ORANGE COUNTY PARKS COMMISSION

STAFF REPORT

FROM: Stacy Blackwood, Director, OC Parks

DATE: January 9, 2020

SUBJECT: Electric Bicycles in OC Parks Wilderness Facilities

Executive Summary
In May 2018, the Orange County Board of Supervisors approved an amendment to the existing County ordinance prohibiting motorized recreation – including “electric wheeled conveyances” – in regional parks, an amendment which now permits Class 1 and 2 electric bicycles (ebikes) to be ridden on certain offroad paved regional bikeways in Orange County. Ebikes remain restricted in all other areas of the regional park system, and further modification to the County ordinance would require additional formal action by the Board of Supervisors. The 10mph speed limit in all OC Parks facilities also remains in place.

Following the May 2018 Board action, there has been a significant increase in public requests for the County to authorize ebikes on wilderness trails in the County’s open space and wilderness parks. The vast majority of wilderness trails in the County parks system that offer the backcountry mountain biking experiences sought by the public are in areas protected by habitat protection plans and/or conservation easements, which govern the land management obligations of the County and its Board of Supervisors. These legal encumbrances on the County’s parklands prescribe a higher standard of management and oversight of public activities to protect sensitive habitat and endangered species. This report provides an overview of the regulatory framework governing the County’s wilderness parks, and the process proposed by OC Parks to determine whether and where ebikes might be permitted.

Background
OC Parks manages 60,000 acres of regional and wilderness parks, historic facilities, harbors, and beaches across Orange County, as well as 150 miles of regional trails and bikeways and 350 miles of wilderness trails. Our mission is to preserve and enhance the County’s natural and cultural resources for public recreation, education, and exploration. Each regional park or facility offers a unique set of opportunities and challenges based on its geographic, topographic and environmental context. As such, while OC Parks endeavors to provide recreational facilities and programming that maximize public enjoyment of the regional park system as a whole, not every desired recreational experience can be accommodated at every facility.

NCCP/HCP and Conservation Easements
The majority of the County’s 60,000-acre portfolio is comprised of wilderness and open space facilities that are enrolled in the Central/Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP), Southern HCP, or various conservation easements (Attachment A – Listing of County Parks). These governing documents are recorded as...
encumbrances on title to the land and define both the habitat conservation priorities and permissible activities – including managed public access and recreation – subject to oversight from US Fish and Wildlife Service (USFW), California Department of Fish and Wildlife (CDFW), the Nature Conservancy (TNC), and the Orange County Parks Foundation (OCPF). Limited recreational uses such as hiking, biking, and horseback riding are generally considered to be permitted activities, insofar as the County can demonstrate that these uses do not harm the habitat or protected species for which the lands have been conserved. Motorized recreation is generally considered to be a prohibited activity, as characteristics like speed, noise, and fire potential may negatively impact the conserved habitat and endangered species.

The NCCP/HCP specifically states that “within the Reserve System, the bottom line is that either adequate protection for habitat and ‘Identified Species’ will be provided, or public access and recreation within portions of the reserve will need to be reduced or temporarily restricted for specific problem areas.” The document goes on to state that “long-term failure to adequately manage recreation activities or facilities, leading to significant damage to biotic resources, could result in the elimination of such activities [by the wildlife agencies] within the reserve, either on a temporary or permanent basis” (Attachment B – NCCP/HCP Section 5.8). The Southern HCP and the TNC and OCPF conservation easements include language that generally mirrors the obligations and restrictions set forth in the NCCP/HCP, and as such, OC Parks manages all of these lands in a similar fashion.

As required by the conservation plans and easements, prior to introduction of any new or enhanced public access activities, OC Parks develops implementation plans (e.g. Resource and Recreation Management Plans) for each facility that more specifically define permitted activities, current and future infrastructure, and natural resource management and restoration mechanisms. These documents also include a trail plan for each park, wherein trails are designated for certain uses, seasonality, or directionality based on trail alignment, slope, width, and habitat context to protect biotic resources and reduce potential safety and user conflict issues. Attached are trail maps for several OC Parks facilities that have such designations (Attachment C), identifying certain trails as hiking-only, hiking and biking, hiking and equestrian, or full multi-use. Additionally, certain trails are denoted as appropriate for leashed dogs, while others are not.

By way of example, the Willow Trail in the northeastern corner of Peters Canyon Regional Park runs through habitat known to support the endangered Least Bell’s Vireo, and is not only restricted to hiking-only, but is also closed to all public access between February and September to protect nesting birds. Even with these restrictions in place, if public use of the Willow Trail were ever determined to be detrimental to the protected species and their habitat, OC Parks would be obligated under the NCCP/HCP to consider temporary or permanent closure to public access or re-routing of the trail to a less sensitive part of the park.

Electric Bikes
OC Parks regularly evaluates requests to accommodate an ever-changing series of recreational activities – from pickleball to frisbee golf to radio-controlled aircraft – and permits or prohibits those activities based on a variety of operational factors and as guided by OC Parks’ strategic plan, park master plans, and the Orange County Codified Ordinances.
Currently, there exists a significant and pervasive public demand for access within the County’s regional parks for electric bicycles (ebikes) and electric mountain bikes (eMTB), a demand that is being assessed not only in Orange County, but at the state and national levels as well.

The push for formal and legal permission to recreate on ebikes – bicycles with an integrated motor that provide assistance to the rider while pedaling or by use of a throttle – led to modification in 2015 of the California Vehicle Code through Assembly Bill 1096 (Attachment D). Prior to AB 1096, an ebike was considered a motorized vehicle, subject to the same licensing requirements and vehicle regulations (e.g., prohibited from riding or parking on public sidewalks or trails) as a scooter or motorcycle. AB 1096 defined ebikes as separate and distinct from motorcycles, and determined that e-bikes would be by default subject to the same State regulations applied to non-motorized bicycles, unless otherwise restricted by local ordinance. While many cities, counties, and special districts currently operate under the default provisions of AB 1096, examples of local jurisdiction regulation of ebikes include the September 2017 prohibition on ebikes anywhere within the Angeles District of California State Parks (Attachment E – Angeles District Order 915-17-002), and the July 2019 prohibition of ebikes on City of West Hollywood municipal sidewalks where there is an adjoining bike lane.

Unlike many local jurisdictions, the County of Orange already had in place a local ordinance which prohibited motorized recreation – including “electric wheeled conveyances” – in the regional parks (OCCO 2-5-29n) when AB 1096 was adopted. However, in response to a growing number of requests to permit ebikes within the County’s regional parks, OC Parks submitted to both the OC Parks Commission and the Orange County Board of Supervisors a recommendation to amend the ordinance to permit ebikes on certain paved, regional bikeways that are wide and have sufficient visibility to safely accommodate the new use. The Board of Supervisors approved the amended ordinance in May 2018 (Attachment F – OC Codified Ordinance 2-5-29n), and ebikes are now permitted on an approved list of paved, off-road bikeways (e.g. Santa Ana River Trail), but remain restricted in all other areas of the regional park system. The 10mph speed limit throughout OC Parks was not changed with the amendment to the motorized recreation ordinance, as speed is a key factor in trail user safety, on both paved regional bikeways and dirt wilderness trails.

The public continues to request expanded opportunities within OC Parks for ebike use, particularly eMTB use on the County’s wilderness trails. As indicated above, the majority of the wilderness areas managed by OC Parks are regulated under the NCCP/HCP, Southern HCP, or conservation easements, which generally require that OC Parks conduct a thorough biological resource assessment and amend the adopted recreation and resource management plans for each facility prior to introduction of any new public access or recreational activity, subject to approval by USFW and CDFW. Moreover, even if ebike use were not considered a new activity, OC Parks would still have the obligation to demonstrate that the expansion of biking access on the wilderness trails does not lead to net loss of habitat or impact to protected species.

Like OC Parks, other local jurisdictions, particularly those who also manage conservation lands, are seeking clarification from the wildlife agencies as to whether ebikes are prohibited. USFW and CDFW issued an opinion to the City of Irvine in July 2019 (Attachment G) asserting
that “because e-bikes are self-propelled by a motor, can easily travel at speeds generally prohibited on trails within the Reserve (i.e., in excess of 10 miles per hour), and have potential to dramatically increase the intensity of public use within the Reserve, we agree that they should be treated as recreational motor vehicles and, consistent with the NCCP/HCP Public Access and Recreation policies, their use prohibited within the Reserve.” USFW and CDFW further cited provisos set forth in the NCCP/HCP regarding the potential elimination of activities on a temporary or permanent basis as a result of damage to natural resources.

However, further complicating the matter, in August 2019 the Department of the Interior (DOI) issued Order 3376, a directive to its divisions – including the National Parks Service (NPS), Bureau of Land Management (BLM), and USFW – to authorize use of ebikes in a manner consistent with policies for standard bicycles on federal lands managed by the DOI (Attachment H). The Order did not apply to non-federal lands, nor did it speak to any modification of the existing restrictions of motorized recreation within USFW-regulated reserve areas or mitigation lands. The NPS and BLM have since issued policies authorizing use of ebikes on paved roads, but not in designated wilderness areas and/or backcountry trails (Attachment I). OC Parks is not aware of USFW adopting a policy related to ebikes in response to the DOI Order, nor has any clarification on NCCP/HCP restrictions been provided since the July 2019 letter to City of Irvine.

OC Parks is committed to its obligations in management and stewardship of County NCCP/HCP and conservation easement lands. OC Parks is also committed to public access to the parks, and has the responsibility to evaluate and recommend changes, where appropriate and sustainable, to policies governing public recreation throughout the regional park system. Consequently, OC Parks is seeking direction from USFW and CDFW on two primary matters in question:

1) Are ebikes prohibited in lands enrolled in the NCCP/HCP, Southern HCP, and conservation easements based on current regulations?
2) If yes, can the NCCP/HCP and related resource management plans be amended to permit ebikes (accounting for mitigation of environmental impacts, where applicable)?

Assuming the answer to both questions is yes, OC Parks intends to engage in a systematic evaluation and planning process with the goal of permitting ebikes wherever non-motorized bikes are allowed. Conceptually, that process is anticipated to include the following activities:

- Identify appropriate baselining, monitoring, and data collection methods to assess both environmental and operational impacts of expanded recreational trail use
- Assess existing trails for suitability for existing and expanded uses, including potential trail system modifications needed to ensure both public safety and habitat protection (e.g., changes to multi-use, multi-directional trails; changes to speed limits; consideration of seasonal or permanent trail closures and development of new trails; seasonal trail rotations; etc.)
- Plan for public outreach, engagement, and pilot project(s)
- Coordinate with adjacent and surrounding jurisdictions for consistency in ebike and general trail use policies
- Develop recommendations to Board of Supervisors for additional or enhanced enforcement mechanisms (e.g., increased citation fees) as necessary
As OC Parks will need to contract for consultant support services to supplement in-house expertise for many of these tasks, clarification is first being requested from USFW and CDFW prior to committing resources. OC Parks has prepared a letter to USFW and CDFW (Attachment J) requesting a determination be made on this subject within 90 days of the letter. Should no response be received from USFW and CDFW by April 2020, OC Parks intends to move forward with the process outlined above to determine whether and where ebikes might be permitted.

RECOMMENDED ACTION:

Concur with distribution of letter to the US Fish and Wildlife Service and the California Department of Fish and Wildlife regarding use of electric bicycles in the Central/Coastal Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and/or the Southern HCP reserve systems.

