



March 25, 2020

POLICY ANALYSIS:

Bicycle Coalition of Maine Interprets Bicycle Shops as Essential Businesses Under State and Municipal Closure Orders

Summary

The Bicycle Coalition of Maine believes that bicycle shops are “essential businesses” and should be permitted to remain open under the language of the Governor’s Executive Order as well as the proclamations of Bangor and Portland.

To make this status more explicit, we have applied for “essential business” status on behalf of the bicycle service industry, and are urging the state and municipalities to add “bicycle shops” to the list of essential businesses exempted from closure orders.

Under the Governor’s Executive Order, even non-essential businesses that practice strong physical distancing techniques—such as ones many bike shops have already implemented—may continue operating.

The Coalition has also sent appeals directly to the Governor’s office, the Commissioner of Health and Human Services, the Commissioner of the Department of Transportation, the Department of Economic and Community Development, the Director of Portland Comprehensive Transportation Services, and to the Cities of Bangor and Portland.

Detail

On March 24, Gov. Janet Mills issued an executive order which further tightened restrictions on movement and assembly in Maine during the COVID-19 emergency. Both Bangor and Portland have imposed additional measures to promote physical distancing and isolation.

Given the unprecedented threat of this viral outbreak, we feel these are appropriate and understandable measures, and we support the governor and the municipal leadership that came to these difficult decisions.

A common theme in these closure orders is that:



- all non-essential businesses should reduce or cease operations in order to minimize the possibility of further spreading of the virus, and
- all essential businesses should try to continue operating to provide certain necessary services.

Under the Governor’s Executive Order, even non-essential businesses that practice strong physical distancing techniques—such as ones many bike shops have already implemented—may continue operating. Essential businesses include those that support food production and distribution (excluding restaurants), financial services, emergency services, medical care, or transportation—and they must also practice physical distancing measures.

In the Governor’s Executive Order, essential businesses are defined according to guidance provided in a Department of Homeland Security document, which is appended to the Order. This guidance describes two ways in which we feel bicycle shops are essential transportation services by providing:

- Employees supporting or enabling transportation functions, including . . . maintenance and repair technicians . . .
- Employees who repair and maintain vehicles, aircraft, rail equipment, marine vessels and the equipment and infrastructure that enables operations that encompass movement of cargo and passengers.

Bicycle shops support or enable transportation functions, and help people maintain and repair the equipment that affords mobility and encompasses movement. Washington state includes bike repair explicitly in a modification of this Homeland Security guidance.

The measures announced by both Portland and Bangor similarly use language that we believe includes bicycle shops as essential businesses. Each city used the same list for identifying essential businesses. The Portland proclamation specifically authorizes the use of bicycles as a means of transportation for persons working at COVID-19 necessary jobs.

We believe bicycle shops can be considered essential for transportation under these terms in the Bangor and Portland orders:

- Businesses and organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.

Bicycle shops provide support for economically disadvantaged people’s car-free mobility. A low-income person relying on a bicycle to commute to work at a grocery store to restock



shelves needs to be able to access service, as well as tubes and parts, in the event of a mechanical problem.

- Gas stations and auto-supply, auto-repair, and related facilities

The Bicycle Coalition of Maine believes that bike shops are facilities that are related to auto-repair shops as businesses that support transportation. This is the same section of the list of essential businesses where Colorado, Illinois, and Wisconsin include reference to bicycle shops.

- Airlines, taxis, public transportation, and other transportation providers providing transportation services necessary for purposes expressly authorized in this Regulation

In short, the Bicycle Coalition of Maine believes bicycle shops are providing essential transportation support services to persons who use bicycles for transportation to COVID-19-necessary work and other utilitarian needs. Especially for people who may have previously relied on transit, bicycles provide a solitary mode of transportation that permits the maintenance of a safe social distance. People need to be able to get their bikes repaired or get parts in order to continue to perform basic tasks like grocery shopping or commuting to necessary work, or to remain active for general health.

Already in Maine, many bicycle shops have proactively put in place measures to ensure that exposure risks are minimized with locked doors, limited access to the shops, and other processes including bike sanitizing on intake to maintain distance between employees and the public.

We continue to urge state and municipal agencies to add explicit language that defines bicycle shops as essential businesses to preserve the full range of transportation options available to Maine residents. Multiple states and municipalities have done so to provide clarity to the rules governing essential businesses—we feel Maine should follow those examples.

Please continue to practice physical distancing, stay close to home, and take every measure available to reduce exposure to the virus that causes COVID-19.

Stay well.

On Behalf of the Bicycle Coalition of Maine,

Jean Sideris, Executive Director
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