

Marin Conservation League

**Electric Bicycle Policy for Marin’s Paved Multi-use Paths**

Adopted by the MCL Board, subject to minor edits (incorporated), July 12, 2019

The subject of electric bikes has been discussed by the Parks & Open Space Committee over the past year, and this draft policy, with input from previous discussions, was recommended on May 9 for action by the MCL Board. The MCL Board discussed the Draft on June 18 and agreed that it needed some minor revisions before adoption.

Background:

Marin County has been developing a network of paved routes to enable safe bike travel around the county for purposes of general transportation, intra and inter-county commuting, and recreation. Although many routes parallel existing roadways, the county enjoys substantial mileage of pathways that are separated from motor traffic. These shared-use or multi-use paths offer exclusive rights of way for road bicyclists and pedestrians (and equestrians on multi-use paths). **This policy applies to these multi-use pathways, as distinct from “natural surface” roads and trails in Marin’s open space and other public parklands.**

Multi-use pathways are owned and maintained by several different jurisdictions in Marin. A few examples include the Mill Valley-Sausalito Multi-use Path and Corte Madera Creek Path (Marin County Parks, or MCP), the Tiburon Linear Park pathway, and the Sandra Marker Trail (Corte Madera). Although not always consistent in design, they are paved or otherwise smooth surfaced, level for the most part, and generally wide enough and with adequate line-of-sight to enable safe travel by different modes, including road bike, foot, scooter, skate, and horseback.

They vary greatly in character and use, however. Tiburon’s path is used primarily by locals— joggers, families, and the old and slow; benches offer rest and views of the Bay. Fast moving cyclists are directed to use the bike lane parallel to State Route 131. The Mill Valley-Sausalito MUP connects several public amenities, such as a dog park, playing fields, school grounds, a retirement community and the Mill Valley Community Center. It is also a through-way for weekend cyclists, sometimes in groups. And it is a critical link for Horse Hill equestrians to reach all of the Southern Marin trails.

These facilities have gained substantially in popularity over the past few years. Programs such as Safe Routes to School promote them for safe bicycle travel to school. Locals use them for jogging, walking, with or without dogs. Commuters travel daily to San Francisco and beyond. On weekends, they are heavily used by recreationists, especially cyclists coming into Marin for a day of cycling. To promote courteous and safe behavior, a County partnership established the “Share the Path” educational program that appears as special signage, such as “Keep to the Right, Pass to Left” and “Look and Listen.” The partnership also hosts educational events and an educational web site (“sharethepathmarin.org”).

All bicycle travel is regulated under the California Vehicle Code (CVC ) 21200 VC, and violations of regulations can result in a citation and a fine. This applies to separated pathways (as described above) as well as to on-road bike routes, not discussed here. The public owner of a multi-use pathway, such as MCP, which owns the Mill Valley-Sausalito MUP, can establish specific regulations, such as lower speed limits for safety or resource protection, based on local conditions. As well documented, the 15 mph

speed limit on some of Marin's pathways is often violated. Experienced road bikers are capable of 20 mph and greater speeds. Enforcement varies and citations are few. Although injury accidents are infrequent, near-misses do occur and can diminish the experience of slower visitors/users, even displace them from the pathway. At all times, walkers, runners, and equestrians also need to observe "rules of the road" such as keeping to the right, and in their own self-interest, should be alert to bikes, even when they are traveling at posted speed limits .

### Regulation of electric bicycles in California

Since 2016, electric bicycles (e-bikes) in California have been redefined as "bicycles" rather than "motorized vehicles" under California 21200 VC. Therefore, the same rules apply to both e-bikes and human-powered bicycles on MUPs as described above. California designates three classes of e-bikes. Class 1 and 2 electric bicycles (with top assisted speeds of 20 mph) are allowed wherever regular bikes are allowed unless a sign specifically prohibits electric bicycles. Class 1 requires some pedaling assisted by battery-powered motor; Class 2 also requires pedaling, assisted by throttle power. Although Class 3 e-bikes (with top pedal-assisted speeds of 28 mph) have been observed, they are prohibited from multi-use bike paths unless allowed by local authorities. They require the rider to wear a helmet and may not be operated by people under age 16. As of January 2017, e-bike manufacturers and distributors were required to affix a permanent label that lists the bike's class, top assisted speed and wattage.