Attachments:
Attachment A – Listing of County Parks
Attachment B – NCCP/HCP Section 5.8 (Public Access and Recreation Policies)
Attachment C – OC Parks Trail Maps
Attachment D – Assembly Bill 1096
Attachment E – State of California Angeles District Order 915-17-002
Attachment F – OC Codified Ordinance 2-5-29n
Attachment G – USFW/CDFW Letter to COI
Attachment H – Department of the Interior Order 3376
Attachment I – NPS and BLM Electric Bicycle Policies
Attachment J – OC Parks Letter to USFW/CDFW
Listing of County Parks

Encumbrance Abbreviations
- NCCP/HCP: Central / Coastal Natural Community Conservation Plan / Habitat Conservation Plan
- Southern HCP: Southern Habitat Conservation Plan
- TNC: The Nature Conservancy Conservation Easement
- OCPF: Orange County Park Foundation Conservation Easement

1. Aliso and Wood Canyons Wilderness Park: NCCP/HCP
2. Carbon Canyon Regional Park
3. Caspers Wilderness Park: Southern HCP
4. Clark Regional Park
5. Craig Regional Park
6. Featherly Regional Park
7. Irvine Ranch Open Space*: NCCP/HCP (9,000 acres), TNC (11,000 acres), OCPF (2,200 acres)
8. Irvine Regional Park: NCCP/HCP
9. Laguna Coast Wilderness Park: NCCP/HCP
10. Laguna Niguel Regional Park
11. Mason Regional Park
12. Mile Square Regional Park
13. O’Neill Regional Park: Southern HCP
14. Peters Canyon Regional Park: NCCP/HCP
15. Riley Wilderness Park: Southern HCP
16. Santiago Oaks Regional Park: NCCP/HCP
17. Talbert Regional Park: NCCP/HCP
18. Tri-City Regional Park
19. Upper Newport Bay Nature Preserve: NCCP/HCP
20. Whiting Ranch Wilderness Park: NCCP/HCP
21. Wieder Regional Park
22. Yorba Regional Park

*Irvine Ranch Open Space is managed access and includes Black Star Canyon, Weir Canyon, Fremont Canyon, Gypsum Canyon, East Orange I and II, Mountain Park, etc.

Note: some facilities may also be subject to other regulatory restrictions and permitting by agencies such as the Coastal Commission, Army Corps of Engineers, Regional Water Quality Control Board, etc.
Natural Community Conservation Plan & Habitat Conservation Plan

County of Orange
Central & Coastal Subregion
Parts I & II: NCCP/HCP

July 17, 1996

Prepared for:
County of Orange
Environmental Management Agency
300 North Flower
Santa Ana, CA 92702
FINAL (ADMINISTRATIVE RECORD COPY)

Central and Coastal Subregion
Natural Community Conservation Plan/
Habitat Conservation Plan

Parts I & II: NCCP/HCP

Prepared for:
County of Orange
Environmental Management Agency
and United States Fish and Wildlife Service/
California Department of Fish and Game

Prepared by:
R.J. Meade Consulting, Inc.
7910 Ivanhoe Avenue, Suite 40
La Jolla, CA 92037

JULY 17, 1996
A fire management implementation schedule/timetable shall be completed within one year of the signing of the Implementation Agreement. It shall be updated as necessary depending on the results of the fire recovery monitoring program. The long-term fire management program shall be completed within three years of the signing of the Implementation Agreement.

SECTION 5.8 PUBLIC ACCESS AND RECREATION POLICIES

Permitted public access and recreation uses, along with prescribed responsibilities for management of lands available for public access are set forth in the following recreation and access policies. These policies and programs are to be implemented by the public agency owners/managers for their respective ownerships. Background information concerning EMA/HBP management practices and capabilities is provided in Appendix 11 (Management Overview).

5.8.1 Access and Recreational Use Assumptions

The recommended habitat reserve design has been formulated with the understanding that public access, passive recreational uses and development of future recreation facilities would be compatible with and permitted within the habitat Reserve System. It was understood from the outset of planning for CSS and the “Target Species” that significant portions of the public lands now recommended for inclusion in the permanent habitat reserve were originally acquired by governmental agencies specifically for recreational purposes. Some of these lands already have been developed as County Regional Parks. It was also determined during formulation of this subregional NCCP plan that there are only a few areas within the designated habitat Reserve System where the biological resources are so sensitive that no access would be appropriate. The few areas within the subregional Reserve System where public access and recreation would not be appropriate are identified below in Section 5.8.3 (Policy 3) and Figure 26.

The NCCP/HCP policies reflect a determination that there is not an inherent conflict between the recreation uses permitted as a part of the NCCP/HCP existing park County HBP General Development Plans (GDPs) and County HBP Resource Management Plans (RMPs) and protection of sensitive biotic resources. Provided that facilities are properly located, public access and use problems, if they arise, will result from one or a combination
of the following: uncontrolled off-trail activities, inadequate maintenance/management of trails and park facilities, or overuse of designated areas. Therefore, compatible public access and recreation activities within the reserve can be assured through effective management demonstrating an ability to:

- effectively monitor and manage trails and facilities;
- enforce user compliance with NCCP/HCP policies and GDP/RMP policies;
- provide technical reserve management expertise; and
- provide funding for the above adequate to assure that proposed access/recreation use can be accommodated consistent with the NCCP/HCP policies and the GDP/RMPs.

Within the Reserve System, the bottom line is that either adequate protection for habitat and "Identified Species" will be provided, or public access and recreation within portions of the reserve will need to be reduced or temporarily restricted for specific problem areas. A long-term failure to adequately manage recreation activities or facilities, leading to significant damage to biotic resources, could result in the elimination of such activities within the reserve, either on a temporary or permanent basis.

5.8.2 Consistency with Related Recreation Programs

- The public access and recreation policies set forth in this section have been formulated to be consistent with the requirements and policies contained in several state and federal statutes and programs that either address or impact public access and recreation use of wildlands. Applicable policies, provisions and programs reviewed for purposes of consistency included those found in:

  - the Recreation Element of the County of Orange General Plan;
  - the City of Irvine GPA 16 -- Open Space Plan;
  - terms of existing dedication and development agreements involving recreational lands (refer to Figure 20);
• the California Coastal Act of 1976;

• the certified Local Coastal Programs for the Irvine Coast and the cities of Newport Beach, Laguna Beach, Dana Point, and San Juan Capistrano;

• the approved Land Use Plan and Newport Beach/TIC development agreement for Upper Newport Bay;

• the NCCP Act of 1991;

• the NCCP Planning Guidelines (including the Conservation Guidelines);

• County of Orange General Development Plans (GDPs) and Resource Management Plans (RMPs) for Upper Newport Bay Regional Park, Laguna Coast Wilderness Park, Aliso & Wood Canyons Regional Park, William R. Mason Regional Park, Talbert Nature Preserve, Santiago Oaks Regional Park and Irvine Regional Park. Future GDPs will be prepared for Peters Canyon Regional Park, Weir Canyon Wilderness Park, and Limestone Whiting Wilderness Park;

• the Crystal Cove State Park General Plan of 1982;

• the California Endangered Species Act; and

• the Federal Endangered Species Act.

5.8.3 Public Access and Recreation Policies

The following access and recreational use policies are intended to define recreational uses within the reserve in a manner that is compatible with CSS protection and management and to provide for management and monitoring of such uses for habitat protection purposes. A description of the kinds of recreation facilities that will be permitted is provided in Section 5.8.4. Policies governing the construction of future recreation facilities within the Reserve System are set forth in Section 5.8.5.
1. Public access and “passive” recreational uses shall be permitted within the permanent habitat reserve.

2. Passive recreation shall be defined to include:
   • hiking, equestrian, and mountain bike uses on designated and existing truck trails;
   • picnicking in areas designated by the adopted RMP;
   • nature interpretation;
   • vehicular parking in areas designated in adopted RMPs and staging areas serving existing truck trails;
   • overnight camping in areas designated for camping in the adopted RMP;
   • concession facilities supporting the above uses; and
   • other forms of public access and recreation determined by the GDP/RMP to be consistent with the primary species and habitat protection mission of the permanent reserve.

3. Public access and recreation shall be prohibited in those areas designated in Figure 26 due to the potential for serious adverse impacts such uses could have on “Target Species” and sensitive habitats. Prohibitions on access and recreation shall be reviewed on a regular basis in response to changing conditions and the availability of new information. Figure 26 shall be amended as necessary as a part of the adaptive management approach to implementing the NCCP/HCP and existing and future RMPs. UCI will be responsible for managing public access and determining where public access would be appropriate within their portion of the Reserve System. Access will be restricted to protect research and restoration work.
4. Public access shall be carefully monitored by the respective reserve owner/managers consistent with the protocols established in Section 5.4 and managed to avoid significant degradation of biologic resources within the reserve. Such monitoring/management shall mean that:

• existing truck trails shall be utilized whenever feasible, thus minimizing the need for new trail construction;

• unneeded truck trails shall be closed and impacted habitat restored to appropriate natural habitat conditions;

• the intensity of trail and facility use shall be subject to management and change based on observed conditions; and

• public access shall be restricted in areas that are unsafe for users or where it is necessary to minimize impacts to sensitive habitat or would jeopardize biological research.

5. Ongoing use and maintenance of trails within the reserve shall be monitored to assure that overuse for recreation does not create problems leading to impacts on “Target Species” or sensitive habitat. The following controls shall be implemented to assure that the significant adverse effects of recreational use on habitat resources are minimized:

• equestrian and mountain bike use of trails shall be prohibited for appropriate periods following heavy rains to avoid trail damage and subsequent effects on adjacent habitat;

• seasonal trail guidelines, including possible rotation of access points, shall be formulated to protect sensitive species from significant adverse user impacts during nesting or other sensitive periods;

• trail use shall be monitored to minimize off trail use, particularly by equestrian and mountain bike users; and
• docents/educational programs shall be used to communicate to trail users and other public users the importance of restricting recreational use to designated trails.

6. Recognizing the importance of appropriately managing recreational use within the reserve in order to protect habitat areas from intrusions, reserve managers shall take the following steps to increase enforcement capabilities and thereby minimize impacts of recreational use on reserve habitat values:

• trail user groups shall be encouraged to participate in “self monitoring and policing” programs to minimize instances of off-trail activities and other abuses to habitat resources within the reserve;

• if allowed by state and local regulations, park rangers shall be given the authority to issue citations for misuse of trail or other park facilities;

• fines levied for abuse of park facilities resulting in harm to species or sensitive habitat shall be sufficient to discourage repeat occurrences; and

• repeated offenses by multiple users shall provide the grounds for temporary closure of trail segments and, where necessary, entire parks as a means of avoiding unacceptable adverse impacts to habitats/species within the reserve. Such temporary closures also will serve to educate users concerning the need to obey park and reserve rules and regulations, thereby reducing future recreational impacts on the biological resource of the Reserve System.

7. Access and recreational uses within the reserve shall be periodically reviewed to determine their consistency with the evolving reserve management policies, practices, and priorities under the adaptive management program.

8. The following parks and preserves are included within the habitat reserve:

• Crystal Cove State Park (including the Crystal Cove State Park Plan as approved by the Coastal Commission);
• Coal Canyon Reserve;

• UCI Reserve;

• Laguna Coast Wilderness Park;

• Aliso and Wood Canyon Regional Park;

• Irvine Regional Park;

• Upper Newport Bay Regional Park

• Talbert Nature Preserve

• Peter’s Canyon Regional Park;

• Santiago Oaks Regional Park;

• Weir Canyon Wilderness Park; and

• Limestone Canyon Wilderness Park (includes Whiting Ranch Park).

9. In the Round Canyon Area of the Limestone Canyon Wilderness Park, attempts will be made to transfer/consolidate recreational uses, services and concessions, and public access roads to that portion of the adjacent Frank R. Bowerman Landfill area designated for restoration.

10. The policies contained in the Recreation Element of the County’s General Plan and adopted GDPs/RMPs are incorporated herein by reference. These NCCP/HCP policies shall be implemented as supplemental policies to those contained in the County General Plan’s Recreation Element. In the event that conflicts are determined to exist between the Plan policies and these policies, the Recreation Element or RMP shall be amended through appropriate County action.
11. The following recreation uses shall be prohibited within the habitat Reserve System:

- active sports facilities (baseball diamonds, soccer fields, tennis courts, etc.);
- golf courses;
- stadiums, field houses and so forth;
- concert facilities or lighted outdoor amphitheaters;
- facilities requiring night lighting except for safety purposes (e.g., restrooms in campgrounds, entry areas, park ranger/administrative facilities, etc.);
- hunting, except as specifically authorized by CDFG as part of their operation of a state reserve (e.g., Coal Canyon reserve);
- motorized recreation vehicle activities; and
- other facilities that would significantly harm “Identified Species” or sensitive natural habitat resources.

