



MAMMOTH TRAILS COMMITTEE MEETING – Special Meeting

Monday, May 07, 2018 @ 5pm

Mammoth Lakes Library – Ellie Randol Reading Room

400 Sierra Park Road, Mammoth Lakes, California

www.mammothlakesrecreation.org | www.mammothtrails.org

NOTE: In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please call (760) 934-4932. Notification 48 hours prior to the meeting will enable MLR to make reasonable arrangements to ensure accessibility to this meeting. (28CFR 35.102-35.104 ADA Title II)

NOTE: All comments will be limited by the Chair to a speaking time of five-minutes.

ROLL CALL

Committee Members: Finlay Torrance, Dan Holler, Alan Jacoby, Elise Howell, John Mueller and David Page

PUBLIC COMMENT (On items not on the Agenda)

ADMINISTRATIVE ITEMS

1. E-Bikes

a. Discussion

- i. USFS/Alterra Mtn. Co. Class 1 E-bike Announcement
- ii. Types of E-bikes and California State Law – Attachment 1
 1. Class 1
 2. Class 2
 3. Class 3
- iii. Regulatory Framework for E-bikes
 1. Federal Policy
 2. Where are they permitted?
 3. USFS/TOML/Alterra Mtn. Co. Signage
- iv. Messaging and Outreach
 1. Unified TOML/Alterra Mtn. Co. messaging/symbology
 2. Education of “front line” employees
 3. E-bike Experience Map
- v. Monitoring and Enforcement



- b. Town Policy Process
 - i. Mammoth Trails Committee Meeting on May 7th
 - 1. Develop policy recommendation for modification of TOML Special Use Permit for multi-use-pathways in consideration of E-bikes.
 - ii. Town Council Meeting on May 16th
 - 1. Trails Coordinator to present to Town Council MTC recommendation.
 - 2. If Town Council agrees with the MTC recommendation, Town staff will work with USFS staff to modify the Special Use Permit for multi-use-pathways if required in order to implement the recommended E-bike policy.
- c. Action Requested
 - i. MTC to develop, approve and vote to recommend policy to Town Council

ADJOURNMENT

To the next meeting of the Mammoth Trails Committee which will occur on June 14, 2018 at 3 pm. I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted in the Mammoth Lakes Tourism & Recreation outside showcase not less than 72 hours prior to the meeting dated as May 07, 2018.

Matt McClain, MLR Executive Director

CALIFORNIA ELECTRIC BICYCLE POLICY



VEHICLE TYPE	VEHICLE		USER				BIKEWAY ACCESS			
	PEDAL OPERATED	MAXIMUM MOTOR-ASSISTED SPEED (MPH)	MINIMUM AGE (YEARS)	DRIVER'S LICENSE	LICENSE PLATE	HELMET	CLASS I BIKE PATH	CLASS II BIKE LANE	CLASS III BIKE ROUTE	CLASS IV PROTECTED LANE
BICYCLE 	YES	N/A	N/A	NO	NO	17 AND UNDER	YES	YES	YES	YES
TYPE 1 E-BIKE* 	YES	20	N/A	NO	NO	17 AND UNDER	YES	YES	YES	YES
TYPE 2 E-BIKE* 	NO	20	N/A	NO	NO	17 AND UNDER	YES	YES	YES	YES
TYPE 3 E-BIKE* 	YES	28	16	NO	NO	YES	NO	YES	YES	YES
MOPED 	NO	N/A	16	YES	YES	YES	NO	YES	YES	NO

*PENDING AB-1096



**File Code:** 2300; 2350; 7700**Date:****MAR 24 2016****Route To:****Subject:** Electric Bikes and Trail Management**To:** Regional Foresters

Electric bikes or e-bikes are growing in popularity and offer increased potential for quality recreation experiences, where determined appropriate, that connect people with enjoyment of their National Forests. Given the recent introduction of e-bikes as a use on National Forest System (NFS) land, questions have been raised by Forest Service units, recreationists, user groups, permit holders and law enforcement regarding appropriate routes and areas for this use. The intent of this letter is to provide current guidance on how to classify and manage e-bikes for determining where they are allowed to be operated on NFS lands. It also lays out possible opportunities to expand appropriate e-bike access to NFS lands through special designation routes and areas for e-bikes now and into the future.

The Forest Service recognizes that technology continues to rapidly change, including the design and capability of e-bikes and other related modes of travel. Monitoring of e-bike use for visitor safety, social issues, along with performance metrics and natural resource impacts will continue to develop and advance. As such, we as an agency remain open to potentially re-visiting and adjusting associated agency guidance if and as needed in the future.

As a starting point, certain applicable laws and relevant directives provide a foundational approach to current e-bike management:

The Forest Service's Travel Management Rule (TMR) and E-Bikes: The TMR defines "motor vehicle" as "any vehicle which is self-propelled, other than: (1) a vehicle operated on rails; and (2) any wheelchair or mobility device, including one that is battery-powered, that is designed solely for use by a mobility-impaired person for locomotion, and that is suitable for use in an indoor pedestrian area." 36 CFR 212.1. E-bikes have a motor, thereby are self-propelled, and are not covered by the exceptions in the definition. Therefore, e-bikes are motor vehicles and are subject to regulation under the TMR, which requires designation of National Forest System (NFS) roads, NFS trails, and areas on NFS lands for motor vehicle use. 36 CFR 212.51(a). Direction on e-bikes was included in a response in the *Federal Register* notice for the final over-snow vehicle rule. The response states: "New technologies that merge bicycles and motors, such as e-bikes, are considered motor vehicles under §212.1 of the TMR." 80 Fed. Reg. 4503 (Jan. 28, 2015).

