E-Bike Update

Recreation on Mt. Tam

➢ The Marin Municipal Water District Law of 1911, under the State Water Code, authorizes the district to enact rules, regulations and ordinances, including the decisions that allow for public recreation and to govern use of its facilities

➢ The district has a history of providing the public with access and limited activities on watershed lands, consistent with its watershed stewardship mission

- Hiking, walking, running

- Equestrian use

- Bikes are allowed on service roads, not trails

- No swimming, boating, or pets allowed in the water

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Bikes allowed on Service Roads

District Code - 9.04.02 Bicycles

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October 2015 - AB 1096 Signed by Governor Brown

- AB 1096, codified as Section 21207.5 of the California Vehicle Code

  - E-Bikes (Classes 1 & 2) are classified as a "bicycle"

  - A public agency 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

- As a local public agency, MMWD can decide how to regulate E-Bikes

MMWD Code

Marin Municipal Water District Land Use Regulations
Chapter 9.04
Vehicle and Traffic Regulations

Section 9.04.01 – Motor Vehicles.

No person shall operate any motor vehicle, including, but not limited to, cars, trucks, motorcycles, **motor-driven cycle, motorized bicycle,** motorized scooter, self-balancing motorized personal transportation vehicle or **similar vehicles** on district lands except upon public roads or parking lots.

Our regulation signs currently have emblems clearly showing that all E-Bike use is illegal on district lands except upon public roads or parking lots.

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Community Advisory Committee on E-Bikes

➢ Marin Municipal Water District's Board of Directors authorized the formation of a Community Advisory Committee (CAC) in May of 2019.

➢ Since September 2019, the CAC has been meeting monthly to review topics relating to E-Bike access.

➢ Seven meetings over an 8-month period (the planned eighth meeting was canceled due to COVID 19 restrictions)

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Overview of CAC Process

Date	Meeting Description
September 10, 2019	Kickoff meeting to formally convene the CAC
October 7, 2019	Current E-Bike technology from Bosch Industries; overview of E-Bikes in other jurisdictions presented by MMWD staff
November 12, 2019	Roads and Trails Management Plan and environmental setting presented by Environmental Science Associates
December 10, 2019	E-Bike users in relation to other user groups and overview of Slow and Say Hello campaign presented by Trail Partners
January 14, 2020	Battery safety issues associated with rechargeable lithium ion devices presented by Fathom Engineering
February 11, 2020	Overview of enforcement actions and bicycling impacts to lands managed by MMWD presented by MMWD staff
March 10, 2020	Discussion of CAC member recommendations
April 14, 2020	Canceled due to COVID restrictions. CAC members were provided the CAC Summary Report electronically for review and comment.

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E-bike CAC Summary Report

➢ Executive Summary

➢ Background of MMWD Watershed Lands

➢ CAC Introduction

➢ Overview of E-Bikes CAC

➢ Summary of CAC Input

➢ Discussion of Potential CAC Options for Further Refinement

Summary of CAC Input

Input heard and received throughout the CAC process:

- E-Bike access:

  - No consensus on allowing E-Bike access

- Limited access:

  - Allow E-Bikes on a limited number of fire roads

    - Those opposed to E-Bike access didn't support limited access

- Rental prohibition:

  - Ban the use of commercial E-Bike rentals on watershed fire roads, enforce through citations, signage and outreach to rental companies

- Registration:

  - Establish a registration program for E-Bikes usage as part of a fee for service model

- Trial period:

  - Trial period to capture information relating to E-Bike usage on the watershed

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Summary of CAC Input

Input heard and received with alignment:

- Education:

    - Broad support for education program similar to "enhanced" version of Slow and Say Hello

    - Increase signage and fliers at points of entry and throughout MMWD lands explaining trail closures and rules of the road

    - Partnerships with other organization critical for success

    - Concern that resources for robust education campaign may not be available

- Enforcement:

    - Broad support for additional enforcement measures

    - Targeted enforcement is dependent on available resources

    - Agreements could be signed to abide by all riders at points of entry or local bicycle shops

    - Raising fines suggested as one potential enforcement tool

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E-Bike Approaches for Board Discussion

Watershed User Education

An education campaign would aim to influence users' behavior through raising awareness of watershed regulations.

