a state or local official using liability as an excuse for not doing something you want.

The Conservation Law Foundations *Take Back your Streets* Pamphlet (available at www.clf.org) proves conclusively that liability should be not be a concern. *Take Back your Streets* notes that while an individual could file negligence against the highway department for a design defect, these are "the least successful of all those actions which are based on defects in roadways." Second, even if a highway department was found negligent or at fault, the law has capped the state or municipality exposure in most cases at \$5,000. This is hardly a punitive sum, and represents an amount any municipality could pay in the exceedingly rare event a plaintiff could recover. As a general rule, the

courts have been very wary of awarding damages against state agencies in Massachusetts.

Useful Bicycle Information

Bicycle Statistics

BICYCLE CRASHES: WHAT THE STATISTICS SHOW

Falls are the most common type of “accident.”

As many as 50% of all accidents that happen to bicyclists are falls that do not involve hitting another person or vehicle. These happen because of road defects, bicyclist error, or other mishap. We know this from looking at hospital records and by asking cyclists to recount their accidents.

Bike-car collisions are a minority of all bike accidents.

In addition to falls, collisions with pedestrians, dogs, and other bicyclists also happen and are potentially serious. Nevertheless, most serious and fatal bicycle accidents involve colliding with motor vehicles.

It is rare that cyclists are hit from behind by motorists.

When both the motorist and bicyclist are proceeding straight, collisions are rare. When they happen, it is usually in rural areas or at night, or when the motorist is impaired or drunk.

Most car-bike collisions, about 80%, are due to turning and crossing.

Bikes and cars collide at intersections when they are approaching from opposite directions or when one is turning and the other continuing straight.

Bicyclists are more likely to be at fault than motorists when the two collide.

A recent study using data from 8 states found that in 54% of car-bike collisions where culpability was known, the bicyclist alone was at fault; in 30% the motorist alone was at fault, and in 15% both were at fault. About 60% of bicycle trips are made by children under 16, and they are much more likely to make mistakes such as darting out from behind parked cars. The report cited is William W. Hunter, Jane C. Stutts, Wayne E. Pein, and Chante L. Cox. 1996. *Pedestrian and Bicycle Crash Types of the Early 1990s*. . U.S. Department of Transportation. FHWA-RD-95-163.

Riding on the sidewalk can be more dangerous than riding on the road.

A recent study in California compared the accident rate per mile of sidewalk riding compared to the accident rate for road riding (on the same roads) and found that the rate for sidewalk accidents was 1.8 times greater (Alan Wachtel and Diana Lewiston. 1994. Risk Factors for Bicycle-Motor Vehicle Collisions at Intersections. *ITE Journal*. September. pp. 30-35.)

Riding the wrong way (against traffic) is more than 3 times as dangerous as riding with

the flow.

The same California study found that the relative risk was 3.6 times as high for those riding against traffic.

Riding on the sidewalk opposite the flow of traffic is more than 4 times as dangerous as riding on the road with the flow of traffic.

The same study found that this risk was 4.3 times greater than riding on the road with the direction of traffic.

Accident summary was written by Paul Schimek, October 18, 1997. For more information, visit www.massbike.org.

Refuting Devil's Advocate Arguments

The 'we don't pay taxes' fallacy

[The following article appeared in the Bicycle Transportation Alliance (BTA) Newsletter. The BTA is a Portland, Oregon based bicycle advocacy group.]

Anybody who accuses bicyclists of not paying a fair share of road costs is wrong. According to a recent study, "Whose Roads?", bicyclists pay more road costs per mile of travel than automobile users.

The study estimates that motor vehicle users pay an average of 2.3 cents per mile in user charges such as fuel taxes and motor vehicle registration fees, and impose 6.5 cents per mile in road service costs. The difference between automobile user charge contributions and road service costs is supported by general taxes and property assessments. Bicyclists and pedestrians pay an equal share of these taxes, but impose costs averaging only .2 cents per mile in road service costs, and travel much shorter distances than automobile users. Bicyclists and pedestrians pay more per mile of travel in general taxes than drivers pay in general taxes and user charges combined, despite the much lower costs they impose.

