

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For meeting of: **May 17, 2022**

TO: Honorable Mayor and City Council

VIA: Bob Nisbet, City Manager

FROM: John Doughty, Public Works Director

TITLE: **OPERATION OF E-BIKES AND OTHER DEVICES ON TRAILS AND PATHS**

RECOMMENDATION:

Conduct a workshop, and, by motion, direct staff to return to the City Council on June 21, 2022 for introduction of an ordinance amending the Half Moon Bay Municipal Code to regulate motorized vehicles on paths and trails within the City.

FISCAL IMPACT:

There is no fiscal impact associated with this workshop. Any subsequent actions regarding the ordinance will require new signage along existing sections of the Coastal Trail, Naomi Patridge Trail, and Eastside Parallel Trail.

STRATEGIC ELEMENT:

This action supports the Public Health, Safety and Emergency Preparation Element of the Strategic Plan.

BACKGROUND

For decades, most municipal and parks agencies have prohibited motorized vehicles (as defined by the California Vehicle Code) on paths and trails. Municipal Code Chapter 10.48, adopted in 1983, prohibits the use of all “vehicles” off public highways and streets. It further defines vehicles to include motor vehicles, motorcycles, minibikes, dirt bikes, dune buggies, and any motor-driven cycle or vehicle. These prohibitions were established prior to advancement in electric technologies. Staff has prepared a new Draft Chapter 10.49 which suggests regulations for e-bikes and other devices.

Over the past decade, the popularity of electric bicycles (e-bikes) and other electric devices has grown substantially. This growth follows marked improvements in battery technology and an overall transition to EV transportation. Motorized wheelchairs, Segways, and similar mobility devices are regulated under a separate section of the California Vehicle Code (CVC).

In recent years, e-bike advocates have worked with manufacturers and government agencies to improve relations and general acceptance of e-bikes. The American e-bike manufacturers group led a successful effort to create three categories of e-bikes, including electric mountain bikes (eMTBs). This classification system was accepted by all manufacturers and has been adopted by 22 states, including California in 2016, which incorporated the classification system into the CVC. The e-bike classification system places strict requirements on e-bike design and capabilities along with a distinction between an electric bicycle and motorized bicycles/mopeds. The adoption of new CVC provisions prompted many local agencies to revisit and revise their policies for e-bike use on bike paths and trails, as they are no longer categorized by the State as motorized vehicles.

Under the CVC, Class 1 and 2 e-bikes are permitted on all trails and paths unless the local agency takes specific action to prohibit their use. Class 3 e-bikes are prohibited from all trails and paths by virtue of taking no formal action to permit their use. This study session is driven by the need to formalize the City's position on use of Class 1, 2 and 3 e-bikes and to modernize the Municipal Code to reflect the CVC and other changes in motorized devices. State Parks and San Mateo County have chosen to allow Class 1 and 2 e-bikes on their lands on the coastside.

On January 21, 2022, the Bicycle and Pedestrian Advisory Committee (BPAC) discussed e-bikes and reviewed early draft ordinances related to regulation of e-bikes and other electric/combustion driven vehicles. BPAC acknowledged the need to formalize the regulation of e-bikes on trails and paths. They supported establishing consistent regulation on the Coastal Trail, noting that Class 1 and 2 e-bikes are currently permitted with State Parks and San Mateo County portions of the Coastal Trail. They struggled with the use of Class 3 e-bikes on trails and paths (including the Coastal Trail) in the City and ultimately did not land a formal position. Four (4) people (non-City residents) spoke and commented during public comment period. Their comments focused on their desire to see no regulation of scooters, skateboards, mono-wheels and similar devices on City trails and paths (most notably the Coastal Trail).

DISCUSSION

In 2016, the State of California adopted a new classification system that no longer categorizes e-bikes as a "motorized vehicle". Given this change, and the recognition that e-bikes appeal to a growing demographic with physical limitations and represent an opportunity to reduce emissions along bicycle commute routes, many agencies are reviewing and making changes to their regulations.

While much of the focus is on e-bikes, the proliferation of other electric devices including scooters, skateboards, hoverboards and mono-wheels ("Boards") have become subject of debate in many jurisdictions. For example, electric scooter rental businesses have been the source of both positive and negative community response throughout California. Finally, residents have indicated concern about safety on the Coastal Trail with some indicating specific concerns about power Boards mixing with pedestrians and bicycles. The CVC includes some guidance on motorized Boards, but leaves the regulation/prohibition on paths and trails to local government. The only exception being given to Segways which are classified by the State as a "electric personal

assistive mobility device” or “EPAMD,” which has the same classification as motorized wheelchairs.

The CVC allows the use of Class 1, 2 and 3 e-bikes on public streets anywhere in the State. The State permits local agencies to decide where and under what conditions e-bikes are permitted on public paths and trails. E-bikes are not to be operated on any sidewalk. This provision generally applies to other powered devices as well.

Staff has prepared a draft New Chapter 10.49 (see Exhibit B) and conforming edits to Chapter 10.48 (see Exhibit A). A summary of possible alternatives follows.

Electric Bikes (E-Bikes)

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. American e-bike manufacturers created a classification system that designates three categories of e-bikes: Class 1, Class 2, and Class 3. This classification system and model legislation has been adopted by 22 states, including California (see Attachment 1). CVC descriptions of the three classifications is as follows:

- Class 1 electric bicycle: a “low speed pedal-assisted bicycle” with an electric motor that provides assistance only when the rider is pedaling, up to 20 mph.
- Class 2 electric bicycle: a “low speed throttle-assisted bicycle” that may be propelled exclusively with an electric motor (without pedaling) up to 20 mph.
- Class 3 electric bicycle: a “speed pedal-assisted electric bicycle” with an electric motor that provides assistance only when the rider is pedaling, up to 28 mph.

