

Attachment A



Monterey County

Item No.4

Parks Commission Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

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Receive an informational report regarding electric bicycle (e-bike) use on dirt trails within Monterey County Parks and provide comment to staff regarding an ordinance update and potential change of use for e-bikes. Continued from Parks Commission Meeting on November 3, 2021

RECOMMENDATION:

It is recommended that the Monterey County Parks Commission receive an informational report regarding electric bicycle (e-bike) use on dirt trails within Monterey County Parks and provide comment to staff regarding a possible update to the Ordinance and potential change of use for e-bikes.

SUMMARY:

Monterey County Public Works, Facilities, & and Parks (PWFP) recently received comments from members of the public regarding e-bike use in County Parks and requests for an ordinance update to allow certain classes of e-bikes on dirt trails. Monterey County Code 14.12.060.I, states, *Electric bicycles are prohibited from all County park dirt trails, unless authorized by the Director.* PWFP is seeking comment from the Parks Commission regarding a potential change use for e-bikes on dirt trails within County Parks.

DISCUSSION:

The first electric bicycles (e-bikes) were created in the 1890s, and moderate technological advances were made until the early 1990s, when battery development improved to the point where e-bike production could be commercialized. By the early 2000s, lithium batteries replaced lead-core batteries and e-bike production escalated. Today, e-bikes are the fastest growing class of bicycles. Recently spurred by the COVID-19 pandemic, e-bike sales in the US grew by 145% between 2019 and 2020. With the spiking popularity of e-bikes, governmental and park agencies are struggling to regulate this “new” class of bicycle. E-bikes range in price from approximately \$600 to \$10,000 with the average price around \$1,500. As e-bikes become more affordable, it is predicted that sales and use will continue to sharply rise.

According to California Vehicle Code (CVC) 312.5, an “electric bicycle” is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts. CVC Section 312.5(a) separates e-bikes into three classes depending on the bicycle’s level of assistance and speed:

- (1) A “class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- (2) A “class 2 electric bicycle,” or “low-speed throttle-assisted electric bicycle,” is a bicycle equipped with a motor that may be used exclusively to propel the bicycle and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.

(3) A “class 3 electric bicycle,” or “speed pedal-assisted electric bicycle,” is a bicycle equipped with a speedometer and a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Currently, Monterey County Code prohibits e-bikes on dirt trails within County Parks unless authorized by the Director. PWFP staff has conferred with neighboring open space and park agencies regarding their regulations for e-bikes.

In 2019, the US Secretary of the Interior issued Secretary Order (SO) 3376, which directed the Bureau of Land Management (BLM) and other Federal land managers to expand access to e-bikes. The local BLM manager for the Fort Ord National Monument has issued a blanket exemption to allow riders to operate e-bikes on any trail open to traditional bicycles. Class 2 e-bikes (throttle assisted) must be pedaled while operated on trails within the Fort Ord National Monument. BLM is currently in the process of modifying regulations pertaining to the reclassification of e-bikes as bicycles rather than motorized vehicles.

In August 2021, California State Parks enacted policy to accommodate e-bike users within many State Parks units. Generally, e-bikes are only allowed on paved roads within State Parks units unless authorized to ride on trails by local Superintendent Order. State Parks has broken down the regulations to pertain to the three classes of e-bikes; for example, in certain areas only Class 1 e-bikes are allowed, while in other areas such as State Vehicular Recreation Areas, all classes are allowed.

The Monterey Peninsula Regional Park District does not have many areas where biking is allowed and does make any distinction between traditional bicycles and e-bikes. E-bikes are currently allowed where traditional bicycles are allowed.

Within the past few months, federal legislation has been introduced to provide tax credits for those that purchase e-bikes. H.R.1019 / S.2420 - Electric Bicycle Incentive Kickstart for the Environment (E-BIKE) Act would provide a 30% tax credit of up to \$1,500, to incentivize the purchase of e-bikes to reduce pollution. The bills are currently in the Ways and Means Committee. In addition, as of September 2021, a 15% tax credit for the purchase of an e-bike has been added to the current Reconciliation Bill - Sec. 136407 of Build Back Better Act 5. Should these legislative acts pass, an additional increase in e-bike sales and usage is likely.

PWFP has received public comment requesting that e-bikes be allowed on County Parks trails as well as comment from those who wish to have e-bikes banned from being operated on trails. In August 2021, PWFP received and granted a reasonable accommodation request, in accordance with Monterey County Code 14.12.060.I, for a Monterey County community member to use an e-bike on dirt trails within the County Parks system. PWFP staff consulted with both the Civil Rights Office and County Counsel regarding the granting of the accommodation request.

There are a number of things to consider regarding e-bike use. On the positive side, due to the pedal-assist function of e-bikes, users would have increased access in parks and open space. E-bikes would allow individuals with physical limitations to ride to areas they would not otherwise be able to access. Alternately, in Toro Park, e-bikes users have been witnessed creating illegal trails deep in the River Fire burn scar where it would be physically impossible to ride traditional bicycles. Some reports claim that e-bikes are heavier and thus breakdown the terrain more quickly and leave deeper ruts; other reports state that there is no difference in degradation of the environment when e-bikes are

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compared to traditional bicycles. Higher rates of speed, going uphill on downhill trails, greater chance of injury during collisions, fire hazard from exploding batteries are some negative comments that PWFP received about e-bikes. PWFP also received comments claiming that e-bikes help increase physical activity because users can go farther and for longer periods of time, that scenic vistas are able to be reached and that age does not matter anymore.

PWFP staff recommends, at minimum, that the Commission consider an update to the ordinance to add the State classification of e-bikes and to begin regulation of use. Should the Parks Commission choose to recommend allowing e-bikes on dirt trails, direction requesting Parks staff report back to the Commission after investigating the matter and developing proposed changes and a regulatory framework specific to County parks for the Commission's consideration is suggested.

OTHER AGENCY INVOLVEMENT:

PWFP conferred with the Bureau of Land Management, California State Parks, and Monterey Peninsula Regional Park District regarding their e-bike regulations.

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