



CITY COUNCIL STAFF REPORT

From: City Manager

Report Type: CONSENT REPORT

Lead Department: Community Services

Meeting Date: January 23, 2023

TITLE

Parks and Recreation Commission Recommendation to Adopt an Ordinance Amending PAMC Section 22.04.220 to Regulate Electric Bicycles and Electric Coasting Devices in Parks and Open Spaces

RECOMMENDATION

The Parks and Recreation Commission (PRC) recommends that the City Council adopt an amendment to PAMC 22.04.220 to regulate electric bicycles and electric coasting devices¹ in City parks and open spaces (Attachment A).

EXECUTIVE SUMMARY

On January 1, 2023¹, new legislation, AB 1909, changed the default rule to allow the use of all classes of e-bikes (including class 3) on all trails unless prohibited by local ordinance. In response to this change in state law, the PRC voted unanimously to recommend that City Council 1) amend PAMC 22.04.220 to regulate all classes of electric bicycles and electric coasting devices in City parks and open spaces (Attachment A) and 2) that the City Manager adopt the updated Parks and Open Space Regulation R1-18 and R1-37 to regulate electric bicycles and electric coasting devices (Attachment B).

The ordinance update clarifies that the park regulations provide rules on where e-bike and electric coasting devices are allowed in Open Space and Parks. The regulations are consistent with the following policy:

¹ Until the end of 2022, state law prohibited the use of class 3 electric bicycles (e-bikes) on trails (including hiking, recreational, equestrian, and bike trails). Class 3 e-bikes are the fastest category of e-bike and capable of electric assist up to 28 miles per hour. Cities could opt-out of this restriction by adopting an ordinance, but the City of Palo Alto followed the default state law prohibition.

Open Space Policy

- All e-bikes (class 1, 2, and 3) are allowed on paved roads and trails and are prohibited elsewhere including on unpaved roads and trails.
- Other electric powered mobility devices are allowed on paved roads and trails at the Baylands Nature Preserve and are prohibited in other open space preserves (Pearson-Arastradero Preserve, Foothills Nature Preserve, and Esther Clark Park).

Parks Policy

- All e-bikes (class 1, 2, and 3) are allowed on paved and unpaved trails in parks, and are prohibited elsewhere (turf, sports courts, playgrounds, landscaped areas, etc.) in parks.
- Other electric powered mobility devices are allowed on paved and unpaved trails in parks, and are prohibited elsewhere (turf, sports courts, playgrounds, landscaped areas, etc.) in parks.

BACKGROUND

California State E-Bike Description and Policy

Section 312.5 of the California Vehicle Code (CVC) defines an e-bike as having fully operable pedals and an electric motor of less than 750 watts. It also defines three categories of e-bikes based on the power of their electrical assistance and whether the e-bike can move without pedaling:

- 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.
- 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.
- 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.

Note: The only difference between class 1 and class 2 is that with a class 2, the electric motor can be used exclusively to power the bicycle using a throttle (pedaling is not required).

State Law Prohibited Class 3 E-Bikes on Trails Until December 2022

Until the end of 2022, CVC section 21207.5 (b) prohibited the use of class 3 e-bikes on recreational trails and paths unless the public agency with jurisdiction chose to permit them, and provided that a public agency may prohibit class 1 and 2 e-bikes on trails within the agency's jurisdiction. Class 1 and 2 e-bikes are currently allowed on City of Palo Alto open space and park trails except for Foothills Nature Preserve, where bikes are not allowed on trails. On January 1, 2023, new legislation, AB 1909, removed the prohibition of class 3 e-bikes on trails and paths unless prohibited by local ordinance.

Regional Policies

Locally, there is mixed support for e-bike use, with varying restrictions. Many restrictions have not been updated since the CVC updated the definition of e-bikes and are based on now-outdated laws and definitions of motorized vehicles or devices. The Midpeninsula Regional Open Space District is one local agency that has done a significant amount of work reviewing and updating its e-bike policy. On November 20, 2019, the MROSD Board of Directors directed the General Manager to evaluate potential electric bicycle (e-bike) access in MROSD preserves.

Part of the MROSD analysis included various surveys and studies related to a one-year pilot program of class 1 and class 2 e-bike use on paved, multi-use trails within Rancho San Antonio and Ravenswood Preserve and intercept surveys on Santa Clara County Parks unpaved, multi-use trails where e-bikes are currently allowed. Additionally, H. T. Harvey and Associates (an environmental consulting company) completed an e-bike noise study, focused on potential impacts to birds and bats, and the MROSD Science Advisory Panel (SAP) conducted a literature review of the impacts and benefits of e-bikes. The PRC Electric Conveyances Policy Ad Hoc Committee (Ad Hoc) and staff found the MROSD's analysis (Staff Report/Study) informative.

