

Marin Municipal Water District (MMWD)
E-Bikes Community Advisory Committee (CAC)

Meeting #1

September 10, 2019

6:00pm-7:30pm

MMWD Offices; 220 Nellen Ave., Corte Madera, Ca 94925

Mt. Tamalpais Conference Room

AGENDA

1. Welcome and Introductions
Crystal Yezman
Sam Magill, Sacramento State University
2. Presentation: E-bike and CAC Background
 - Current E-bike Laws and Regulations
 - Stakeholder Feedback Received by MMWD to Date
 - Role of MMWD Board and Staff in E-Bike Regulation
 - Role of E-bike CAC*Brett Pedisich and Shaun Horne*
3. Presentation: CAC Member Assessment and Process Recommendations
Sam Magill
4. Charter/Workplan Review
 - CAC Draft Charter
 - Workplan: Topics for Discussion
 - Meeting Schedule and Format*Sam Magill,*
All CAC Members
5. Public Comment
All Interested Members of the Public
6. Action Item, Outcome Review and Next Steps
Sam Magill
District Staff
7. ADJOURN

Ebike Community Advisory Committee

Meeting #1



**MARIN MUNICIPAL
WATER DISTRICT**

September 10, 2019

Outline

- MMWD Code
- Current Enforcement
- Watershed Observations
- Ebike Public Workshop
- Ebike CAC Overview
- CAC Assessment
- Ebike Charter
- Ebike Topics & Schedule

E-bike Overview

An e-bike is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts

The frame

Usually made from a lightweight aluminum alloy that makes the overall weight lighter, enabling you to travel farther before needing a recharge.



The drivetrain

Provides power and the turning force needed to manually turn the wheels. Mid-drive motors send power directly to the drivetrain, making chain cranking easier. Most drivetrains allow the rider to shift gears, making it easier or harder to pedal.

The spokes

A more traditional bike usually has thinner spokes. However, because the electric motor in the hub spins the wheel with a lot of torque, e-bike spokes are thicker to avoid bending or buckling from the pressure.



CARGO



COMMUTER



MOUNTAIN



RECREATIONAL

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.

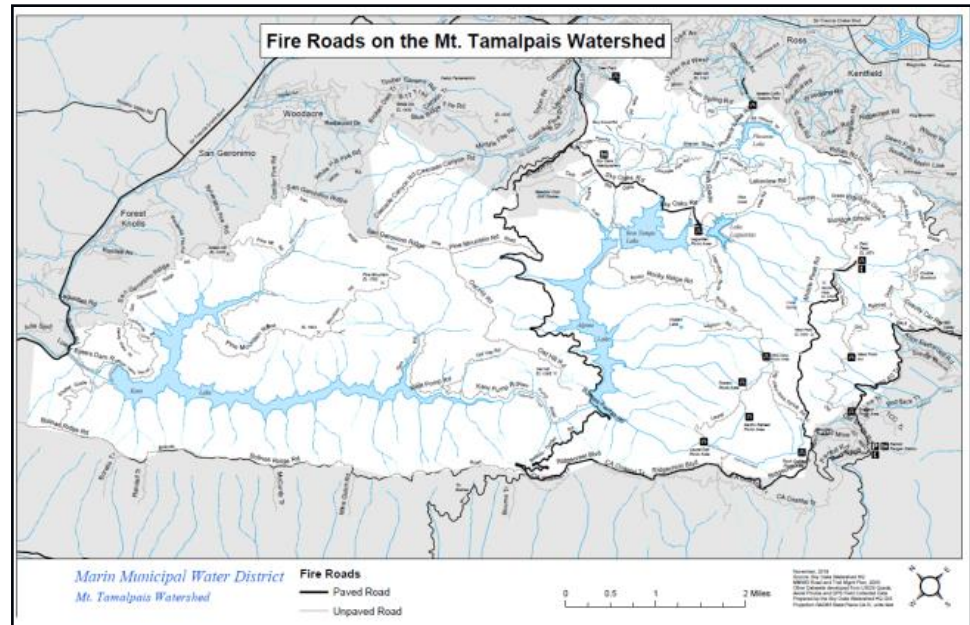
MMWD Enforcement

Current Enforcement Strategy

Educate – Given the unprecedented nature of Ebike use on the Watershed, our initial approach to enforcement centered on educating the public as to what our current policy states and how it relates to e-bike enforcement.

Verbal Warning – After education, our next course of action involved warning e-bike users that continued violation of WDO 9.04.01 would result in a citation. We gathered names and information on violators to hold people accountable after a warning was issued by a Ranger.