12. The County of Orange Department of Harbors, Beaches, and Parks Department (EMA HBP) shall be responsible for planning, constructing and managing recreation facilities within the County-owned portion of the habitat reserve consistent with the policies contained in this section. The California Department of Parks and Recreation shall be responsible for managing recreation access and use of the Crystal Cove State Park. Other public agency owners/managers shall be responsible for managing public access and recreation within their respective ownerships consistent with these policies.

13. The policies set forth in this section shall be implemented and enforced in a manner consistent with the other policies contained in Chapter 5 of the NCCP/HCP. In the event that there is a conflict between the recreation policy and other policies, the
conflict shall be resolved, as feasible, in the manner that is most protective of the reserve's biological resources.

14. Annual reports shall be prepared by the reserve owners/managers that shall include, at a minimum, the following information:

- the results of recreational use monitoring (e.g., trail conditions, adverse habitat impacts, and so forth);

- specific recommendations involving modifications to existing management practices aimed at minimizing adverse impacts on biologic resources resulting from recreational use; and

- recommendations to initiate new management programs in response to changing circumstances/conditions (e.g., educational programs, trail patrols, and so forth).

5.8.4 Future County EMA/HBP Recreational Facilities

As Stated in Section 5.8.1, future recreational facilities will be needed to accommodate public access and recreational use of the habitat reserve. Figure 28 shows potential areas within the reserve needed to provide future park facilities. These park facility locations reflect an attempt to locate and quantify potential acreage impacts to habitat types from future park facility development.

Locations of future County EMA/HBP park facilities are to be determined by the RMP process. Since RMPs for some of the County's regional parks within the reserve have yet to be prepared, it is necessary to describe future permitted recreational facility siting conceptually. Therefore, the policies in Section 5.8.5 allow flexibility in locating future recreational facilities within regional parks in the Reserve System. However, the total take of habitat shall not exceed that which is allowable under the NCCP/HCP.

The following types of recreational facilities will be allowed within the Reserve System:

- entry roads, park entry control structures;
• parking areas, staging areas, trailheads;

• utilities infrastructure (waterlines; sewer lines; leach fields; electric, telephone, and natural gas lines); restrooms;

• interpretive centers (focusing on natural/cultural resource interpretation);

• Park Ranger/Reserve Manager Headquarters/Offices;

• park maintenance structures/yards;

• concession buildings/improvements supporting passive recreational uses;

• overnight campsites;

• day-use picnicking sites;

• other facilities determined to be consistent with the reserve’s primary species habitat protection mission.

5.8.5 Policies Governing the Siting and Construction of New Recreational Facilities

The following policies shall guide the siting and construction of permitted recreational facilities within the Reserve System. The policies in this section are intended to allow flexibility in locating future recreational facilities.

1. New County EMA/HBP facility improvements shall be consistent with permitted facilities outlined in Section 5.8.4, and the park’s approved Interim Operations Plan, or Resource Management Plan.

2. New facility siting shall be coordinated with the non-profit reserve management corporation.

3. The facility shall be located and designed to minimize impacts to sensitive resources.
4. Access roads and infrastructure supporting new facilities will be routed to minimize disturbance and impacts to sensitive resources.

5. Necessary infrastructure required for new park facilities shall be consistent with policies set forth in Section 5.9.

6. Where proposed facilities potentially may impact sensitive resources, a qualified biologist shall be hired to document the resources and vegetation in the area to be disturbed by the proposed facility.

7. EMA/HBP estimates that construction of future recreational facilities within regional parks could result in up to 150 acres of CSS loss and Incidental Take of habitat supporting gnatcatcher sites within the Reserve System. The take of habitat and species associated with the development of future recreational facilities located within the reserve is considered authorized take and mitigated under this subregional NCCP/HCP.

8. Since many proposed recreational facilities will not be constructed in the immediate future and because regional recreational needs change over time, flexibility will be allowed in future design and siting of facilities.

9. Where impacts to sensitive vegetation occurs, revegetation plans shall become part of the facility improvement plans.

10. Revegetated areas shall be monitored for a minimum 5 year period.

5.8.6 Preparation of Recreational Management Programs by EMA HBP

Prior to the establishment of permanent access, uses or facilities, and consistent with the terms of Section 5.3.2 of the Implementation Agreement and the provisions set forth in this section, Resource Management Plans (RMPs) shall be prepared by EMA HBP and submitted for each future County Park development on lands designated for inclusion within the Reserve System. These RMPs shall be submitted for review and approval to the CDFG and USFWS at least 150 days prior to implementation of any action under the plan. The USFWS and CDFG shall review these plans.
for consistency with the conservation and/or specific recreation management policies set forth in the NCCP/HCP and with Section 9.2.1(b) of the Implementation Agreement. USFWS and CDFG review of the plans and resolution of potential disagreements shall be conducted in accordance with the terms of Section 5.3.2 of the Implementation Agreement. A material change to a RMP shall be submitted to USFWS and CDFG for review and approval in same manner as the original plan.

County approved RMPs already are available for some parks and are under preparation for others. These plans will address future access uses and facilities of parks located within the habitat Reserve System and be prepared and submitted to CDFG/USFWS for approval sequentially as the public planning process for each park progresses. The RMP for each park may be submitted individually for review/approval by CDFG and USFWS.

5.8.7 Crystal Cove State Park Facilities

As stated in Section 5.8.2 of the NCCP/HCP, the Crystal Cove General Plan of 1982, approved by the California Coastal Commission, has been reviewed and determined to be compatible with the policies of this NCCP/HCP. New facilities or improvement, repair, maintenance and operation of existing facilities in accordance with the adopted General Plan are allowed.

Crystal Cove State Park has two ongoing coastal sage scrub restoration programs covering 18 acres of the parkland that are not mitigation for any past disturbances. In recognition of this, mitigation credit in the amount of 18 acres is being assigned to Crystal Cove State Park to offset future impacts.

Any impacts to habitat within the reserve that occur in accordance with the adopted General Plan will be evaluated by CDFG, USFWS and the non-profit corporation and appropriate mitigation determined. Should the required mitigation for such impacts exceed the allowed credit, additional restoration may be required.
ATTACHMENT C

Legend:
- Park Office
- Restroom
- Parking
- Water
- Scenic Overlook
- Public Access Gate
- Emergency Access Gate
- Interpretive Center/Interpretive Programs
- Multi-use Trail

NOTE:
All authorized trails appearing on this map are marked with trail posts all others are unauthorized.

Go on a nature scavenger hunt • Enjoy panoramic ocean views
Acres of something new • See an orange-throated whiptail
Oceans of something new • See an orange-throated whiptail

Trail Guide:
- City of Laguna Beach
- Newport Vicinity Map
- Pacific Coastline
- Laguna Coast Wilderness Park

Vicinity Map: Laguna Coast Wilderness Park

Park Entrance
Little Sycamore Canyon Staging Area
James Dilley Greenbelt Preserve
Aliso and Wood Canyons Wilderness Park

Legend:
- 1 133
- Water
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NOTE:
All authorized trails appearing on this map are marked with trail posts all others are unauthorized.

GO ON A NATURE SCAVENGER HUNT • ENJOY PANORAMIC OCEAN VIEWS
ACRES OF SOMETHING NEW • SEE AN ORANGE-THROATED WHIPTAIL
OCEANS OF SOMETHING NEW • SEE AN ORANGE-THROATED WHIPTAIL
ATTACHMENT C

Please call park for group reservations. Group sites are available for groups of 17 to 180 people. Campsites can hold a maximum of two vehicles and eight persons per site. Maximum stay is 14 nights in a 30-day period.
AB 1096, Chiu. Vehicles: electric bicycles.

Existing law defines a "motorized bicycle" or a "moped" as a 2-wheeled or 3-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and motor, as specified.

Existing law also defines a "motorized bicycle" as a device that has fully operative pedals for propulsion by human power and has an electric motor that meets specified requirements. Existing law requires a motorized bicycle, as described by this definition, to comply with specified equipment and manufacturing requirements. Existing law also imposes specified requirements relating to the operation of bicycles. A violation of the Vehicle Code is a crime.

This bill would delete the latter definition of a "motorized bicycle." The bill would define an "electric bicycle" as a bicycle with fully operable pedals and an electric motor of less than 750 watts, and would create 3 classes of electric bicycles, as specified. The bill would require manufacturers or distributors of electric bicycles to affix a label to each electric bicycle that describes its classification number, top assisted speed, and motor wattage. The bill would require every electric bicycle manufacturer to certify that it complies with specified equipment and manufacturing requirements. The bill would also require an electric bicycle to operate in a manner so that the electric motor disengages or stops functioning when brakes are applied, or in a manner so that the release or activation of a switch or other mechanism disengages or stops the electric motor from functioning.

The bill would require a person riding an electric bicycle to comply with the above-described requirements relating to the operation of bicycles. The bill would prohibit persons under 16 years of age from operating a class 3 electric bicycle. The bill would also require persons operating, or riding upon, a class 3 electric bicycle to wear a helmet, as specified. The bill would prohibit the operation of a class 3 electric bicycle on specified paths, lanes, or trails, unless that operation is authorized by a local ordinance. The bill would also authorize a local authority or governing body to prohibit, by ordinance, the operation of class 1 or class 2 electric bicycles on specified paths or trails. The bill would prohibit a person from tampering with or modifying an electric bicycle to change its speed capability, unless he or she appropriately replaces the classification label. The bill would require that a person operating an electric bicycle is not subject to financial responsibility, driver's license, registration, or license plate requirements. The bill would also make conforming changes.

This bill would incorporate additional changes to Section 21113 of the Vehicle Code proposed by AB 604 that would become operative only if this bill and AB 604 are both chaptered, and this bill is chaptered last.
Because the bill would create new requirements regarding electric bicycles, the violation of which would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority    Appropriation: no    Fiscal Committee: yes    Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 312.5 is added to the Vehicle Code, to read:

312.5. (a) An "electric bicycle" is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.

(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 is not capable of providing 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 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, and equipped with a speedometer.

(b) A person riding an electric bicycle, as defined in this section, is subject to Article 4 (commencing with Section 21200) of Chapter 1 of Division 11.

(c) On and after January 1, 2017, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

SEC. 2. Section 406 of the Vehicle Code is amended to read:

406. (a) A "motorized bicycle" or "moped" is a two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power, or having no pedals if powered solely by electrical energy, and an automatic transmission and a motor that produces less than 4 gross brake horsepower and is capable of propelling the device at a maximum speed of not more than 30 miles per hour on level ground.

(b) Every manufacturer of a motorized bicycle or moped, as defined in this section, shall provide a disclosure to buyers that advises buyers that their existing insurance policies may not provide coverage for these bicycles and that they should contact their insurance company or insurance agent to determine if coverage is provided. The disclosure shall meet both of the following requirements:

(1) The disclosure shall be printed in not less than 14-point boldface type on a single sheet of paper that contains no information other than the disclosure.

(2) The disclosure shall include the following language in capital letters:

"YOUR INSURANCE POLICIES MAY NOT PROVIDE COVERAGE FOR ACCIDENTS INVOLVING THE USE OF THIS BICYCLE. TO DETERMINE IF COVERAGE IS PROVIDED YOU SHOULD CONTACT YOUR INSURANCE COMPANY OR AGENT."

SEC. 3. Section 12804.9 of the Vehicle Code is amended to read:

12804.9. (a) (1) The examination shall include all of the following:
(A) A test of the applicant’s knowledge and understanding of the provisions of this code governing the operation of vehicles upon the highways.

(B) A test of the applicant’s ability to read and understand simple English used in highway traffic and directional signs.

(C) A test of the applicant’s understanding of traffic signs and signals, including the bikeway signs, markers, and traffic control devices established by the Department of Transportation.

(D) An actual demonstration of the applicant’s ability to exercise ordinary and reasonable control in operating a motor vehicle by driving it under the supervision of an examining officer. The applicant shall submit to an examination appropriate to the type of motor vehicle or combination of vehicles he or she desires a license to drive, except that the department may waive the driving test part of the examination for any applicant who submits a license issued by another state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico if the department verifies through any acknowledged national driver record data source that there are no stops, holds, or other impediments to its issuance. The examining officer may request to see evidence of financial responsibility for the vehicle prior to supervising the demonstration of the applicant’s ability to operate the vehicle. The examining officer may refuse to examine an applicant who is unable to provide proof of financial responsibility for the vehicle, unless proof of financial responsibility is not required by this code.

