



Protecting Marin Since 1934

June 22, 2017

Interim Superintendent Vincent Anibale  
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Subject: Electric Mountain Bikes on Marin State Parks and other public lands in Marin

Dear Superintendent Anibale:

We are writing on behalf of Marin Conservation League, an organization that has been protecting, preserving, and enhancing Marin's natural assets for more than 80 years. Electric mountain bikes (e-mtbs) are beginning to appear on Marin's public lands and open spaces. Electric street bikes (e-bikes) are also appearing on paved public pathways in Marin, but MCL's particular concern is with the use of e-mtbs on public "natural" lands in Marin.

We are aware that California State Parks (CSP) has granted to district superintendents the authority to open selected roads and trails in some units to e-mtbs. Several months ago in a conversation with then-Superintendent Danita Rodriguez, MCL learned that the Marin District staff was studying the possibility of permitting e-mtbs on state park trails in Marin. We have heard nothing since that time. As the bike industry is gearing up to attract more buyers, MCL is asking for clarification and the opportunity to voice our concerns.

**MCL believes that e-mtbs should be restricted uniformly by *all* land management agencies in Marin, in that federal, state, county, water district, and local community open space and parklands in Marin frequently adjoin each other and visitors are often not aware that the roads and trails they are traveling cross jurisdictional boundaries.**

#### Legislative background

On January 1, 2016, A.B.1096 governing the regulation of electric bikes under the California Vehicle Code became effective. The bill designates three classes of e-bikes and distinguishes lower speed electric bicycles that reach motor-assisted speeds of up to 20 miles per hour (Class 1 and 2 electric bicycles), from higher "speed pedelecs" which have motors that provide assistance up to 28 miles per hour (Class 3). This class system allows the use of lower-speed e-bikes (and possibly Class 3 e-bikes) on Class I, II, III, and IV bikeways.

The law also allows local authorities to regulate different types of e-bikes based on local conditions and needs. For example, Marin County Parks currently is drafting code language governing their use on County facilities, such as the Mill Valley-Sausalito Multi-use Path.

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### E-mtbs on natural surface (unpaved) roads and trails

A.B. 1096 does *not* regulate e-mtbs on natural surface roads and trails on parklands and other open space lands, whether federal, state, or local. These lands are managed outside of the vehicle code. Many Bay Area open space land managers define e-mtbs as “motorized” and regulate them as such; that is, they do not permit e-mtbs on roads and trails that otherwise are open to “human-powered” mountain bikes. However, since Class 1 e-mtbs also require pedaling and thus represent a new category of mountain bike, local discretion may allow them on some roads and trails, subject to speed limits, yielding, and other rules of conduct. Thus, regulations covering e-mtbs on Bay Area public lands are currently in flux.

In Marin County, MMWD, Marin County Open Space District, and federal park agencies in Marin all regulate e-mtbs as “motorized” and therefore do not permit access to unpaved roads or trails, except as might be permitted under the federal Americans Disability Act (ADA). For example, Marin County Parks’ Inclusive Access Plan stipulates that Class 1 e-mtbs operated by qualified persons are approved as other power driven mobility devices (OPDMDs), as defined by the ADA. The County’s Plan also specifies locations and safety conditions, such as speed, under which OPDMDs can operate.

As for State Parks, we have learned recently that officials are “looking at e-bikes (including e-mtbs) because it is a new technology, and determining if there will be . . . restrictions,” according to Superintendent Ryen Goering. A published memo from the Superintendent for Emergency Services, Law Enforcement and Emergency Services Division of CSP reads: “For now, the Department’s stance is that all trails are closed to electric bikes unless opened by Superintendent’s Order, based on CVC 21207.5 and CCR 4360, but some units may be opening trails and fire roads here and there by Superintendent’s Order.”

### Why e-mtbs should be restricted

Members of the mountain biking community differ in their arguments for and against restricting e-mtbs. Those who have long-promoted mountain bikes because they are human-powered believe that unregulated e-mtbs will discredit this image. The International Mountain Bicycling Association (IMBA) has stated that the adding an electric motor would require changing the classification (of mountain bikes) to a motorized use. In recent statements, IMBA supported the use of e-mtbs only where *other motorized* uses are permitted (emphasis added), but that opinion is still under review as IMBA also considers the role that the ADA might play.

Some mountain bikers argue that as cyclists age, they should be able to switch to less physically demanding Class I e-mtbs, which still require pedaling but with less effort. Others argue that since e-mtbs qualify as OPDMDs under federal law governing disabilities, roads and trails open to traditional mountain bikes should be accessible to disability-qualified e-mtbs, the conditions of use to be clearly defined by local park managers.

**MCL believes that permitting e-mtbs by CSP would, in effect, add a new user group on Marin state park units, opening the door to abuses of the public road and trail system across the entire complex of public lands in the county.** All recreational visitors take their toll on open space

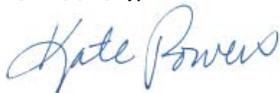
resources; damage is a function of user volume and density of trails. Adding a new user group would exacerbate physical wear and tear already evident on many trails that are frequented by large numbers of mountain bikers, further disrupting vegetation and wildlife habitats. It could also increase demand for trail mileage. Finally, it would further compromise the safety of slower-moving visitors on foot and horseback.

All of Marin's land management agencies have limited resources for educating visitors and enforcing rules. E-mtbs are difficult to detect and therefore rules governing them are difficult to enforce. MCL believes that there should be common regulations restricting e-mtbs across all agencies' lands, at the very least to ensure consistency.

**MCL recommends that no state park units in the Marin District be opened to access by e-mtbs, except as might be required for compliance with the ADA, subject to local conditions of use.**

Thank you for your response.

Sincerely,



Kate Powers, President



Nona Dennis, Chair, Parks and Open Space Committee

CC: Assembly Member, Marc Levine  
Max Korten, General Manager, Marin County Parks  
Board of Directors, Marin County Open Space District  
Cicely Muldoon, Acting Superintendent, GGNRA  
Mike Swezy, Watershed Manager, MMWD  
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Tamalpais Conservation Club  
Marin Audubon Society  
Sierra Club Bay Chapter  
California Native Plant Society, Marin Chapter