### Regulation of e-bikes on Marin Class I pathways

Over the past couple of years, as they have gained in popularity in the U.S., electric bikes have begun to appear on Marin MUPs. Under the umbrella regulation of the CVC, public owners of multi-use pathways, such as the Town of Tiburon or Marin County Parks, have discretion to determine what uses are safe for their facilities and, assisted by the County Sheriff, are responsible for enforcing regulations, including speed limits. With the exception of Tiburon and Marin County Parks, jurisdictions in Marin that own MUPs currently are either deferring to the CVC as the legal basis for regulation and allowing use of their facilities by Class 1 and Class 2 e-bikes, or are still considering e-bikes as motorized vehicles and regulating them as such.

Tiburon, with an e-bike rental shop on Main Street, has revised its code regulations to be consistent with the CVC, replacing "safe speed" signs with "15 mph." Marin County Parks staff has recommended that Chapter 10 Code language, which applies to multi-use pathways (but not Open Space Preserves), be revised to permit Class 1 and 2 e-bikes on MUPs (Class 3 in very limited areas), subject to regulation of speed and other conditions that apply to conventional road bikes. The BOS action is pending.

In all cases, it appears that e-bikes are being passively "permitted" to use most Marin county, city or town paths, subject to posted speed limits and any other CVC regulations that apply to bicycles in general (e.g., follow traffic signals, stop at stop signs, etc.).

### Arguments for and against MCL policy to support use of e-bikes on paved multi-use paths

E-bikes are an accepted form of transportation in Europe and Asia, the extension of a long tradition of bicycle commuting. They are gaining in popularity in the U.S. and in Marin. They are sold locally and/or rented to tourists and passively "accepted" by most jurisdictions. Not counting the e-bike industry, which has an economic interest, proponents cite the fact that long-distance bike commuters can

transition to e-bikes for a less arduous commute. Some have already done so. Locals are adopting them for short trips to decrease reliance on the automobile: e-bikes are touted as a clean-energy and healthy form of transportation. Parents use battery-assisted cargo bikes to carry young kids and/or groceries. Not always easy to identify as “different,” e-bikes are operated in much the same manner as the conventional road bikes with which they mingle.

Concerns have been raised that experienced road bikers who are capable of speeds of 20 mph and beyond already present a hazard – minimally a “surprise factor” – to slow-moving people on foot (or horseback) on popular pathways. Even 15 mph may not be a comfortable speed for passing! The Mill Valley-Sausalito MUP is the most heavily used in the County, hence the 10 mph limit through the congested Sycamore hub. An earlier accident prompted the cautionary signage and other measures to slow bikes. The Corte Madera Creek path also experiences heavy use by local walkers, joggers, and families, with more limited line-of-sight and width for passing. In both locations, the absence of consistent speed enforcement (observed anecdotally), combined with the ability for an e-bike to achieve 20 mph with ease, could multiply existing hazards. Furthermore, although e-bikes are required to be labeled by class, kits to equip or alter e-bikes are widely available on the internet, making enforcement of class much more difficult. Future technology is changing rapidly, and future performance is hard to predict.

#### Policy Statement

MCL recognizes that electric bikes can be a practical and enjoyable form of clean transportation for a variety of purposes, including commuting, local errands, family transport, recreation, and mobility for a wide age-range of riders. For the most part, Marin multi-use paths have been designed to safely accommodate a variety of travel modes, including walkers, joggers, equestrians, and cyclists, whether conventional or battery-assisted. Regardless of their capability to exceed the prevailing 15 mph speed limit, both conventional road bikers and e-bikers are expected to observe that regulation and further slow as crowded conditions may require.

However, because not all cyclists, regardless of their technology, can be counted on to observe such regulations or courtesies, nor can all people on foot or horseback be counted on to proceed with caution and keep to the right, MCL can support permitting e-bikes on multi-use paths only if there is strict enforcement of speed and safety rules. For example, if e-bikes are allowed on Marin County’s MUPs, rangers and/or deputy sheriff must monitor compatibility of these travel modes and enforce speed limits with citations and meaningful fines or other sanctions. In particular, Marin County Parks should track behaviors and report periodically to the Board of Supervisors and the public on the safe operation of its MUPs. Furthermore, if the cycling community and e-bikes sales and rental shops are promoting e-bikes, they should also commit time and resources in support of regulation and enforcement. If these precautions are not taken, MCL reserves the right to withdraw its support.