Overpayment by cyclists is even more significant with respect to local roads, the roads that bicyclists ride on most. Only a third of the funds for building and maintaining local roads originate from motor vehicle user charges. The rest comes from local property, income and sales taxes. Motor vehicle user charges contribute only about 1 cent per mile towards local roads and impose costs six and one half times that amount. Everybody, including bicyclists, pays local taxes that make up the difference.

The report's author, Todd Litman, states, "Many people assume that motor vehicle user charges cover all road costs when in fact they only pay about two-thirds of facility costs, and an even smaller portion of total roadway services provided for motor vehicles. We all pay for these services, no matter how we travel. When you consider the extremely low

public costs associated with non-motorized travel, bicyclists and pedestrians are unfairly subsidizing motor vehicle use."

The study also determines that cycling reduces congestion. It points out that people who are economically, socially, and physically disadvantaged rely heavily on cycling, walking, and argues that "shifting resources (funding, road space, and emphasis of road design) from motor vehicle use to non-motorized modes would increase equity."

"Whose Roads?" is one of several reports on the costs, cost effectiveness, and fairness of different transportation modes. Another report, "Quantifying Bicycling Benefits for Achieving Transportation Demand Management Goals" describes how to calculate the benefits of increased bicycling based on criteria used for assessing transportation investments.

Other Erroneous Beliefs About Bicycling

From time to time, those of us here at MassBike headquarters have our blood boil over the mistruths out there about bicycling. Next time you hear a talk-show host spouting balderdash, here's a handy reference guide.

- Erroneous belief: Bicyclists must keep out of the travel lane.
- Fact: Bicyclists have the same right to use the travel lane as other vehicle operators. <http://www.state.ma.us/legis/laws/mgl/85-11B.htm>

2. Erroneous belief: Bicyclists may not move left to avoid hazards on the right edge of the road.

Fact: Bicyclists may use any part of the roadway as required to for safety and getting where they want to go. If changing positions in the roadway will affect other drivers' use of the road, bicyclists must yield to other traffic and must signal their intent before moving.

(<http://www.state.ma.us/legis/laws/mgl/90-14B.htm>)

3. Erroneous belief: If a motorist passes a bicyclist unsafely, it is the bicyclist's fault for not giving the motorist enough room to pass.

Fact: State law requires drivers who wish to pass a bicyclist to allow a safe distance and pass at a reasonable and proper speed. It is up to the passing driver to ensure that passing can be done safely. If it can't, the pass will have to wait.

(<http://www.state.ma.us/legis/laws/mgl/89-2.htm>). No driver may cross the center line unless he or she can see 400 feet ahead (<http://www.state.ma.us/legis/laws/mgl/89-4.htm>).

4. Erroneous belief: Motorists must always be able to pass bicycles at any time.

Fact: Motorists have no more right to pass bicycles than they have to pass any other vehicle. Where room exists for safe passing, bicyclists traveling slower than other traffic must move right to make passing easier, but not if this means going through potholes, riding too close to parked cars, or leaving the roadway.

5. Erroneous belief: Bicyclists may not pass stopped traffic on the left.

Fact: State traffic law generally requires overtaking drivers to pass on the left, not the right. Passing on the right is permitted, not required, and passing on the left is usually safer. (<http://www.state.ma.us/legis/laws/mgl/89-2.htm>)

6. Erroneous belief: A bicyclist on a narrow road creates a danger.

Fact: The bicyclist is not a danger to motorists. Danger is created by impatient motorists who pass unsafely. Delay in passing is not the same as danger.

7. Erroneous belief: Bicyclists delay traffic.

Fact: Bicyclists have minimal impact on roadway congestion and delay. Most delays are caused by motor vehicle congestion and traffic controls. Many kinds of motor vehicles travel slower than bicycles, and all motor vehicles are larger than bicycles, making them harder to pass.

8. Erroneous belief: A bicyclist has no legitimate purpose in using the road.

Fact: Just as a motorist does not have to explain his or her use of the public roadway, bicyclists may use any surface road for any reason, and are subject to the same road use laws as motorists.