(E) A test of the hearing and eyesight of the applicant, and of other matters that may be necessary to determine the applicant’s mental and physical fitness to operate a motor vehicle upon the highways, and whether any grounds exist for refusal of a license under this code.

(2) (A) Before a class A or class B driver’s license, or class C driver’s license with a commercial endorsement, may be issued or renewed, the applicant shall have in his or her driver record a valid report of a medical examination of the applicant given not more than two years prior to the date of the application by a health care professional. As used in this paragraph, “health care professional” means a person who is licensed, certified, or registered in accordance with applicable state laws and regulations to practice medicine and perform physical examinations in the United States. Health care professionals are doctors of medicine, doctors of osteopathy, physician assistants, and registered advanced practice nurses, or doctors of chiropractic who are clinically competent to perform the medical examination presently required of motor carrier drivers by the United States Department of Transportation. The report shall be on a form approved by the department. In establishing the requirements, consideration may be given to the standards presently required of motor carrier drivers by the Federal Motor Carrier Safety Administration.

(B) The department may accept a federal waiver of one or more physical qualification standards if the waiver is accompanied by a report of a nonqualifying medical examination for a class A or class B driver’s license, or class C driver’s license with a commercial endorsement, pursuant to Section 391.41(a)(3)(ii) of Subpart E of Part 391 of Title 49 of the Code of Federal Regulations.

(3) A physical defect of the applicant that, in the opinion of the department, is compensated for to ensure safe driving ability, shall not prevent the issuance of a license to the applicant.

(b) In accordance with the following classifications, an applicant for a driver’s license shall be required to submit to an examination appropriate to the type of motor vehicle or combination of vehicles the applicant desires a license to drive:

1. Class A includes the following:
   (A) Except as provided in subparagraph (H) of paragraph (3), a combination of vehicles, if a vehicle being towed has a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds.
   (B) A vehicle towing more than one vehicle.
   (C) A trailer bus.
   (D) The operation of all vehicles under class B and class C.

2. Class B includes the following:
   (A) Except as provided in subparagraph (H) of paragraph (3), a single vehicle with a gross vehicle weight rating or gross vehicle weight of more than 26,000 pounds.
   (B) A single vehicle with three or more axles, except any three-axle vehicle weighing less than 6,000 pounds.
(C) A bus with a gross vehicle weight rating or gross vehicle weight of more than 26,000 pounds, except a trailer bus.

(D) A farm labor vehicle.

(E) A single vehicle with three or more axles or a gross vehicle weight rating or gross vehicle weight of more than 26,000 pounds towing another vehicle with a gross vehicle weight rating or gross vehicle weight of 10,000 pounds or less.

(F) A house car over 40 feet in length, excluding safety devices and safety bumpers.

(G) The operation of all vehicles covered under class C.

(3) Class C includes the following:

(A) A two-axle vehicle with a gross vehicle weight rating or gross vehicle weight of 26,000 pounds or less, including when the vehicle is towing a trailer or semitrailer with a gross vehicle weight rating or gross vehicle weight of 10,000 pounds or less.

(B) Notwithstanding subparagraph (A), a two-axle vehicle weighing 4,000 pounds or more unladen when towing a trailer coach not exceeding 9,000 pounds gross.

(C) A house car of 40 feet in length or less.

(D) A three-axle vehicle weighing 6,000 pounds gross or less.

(E) A house car of 40 feet in length or less or a vehicle towing another vehicle with a gross vehicle weight rating of 10,000 pounds or less, including when a tow dolly is used. A person driving a vehicle may not tow another vehicle in violation of Section 21715.

(F) (i) A two-axle vehicle weighing 4,000 pounds or more unladen when towing either a trailer coach or a fifth-wheel travel trailer not exceeding 10,000 pounds gross vehicle weight rating, when the towing of the trailer is not for compensation.

(ii) A two-axle vehicle weighing 4,000 pounds or more unladen when towing a fifth-wheel travel trailer exceeding 10,000 pounds, but not exceeding 15,000 pounds, gross vehicle weight rating, when the towing of the trailer is not for compensation, and if the person has passed a specialized written examination provided by the department relating to the knowledge of this code and other safety aspects governing the towing of recreational vehicles upon the highway.

The authority to operate combinations of vehicles under this subparagraph may be granted by endorsement on a class C license upon completion of that written examination.

(G) A vehicle or combination of vehicles with a gross combination weight rating or a gross vehicle weight rating, as those terms are defined in subdivisions (j) and (k), respectively, of Section 15210, of 26,000 pounds or less, if all of the following conditions are met:

(i) Is operated by a farmer, an employee of a farmer, or an instructor credentialed in agriculture as part of an instructional program in agriculture at the high school, community college, or university level.

(ii) Is used exclusively in the conduct of agricultural operations.

(iii) Is not used in the capacity of a for-hire carrier or for compensation.

(H) Firefighting equipment, provided that the equipment is operated by a person who holds a firefighter endorsement pursuant to Section 12804.11.

(I) A motorized scooter.

(J) A bus with a gross vehicle weight rating or gross vehicle weight of 26,000 pounds or less, except a trailer bus.

(K) Class C does not include a two-wheel motorcycle or a two-wheel motor-driven cycle.

(4) Class M1. A two-wheel motorcycle or a motor-driven cycle. Authority to operate a vehicle included in a class M1 license may be granted by endorsement on a class A, B, or C license upon completion of an appropriate examination.

(5) (A) Class M2 includes the following:
(i) A motorized bicycle or moped, or a bicycle with an attached motor, except an electric bicycle as described in subdivision (a) of Section 312.5.

(ii) A motorized scooter.

(B) Authority to operate vehicles included in class M2 may be granted by endorsement on a class A, B, or C license upon completion of an appropriate examination, except that no endorsement is required for a motorized scooter. Persons holding a class M1 license or endorsement may operate vehicles included in class M2 without further examination.

(c) A driver's license or driver certificate is not valid for operating a commercial motor vehicle, as defined in subdivision (b) of Section 15210, any other motor vehicle defined in paragraph (1) or (2) of subdivision (b), or any other vehicle requiring a driver to hold any driver certificate or any driver's license endorsement under Section 15275, unless a medical certificate approved by the department that has been issued within two years of the date of the operation of that vehicle and a copy of the medical examination report from which the certificate was issued is on file with the department. Otherwise, the license is valid only for operating class C vehicles that are not commercial vehicles, as defined in subdivision (b) of Section 15210, and for operating class M1 or M2 vehicles, if so endorsed, that are not commercial vehicles, as defined in subdivision (b) of Section 15210.

(d) A license or driver certificate issued prior to the enactment of Chapter 7 (commencing with Section 15200) is valid to operate the class or type of vehicles specified under the law in existence prior to that enactment until the license or certificate expires or is otherwise suspended, revoked, or canceled. Upon application for renewal or replacement of a driver's license, endorsement, or certificate required to operate a commercial motor vehicle, a valid medical certificate on a form approved by the department shall be submitted to the department.

(e) The department may accept a certificate of driving skill that is issued by an employer, authorized by the department to issue a certificate under Section 15250, of the applicant, in lieu of a driving test, on class A or B applications, if the applicant has first qualified for a class C license and has met the other examination requirements for the license for which he or she is applying. The certificate may be submitted as evidence of the applicant's skill in the operation of the types of equipment covered by the license for which he or she is applying.

(f) The department may accept a certificate of competence in lieu of a driving test on class M1 or M2 applications, when the certificate is issued by a law enforcement agency for its officers who operate class M1 or M2 vehicles in their duties, if the applicant has met the other examination requirements for the license for which he or she is applying.

(g) The department may accept a certificate of satisfactory completion of a novice motorcyclist training program approved by the commissioner pursuant to Section 2932 in lieu of a driving test on class M1 or M2 applications, if the applicant has met the other examination requirements for the license for which he or she is applying. The department shall review and approve the written and driving test used by a program to determine whether the program may issue a certificate of completion.

(h) Notwithstanding subdivision (b), a person holding a valid California driver's license of any class may operate a short-term rental motorized bicycle without taking any special examination for the operation of a motorized bicycle, and without having a class M2 endorsement on that license. As used in this subdivision, "short-term" means 48 hours or less.

(i) A person under the age of 21 years shall not be issued a class M1 or M2 license or endorsement unless he or she provides evidence satisfactory to the department of completion of a motorcycle safety training program that is operated pursuant to Article 2 (commencing with Section 2930) of Chapter 5 of Division 2.

(j) A driver of a vanpool vehicle may operate with a class C license but shall possess evidence of a medical examination required for a class B license when operating vanpool vehicles. In order to be eligible to drive the vanpool vehicle, the driver shall keep in the vanpool vehicle a statement, signed under penalty of perjury, that he or she has not been convicted of reckless driving, drunk driving, or a hit-and-run offense in the last five years.

SEC. 4. Section 21113 of the Vehicle Code is amended to read:

21113. (a) A person shall not drive a vehicle or animal, or stop, park, or leave standing a vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, rapid transit district, transit development board, transit district, public transportation agency, county transportation commission created pursuant to Section 130050 of the Public Utilities Code, joint powers agency operating or managing a commuter rail system, or any property under the direct control of the legislative body of a
municipality, or a state, county, or hospital district institution or building, or an educational institution exempted, in whole or in part, from taxation, or any harbor improvement district or harbor district formed pursuant to Part 2 (commencing with Section 5800) or Part 3 (commencing with Section 6000) of Division 8 of the Harbors and Navigation Code, a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code, or state grounds served by the Department of the California Highway Patrol, or any property under the possession or control of a housing authority formed pursuant to Article 2 (commencing with Section 34240) of Chapter 1 of Part 2 of Division 24 of the Health and Safety Code, except with the permission of, and upon and subject to any condition or regulation that may be imposed by, the legislative body of the municipality, or the governing board or officer of the public school, state university, state college, county park, municipal airport, rapid transit district, transit development board, transit district, public transportation agency, county transportation commission, joint powers agency operating or managing a commuter rail system, or state, county, or hospital district institution or building, or educational institution, or harbor district, or a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code, or housing authority, or the Director of Parks and Recreation regarding units of the state park system or the state agency with jurisdiction over the grounds served by the Department of the California Highway Patrol.

(b) A governing board, legislative body, or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and the governing board, legislative body, or officer shall also prepare and keep available at the principal administrative office of the governing board, legislative body, or officer, for examination by all interested persons, a written statement of all those special conditions and regulations adopted pursuant to this section.

(c) When a governing board, legislative body, or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board, legislative body, or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

(d) A public transportation agency that imposes any condition or regulation upon a person who parks or leaves standing a vehicle, pursuant to subdivision (a), is authorized to do either of the following:

1. Enforce that condition or regulation in the manner provided in Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of this code. The public transportation agency shall be considered the issuing agency for that purpose.

2. Designate regularly employed and salaried employees, who are engaged in directing traffic or enforcing parking laws and regulations, for the purpose of removing any vehicle in the same manner as a city, county, or jurisdiction of a state agency pursuant to Chapter 10 (commencing with Section 22650) of Division 11 of this code.

(e) With respect to the permitted use of vehicles or animals on property under the direct control of the legislative body of a municipality, no change in the use of vehicles or animals on the property, that had been permitted on January 1, 1976, shall be effective unless and until the legislative body, at a meeting open to the general public, determines that the use of vehicles or animals on the property should be prohibited or regulated.

(f) A transit development board may adopt ordinances, rules, or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, electric bicycles, skateboards, and roller skates on property under the control of, or any portion of property used by, the board.

(g) A public agency, including, but not limited to, the Regents of the University of California and the Trustees of the California State University, may adopt rules or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, electric bicycles, skateboards, and roller skates on public property under the jurisdiction of that agency.

(h) "Housing authority," for the purposes of this section, means a housing authority located within a county with a population of over 6,000,000 people, and any other housing authority that complies with the requirements of this section.

(i) "Public transportation agency," for purposes of this section, means a public agency that provides public transportation as defined in paragraph (1) of subdivision (f) of Section 1 of Article XIXA of the California Constitution.