On June 29, 2022, the MROSD Board voted 4-2 to:

- Allow class 1 and class 2 e-bike access on limited improved trails at Ravenswood Preserve
- Allow class 1 and class 2 e-bike access on limited improved trails where bikes are currently allowed at Rancho San Antonio Preserve
- Affirm the prohibition of e-bikes on MROSD trails except for specifically designated trails noted above

Note: E-bikes are allowed on ~1.6 miles of paved asphalt trails at Ravenswood Preserve, and less than 5 miles of select, primarily paved trails at Rancho San Antonio Preserve with asphalt. E-bikes are prohibited on all MROSD trails at the 26 open space preserves under its jurisdiction, except for those noted at Ravenswood Preserve and Rancho San Antonio Preserve.

City of Palo Alto Policy

Class 1 and 2 e-bikes are currently allowed on open space and park trails except for Foothills Nature Preserve, where bikes are not allowed on trails. Class 3 e-bikes were prohibited under the state's default prohibition under CVC 21207.5, but are now allowed as of January 1, 2023 due to the change to state law. As permitted by the updated state law, adopting this ordinance will allow the City to regulate all classes of e-bikes on trails within City parks and open spaces.

ANALYSIS

Starting in April 2022, the PRC Ad Hoc met numerous times to discuss and prepare a draft Open Space and Parks Electric Bicycle and Electric Conveyances Policy (Policy). The Ad Hoc identified several important factors to consider while developing the Policy:

- Environmental and ecological impacts
- Safety
- Public access
- Equity
- Recreation
- Enforceability
- Clarity and simplicity
- Compatibility with regional policies
- Public demand and opposition
- Bicycle transportation corridors

Stakeholder Input

On September 22, 2022, staff and the Ad Hoc met with Transportation staff to discuss and collect their feedback on the draft Policy. On October 3, 2022, staff and the Ad Hoc met with the Chair and Vice Chair of the Palo Alto Pedestrian and Bicycle Advisory Committee (PABAC) to collect their feedback on the draft Policy.

On October 25, 2022, the PRC reviewed the draft Policy (Staff Report). There was general support for the draft Policy. One issue that the PRC discussed was the PABAC Chair and Vice Chair's recommendation that e-bikes be allowed on the unpaved trails at the Baylands Nature Preserve. Three commissioners noted that they would support allowing Class 1 e-bikes on the unpaved trails at the Baylands.

On November 1, 2022, PABAC reviewed the draft Policy and passed the following motion (15:0:1): PABAC does not approve the draft E-bike guidelines for Palo Alto's Open Spaces and Parks presented to us for review on Nov. 1. We (PABAC) recognize that e-bikes are becoming more

popular and there is a need to create some guidelines. We (PABAC) urge the PRC to wait until the completion of the BPTP Update before submitting their recommendations to Council.

The Bicycle Pedestrian Transportation Plan (BPTP) Update is scheduled to begin in early 2023 and take between 18 to 24 months to complete. PABAC formed a subcommittee to work on e-bikes.

On November 10, 2022, staff and the Ad Hoc met with Transportation staff to collect additional feedback on the draft Policy. Transportation staff explained that the 2020 Safe Routes to School Elementary Parent Survey e-Bike Data shows approximately 10% e-bike ownership, and 2022 Safe Routes to School Middle/High School Travel Tally Student e-Bike Data reveals approximately 0.5% e-bike ownership. Transportation staff recommend basing bicycle restrictions on Open Space and Park trails on speed and not class, due to the challenges of discerning a bike based on its class type. They also stressed the importance of allowing e-bike commutes on park trails to support students using e-bikes to get to school and meeting the City's sustainability goals. The Ad Hoc incorporated this feedback into an updated draft Policy.

On November 22, 2022, the Ad Hoc met with the PABAC Subcommittee and Chair. There was general support for the updated draft Policy. One area of disagreement is that the PABAC members argue that e-bikes should be allowed on unpaved trails at the Baylands Nature Preserve. The Ad Hoc argued that local access and regional transportation corridors are supported at the Baylands with e-bike access on paved trails from the Friendship Bridge to Shoreline Park (Baylands Nature Preserve Trail Map), and that limiting e-bikes to paved Open Space trails allows for local access to the Baylands, prioritizes ecological preservation, and is consistent with the policy of neighboring agencies, particularly MROSD. The Ad Hoc and the PABAC Subcommittee agreed to continue to meet to discuss e-bikes.

Parks and Recreation Commission Recommended Policy Update

In recommending an e-bike policy, the *PRC seeks to balance competing priorities, including transportation corridors, community recreation, enjoyment of nature, habitat and wildlife protection, safety, and enforceability*. Local access and regional transportation corridors are supported at the Baylands with e-bike access on paved trails from the Friendship Bridge to Shoreline Park. Limiting e-bikes to paved Open Space trails allows for local access to the Baylands, prioritizes ecological preservation, and is consistent with the policy of neighboring agencies, particularly MROSD. The PRC recommends improving e-bike policy communication and education to support this policy recommendation. This should include improved and increased signage (speed limit, trail rules and etiquette) and website enhancements.