Strong arguments for bicycling

Now is the time for bicycling in Massachusetts. Bicyclists have a unique opportunity over the next several years. This is particularly true for several reasons that weren't valid in the past:

- Numbers. The most recent reliable estimates indicate 1.2 million people regularly bicycle in Massachusetts. Previous estimates were much lower.
- Government Interest. Bicycling has the support at the highest levels of state government. Many members of the new administration are recreational and/or commuter bicyclists. Virtually every new transportation policy directive includes favorable mention of bicycling. MassBike and other bicycle groups have a seat at the table of decision making.
- High public visibility. Lance Armstrong and others have raised the specter of the sport to levels unseen since the 1970s. The mainstream press is also increasingly interested in bicycling.
- Public Health. Poor exercise habits, obesity, diabetes, and other health crises have created a renewed interest in bicycling from previously uninterested health groups.
- Environment/Energy policy. More bicycling means a reduction on foreign oil imports and less air pollution.
- Economics. New studies show that bicycling raises property values, creates jobs, and generates revenue - see railtrails.org for a comprehensive list.
- Community. Bicycling can improve the communities in which we live. The era of

building a large number of new public roads to ease congestion is over. The era of sprawl and highways through town centers is coming to an end. Creative solutions that include bicycling are the future.

State Bicycle Laws

Massachusetts Traffic Laws as they apply to bicyclists

Where bicyclists may ride

Bicyclists may ride on "all public ways in the commonwealth except limited access and express state highways where signs specifically prohibiting bicycles have been posted." [See MGL Ch. 85, §11B, 720 CMR 9.08 (2b), 720 CMR 9.01 (31, 32).] Bicyclists may also ride on designated bicycle paths [MGL Ch. 90E § 1] and on sidewalks outside business districts except where prohibited by local ordinance [MGL Ch. 85, §11B]. These rules do not require a bicyclist to use a bicycle path or sidewalk that parallels a roadway. Regulations and ordinances that apply to bicycling off-road are too varied to summarize here.

Lane use

Motorists are generally excluded from designated bicycle lanes [MGL Ch. 90E § 14], but *must* prepare a right turn "as close as practicable to the right-hand curb or edge of the roadway" [MGL Ch. 90 § 14] -- even in a designated bicycle lane, parking lane, bus lane etc. Bicyclists must yield to the right to allow other vehicle operators to overtake when safe, [720 CMR 9.06 (5, 6), MGL Ch. 89 § 2] and ride in the right lane except to overtake, but must move to the center to prepare a left turn. [See MGL Ch. 85, §11B, MGL Ch. 90 § 14, 720 CMR 9.01 (26, 28). 720 CMR 9.06 (2).]

Rules of the road

The bicycle is defined as a vehicle [MGL Ch. 85, §11B, 720 CMR 9.01 (26, 28)] and so *the same traffic rules apply between motorists, between bicyclists, and as each interacts with the other*. Motorists, however, must take special care in approaching and passing bicyclists [MGL Ch. 90 § 14]. There are a few special rules for bicyclists: [MGL Ch. 85, §11B] A bicyclist may signal stops and turns with either hand; A bicyclist may overtake on the right; bicyclists shall ride single file except when passing. Also, a bicyclist riding on a sidewalk must yield right of way to pedestrians, and a bicyclist shall give an audible warning when necessary, in particular to alert pedestrians. The voice may be used, but a siren or whistle is prohibited.

Competitive bicycle races may be held on public ways, if sponsored by or in cooperation with recognized bicycle organizations and with the approval of the appropriate police department or departments. Special regulations for racing and training may be established by agreement of these parties.

Special equipment requirements

The following bicycle equipment is required by law [MGL Ch. 85, §11B]:

- When riding in hours of darkness, a white headlight (not only a front reflector); a red taillight or rear reflector; reflectors in the pedal area or reflective legbands; and reflectors visible from the side. A generator-powered lamp which emits light only when the bicycle is moving is permitted. Additional lights and reflectors are permitted.
- A bicycle must be equipped with a braking system that can bring it to a stop from 15 miles per

hour within 30 feet on a dry, clean, level surface.

- Objects and packages must be carried "in or on a basket, rack or other device designed for such purposes." At least one hand must be kept on the handlebars.
- A bicycle shall not be drawn by another vehicle or tow another vehicle or person, except that a properly attached bicycle trailer which permits adequate brake functioning is allowed.
- A properly designed child seat with a safety harness may be used to transport a child between the ages of 1 year and 5 years, or below 40 pounds in weight.
- Any bicyclist or passenger 16 years of age or less shall wear a helmet which conforms to ANSI or Snell bicycle helmet standards, or subsequent standards, except for a passenger secured in a trailer or other similar device which protects the passenger's head without the need for a helmet.