SEC. 4.5. Section 21113 of the Vehicle Code is amended to read:
21113. (a) A person shall not drive a vehicle or animal, or stop, park, or leave standing a vehicle or animal, whether attended or unattended, upon the driveways, paths, parking facilities, or the grounds of any public school, state university, state college, unit of the state park system, county park, municipal airport, rapid transit district, transit development board, transit district, public transportation agency, county transportation commission created pursuant to Section 130050 of the Public Utilities Code, joint powers agency operating or managing a commuter rail system, or any property under the direct control of the legislative body of a municipality, or a state, county, or hospital district institution or building, or an educational institution exempted, in whole or in part, from taxation, or any harbor improvement district or harbor district formed pursuant to Part 2 (commencing with Section 5800) or Part 3 (commencing with Section 6000) of Division 8 of the Harbors and Navigation Code, a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code, or state grounds served by the Department of the California Highway Patrol, or any property under the possession or control of a housing authority formed pursuant to Article 2 (commencing with Section 34240) of Chapter 1 of Part 2 of Division 24 of the Health and Safety Code, except with the permission of, and upon and subject to any condition or regulation that may be imposed by, the legislative body of the municipality, or the governing board or officer of the public school, state university, state college, county park, municipal airport, rapid transit district, transit development board, transit district, public transportation agency, county transportation commission, joint powers agency operating or managing a commuter rail system, or state, county, or hospital district institution or building, or educational institution, or harbor district, or a district organized pursuant to Part 3 (commencing with Section 27000) of Division 16 of the Streets and Highways Code, or housing authority, or the Director of Parks and Recreation regarding units of the state park system or the state agency with jurisdiction over the grounds served by the Department of the California Highway Patrol.

(b) A governing board, legislative body, or officer shall erect or place appropriate signs giving notice of any special conditions or regulations that are imposed under this section and the governing board, legislative body, or officer shall also prepare and keep available at the principal administrative office of the governing board, legislative body, or officer, for examination by all interested persons, a written statement of all those special conditions and regulations adopted pursuant to this section.

(c) When a governing board, legislative body, or officer permits public traffic upon the driveways, paths, parking facilities, or grounds under their control then, except for those conditions imposed or regulations enacted by the governing board, legislative body, or officer applicable to the traffic, all the provisions of this code relating to traffic upon the highways shall be applicable to the traffic upon the driveways, paths, parking facilities, or grounds.

(d) A public transportation agency that imposes any condition or regulation upon a person who parks or leaves standing a vehicle, pursuant to subdivision (a), is authorized to do either of the following:

(1) Enforce that condition or regulation in the manner provided in Article 3 (commencing with Section 40200) of Chapter 1 of Division 17 of this code. The public transportation agency shall be considered the issuing agency for that purpose.

(2) Designate regularly employed and salaried employees, who are engaged in directing traffic or enforcing parking laws and regulations, for the purpose of removing any vehicle in the same manner as a city, county, or jurisdiction of a state agency pursuant to Chapter 10 (commencing with Section 22650) of Division 11 of this code.

(e) With respect to the permitted use of vehicles or animals on property under the direct control of the legislative body of a municipality, no change in the use of vehicles or animals on the property, that had been permitted on January 1, 1976, shall be effective unless and until the legislative body, at a meeting open to the general public, determines that the use of vehicles or animals on the property should be prohibited or regulated.

(f) A transit development board may adopt ordinances, rules, or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, electric bicycles, skateboards, electrically motorized boards, and roller skates on property under the control of, or any portion of property used by, the board.

(g) A public agency, including, but not limited to, the Regents of the University of California and the Trustees of the California State University, may adopt rules or regulations to restrict, or specify the conditions for, the use of bicycles, motorized bicycles, electric bicycles, skateboards, electrically motorized boards, and roller skates on public property under the jurisdiction of that agency.

(h) "Housing authority," for the purposes of this section, means a housing authority located within a county with a population of over 6,000,000 people, and any other housing authority that complies with the requirements of this section.
(i) "Public transportation agency," for purposes of this section, means a public agency that provides public transportation as defined in paragraph (1) of subdivision (f) of Section 1 of Article XIX A of the California Constitution.

SEC. 5. Section 21207.5 of the Vehicle Code is amended to read:

21207.5. (a) Notwithstanding Sections 21207 and 23127 of this code, or any other law, a motorized bicycle or class 3 electric bicycle shall not be operated on a bicycle path or trail, bikeway, bicycle lane established pursuant to Section 21207, equestrian trail, or hiking or recreational trail, unless it is within or adjacent to a roadway or unless the local authority or the governing body of a public agency having jurisdiction over the path or trail permits, by ordinance, that operation.

(b) The local authority or governing body of a public agency having jurisdiction over a bicycle path or trail, equestrian trail, or hiking or recreational trail, may prohibit, by ordinance, the operation of a class 1 or class 2 electric bicycle on that path or trail.

SEC. 6. Section 21213 is added to the Vehicle Code, to read:

21213. (a) A person under 16 years of age shall not operate a class 3 electric bicycle.

(b) A person shall not operate a class 3 electric bicycle, or ride upon a class 3 electric bicycle as a passenger, upon a street, bikeway, as defined in Section 890.4 of the Streets and Highways Code, or any other public bicycle path or trail, unless that person is wearing a properly fitted and fastened bicycle helmet that meets the standards of either the American Society for Testing and Materials (ASTM) or the United States Consumer Product Safety Commission (CPSC), or standards subsequently established by those entities. This helmet requirement also applies to a person who rides upon a class 3 electric bicycle while in a restraining seat that is attached to the bicycle or in a trailer towed by the bicycle.

SEC. 7. Section 24016 of the Vehicle Code is amended to read:

24016. (a) An electric bicycle described in subdivision (a) of Section 312.5 shall meet the following criteria:


(2) Operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied, or operate in a manner such that the motor is engaged through a switch or mechanism that, when released or activated, will cause the electric motor to disengage or cease to function.

(b) A person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver's licenses, registration, and license plate requirements, and an electric bicycle is not a motor vehicle.

(c) Every manufacturer of an electric bicycle shall certify that it complies with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. 1512.1, et seq.).

(d) A person shall not tamper with or modify an electric bicycle described in subdivision (a) of Section 312.5 so as to change the speed capability of the bicycle, unless he or she appropriately replaces the label indicating the classification required in subdivision (c) of Section 312.5.

SEC. 8. Section 4.5 of this bill incorporates amendments to Section 21113 of the Vehicle Code proposed by both this bill and Assembly Bill 604. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2016, (2) each bill amends Section 21113 of the Vehicle Code, and (3) this bill is enacted after Assembly Bill 604, in which case Section 4 of this bill shall not become operative.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.
STATE OF CALIFORNIA

Department of Parks Recreation - Angeles District

District Superintendents Order No. 915-17-002

Posted Order – Electric Bicycles

Whereas: The dramatic growth and popularity of electric assisted or propelled bicycles (e-bikes) within the Angeles District is impacting the unique trail and backcountry experiences afforded by the District and e-bikes are an emergent technology generally inconsistent with the park experience that may have negative impacts on the special resources and regional wildlife found within the Angeles District.

Therefore:

1. To protect wildlife and cultural resources, for the safety and welfare of visitors and staff, and to be consistent with ordinances of adjacent local, state, and federal park agencies; the backcountry trails and roads of the Park Units operated by the Angeles District are closed to the use of electric assisted or propelled bicycles (e-bikes).

2. The District Superintendent, or his designee, may grant exemptions to this order as determined necessary for the proper administration of the park, and to protect the safety and welfare of its visitors, employees, wildlife and resources. All exemptions, except for emergency personnel, must be obtained in writing. Requests for exemptions may be made by contacting the District Superintendent, Angeles District, 1925 Las Virgenes Road, Calabasas, California 91302.

3. Nothing herein shall be construed in derogation of any existing provisions of law, private, contractual, residential, or property rights.

4. This order shall remain in effect until the adoption of e-bike regulations by the Department of Parks and Recreation.
District Superintendents Order No. 915-17-002

Posted Order – Electric Bicycles

5. This Order has been posted pursuant to the California Code of Regulations, Title 14, Section 4301 (i).

So Ordered: ____________________________ Date: ____________
Craig Sap, District Superintendent, Angeles District

Authority: California Public Resources Code Section 5003, California Code of Regulations, Title 14, Sections 4301, 4326; California Vehicle Code 21207.5(b).
CERTIFICATION OF POSTING

Of District Superintendent’s Order Number 915-17-002

Angeles District

Posted Order – Electric Bicycles

Effective October 1, 2017

I hereby certify that on this date, in compliance with California Code of Regulation, Section 4301(i), Posting, copies of this order were posted at the Angeles District Office, the Southern Division Chief’s Office Sacramento, California and at locations convenient to the public within the Angeles District.

I declare under penalty of perjury that the foregoing is true and correct.

SIGNED:

Craig Sap, District Superintendent, Angeles District

Date: 9/13/17
ORDINANCE NO. 18-002

AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA AMENDING SECTION 2-5-29(n) OF THE CODIFIED ORDINANCES OF THE COUNTY OF ORANGE, REGARDING PROHIBITED MOTORIZED WHEELED CONVEYANCES.

The Board of Supervisors of the County of Orange ordains as follows:

SECTION 1. Section 2-5-29(n) of the Codified Ordinances of the County of Orange is hereby amended to read as follows:

Sec. 2-5-29. - Vehicle regulation.

(n) Motorized Wheeled Conveyance Prohibited. No person shall operate or drive any electric or combustible motorized skateboard, scooter, dirt bike, mini bike, mini motorcycle, go-kart, go-ped, mo-ped, all-terrain-vehicle, quad runner, dune buggy or any similar electric or combustible motorized wheeled conveyance in any park, beach or recreational area, with the exception of Class 1 and Class 2 electric bicycles, as defined by the California Vehicle Code, on those regional paved, off-road bikeways designated for such use by the Director of OC Parks, with the approval of the Board of Supervisors.
This ordinance shall take effect and be in full force thirty days from and after its passage. This ordinance shall be published once in an adjudicated newspaper in the County of Orange within fifteen days of its passage.

THE FOREGOING was PASSED and ADOPTED by the following vote of the Orange County Board of Supervisors on July 17, 2018, to wit:

AYES: Supervisors: LISA A. BARTLETT, MICHELLE STEEL, TODD SPITZER
SHAWN NELSON, ANDREW DO

NOES:
EXCUSED:
ABSTAINED:

[Signature]
CHAIRMAN

STATE OF CALIFORNIA  
) ss:
COUNTY OF ORANGE  
)

I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Ordinance was duly and regularly adopted by the Orange County Board of Supervisors.

IN WITNESS WHEREOF, I have hereto set my hand and seal.

[Signature]
ROBIN STIELER
Clerk of the Board.
County of Orange, State of California

Ordinance No.: 18-002
Agenda Date: 07/17/2018
Item No.: 23

[Signature]
I certify that the foregoing is a true and correct copy of the
Ordinance adopted by the Board of Supervisors, Orange County,
State of California

Robin Stieler, Clerk of the Board of Supervisors.

By: ___________________________  
Deputy
COUNTY OF ORANGE REGIONAL PAVED OFF-ROAD BIKEWAYS

1. Coyote Creek Bikeway
2. Santa Ana River Trail Bikeway
3. Bay View Bikeway
4. San Diego Creek Bikeway
5. Peters Canyon Bikeway
6. Hicks Canyon Bikeway
7. Aliso Creek Bikeway
8. Salt Creek Trail Bikeway
9. San Juan Creek Bikeway
Mr. Darin Loughrey  
Community Services Manager  
City of Irvine  
P.O. Box 19575  
Irvine, California 92623-9575

Subject: Policy Governing Use of Electronic Bikes within the Orange County Central and Coastal Subregions Natural Community Conservation Plan/Habitat Conservation Plan (NCCP/HCP) Habitat Reserve System, Orange County, California

Dear Mr. Loughrey:

This letter responds to your March 21, 2019, request for the U.S. Fish and Wildlife Service’s (Service) position on the use of electronic bicycles (e-bikes) within the NCCP/HCP Habitat Reserve, and any recommendations we have for governing the use of e-bikes within City of Irvine (City) lands that fall within the Habitat Reserve. Because this matter pertains to NCCP/HCP implementation, we have coordinated with the California Department of Fish and Wildlife (Department) to prepare the following joint response.