Citation – Users who had been warned and continued to violate WDO 9.04.01 were issued a citation.



Watershed Observations

Citations Issued – 1 ; Challenged and upheld in traffic court

Warnings Issued – On average, approximately 3 e-bike warnings are issued per month.

ADA Compliance – Type-1 Ebikes are currently considered an ADA mobility device, and therefore, are permitted anywhere an ordinary bicycle would be permitted on Watershed lands.

Single-Track Trails – Over the past 12 months, 2 e-bike users has been cited or specifically warned for illegally riding on Watershed trails per WDO 9.04.02(a).

Reckless Bicycling – We have received a handful of complaints from visitors with safety concerns regarding Ebike users riding up-hill at speeds that would otherwise be impossible; this is a violation of WDO 9.04.02(b).

Workshop

Primary Comment Themes			
Environmental	Recreation/Trails	Safety/Enforcement	ADA/Seniors

Summary of Public Participation

Public Participation at Public Forum

Community Attendees	132
Public Comments Heard	58
Pro Ebike	41
Pro Ebike with Permit	4
Opposed to EBikes	13
Written Comments Received	
Emails Supporting Ebikes	40
Emails Opposed to Ebikes	41



Workshop Comments

Comment Themes
-Ebikes should be allowed for ADA users and as OPDMD devices.
Pro Comments
-Ebikes should be allowed for senior users.
-All Ebikes users should be allowed to use protection roads.
-Ebikes should be able to use a limit number of protection roads.
-Ebikes should be allowed with a permit.
-There is limited data showing Ebikes cause impacts to other users or the environment and more data is needed in order to answer these questions.
-Ebikes should be allowed and trail etiquette should be promoted.
-Ebikes encourage recreational opportunities for a wide range of user groups.

Workshop Comments

Opposed Comments

-Ebikes may cause environmental damage.

-Ebikes will make for un-safe trail conditions, impact other user groups and result in more illegal trails.

-Ebikes will increase the risk of wildfire on Mt Tamalpais.

-Ebikes will increase usage and may encourage Ebike tourism.

-Ebikes access will required additional financial and staff resources to support enforcement and maintenance of trails

-More data needs to be collected on potential impacts to trails, users, and environment before making policy decisions.

Topic of Interest

Environmental

- Erosion and water quality issues
- Wildlife concerns
- Recreational opportunities in natural areas

Recreation/Trails

- Impacts to natural surface roads
- User group impacts and increase in use
- Improves access for some users
- Pilot programs and user surveys
- Trail etiquette

Safety/Enforcement

- Ranger response time and enforcement
- Access to remote areas
- Conflicts with other user groups
- Costs
- Registration process

ADA

- Legal requirements
- Access for mobility impaired users



Ebike CAC

Board of Directors

- A five-member board of directors governs our district, with each director elected to represent one of five geographic areas. The board establishes policy on the district's mission, goals, and operations. It represents the general public in deciding issues related to water supply. The board also has the authority to adopt ordinances that have the force of law within the district.

MMWD Staff

- Staff provide recommendations to the board of directors who decides which policies should be implemented in light of the district's mission and goals.

Ebike CAC

- The purpose of the CAC is to develop reasonable and actionable recommendations to guide next steps relating to Ebike access. Where possible, the CAC will develop consensus-based recommendations to staff to present to the MMWD Board of Directors to aid in the Board's decisions regarding Ebike use.

CAC Member Assessment and Recommendations

Assessment Overview

- Assessments are used to gauge initial interests and thoughts on outreach processes before stakeholder groups are convened
- Phone or in person interviews were conducted with CAC members and MMWD Board members between August 19 and September 3
- Individual interview results were aggregated to develop a series of process recommendations for the CAC

Assessment Questions

- Individuals were asked questions in three categories:
 - Background/interest in trail access issues in the MMWD Watershed (generally)
 - History working with MMWD
 - Initial thoughts on the Ebike issue/unique characteristics of Ebikes vs. conventional bikes
 - Thoughts on the CAC process, including recommendations on “getting to yes”

CAC Member Assessment and Recommendations (cont.)

Assessment Findings- Interest in Trail Access

- All interviewees are long-time Marin residents and avid recreationists
- Typical trail use varied, but fit into three categories:
 - Bicyclists
 - Hikers
 - Equestrians
- Many users fit into multiple user groups

Assessment Findings- History Working with MMWD

- Responses varied, but a large majority (70%) have worked with MMWD staff or the Board directly on this and other issues
- Multiple participants have worked with MMWD staff and the Board in a personal and professional capacity
- Nearly all (90%+) of CAC members said they are not representing a specific organization on the CAC

CAC Member Assessment and Recommendations (cont.)