Registration of bicycles; citations and penalties

Registration is at the discretion of cities and towns [MGL Ch. 85 § 11A]. If a city or town has accepted the provisions of that section, registration is compulsory. Cities and towns are required to provide a noncriminal ticketing procedure for violations of state laws and of their own rules, regulations and ordinances regulating the registration, equipment and operation of bicycles [MGL Ch. 85 § 11C]. Bicycle registration violations are subject to a penalty of one dollar. Violations of traffic law are subject to a penalty not to exceed twenty dollars, to impoundment of a bicycle whose operator is under the age of 18, and to suspension of bicycle registration. An offender who refuses to state his/her name and address or who states a false name and address, is subject to a penalty of not less than 20 and not more than 50 dollars.

Chapter 90E, Section 2A Section 2A. The commissioner [of the Massachusetts Highway Department] shall make all reasonable provisions for the accommodation of bicycle and pedestrian traffic in the planning, design, and construction, reconstruction or maintenance of any project undertaken by the department. Such provisions that are unreasonable shall include, but not be limited to, those which the commissioner, after appropriate review by the bicycle program coordinator determines would be contrary to acceptable standards of public safety, degrade environmental quality or conflict with existing rights of way.

Chapter 85, Sections 11A-11D of the General Laws of the Commonwealth of Massachusetts

Chapter 85, Section 11A. Bicycles; registration

No resident of any city which accepts this section by vote of its city council, or of any town which accepts this section by vote of the town, shall operate a bicycle within the limits thereof, unless such bicycle is registered under this section in such city or town and unless the registration plate or decal issued therefore is attached to such bicycle. The police department of such a city or town, or the selectmen of such a town having no organized police department, shall register all bicycles owned by persons residing within the city or town and issue to the owners thereof certificates of registration, which shall be in effect, unless suspended as hereinafter provided, so long as such registrants own said

bicycles. The application for registration shall contain the name, address and age of the owner, the make of the bicycle, and serial number, if any, affixed by the maker, or any other identifying marks. The certificate of registration shall contain the name and address of the owner, a description or city or town shall make a report to the said police department or selectmen, as the case may be, of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, and the number of the registration plate or decal, if any, attached thereto. Blank forms of applications and certificates for use in carrying out the provisions of this section shall be prepared and furnished by the commissioner of public safety to all such cities and towns at their expense. Unless otherwise established in a town by town meeting action and in a city by city council action, and in a town with no town meeting by town council action, by adoption of appropriate by-laws and ordinances to set such fees, the fee for each registration plate or decal and certificate issued under this section shall be twenty-five cents, but in no event shall any such fee be greater than two dollars and fifty cents.

Violation of any provision of this section shall be punished by a fine of one dollar, and in addition the police department of such city or town, or the selectmen of a town having no organized police department, may suspend the registration certificate of any registered bicycle operated in violation of any provision of section eleven B. No violation of any provision of this section relative to the registration of bicycles shall affect any civil right or liability, nor shall any such violation by a minor under the age of eighteen be considered a criminal offense.

Chapter 85, Section 11B.

Bicycles; operation and equipment; regulations; federal product safety standards, effect; races; violations; penalties

Every person operating a bicycle upon a way, as defined in section one of chapter ninety, shall have the right to use all public ways in the Commonwealth except limited access or express state highways where signs specifically prohibiting bicycles have been posted, and shall be subject to the traffic laws and regulations of the Commonwealth and the special regulations contained in the section, except that: (1) the bicycle operator may keep to the right when passing a motor vehicle which is moving in the travel lane of the way, (2) the bicycle operator shall signal be either hand his intention to stop or turn, and (3) bicycles may be ridden on sidewalks outside business districts when necessary in the interest of safety, unless otherwise directed by local ordinance. A person operating a bicycle on the sidewalk shall yield the right of way to pedestrians and give an audible signal before overtaking and passing any pedestrian.

Operators of bicycles shall be subject to the following regulations:

1. The operator shall ride single file on any way except when passing.
2. (i) The operator shall ride only upon or astride a permanent and regular

seat attached to the bicycle; a passenger shall ride only upon or astride a permanent and regular seat attached to the bicycle or to a trailer towed by the bicycle.