As indicated in your letter, the NCCP/HCP Public Access and Recreation Policies (NCCP/HCP Section 5.8.3, pp. II-345-351) prohibit “motorized recreation vehicle activities” in the Habitat Reserve. A wide variety of e-bike models are available, including those with a small motor to assist the rider’s pedal power (e.g., can travel 16-20 mph) to more powerful bikes that have moped-style functionality and can travel in excess of 25 mph. Because e-bikes are self-propelled by a motor, can easily travel at speeds generally prohibited on trails within the Reserve (i.e., in excess of 10 miles per hour), and have potential to dramatically increase the intensity of public use within the Reserve, we agree that they should be treated as recreational motor vehicles and, consistent with the NCCP/HCP Public Access and Recreation policies, their use prohibited within the Reserve.

One of the concerns raised in your letter relative to enforcement of such a prohibition is the potential need to allow for some use of e-bikes in the Reserve in response to Americans with Disabilities Act (ADA) related accommodation requests. To determine how best to address this concern we have looked to other land management agencies responsible for managing wilderness areas for guidance. The U.S. Forest Service (USFS) has developed a policy for enforcement of its “Travel Management Rule” by Regional Foresters (see enclosure 1) that both addresses the basis for treating e-bikes as motor vehicles and that responds to potential ADA-related accommodation requests. This policy, also adopted by the Bureau of Land Management (enclosure 2), addresses when it is appropriate to grant exceptions for assistive devices that do not meet the legal definition of a wheelchair or mobility device designed for someone with a mobility impairment. In short, the USFS has determined that because e-bikes are not solely...
designed for individuals who have mobility impairments and are unsuitable for indoor use, they do not qualify for a use exception in locations where motor vehicles are otherwise prohibited. We encourage the City to review this guidance as a non-discriminatory basis for addressing ADA-related accommodation requests. We also are providing some examples of signage that the USFS uses to advise the public of its e-bike policy.

Because the NCCP/HCP Habitat Reserve was formulated with lands already developed or designated for development as regional or wilderness parks, it was created with the understanding that enforcement of public access and recreation policies would be used to maintain compatibility between permitted passive recreational uses and the protection of sensitive biotic resources. As set forth in the NCCP/HCP, failure to adequately manage recreation activities that leads to significant damage to biotic resources within the Reserve could lead to the elimination of those activities from the Reserve on a temporary or permanent basis (NCCP/HCP Section 5.8.1, pp. II-344).

Due to growth in popularity of the Reserve and the rapid pace of technological change, we recognize that the City, along with other NCCP/HCP Reserve landowners and managers, are faced with an on-going challenge of encouraging public use and appreciation of the Reserve, while making sure that increased visitation and technological changes in how people recreate remain consistent with NCCP/HCP policies and objectives. In this case, we believe classifying e-bikes as motor vehicles and prohibiting their operation within the Reserve in accordance with existing policy is appropriate to address the threat their use poses to sensitive biotic resources within the Reserve; e-bikes may also be a safety concern for other trail users.

Thank you for your request for assistance interpreting NCCP/HCP policies and for your concern for the protection of important sensitive resources within the Habitat Reserve. Should you have questions or wish to discuss any of the above, please contact William Miller of the Service at 760-431-9440 extension 206, or Kyle Rice of the Department at 858-467-4250.

Sincerely,

Karen A. Goebel       Gail K. Sevrens
Assistant Field Supervisor       Environmental Program Manager
U.S. Fish and Wildlife Service       California Department of Fish and Wildlife

Enclosures

cc:
Jim Sulentic, NCC
Stacy Blackwood, OC Parks
Jim Newland, CDPR
Travis Huxman, UC Irvine
Nancy Gardner, City of Newport Beach
Michael O’Connell, IRC
Electric bikes or e-bikes are growing in popularity and offer increased potential for quality recreation experiences, where determined appropriate, that connect people with enjoyment of their National Forests. Given the recent introduction of e-bikes as a use on National Forest System (NFS) land, questions have been raised by Forest Service units, recreationists, user groups, permit holders and law enforcement regarding appropriate routes and areas for this use. The intent of this letter is to provide current guidance on how to classify and manage e-bikes for determining where they are allowed to be operated on NFS lands. It also lays out possible opportunities to expand appropriate e-bike access to NFS lands through special designation routes and areas for e-bikes now and into the future.

The Forest Service recognizes that technology continues to rapidly change, including the design and capability of e-bikes and other related modes of travel. Monitoring of e-bike use for visitor safety, social issues, along with performance metrics and natural resource impacts will continue to develop and advance. As such, we as an agency remain open to potentially re-visiting and adjusting associated agency guidance if and as needed in the future.

As a starting point, certain applicable laws and relevant directives provide a foundational approach to current e-bike management:

**The Forest Service’s Travel Management Rule (TMR) and E-Bikes:** The TMR defines “motor vehicle” as “any vehicle which is self-propelled, other than: (1) a vehicle operated on rails; and (2) any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area.” 36 CFR 212.1. E-bikes have a motor, thereby are self-propelled, and are not covered by the exceptions in the definition. Therefore, e-bikes are motor vehicles and are subject to regulation under the TMR, which requires designation of National Forest System (NFS) roads, NFS trails, and areas on NFS lands for motor vehicle use. 36 CFR 212.51(a). Direction on e-bikes was included in a response in the *Federal Register* notice for the final over-snow vehicle rule. The response states: “New technologies that merge bicycles and motors, such as e-bikes, are considered motor vehicles under §212.1 of the TMR.” 80 Fed. Reg. 4503 (Jan. 28, 2015).

**Disability and Motorized Devices:** Questions have been raised in relation to people with disabilities requesting use of e-bikes as an assistive device. The only exception for a person with a disability for use of a device that is self-propelled is if that device meets
both parts of the legal definition of a wheelchair or mobility device as defined above in 36 CFR 212.1 and also defined the same way in FSM 2353.05 as well as in 42 U.S.C. 12107. Under that definition, any device that is both designed solely for mobility for a person with disability and which is suitable for use in an indoor pedestrian area may be used anywhere foot travel is allowed. E-bikes are not solely designed for individuals who have mobility impairments and their suitability for indoor use would be highly questionable. Therefore, e-bikes do not qualify for an exception and may only be used where the Motor Vehicle Use Maps allows that use by all people. An e-bike remains a motor vehicle regardless of who is using it. It is essential that exceptions to TMR designations not be made. Restrictions on motor vehicle use that are applied consistently to everyone have been repeatedly found not to be discriminatory.

Section 504 of the Rehabilitation Act (29 U.S.C. 794): Requires programs on federal lands to provide “reasonable modification” of policies and procedures to allow the participation of qualified people who have disabilities. To be a qualified person the individuals must meet the same essential eligibility requirements for participation in that activity as does a person who doesn’t have a disability. However, no federal agency is to “fundamentally alter” the program in order to allow a person with a disability to participate. To allow a motorized device, that doesn’t meet both parts of the legal definition of a wheelchair, to be used on a route or in an area where use of that class of device is not designated would be a fundamental alteration of that program.

Other Power Driven Mobility Devices (OPDMD): In 2010, the Department of Justice released their Rule on OPDMD. An OPDMD is defined as any vehicle or device that is powered by batteries, fuel or other engines including those not primarily designed for people with disabilities. Under the OPDMD Rule, a person who has a disability is to be allowed to operate an OPDMD anywhere, unless that area has been previously determined not to be appropriate for use of that type of device/vehicle and the information as to what if any devices/vehicles may be operated in that location has been posted. The criteria within the Rule for such a determination includes the same parameters as were used for the Forest Service designations under the TMR. Therefore, the use of any OPDMD is limited to where the use of that specific type of device/vehicle is designated for use by all. It is essential that OPDMD exceptions not be made to the TMR designations.

Currently, e-bikes are allowed with the TMR designations for “Roads Open to All Vehicles”, “Trails Open to All Vehicles”, “Trails Open to Vehicles 50” or Less in Width”, and “Trails Open to Motorcycles Only”. In addition, new trail riding opportunities for e-bikes on existing non-motorized trails may be considered and designated as motorized trails by administrative units and ranger districts under travel management planning efforts, based on special vehicle class designations in accordance with 36 CFR 212.55. These motorized trail designation changes would involve appropriate environmental analysis, public participation and designation decisions that, once established, will be reflected on updated Motor Vehicle Use Maps in accordance with the TMR.
Technology continues to rapidly change, including the design and performance metrics of e-bikes. As such, the Forest Service will remain open to potentially re-visiting and adjusting associated agency guidance, if and as needed, in the future. The Washington Office Recreation, Heritage and Volunteer Resources staff members ready to assist you include Chris Sporl, Travel Management Program Manager, cfsportl@fs.fed.us; Jaime Schmidt, Assistant Program Manager for Trails, jschmidt@fs.fed.us; and Janet Zeller, Accessibility Program Manager, jzeller@fs.fed.us.

JOE MEADE
Director, Recreation Heritage & Volunteer Resources
In Reply Refer To: 8340 (250) P

EMS TRANSMISSION 07/07/2015
Information Bulletin No. 2015-060

To: All Field Officials

From: Acting Assistant Director, Resources and Planning

Subject: Electronic Powered Bicycles on Public Lands

An electronic bicycle, also known as an e-bike, is a bicycle with an integrated electric motor. The Bureau of Land Management (BLM) classifies e-bikes as motorized vehicles, as defined at 43 CFR 8340.5 "(a) Off-road vehicle means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) any non-amphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) vehicles in official use; and (5) any combat or combat support vehicle when used in times of national defense emergencies."

There is a great variety of e-bikes available and some can be used for mountain biking. Public interest in the use of e-bikes on Federal public lands is rising. As a transportation and recreation option, e-bikes represent an opportunity to reduce emissions, as they also appeal to a growing demographic with physical limitations to conventional bicycling. These factors contribute to a corresponding increase in interest and utilization on public lands. The BLM manages e-bikes similar to the U.S. Forest Service (FS). The FS manages e-bikes as a motor vehicle per their Travel Management Rule.

For more information or if you have questions about e-bikes, please contact Dennis Byrd., Outdoor Recreation Planner, Division of Recreation and Visitor Services (WO-250), at 202-912-7252 or by email at: DByrd@blm.gov.

Signed by: Michael H. Tupper
Authenticated by: Robert M. Williams
Deputy Assistant Director
Division of IRM Governance, WO-860
Resources and Planning
DO THE LEGWORK

MOTORIZED BIKES ARE PROHIBITED ON NON-MOTORIZED TRAILS

Always obtain a travel map and regulations concerning your type of recreation. eBikes are considered motorized vehicles. Please tread lightly and RIDE ON routes designated for motorized use. Remember, Respected Access is Open Access.
MOTORIZED BIKES ARE PROHIBITED ON NON-MOTORIZED TRAILS

Please tread lightly and RIDE On routes designated for motorized use.

Obtain a Motorized Vehicle Use Map from your local land management office to identify routes appropriate for your type of use.

Remember, Respected Access is Open Access.
KNOW BEFORE YOU GO

MOTORIZED BIKES ARE PROHIBITED ON NON-MOTORIZED TRAILS

Please tread lightly and RIDE On routes designated for motorized use.
Obtain a Motorized Vehicle Use Map from your local land management office to identify routes appropriate for your type of use.
Remember, Respected Access is Open Access.
ORDER NO. 3376

Subject: Increasing Recreational Opportunities through the use of Electric Bikes

Sec. 1 Purpose. This Order is intended to increase recreational opportunities for all Americans, especially those with physical limitations, and to encourage the enjoyment of lands and waters managed by the Department of the Interior (Department). This Order simplifies and unifies regulation of electric bicycles (e-bikes) on Federal lands managed by the Department and also decreases regulatory burden.

Sec. 2 Authorities. This Order is issued under the authority of section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, as well as other relevant statutes.

Sec. 3 Background. Bicycling is an excellent way for visitors to Federal lands to experience America’s rich natural heritage. Bicycling has been popular in America since the early nineteenth century. Since then, innovation in the design and production of bicycles has dramatically increased mechanical efficiency, opening bicycling to a greater number of people in a larger number of environmental and geographical conditions.