The PRC supports a common policy for all e-bikes, without differentiating between e-bike classes. This recommendation change is based in part on further consultation with Transportation staff, advocating an e-bike usage policy promoting safe speed behavior, rather one based on e-bike classification. Distinguishing between different classes of e-bikes is difficult, if not impossible. A common policy for all e-bikes provides simplicity for pedestrians and cyclists to understand, encourages community compliance and support. The common policy also simplifies staff's ability to explain and enforce e-bike usage regulations.

The PRC and staff recognize e-bike and other electric conveyance usage is evolving. Continued monitoring of impacts, learning from the experiences of neighboring agencies, and feedback from City resources and community outreach will help inform future updates to the Policy. Agencies and City resources will include MROSD, PABAC, and the City/School Transportation Committee, and the BPTP Update (once it is completed). In consideration of the recent clarification about class 1 and 2 e-bikes being allowed on Palo Alto trails and the pending State legislation that will also allow class 3 e-bikes on Palo Alto trails, the Ad Hoc and staff believe a more immediate action is needed.

On November 22, 2022, PRC voted unanimously (7:0) to recommend that City Council adopt an update to ordinance 22.04.220 to regulate the use of electric bicycles and electric coasting devices (Attachment A), and that the City Manager adopt the updated Parks and Open Space Regulation R1-18 and R1-37 to regulate electric bicycles and electric coasting devices in specific areas (Attachment B) (Staff Report).

The Parks and Open Space Regulations are consistent with the following Policy:

Open Space Policy

- All e-bikes (class 1,2, and 3) are allowed on paved roads and trails and are prohibited elsewhere including on unpaved roads and trails.
- All e-bikes (class 1,2, and 3) are allowed for city staff in open space and parks for maintenance and enforcement purposes, consistent with P.A.M.C. 22.04.150(f).
- Other electric powered mobility devices are allowed on paved roads and trails at the Baylands Nature Preserve and are prohibited in other open space preserves (Pearson-Arastradero Preserve, Foothills Nature Preserve, and Esther Clark Park).

Parks Policy

- All e-bikes (class 1, 2, and 3) are allowed on paved and unpaved trails in parks, and are prohibited elsewhere (turf, sports courts, playgrounds, landscaped areas, etc.) in parks.
- Other electric powered mobility devices are allowed on paved and unpaved trails in parks, and are prohibited elsewhere (turf, sports courts, playgrounds, landscaped areas, etc.) in parks.

Open Space and Parks Policy

- R1-20. TRAIL USE SPEED LIMIT will apply to e-bikes and other electric powered mobility devices.
- The maximum speed for all trail uses is 15 miles per hour, unless a lesser maximum speed is posted, and no person shall exceed the maximum speed on any trail; however, no person shall operate a bicycle, e-bike, or other electric powered mobility device, or ride a horse or other such animal at a speed greater than is reasonable, prudent, or safe. Bicyclists, e-bike and other electric powered mobility device users, and equestrians are required to slow to 5 miles per hour when passing others or approaching blind turns.
- When not in use, e-bikes and other electric powered mobility devices:
 - Should be parked in designated parking areas when available.
 - May not be left unattended on trails, vegetation, landscaped areas, or vehicle parking areas.
 - Are not allowed to interfere with access or use of any open space and park trail, turf, playground, sports court, facility, or amenity (park bench, picnic table, etc.).

Note: these same guidelines apply to regular bikes.

- The Americans with Disabilities Act (ADA) overlays all city policies and is specific to each individual person who may need an adjustment of city policy or regulation. People may contact Community Services Department staff to make an ADA access request pertaining to this policy.

FISCAL/RESOURCE IMPACT

If City Council adopts the recommendation in this staff report, staff will purchase and install new signs (speed limit, trail rules and etiquette). The approximate cost for the signs will be \$10,000. The FY 2023 Adopted Capital Budget Project Benches, Signage, Walkways, Perimeter Landscaping, and Site Amenities (PG-06003) has sufficient funding to purchase and install the signs in the current fiscal year, with no additional budgetary action required.

STAKEHOLDER ENGAGEMENT

The following community meetings and hearings were held to obtain public input on the proposed policy:

- April 2022 to November 2022—numerous meetings with PRC Ad Hoc Committee and staff
- October 25, 2022--Parks and Recreation Commission meeting
- November 1, 2022-- PABAC meeting
- November 22, 2022-- Ad Hoc and PABAC Subcommittee meeting
- November 22, 2022-- Parks and Recreation Commission meeting

ENVIRONMENTAL REVIEW

This ordinance is categorically exempt from CEQA under CEQA regulation 15301 (existing facilities).

ATTACHMENTS

Attachment A: Amendment to PAMC 22.04.220 to regulate electric bicycles and electric coasting devices in City parks and open spaces

Attachment B: Amendment to Open Space and Parks Regulations

APPROVED BY:

Kristen O'Kane, Community Services Director

Report #: {{item.custom_tracking_number}}