- (ii) The operator shall not transport another person between the ages of one to four years, or weighing forty pounds or less, on a bicycle, except in a 'baby seat', so-called, attached to the bicycle, in which such other person shall be able to sit upright; provided, however, that such seat is equipped with a harness to hold such other person securely in the seat and that protection is provided against the feet or hands of such person hitting the spokes of the wheel of the bicycle; or upon or astride a seat of a tandem bicycle equipped so that the other person can comfortably reach the handlebars and pedals. The operator shall not transport any person under the age of one year on said bicycle.
 - (iii) Any person twelve years of age or younger operating a bicycle or being carried as a passenger on a bicycle on a public way, bicycle path or on any other public right-of-way shall wear a helmet. Said helmet shall fit the person's head, shall be secured to the person's head by straps while the bicycle is being operated, and shall meet the standards for helmets established by the American National Standards Institute (ANSI Z90.4) or subsequent standards or the Snell Memorial Foundation's nineteen hundred and eighty-four standard for use in bicycling or subsequent standards. These requirements shall not apply to a passenger if the passenger is in an enclosed trailer or other device that adequately holds the passenger in place and protects the passenger's head from impact in an accident.
 - (iv) A violation of clause (ii) or (iii) shall not be used as evidence of contributory negligence in any civil action.
3. The operator shall give an audible warning whenever necessary to insure safe operation of the bicycle; provided, however, the use of a siren or whistle is prohibited.
 4. The operator shall park his bicycle upon a way or sidewalk in such a manner as not to obstruct vehicular or pedestrian traffic.
 5. The operator shall not carry any package, bundle or article except in or on a basket, rack, trailer or other device designed for such purposes. The operator shall keep at least one hand upon the handlebars at all times.
 6. Every bicycle operated upon a way shall be equipped with a braking system to enable the operator to bring the bicycle traveling at a speed of fifteen miles per hour to a smooth, safe stop within thirty feet on a dry, clean, hard, level surface.
 7. During the period from one-half hour after sunset to one-half hour before sunrise, the operator shall display to the front of his bicycle a lamp emitting a white light visible from a distance of at least five hundred feet, and to the rear of said bicycle either a

lamp emitting a red light, or a red reflector visible for not less than six hundred feet when directly in front of the lawful lower beams of headlamps of a motor vehicle. A generator powered lamp which emits light only when the bicycle is moving shall meet the requirements of this clause.

8. During the period from one-half hour after sunset to one-half hour before sunrise, the operator shall display on each pedal of his bicycle a reflector, or around each of his ankles reflective material visible from the front and rear for a distance of six hundred feet, and reflectors or reflective material, either on said bicycle or on the person of the operator, visible on each side for a distance of six hundred feet, when directly in front of lawful lower beams of headlamps of a motor vehicle. This clause shall not prohibit a bicycle or its operator to be equipped with lights or reflectors in addition to those required by clauses (8) and (9).
9. No bicycle shall be operated upon a way with handlebars so raised that the operator's hands are above his shoulders while gripping them. Any alteration to extend the fork of a bicycle from the original design and construction of the bicycle manufacturer is prohibited.
10. The operator of a bicycle shall report any accident involving either personal injury or property damage in excess of one hundred dollars, or both, to the police department in the city or town in which the accident occurred.

Any federal product safety standards relating to bicycles which are more stringent than the requirements of clauses (7) through (10), inclusive, shall supersede said requirements.

Competitive bicycle races may be held on public ways, provided that such races are sponsored by or in cooperation with recognized bicycle organizations and, provided further, that the sponsoring organization shall have obtained the approval of the appropriate police department or departments. Special regulations regarding the movement of bicycles during such races, or in training for races, including, but not limited to, permission to ride abreast, may be established by agreement between the police department and the sponsoring organization.

Violations of any provision of this section except violations of subclause (iii) of clause (2) shall be punished by a fine of not more than twenty dollars. The parent or guardian of any person under age eighteen shall not authorize or knowingly permit any such person to violate any of the provisions of this section. A bicycle operated by a person under the age of eighteen in violation of this section may be impounded by the police department, or in a town which has no police department, by the selectmen, for a period not to exceed fifteen days. A violation of any provision of this section by a minor under the age of eighteen shall not affect any civil right or liability nor shall such a violation be considered a criminal offense.