A relatively recent addition to the design of some bicycles is a small electric motor which can provide an electric power assist to the operation of the bicycle. Reducing the physical demand to operate a bicycle has expanded access to recreational opportunities, particularly to those with limitations stemming from age, illness, disability or fitness, especially in more challenging environments, such as high altitudes or hilly terrain.

While e-bikes are operable in the same manner as other types of bicycles and in many cases they appear virtually indistinguishable from other types of bicycles, the addition of a small motor has caused regulatory uncertainty regarding whether e-bikes should be treated in the same manner as other types of bicycles or, alternatively, considered to be motor vehicles. This uncertainty must be clarified. To resolve this uncertainty the Consumer Product Safety Act (Act) provides useful guidance. That Act defines a “low-speed electric bicycle” to include a “two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph”, subjecting these low-speed e-bikes to the same consumer product regulations as other types of bicycles (15 U.S.C. § 2085). A majority of States have essentially followed this definition in some form.

Uncertainty about the regulatory status of e-bikes has led the Federal land management agencies to impose restrictive access policies treating e-bikes as motor vehicles, often inconsistent with State and local regulations for adjacent areas. The possibility that in some cases e-bikes can be propelled solely through power provided by the electric motor, a function often used in short duration by older
or disabled riders as an assist, has contributed to confusion about e-bike classification. Further, Federal regulation has not been consistent across the Department and has served to decrease access to Federally owned lands by e-bike riders.

Sec. 4 Policy. Consistent with governing laws and regulations:

a) For the purpose of this Order, “e-bikes” shall mean “low-speed electric bicycle” as defined by 15 U.S.C. § 2085 and falling within one of the following classifications:

i) “Class 1 electric bicycle” shall mean an electric 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;

ii) “Class 2 electric bicycle” shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour; and

iii) “Class 3 electric bicycle” shall mean an electric 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 28 miles per hour.

b) E-bikes shall be allowed where other types of bicycles are allowed; and

c) E-bikes shall not be allowed where other types of bicycles are prohibited.

Sec. 5 Implementation. I direct the Assistant Secretaries for Fish and Wildlife and Parks, Land and Minerals Management, and Water and Science, as appropriate, to do the following:

a) Within 14 days of the date of this Order, unless otherwise prohibited by law or regulation:

i) To the extent existing regulations allow, adopt a Bureau/Service-wide policy that conforms to the policy set forth in Sec. 4 of this Order;

ii) Amend or rescind any prior written policies as appropriate;

iii) Instruct the Director, Fish and Wildlife Service (FWS) to develop a proposed rule to revise 50 CFR § 25.12 and any associated regulations to be consistent with this Order, add a definition for e-bikes consistent with 15 U.S.C. § 2085, and expressly exempt all e-bikes as defined in Sec. 4a from falling under the definition of off-road vehicle;

iv) Instruct the Director, National Park Service (NPS) to develop a proposed rule to revise 36 CFR § 1.4 and any associated regulations to be consistent with this Order, add a definition for e-bikes consistent with 15 U.S.C. § 2085, and expressly exempt all e-bikes as defined in Sec. 4a from the definition of motor vehicles;
v) Instruct the Director, Bureau of Land Management (BLM) to develop a proposed rule to revise 43 CFR § 8340.0-5 and any associated regulations to be consistent with this Order, add a definition for e-bikes consistent with 15 U.S.C. § 2085, and expressly exempt all e-bikes as defined in Sec. 4a from the definition of off-road vehicles or motorized vehicles; and

vi) Instruct the Commissioner, Bureau of Reclamation (BOR) to develop a proposed rule to revise 43 CFR § 420.5 and any associated regulations to be consistent with this Order, add a definition for e-bikes consistent with 15 U.S.C. § 2085, and expressly exempt all e-bikes as defined in Sec. 4a from the definition of off-road vehicles.

b) Within 30 days of the date of this Order, submit a report to the Secretary including:

i) A summary of the policy changes enacted in response to this Order;

ii) A summary of any laws or regulations that prohibit the full adoption of the policy described by this Order; and

iii) A timeline to seek public comment on changing any regulation described above.

c) Within 30 days of the date of this Order, provide appropriate public guidance regarding the use of e-bikes on public lands within units of the National Park System, National Wildlife Refuge System, lands managed by BLM, and lands managed by BOR.

Sec. 6 Effect of the Order. This Order is intended to improve the internal management of the Department. This Order and any resulting reports or recommendations are not intended to, and do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person. To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

Sec. 7 Expiration Date. This Order is effective immediately. It will remain in effect until its provisions are implemented and completed, or until it is amended, superseded, or revoked.

Date: AUG 29 2019
Policy Memorandum 19-01

To: Regional Directors
   Associate and Assistant Directors
   Superintendents
   Chief, United States Park Police

From: Deputy Director
      Exercising the Authority of the Director

Subject: Electric Bicycles

Purpose

Electric bicycles (e-bikes) are appearing in national parks with greater frequency. This Policy Memorandum (Memorandum) addresses this emerging form of recreation so that the National Park Service (NPS) can exercise clear management authority over the use of e-bikes within the National Park System.

This Memorandum defines “e-bikes” consistent with Federal law and a majority of State laws and provides for their use and regulation on the same basis as bicycles without power assist capabilities (“traditional bicycles”).

Background

Definition of E-bikes

An e-bike is a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.) that provides propulsion assistance.

A Federal definition of “low speed electric bicycle” is included in the Consumer Product Safety Act.\(^1\) Many States have adopted policies for regulating e-bikes consistent with this Federal definition, including in some cases a labeling requirement identifying an e-bike’s compliance with the following classifications:

\(^1\) 15 U.S.C. 2085 states: “For purposes of this section, the term ‘low-speed electric bicycle’ means a two- or three-wheeled vehicle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden by an operator who weighs 170 pounds, is less than 20 mph.”
“Class 1 electric bicycle” shall mean an electric 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.

“Class 2 electric bicycle” shall mean an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.

“Class 3 electric bicycle” shall mean an electric 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 28 miles per hour.

Devices with electric motors of 750 watts (1 h.p.) or more of power and not included as Class 1, Class 2 or Class 3 in the classification system above should be managed as motor vehicles under 36 CFR part 4. Under 36 CFR 4.10, motor vehicles are allowed on park roads and on routes and areas designated for off-road motor vehicle use.

Benefits of E-bikes

E-bikes advance Healthy Parks Healthy People goals to promote parks as a health resource by supporting a healthy park experience that is accessible, desirable, and relatable to people of all abilities, and by minimizing human impact through the expansion of active transportation options in parks. Specifically, e-bikes can:

- *Increase bicycle access to and within parks.* E-bikes make bicycle travel easier and more efficient, because they allow bicyclists to travel farther with less effort.

- *Expand the option of bicycling to more people.* E-bikes provide a new option for people who want to ride a bicycle but might not otherwise do so because of physical fitness, age, or convenience, especially at high altitude or in hilly or strenuous terrain.

- *Mitigate environmental impacts.* When used as an alternative to gasoline- or diesel-powered modes of transportation, e-bikes can reduce greenhouse gas emissions and fossil fuel consumption, improve air quality, and support active modes of transportation for park staff and visitors. Similar to traditional bicycles, e-bikes can decrease traffic congestion, reduce the demand for vehicle parking spaces, and increase the number and visibility of cyclists on the road.

Policy

E-bikes are allowed where traditional bicycles are allowed. E-bikes are not allowed where traditional bicycles are prohibited, including wilderness areas. Except on park roads2 and other

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2 Park road means the main-traveled surface of a roadway open to motor vehicles that is owned, controlled or otherwise administered by the NPS. 36 CFR 1.4. Roads include bicycle infrastructure that is part of a road such as bike lanes and shoulders.
locations where use of motor vehicles by the public is allowed, operators may only use the power provided by the electric motor to assist pedal propulsion of an e-bike. The intent of this policy is to allow e-bikes to be used for transportation and recreation in a similar manner to traditional bicycles.

Regulations for traditional bicycles in paragraphs (f), (g), and (h) of 36 CFR 4.30 relate to closures and other use restrictions, other requirements, and prohibited acts.

- Paragraph (f) allows superintendents to limit or restrict or impose conditions on bicycle use or close any park road, trail, or portion thereof to bicycle use after taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives.

- Paragraph (g) states that bicycle use is subject to (1) certain NPS regulations that apply to motor vehicles;3 and (2) State laws regarding bicycles that are not otherwise addressed by NPS regulations.4

- Paragraph (h) prohibits possessing a bicycle in wilderness and contains NPS safety regulations for the use of bicycles.5

This Memorandum requires that these provisions also govern the use of e-bikes so that the use of e-bikes and traditional bicycles are generally regulated in the same manner. Superintendents may limit or restrict or impose conditions on bicycle use, including specific limitations on e-bike use, or may close any park road, parking area, administrative road, trail, or portion thereof to such bicycle use and/or e-bike use, or terminate such condition, closure, limit or restriction after:

1. Taking into consideration public health and safety, natural and cultural resource protection, and other management activities and objectives; and

2. Notifying the public through one or more methods listed in 36 CFR 1.7.

Any such bicycle or e-bike closures and restrictions should be included in the park compendium. Superintendents should understand State and local rules addressing e-bikes so that the use of e-bikes within a park area is not restricted more than in adjacent jurisdictions, to the extent possible.

NPS staff should gather and maintain information about the use of e-bikes within the park area, including information about impacts and visitor use patterns. This information may inform future decision making about the use of e-bikes within the National Park System.

3 Specifically, sections 4.12 (Traffic control devices), 4.13 (Obstructing traffic), 4.20 (Right of way), 4.21 (Speed limits), 4.22 (Unsafe operation), 4.23 (Operating under the influence of alcohol or drugs), and 4.30(f) (Closures and other use restrictions).

4 State laws concerning the definition, safety operation, and licensing of e-bikes vary from State to State. A growing number of States use the three-class system to differentiate between the models and speeds of e-bikes.

5 Specifically, paragraphs (h)(2)-(5) (relating to designated wilderness and operation during periods of low visibility, abreast of another bicycle, and with an open container of alcohol).
Required Actions

Superintendents are directed to manage e-bikes consistent with this Memorandum under the authority in 36 CFR 1.5(a)(2). This authority allows superintendents to designate areas for a specific use or activity, or impose conditions or restrictions on a use or activity.

Superintendents must take the following actions as soon as possible, but no later than 30 days after the issuance of this Memorandum or the introduction of e-bikes in the park area, whichever is later:

1. Insert the following language in the park compendium:

   The term “e-bike” means a two- or three-wheeled cycle with fully operable pedals and an electric motor of less than 750 watts (1 h.p.).

   E-bikes are allowed in [insert name of park] where traditional bicycles are allowed. E-bikes are prohibited where traditional bicycles are prohibited. Except where use of motor vehicles by the public is allowed, using the electric motor to move an e-bike without pedaling is prohibited.

   A person operating an e-bike is subject to the following sections of 36 CFR part 4 that apply to the use of traditional bicycles: sections 4.12, 4.13, 4.20, 4.21, 4.22, 4.23, and 4.30(h)(2)-(5).

   Except as specified in this Compendium, the use of an e-bike within [insert name of park] is governed by State law, which is adopted and made a part of this Compendium. Any violation of State law adopted by this paragraph is prohibited.

2. Comply with the requirements in 36 CFR 1.5, including the requirement to provide adequate public notice in accordance with 36 CFR 1.7.

3. Comply with all applicable laws implicated by the compendium action, including the National Environmental Policy Act of 1969 (NEPA). The compendium action will ordinarily fall within the categorical exclusion specified in section 3.3.D.3 of the National Park Service NEPA Handbook for which documentation is required.6

No Third Party Enforceability

This Memorandum is intended only to improve internal management of the NPS, and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.