Disability and Motorized Devices: Questions have been raised in relation to people with disabilities requesting use of e-bikes as an assistive device. The only exception for a person with a disability for use of a device that is self-propelled is if that device meets



both parts of the legal definition of a wheelchair or mobility device as defined above in 36 CFR 212.1 and also defined the same way in FSM 2353.05 as well as in 42 U.S.C. 12107. Under that definition, any device that is both designed solely for mobility for a person with disability and which is suitable for use in an indoor pedestrian area may be used anywhere foot travel is allowed. E-bikes are not solely designed for individuals who have mobility impairments and their suitability for indoor use would be highly questionable. Therefore, e-bikes do not qualify for an exception and may only be used where the Motor Vehicle Use Maps allows that use by all people. An e-bike remains a motor vehicle regardless of who is using it. It is essential that exceptions to TMR designations not be made. Restrictions on motor vehicle use that are applied consistently to everyone have been repeatedly found not to be discriminatory.

Section 504 of the Rehabilitation Act (29 U.S.C. 794): Requires programs on federal lands to provide “reasonable modification” of policies and procedures to allow the participation of qualified people who have disabilities. To be a qualified person the individuals must meet the same essential eligibility requirements for participation in that activity as does a person who doesn’t have a disability. However, no federal agency is to “fundamentally alter” the program in order to allow a person with a disability to participate. To allow a motorized device, that doesn’t meet both parts of the legal definition of a wheelchair, to be used on a route or in an area where use of that class of device is not designated would be a fundamental alteration of that program.

Other Power Driven Mobility Devices (OPDMD): In 2010, the Department of Justice released their Rule on OPDMD. An OPDMD is defined as any vehicle or device that is powered by batteries, fuel or other engines including those not primarily designed for people with disabilities. Under the OPDMD Rule, a person who has a disability is to be allowed to operate an OPDMD anywhere, unless that area has been previously determined not to be appropriate for use of that type of device/vehicle and the information as to what if any devices/vehicles may be operated in that location has been posted. The criteria within the Rule for such a determination includes the same parameters as were used for the Forest Service designations under the TMR. Therefore, the use of any OPDMD is limited to where the use of that specific type of device/vehicle is designated for use by all. It is essential that OPDMD exceptions not be made to the TMR designations.

Currently, e-bikes are allowed with the TMR designations for “Roads Open to All Vehicles”, “Trails Open to All Vehicles”, “Trails Open to Vehicles 50” or Less in Width”, and “Trails Open to Motorcycles Only”. In addition, new trail riding opportunities for e-bikes on existing non-motorized trails may be considered and designated as motorized trails by administrative units and ranger districts under travel management planning efforts, based on special vehicle class designations in accordance with 36 CFR 212.55. These motorized trail designation changes would involve appropriate environmental analysis, public participation and designation decisions that, once established, will be reflected on updated Motor Vehicle Use Maps in accordance with the TMR.

Technology continues to rapidly change, including the design and performance metrics of e-bikes. As such, the Forest Service will remain open to potentially re-visiting and adjusting associated agency guidance, if and as needed, in the future. The Washington Office Recreation, Heritage and Volunteer Resources staff members ready to assist you include Chris Spori, Travel Management Program Manager, cfspor1@fs.fed.us; Jaime Schmidt, Assistant Program Manager for Trails, jschmidt@fs.fed.us; and Janet Zeller, Accessibility Program Manager, jzeller@fs.fed.us.



JOE MEADE
Director, Recreation Heritage & Volunteer Resources

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
<http://www.blm.gov>

July 1, 2015

In Reply Refer To:
8340 (250) P

EMS TRANSMISSION 07/07/2015
Information Bulletin No. 2015-060

To: All Field Officials
From: Acting Assistant Director, Resources and Planning
Subject: Electronic Powered Bicycles on Public Lands

An electronic bicycle, also known as an e-bike, is a bicycle with an integrated electric motor. The Bureau of Land Management (BLM) classifies e-bikes as motorized vehicles, as defined at 43 CFR 8340.5 "(a) Off-road vehicle means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (1) any non-amphibious registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) vehicles in official use; and (5) any combat or combat support vehicle when used in times of national defense emergencies."

There is a great variety of e-bikes available and some can be used for mountain biking. Public interest in the use of e-bikes on Federal public lands is rising. As a transportation and recreation option, e-bikes represent an opportunity to reduce emissions, as they also appeal to a growing demographic with physical limitations to conventional bicycling. These factors contribute to a corresponding increase in interest and utilization on public lands. The BLM manages e-bikes similar to the U.S. Forest Service (FS). The FS manages e-bikes as a motor vehicle per their Travel Management Rule.

For more information or if you have questions about e-bikes, please contact Dennis Byrd., Outdoor Recreation Planner, Division of Recreation and Visitor Services (WO-250), at 202-912-7252 or by email at: DByrd@blm.gov.

Signed by:
Michael H. Tupper
Deputy Assistant Director
Resources and Planning

Authenticated by:
Robert M. Williams
Division of IRM Governance, WO-860