Chapter 85, Section 11C.

Bicycle law violations; ticketing; non-criminal disposition; procedures

Every city and town shall, pursuant to clause (16B) of sec. 21 of ch. 40 [of the MGL], provide a noncriminal ticketing procedure against violators of the provisions of sections 11A [requiring registration of bicycles at the option of the city or town] and 11B [requiring that bicyclists obey the traffic laws and other restrictions such as riding single file, using lights at night, having brakes, etc.] and of any rule, regulation, ordinance or by-law of the city or town regulating the registration, equipment and operation of bicycles. Cities and towns shall print notices of such violations in tag form in the same manner as notices pursuant to sec 20A or 20C of ch. 90 are printed for such cities and towns.

A police officer taking cognizance of any such violation may request the offender to state his true name and address. Whoever, upon such request, refuses to state his name and address, or states a false name and address or a name and address which is not his name and address in ordinary use, shall be punished by a fine of not less than 20 nor more than 50 dollars. Any such offender so refusing to state his name and address may be arrested without a warrant, but no person shall be arrested without a warrant for any other such violation.

Every police officer who takes cognizance of such violations may give the offender a notice, which shall be in tag form, as provided in this section, to appear before the clerk of the district court having jurisdiction, at any time during office hours, not later than twenty-one days after the date of such violation. If the offender is under sixteen years of age, the officer may give such notice to the parent or guardian of the offender. All tags shall be prepared in triplicate and shall be prenumbered.

Said tag shall contain but shall not be limited to the following information: the registration number of the bicycle, if any; the name and address of the offender, if served with notice in hand at the time of such violation; the date, time, place and nature of the violation; the amount of the fine; instructions for the return of the tag; and a notice which reads as follows:--This notice may be returned by mail, personally, or by an authorized person, and if properly returned shall be deemed non-criminal. A court hearing may be obtained upon the written request of the offender. Failure to obey this notice within twenty-one days after the date of the violation will result in the offender's appearance in court on a criminal complaint. Such notice shall be signed by the officer and shall be signed by the offender whenever practicable in acknowledgment that the notice has been received. The officer shall, if possible, deliver to the offender at the time and place of the violation a copy of said notice.

At or before the completion of each tour of duty, the officer shall give to his commanding officer those copies of each notice of such a violation taken cognizance of during such tour. Said commanding officer shall retain and safely preserve one of such copies and shall at a time no later than the beginning of the next court day after receipt of such notice deliver another of such copies to the clerk of the court before whom the offender has been notified to appear. The clerk of each district court shall maintain a separate docket of all such notices to appear.

Any person notified to appear before the clerk of a district court, as provided herein, may appear before such clerk and confess the offense charged, either personally or through an agent duly authorized in writing, or by mailing to such clerk the notice accompanied by the fine provided therein, such payment to be made only by postal note, money order or check made out to the clerk of the court. Returning the notice to the clerk of court and payment of the fine established shall operate as a final disposition of the case. Proceedings under this section shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If any person notified to appear before the clerk of the district court fail to appear or, having appeared, desire not to avail himself of the benefits of the procedure established by this section, the clerk shall, as soon as may be, notify the officer concerned, who shall forthwith make a complaint against the offender and follow the procedure established for criminal cases. If any person fails to appear in accordance with the summons issued upon such complaint, the clerk shall send such person by registered mail, return receipt requested, a notice that the complaint is pending and that if the person fails to appear within twenty-one days from the mailing of such notice the court shall issue a warrant for his arrest. The notice to appear, provided herein, shall be printed in such form as the administrative justice for the Boston municipal court department and the administrative justice for the district court department may prescribe for the respective departments; provided, however, that any city or town may

All fines collected pursuant to this section shall be used by the respective cities and towns for the development and implementation of bicycle programs.

Chapter 85, Section 11D.

Bicycle helmets; display of sign recommending use

Every person engaged in the retail business of selling or renting bicycles shall display in an area conspicuous to customers of such business a sign containing the following statement: "It is highly recommended that a bicycle helmet be worn while riding a bicycle."

Additional Resources and Contacts

For more resources and contacts, please visit the MassBike website at www.massbike.org for up-to-date information.

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