Class 1 e-bikes are the most traditional sense “electric assist”. Class 2 e-bikes are commonly consider “electric assist” bicycles due to low-speed throttle assist. Class 3 e-bikes tend to mirror mopeds or lower speed motorcycles given the throttle with no pedaling option and allowance of up to 28 miles per hour.

As previously noted, CVC section 21207.5 (b) prohibits the use of class 3 e-bikes on recreational trails and paths unless the public agency with jurisdiction chooses to specifically permit them and provides that a public agency may prohibit class 1 and 2 e-bikes on trails within the agency’s jurisdiction.

The BPAC has raised concerns about the speed of bicycles on trails and paths most notably the Coastal Trail. The Coastal Trail can become quite congested by a combination of pedestrians, bicycles and other devices. Staff and the BPAC have discussed a number of possible actions to improve function and slow bicycle/device speeds. Widening of the current trail is not an option given permitting requirements and anticipated relocation as part of climate adaptation strategy. Suggested options range from posted speed limits to “share the trail” messaging. The advent of electric bikes and devices has only exacerbated concerns on the trail; however, it is noted that human powered bicycles can exceed the speed of e-bikes. Staff believes that Class 3 e-bikes represent too significant of a risk on the Coastal Trail given congestion issues (similar to

determinations made by State Parks and San Mateo County. We are seeking policy direction regarding whether to permit Class 3 e-bikes on the Naomi Patridge and Eastside Parallel Trail. These trails/paths are generally less congested, but with new extensions, we can anticipate new pedestrian users which may not be compatible. Class 3 e-bikes will remain legal on Highway 1, 92 and City streets. Staff is planning to return to the BPAC in conjunction with implementation of this ordinance work to create a plan for the most congested portion of the Coastside Trail (between Poplar Street and Kelly Avenue).

Recommendation:

1. Direct staff to prepare an ordinance amending the Municipal Code to:
 - a. Permit Class 1 and 2 e-bikes on the California Coastal Trail, Naomi Patridge Trail, Eastside Parallel Trail and all other paths and trails (present and future)
 - b. Prohibit Class 3 e-bikes on the California Coastal Trail
2. Provide direction to staff on whether to permit operation of Class 3 e-bikes on the Naomi Patridge Trail and/or Eastside Parallel Trail.

Electric Mountain Bikes (eMTB)

Many bicycle manufacturers make e-bikes, but not all make electric mountain bikes or the eMTB version. An eMTB is functionally different from an e-bike (which is intended primarily for use on paved or improved surfaces) in that an eMTB is designed for the rigors of trail use. Typically outfitted with mountain-bike-specific technology, such as disc brakes, suspension, and a wide gear range, eMTBs like all e-bikes are electric-powered (not gas-powered), quiet, and emissions-free. Most eMTBs from major manufacturers are also categorized as Class 1 e-bikes.

Recommendation:

1. Direct staff to prepare an ordinance amending the Municipal Code to:
 - a. Permit eMT Bikes on the California Coastal Trail, Naomi Patridge Trail, Eastside Parallel Trail and all other paths and trails (present and future)
 - b. Prohibit any eMT Bike which is designed to Class 3 e-bike standards on the California Coastal Trail
2. Provide direction to staff on whether to permit operation of an eMT Bike which is designed to Class 3 e-bike standard on the Naomi Patridge Trail and/or Eastside Parallel Trail.

Other Devices (Scooters, Boards and Similar Devices)

Staff has prepared a draft ordinance which defines various other forms of electric devices including scooters, skateboards, hoverboards and mono-wheel devices. While there is no immediate need to regulate, staff is aware of community concerns regarding the operation of these devices on paths and trails, particularly the more congested portions of the Coastal Trail. The draft ordinance includes some initial options on regulation and prohibition. As noted previously, a few coastside residents voiced their concerns regarding regulation of “Other Devices”, notably skateboards and mono-wheel devices. Staff is seeking policy direction from the City Council. While possible to defer discussion and action on “Other Devices”, staff would

prefer to address within the new ordinance rather than process a separate ordinance at some future date.

Recommendation:

1. Direct staff to remove regulation of “Other Devices” from the draft ordinance. **If directed to remove, no further direction needed.**
2. Direct staff to include regulation of “Other Devices” from the draft ordinance.
3. If directed to include, staff offers the following possible options for consideration:
 - a. Prohibit “Other Devices” on the California Coastal Trail, but permit on the Naomi Patridge Trail and Eastside Parallel Trail; or
 - b. Prohibit “Other Devices” on the California Coastal Trail between Seymour Bridge and Kelly Avenue only; or
 - c. Prohibit “Other Devices” on all paths and trails in the City that are regulated by the City.

Conclusion. Since the City’s adoption of Municipal Code Chapter 10.48 in 1983, there have been major changes in technology for bicycles and Other Devices. E-bike usage is increasing and becoming a more attractive option for commute as well as recreational use. E-bikes popularity is evident with the State’s reclassification of moving it out of the motorized vehicle categories. The proliferation of electric “Other Devices” is changing the recreation landscape as well. Staff believes that now is the time to address changes to the California Vehicle Code (CVC) as well as in technology and clearly define allowable e-bike and Other Device usage on the City’s multiuse trails, including the Coastal Trail.

ATTACHMENTS:

1. Draft Ordinance Amending Chapter 10.48
2. Draft Ordinance Adding New Chapter 10.49
3. California E-Bike Law