--------End of Policy Memorandum--------

6 “Minor changes in programs and regulations pertaining to visitor activities.” National Park Service NEPA Handbook (2015), section 3.3.D.3 (p. 36).
INFORMATION ON SECRETARY’S ORDER 3376 INCREASING RECREATIONAL OPPORTUNITIES THROUGH THE USE OF ELECTRIC BIKES (SO 3376)

IB 2020-003
Information Bulletin

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
http://www.blm.gov (/)

October 22, 2019

In Reply Refer To:
8340 (250) P

EMS TRANSMISSION 10/22/2019
Information Bulletin No. 2020-003

To: All Field Office Officials

From: Deputy Director, Policy and Programs

Subject: Information on Secretary’s Order 3376 Increasing Recreational Opportunities through the use of Electric Bikes (SO 3376)
This Information Bulletin (IB) replaces IB 2015-060 *Electronic Powered Bicycles on Public Lands* and provides clarification and guidance regarding the management of low-speed electric bicycles, also known as e-bikes, across BLM-managed public lands.[1]

On August 29, 2019, the Secretary of the Interior issued Secretary’s Order 3376 to increase recreational opportunities for all Americans, especially those with physical limitations, by clarifying the regulatory status of e-bikes on Federal lands managed by the Department. As a matter of policy, low-speed electric bicycles, as defined by federal law and SO 3376, operated in the pedal assist mode should generally be given the same access as traditional bicycles.

As the BLM works to implement fully SO 3376, District or Field Managers should, as appropriate to address local situations, use the exclusion to the definition of off-road vehicle at 43 CFR 8340.0-5(a)(3) to authorize the use of Class I, II, and III e-bikes, as those terms are defined in section 4 of SO 3376, where other types of bicycles are allowed. In considering when and where to authorize the use of e-bikes, District or Field Managers should take into account the policy set forth in SO 3376 that the use of e-bikes in the pedal assist mode and traditional bicycles without an electric pedal assist should be treated generally in the same manner.

In the event that a District or Field Manager is considering denying the use of low-speed electric bicycles in a specific location, a written explanation must be submitted to and approved by the State Director.

Please refer to the attached Frequently Asked Questions for additional information when carrying out e-bike authorizations and application of SO 3376.

For public lands where Acts of Congress or Presidential Proclamations specify non-motorized uses, authorized officers should consult with the appropriate Regional Solicitor’s Office or contact Evan Glenn, BLM National Mountain Bike Subject Matter Expert, at eglenn@blm.gov (mailto:Eglenn@blm.gov), or Dave Jeppesen, Travel and Transportation Program Lead, Division of Recreation and Visitor Services, at d1jeppesen@blm.gov (mailto:DByrd@blm.gov).
[1] This IB is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its departments, agencies, instrumentalities or entities, its officers or employees, or any other person.
Secretary's Order 3376 encourages e-bikes on BLM trails

WASHINGTON – The Bureau of Land Management (BLM) announced today its strategy to implement Secretary's Order 3376 (https://www.doi.gov/sites/doi.gov/files/elips/documents/so_3376_-_Increasing_recreational_opportunities_through_the_use_of_electric_bikes_-_508_0.pdf), Increasing Recreational Opportunities Through the Use of Electric Bikes, a recently signed order by Secretary of the Interior David Bernhardt that is designed to make it easier for more Americans to recreate on and experience their public lands.

Secretary’s Order 3376 directs Department of the Interior (DOI) bureaus to begin the longer term process of obtaining public input on new regulations that will clarify that low-speed e-bikes should enjoy the same access as conventional bicycles, consistent with other federal and state laws. Public land managers will have the ability in the short term to utilize the flexibility they have under current regulations to accommodate this new technology that assists riders as they pedal in a way that allows them to enjoy the bicycling experience.

The guidance enables visitors to use these bicycles with a small electric motor (less than 1 horsepower) power assist in the same manner as traditional bicycles. The operator of an e-bike may only use the small electric motor to assist pedal propulsion. The motor may not be used to propel an e-bike without the rider also pedaling, except in locations open to public motor vehicle traffic.

“Our goal is always to make the BLM’s public lands more accessible to all Americans. Allowing the use of e-bikes will open more of our public lands to people with disabilities, families, and older Americans, while promoting a healthy outdoor lifestyle for everyone,” said BLM Deputy Director for Policy and Programs William Perry Pendley. “This new policy provides consistent guidance to our land managers nationwide to ensure the broadest possible usage on BLM-managed lands.”

A majority of states have adopted e-bike policies, most following model legislation that allows for the three classes of e-bikes to have access to bicycle trails. The Department of the Interior e-bike guidance seeks to provide consistency with the state and local rules where possible.

Given their use of a small (less than one horsepower) electric motor, the BLM currently manages e-bikes as off-highway vehicles. Secretary’s Order 3376, with a view towards the rapid changes in e-bike technology, directs the BLM and other Department of the Interior agencies to begin the longer term process of amending existing regulations to exempt many e-bikes from that classification.

The guidance to field managers across the BLM for the short-term is to utilize flexibility in BLM’s current regulations to exclude certain classes of e-bikes from the definition of off-highway vehicle to authorize their use on BLM-managed roads and trails where appropriate. The guidance is consistent
with the Secretary’s priority of moving decision-making to the field level, where local trail conditions and user needs can better be considered.

The BLM will now permit visitors to use low-speed e-bikes on BLM roads, trails and designated areas where traditional bikes are allowed.

**Similar to traditional bicycles, e-bikes are not allowed in designated wilderness areas and may not be appropriate for back-country trails.** The focus of the Department of the Interior’s guidance is on expanding the traditional bicycling experience to those who enjoy the reduction of effort provided by this new e-bike technology. Park superintendents and local refuge and land managers will limit, restrict, or impose conditions on bicycle use and e-bike use where necessary to manage visitor use conflicts and ensure visitor safety and resource protection.

E-bikes make bicycle travel easier and more efficient, because they allow bicyclists to travel farther with less effort. When used as an alternative to gasoline- or diesel-powered modes of transportation, e-bikes can reduce greenhouse gas emissions and fossil fuel consumption, improve air quality, and support active modes of transportation for visitors. Similar to traditional bicycles, e-bikes can decrease traffic congestion, reduce the demand for vehicle parking spaces, and increase the number and visibility of cyclists on the road. For more information, visit blm.gov/ebikes (http://blm.gov/ebikes).

The BLM manages more than 245 million acres of public land located primarily in 12 Western states, including Alaska. The BLM also administers 700 million acres of sub-surface mineral estate throughout the nation. In fiscal year 2018, the diverse activities authorized on BLM-managed lands generated $105 billion in economic output across the country. This economic activity supported 471,000 jobs and contributed substantial revenue to the U.S. Treasury and state governments, mostly through royalties on minerals.

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Tuesday, October 22, 2019

Bureau of Land Management

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January 10, 2020

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RE: Electric Bicycles within NCCP/HCP and Easement Lands

Dear Jonathan and Dave:

As we have discussed on many occasions over the past year, recent changes in at the state and federal level, namely the passage of 2015 California Assembly Bill (AB) 1096 and issuance of the 2019 Department of the Interior (DOI) Order 3376, have increased public interest in use of electric bicycles (ebikes) in wilderness parks and open space in Orange County.

- AB 1096 amended the California Vehicle Code to differentiate ebikes from other motorized vehicles under the California Vehicle Code and provide local jurisdictions with the authority to determine whether ebikes would be appropriate for use on local trails and bikeways (Attachment A).
- DOI Order 3376, issued in August 2019, directed divisions within the DOI – including the National Parks Service (NPS), Bureau of Land Management (BLM), and US Fish and Wildlife (USFW) – to regulate on federal lands managed by the DOI the use of ebikes consistent with the regulation of non-motorized bicycles (Attachment B). The Order did not require application of this policy to lands under local jurisdiction. The NPS and BLM have each issued policies authorizing use of ebikes on paved roads, but not in wilderness areas/backcountry trails (Attachment C). We have not been made aware of any policy determination from USFW.

Within the 60,000 acres of parklands managed by OC Parks, the current opportunity for public use of ebikes is limited to certain regional, paved bikeways, subject to approval of the OC Board of Supervisors. Orange County’s codified ordinance (OCCO 2-5-19n) governing motorized wheeled conveyances within the regional park system was modified by the Board in May 2018 to both clarify that the ordinance applies to ebikes as well as other forms of motorized conveyance, and also lift the outright prohibition on such conveyances to permit ebikes on regional bikeways (Attachment D).
At this time, OCCO 2-5-29(n) continues to prohibit use of ebikes on all other trails throughout the OC Parks system.

There continues to be significant and increasing demand from the public for legalized use of ebikes on wilderness trails, citing recreational, ADA, and health benefits. Additionally, the argument made by advocates is that ebikes cannot be demonstrated to have any environmental or operational impact that does not already exist with non-motorized bicycles.

Given that nearly all of OC Parks' wilderness and open space facilities are enrolled in the Central/Coastal NCCP/HCP Reserve, the Southern HCP Reserve, or conservation easements, it is critical that any policy, use, or infrastructure changes implemented by OC Parks relative to ebikes not only meet the mission of our organization to carefully balance public recreation with habitat preservation, but also comply with the requirements and guidelines promulgated by USFW and the California Department of Fish and Wildlife (CDFW), among other regulatory agencies. Thus, in order for OC Parks to make an informed and responsible recommendation to our Parks Commission and Board of Supervisors about any additional change to the County's ordinance, we are seeking resolution to the question of whether, in light of AB 1096 and DOI Order 3376, ebikes are prohibited by the motorized recreational activities restrictions of the NCCP/HCP, and also whether a signatory agency could process a minor/major amendment to allow the use.

We believe that the most recent written opinion from your agencies on this issue was the July 16, 2019 letter sent to Mr. Darin Loughrey at City of Irvine (Attachment E). In that letter, you write that “because ebikes are self-propelled by a motor, can easily travel at speeds generally prohibited on trails within the Reserve (i.e. in excess of 10 mph), and have potential to dramatically increase the intensity of public use within the Reserve, we agree that they should be treated as recreational motor vehicles and, consistent with the NCCP/HCP Public Access and Recreation Policies, their use prohibited within the Reserve.” You furthermore indicate that “failure to adequately manage recreation activities that leads to significant damage to biotic resources within the Reserve could lead to the elimination of those activities from the Reserve on a temporary or permanent basis.”

Your July letter, although very helpful in cautioning signatory responsibility, does not appear to definitively address the question of your formal regulatory position on the consistency of ebikes with NCCP/HCP restrictions as they exist today. We take very seriously our obligation to manage the NCCP/HCP lands for the preservation of biotic species. We also have a responsibility to evaluate and recommend changes (where appropriate and sustainable) to public access uses and infrastructure.

OC Parks intends to proceed with submission of minor amendment to the NCCP/HCP and/or Southern HCP to permit ebikes where non-motorized bikes are allowed, based on the below conceptual process:

- Identify appropriate baselining, monitoring, and data collection methods to assess both environmental and operational impacts of expanded recreational trail use
- Assess existing trails for suitability for existing and expanded uses, including potential trail system modifications needed to ensure both public safety and habitat protection (e.g., changes to multi-use, multi-directional trails; changes to speed limits; consideration of seasonal or permanent trail closures and development of new trails; seasonal trail rotations; etc.)
- Plan for public outreach, engagement, and pilot project(s)
- Coordinate with adjacent and surrounding jurisdictions for consistency in ebike and general trail use policies
Develop recommendations to Board of Supervisors for additional or enhanced enforcement mechanisms (e.g., increased citation fees) as necessary.

As OC Parks will need to contract for consultant support to supplement our in-house staff expertise for many of these tasks, we are seeking clarity prior to committing resources. If either CDFW or USFW has determined that ebikes are prohibited and that no minor/major amendment may be processed to accommodate their use, please notify me within the next 90 days (by April 10, 2020). If no such notification is received by that date, OC Parks will proceed with the activities listed above to determine whether and where ebikes might be permitted.

I appreciate your time and attention to this matter, and look forward to working closely with you to arrive at the right balance for our Reserve lands.

Stacy Blackwood, OC Parks Director

Enclosures:
Attachment A – Assembly Bill 1096
Attachment B – Department of the Interior Order 3376
Attachment C – NPS and BLM Electric Bicycle Policies
Attachment D – OC Codified Ordinance 2-5-29n
Attachment E – USFW/CDFW letter to COI, 7-16-19