Assessment Findings- EBikes and Perceived Environmental Impacts

- A significant majority (80%) said Class 1 Ebikes do not *appear* to pose unique environmental challenges different from conventional bikes
- Many interviewees conceded objective data is lacking
- Two primary concerns raised:
 - Heavier bikes with wider tires and more torque (uphill) could exacerbate environmental challenges caused by bikes
 - Modified Ebikes could pose a fire hazard from flammable batteries, though some noted e-bikes use non-combustible (Lithium-Iron vs. Lithium-Ion) batteries

CAC Member Assessment and Recommendations (cont.)

Assessment Findings- Accessibility and ADA Issues

- Opinions on the use of Ebikes to address accessibility issues varied:
 - Some participants felt most observed Ebike users already used conventional bikes, and transitioned to Ebikes for accessibility reasons
 - Some participants feel non-self balancing bicycles are not appropriate for individuals with disabilities
 - Several participants noted the ADA supersedes local measures; in all cases, the ADA expressly prohibits questioning an individual's disability.
- Access to emergency services was listed as a concern, but most (80%+) of participants acknowledged there is no objective data on the issue

CAC Member Assessment and Recommendations (cont.)

Assessment Findings- Speed and Safety Issues

- Opinions on speed and safety issues varied:
 - Class-1 Ebikes are limited to 20mph under battery power
 - Downhill travel is the same as conventional bikes
 - Some participants noted the primary safety concern is E-bikes going *uphill* at an increased rate of speed; other user groups not accustomed to seeing high speed uphill travel could be impacted
 - Some participants noted heavier Ebikes could cause more serious accidents, but others said the same concern could be applied to heavier riders on conventional bicycles
 - Nearly all participants (90%+) cited the “Slow and Say Hello” campaign as a success

CAC Member Assessment and Recommendations (cont.)

Assessment Findings- Enforcement

- All participants listed enforcement as an issue: resource limitations impact enforcement
- Nearly all interviewees noted experienced riders obey rules
- Many participants noted Ebike enforcement becomes a technical issue: hard to differentiate between Class 1, 2 and 3 Ebikes
- Several participants noted Ebikes are currently considered motorized vehicles under state law. Motorized vehicles are prohibited on MMWD lands

CAC Member Assessment and Recommendations (cont.)

Assessment Findings- CAC Recommendations

- Nearly all participants noted a lack of objective data concerning Ebikes.
- Many suggested studies or pilot projects on *fire roads* could be conducted to accurately survey volume of Ebike users
- Several participants suggested the CAC could be used to develop licensing programs for Ebikes; others noted enforcement will continue to be an issue
- No participants recommended increasing access for Ebikes *beyond* fire roads (i.e., no single track)
- Many participants strongly recommended looking into how neighboring land managers address the issue; receive presentations as needed

CAC Member Assessment and Recommendations (cont.)

Assessment Findings- MMWD Role and Consensus Models

- Participants generally agreed staff should be represented at every meeting and serve as liaison with Board Members.
- Three modes of consensus were provided by participants:
 - Complete consensus
 - “Alignment with Accountability”
 - “Alternatives” model similar to CEQA analysis

CAC Charter/Process Recommendations

Charter Purpose

- Provides roadmap for CAC deliberations:
 - 1) Project Purpose and Background
 - 2) CAC Purpose and Charge
 - 3) Schedule
 - 4) CAC Organization:
 - i. Participant selection
 - ii. Member responsibilities
 - iii. Public participation
 - iv. MMWD responsibilities
 - v. Facilitator responsibilities
 - vi. Decision-making protocols
 - vii. Member communication protocols
 - viii. Meeting summaries
 - 5) Ground Rules

Suggested CAC Workplan

Process Recommendation:

- Meetings held second Tuesday of each month
- Six meetings organized around information gathering, identifying information gaps, and developing recommendations to address impacts (as needed)
- Two meetings to describe pros/cons of recommendations and review final materials

Date	Meeting Description
September 10, 2019	Kickoff Meeting to Formally Convene the CAC
October 8, 2019	Current science of E-bikes; overview of E-bikes in other jurisdictions
November 12, 2019	Environmental impacts of E-bikes
December 10, 2019	Accessibility issues associated with E-bikes
January 14, 2019	Speed and safety issues associated with E-bikes
February 11, 2019	Enforcement protocols
March 10, 2019	Pros/cons discussion of recommendations
April 14, 2019	Review final report/conclude process