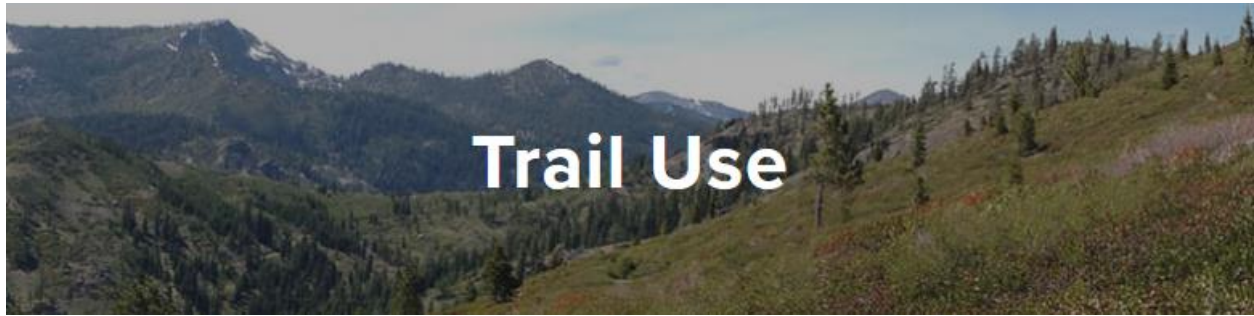


# INFORMATION



November 11, 2017

**Issue:** Tahoe Donner E-bike Policy



## E-bike Policy

On October 7, 2015 Governor Brown signed new law, A.B. 1096. As the new law reads, there are three classes to e-bikes with Class 1 and 2 provided the same access to lands and trails as bicycles. Class 3, which has a throttle, does not receive the same privilege or access. As such, Tahoe Donner Association's e-bike policy is as follows: Class 1 and 2 e-bikes are allowed on Tahoe Donner summer trails per California state law; however, Class 3 e-bikes are prohibited.

Please enjoy your e-bike safely, responsibly, and remember to yield to walkers and equestrians.

Link: <http://www.tahoedonner.com/recreation/trails/trail-use/>

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**Prepared By:** Megan Rodman, Executive Assistant

**Board Meeting Date:** November 18, 2017



# DECISION PAPER



November 8, 2017

**Issue:** E-bikes on Tahoe Donner trails

## **Background:**

This decision paper discusses the current status of the use of e-bikes on Tahoe Donner trails and makes proposals for change. The Board recently deleted a line item in the 2018 budget where TD management proposed to buy e-bikes for use by Bike Works customers.

The types of e-bikes at issue here are:

Class 1 – a bicycle equipped with a motor that provides assistance only when the rider is pedaling and Class 2 - a bicycle equipped with a motor that may be used exclusively to propel the bicycle

The motors on both of these classes of bicycles cease providing assistance when the bicycles reach speeds of 20 mph.

## Tahoe Donner's Rules

Tahoe Donner's covenants Rules (eff. May 1, 1997) prohibit motor-powered bicycles.

Under II. GENERAL COMMON AREA, OTHER ASSOCIATION-OWNED PROPERTY AND AMENITY RULES:

“Off-Road Vehicles. Snowmobiles, **motor-powered bikes**, all-terrain vehicles (ATVs), off-road motorcycles and off-road uses of any motorized vehicle is prohibited on Common Areas, and other Association-owned properties, except that the Association may use such vehicles in the furtherance of its operations.”

Tahoe Donner's Trails Master Plan (2013) restates the prohibition (pg. 3-8).

## Tahoe Donner's Website

Nonetheless, Tahoe Donner's website states the following under the heading “Trail Use”:

“E-bike Policy



# DECISION PAPER



On October 7, 2015 Governor Brown signed new law, A.B. 1096. As the new law reads, there are three classes to e-bikes with Class 1 and 2 provided the same access to lands and trails as bicycles. Class 3, which has a throttle, does not receive the same privilege or access. As such, Tahoe Donner Association's e-bike policy is as follows: Class 1 and 2 e-bikes are allowed on Tahoe Donner summer trails per California state law; however, Class 3 e-bikes are prohibited.

Please enjoy your e-bike safely, responsibly, and remember to yield to walkers and equestrians.”

## Discussion of the Conflict

Contrary to the above statement on TD's website, state law does not modify TD's covenants which govern use on TD's private property. Even if an argument could be made that the state law has some effect, California Vehicle Code Section 21207.5 permits a local authority to prohibit the operation of Class 1 and 2 electric bicycles on trails.

Some state parks, such as Trione-Annadel State Park near Santa Rosa ban the use of e-bikes on the park trails. The Mid-Peninsula Open Space District allows them only for persons with mobility challenges. The East Bay Regional Park District recently started a one-year pilot project allowing e-bikes on three of its many trails. The US Forest Service and the Bureau of Land Management prohibit e-bikes on the federal lands they administer.

The Tahoe Donner Board has not discussed whether it should amend the existing covenant rule to allow use of electric bikes on Tahoe Donner trails. TD's GM does not have the authority to permit activities that are prohibited by TD's covenants.

## **Recommendation:**

1. Remove the language on TD's website that states Class 1 and 2 e-bikes are permitted on TD trails.
2. Direct management to enforce existing covenants until such time as the rule is changed.
3. Schedule member meetings for a public discussion of the advantages and disadvantages of allowing e-bikes on TD trails.

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**Prepared By:** Jennifer Jennings, Board of Directors Secretary

**Reviewed By:** Jeff Connors, Board of Director President

**Board Meeting Date:** November 18, 2017