- Enhance watershed signage along downhill routes, at road intersections and at major entry points.

- Establish a Volunteer Trail Ambassador Program through advancing partnerships with existing stakeholder groups.

- Provide capacity building support to existing community partnerships or non-profits that are working on trail etiquette campaigns and environmental education efforts to increase community driven watershed protection measures.

Considerations

As more signs are put on the watershed there is a risk that they will be ignored or that it will create sign pollution along watershed roads and trails. A Volunteer Trail Ambassador Program would require significant staff coordination and resources that may result in trade-offs with current programs.

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Enhanced Enforcement

An enhanced enforcement strategy would aim to influence user behavior through citations and fines.

- Assess our current approach of warnings, citations and fines as to the efficacy and consider a stronger approach to help ensure compliance with District Code.
- Conduct an annual review of watershed user code violations. Monitor and assess code violations and modify the enforcement approach as needed.
- If E-Bike access is allowed, develop a strategic enforcement approach to ensure compliance. This strategic enforcement approach would entail a multi-step process that may include the addition of a dedicated Ranger as well as implementation of other measures.

Considerations
There could be some potential concerns from the community with a stronger enforcement approach. Increase in staff would be costly with undefined metrics to determine the success of this approach.

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E-Bike Prohibition

A ban on all types of E-Bikes would aim to reaffirm the District's current codes which prohibits motorized recreational devices on the District's watershed lands to protect water quality and natural resources.

- Revise relevant District Codes to further clarify that E-Bikes and other forms of electric- power driven recreational devices are strictly prohibited on watershed fire roads.

Considerations

An E-Bike ban may be difficult to enforce, and as technology advances further it is expected to become even more difficult to discern the difference between E-Bikes and conventional bikes on the watershed. An E-Bike ban may not be in alignment with other neighboring land managers and result in user's unintentional code violations as they unknowingly cross between open space lands.

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E-Bike Conditional Allowance

A conditional allowance for E-Bike access aims to establish recreational opportunities for a diverse set of users, while supporting the unique experiences that different user groups enjoy on the watershed.

- Revise relevant District codes to allow for Class 1 E-Bikes to access the watershed.
- A condition to this allowance would be to establish one or two days a week where no bicycle access is allowed on the watershed. This restriction would ensure that other user groups have adequate space and time to safely enjoy the watershed.
- Allow for limited E-Bike access to a limited number of fire roads. This approach would support E-bike access, but impose limits based on developed criteria.
- Revise codes to prohibit E-Bike rentals on the District's watershed lands.

Considerations
Changes associated with bicycle access would require a learning period for users. Limiting access to designated fire roads would be difficult to enforce. Closing the watershed 1-2 days per week to all bikes may cause concerns to some in the community.

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E-Bike Registration Program

An E-Bike registration program would aim to establish a fee for service model that allows E-Bike access through a registration process.

- To facilitate E-Bike access a registration program would be established for the watershed. An annual fee would be paid by all registered E-Bike riders and the District code would be revised to allow for citations to be issued to all non-registered E-Bike users.

- Excess funding from the registration program, beyond covering the administrative aspects of a new registration program, would go to enforcement and protection of the watershed's natural resources and maintenance of fire roads.

Considerations
To support the costs associated with greater bike enforcement, the registration could be as high as $500/yr. It would require significant administration and may be challenging to enforce as it is difficult to distinguish E-Bikes from conventional bikes.

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E-Bike Open Access

This approach would essentially treat certain class or classes of E-Bikes as regular bicycles and allow those classes of E-Bikes on all fire roads as regular bicycles are allowed on.

- E-Bike access would be allowed and E-Bikes would be treated as a regular bicycle under the District's Code. The District would update the Code to reflect this change.

Considerations
An E-Bike access approach would support access for diverse users, but could significantly increase future usage on the watershed as E-Bikes become increasingly popular. Capacity issues may need to be addressed via future restrictions, yet once established it would likely be difficult to change course and impose future restrictions on E-Bikes.

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Next Steps

➢ Further refine E-Bike approaches given Board input.

➢ Schedule E-Bike topic for further discussion at a future board meeting. Ensure continued and adequate public input with particular attention to constraints associated with shelter in place restrictions.