

A photograph of a person riding a mountain bike on a dirt trail. The rider is wearing an orange jacket and black pants. The bike is white with teal accents. The background shows a clear blue sky and a hilly landscape.

PROPOSED OFF-ROAD VEHICLE RULE CHANGE, ELECTRIC BICYCLE REGULATION AND OTHER NOTED CHANGES

45-DAY NOTICE FOR ASSOCIATION PROPERTY OWNERS

LEARN MORE + PROVIDE FEEDBACK BY AUGUST 20 AT TAHOEDONNER.COM/OFF-ROAD-VEHICLE-NOTICE



TAHOE DONNER ASSOCIATION
11509 NORTHWOODS BLVD.
TRUCKEE, CA 96161

FOR MORE INFORMATION, VISIT
TAHOEDONNER.COM/OFF-ROAD-VEHICLE-NOTICE

Pursuant to Tahoe Donner Covenants and Restrictions Article III, Section 7, modifications to rules and proposed new rules must go out for 45-day member notification and comment period prior to Board of Director consideration and/or approval.

Changes to the Tahoe Donner Association Off-Road Vehicle Rule will be considered for action by the Board of Directors. The Board of Directors is expected to take action to adopt the proposed amendments, as they are presented here or with some modification, at the August Board of Directors meeting, to be scheduled for August 27, 2021. The Board welcomes any input the membership may wish to offer regarding this process.

BACKGROUND

Why are changes needed to what the association has now?

Electric bicycle (e-bike) use on the Tahoe Donner trail and fire road system ("trail system") is currently governed by the Off-Road Vehicle Rule. The current rule needs to be updated to address and clarify motorized and motor-propelled vehicle use on Association Common Area and other Association Real Property, which encompasses the trail system.

The proposed changes aim to address:

- Ambiguity of the existing rule language: Due to changes to state motor vehicle regulations and advances in bicycle technology, many members believe the existing rule is ambiguous regarding e-bikes. Daily staff interaction, feedback with members and guests on the trail and observation of e-bike usage attest to the apparent ambiguity.
- Modern terminology: The existing rule was adopted in 1997 and has not been updated in nearly 25 years to adjust to modern terminology of off-road and motorized vehicles, including but not limited to the growing trend of e-bikes.
- Changing needs of the membership: Through the e-bike regulation member outreach process

this year, themes of changing member needs and member experience when using the trail system were evident. This rule change is one piece of the management plan to improve and sustain the trail system and user experience.

Beginning in the fall of 2020, staff reported to the Board of Directors on the Off-Road Vehicle Rule as it relates to e-bike regulation. The current rule is neither tenable nor desirable because its language is ambiguous and the rule itself is out of sync with evolving bicycle technology and changing trail use. Additionally, the existing rule is a challenge to enforce because it is neither widely understood nor fully accepted as reasonable. In sum, the Off-Road Vehicle Rule language has become a barrier to management's ability to responsively address issues relating to advances in bicycling technology and evolving recreational demands.

Staff's opinion was that the rule should be evaluated and addressed prior to both the 2021 summer season and the completion and adoption of the Open Space and Trails Master Plan (a 2021 and 2022 Work Plan objective).

At the November 2020 Board meeting, management presented a formal and transparent process to review and evaluate e-bike use and regulation. This process included a robust outreach plan to engage the membership and obtain meaningful information to assist in the evaluation and decision-making process. Any rule change recommendation would be expected to be widely accepted, sensible, sustainable and built on an informed foundation.

With the Board's support, staff implemented the plan starting with an information campaign launched at the beginning of the year, followed by member outreach through forums, feedback forms and a survey. Management reported on the outreach process and touched on themes staff were seeing at the February 2021 Board meeting.

At the March 2021 Board meeting, staff presented their findings, which included a process summary, an e-bike regulation review and evaluation, a literature review, completed benchmarking, member survey results, themes from the forums and other relevant research. Staff also presented a spectrum of options for e-bike regulation at Tahoe Donner:

- Enhance the existing rule
- Amend the rule to allow for adaptive management
- Allow full access for e-bikes on all trails

The Board's feedback generally favored an adaptive approach to e-bike regulation, which would allow staff the flexibility to actively manage the trail system as use evolves. The Board supported staff drafting a rule to permit adaptive management of Class 1 e-bikes while excluding Class 2 and 3 e-bikes from the trail system.

For background on the existing rule and other important information on the e-bike regulation evaluation process, please visit tahoedonner.com/e-bike-rule.

How was the drafted Off-Road Vehicle Rule developed?

The process began in November 2020 in response to member and staff observations on e-bike use on the trail system. Staff has been actively engaging members since the initial member outreach in early 2021 and are working with the General Plan Committee's Trails and Open Space Subcommittee, third-party legal counsel and Tahoe Donner Board of Directors. During the member outreach, staff also conducted a survey of the membership, which provided insight into e-bikes and other trails issues.

In March of 2021, the Board directed staff to prepare rule change language while taking into consideration member outreach and Board of Directors' feedback. Over the last several months, staff has worked on various iterations of the draft rule with legal counsel and interested Trails and Open Space Subcommittee members. The result is the proposed changes to the Off-Road Vehicle Rule herein.

If this rule is adopted, what will e-bike access look like?

Pending the Board of Directors' approval of the proposed changes, Class 1 e-bikes will have authorization to utilize all fire roads and/or doubletrack trails. Any further access for e-bikes may be set forth in open space and trails policies.

PROPOSED MODIFICATIONS

The proposed changes to the Off-Road Vehicle Rule are as follows:

2.2 Off-Road Vehicles. *Snowmobiles; off-highway vehicles (e.g., ATV's, UTV's, SXS's); ~~motor-powered bikes, all-terrain vehicles (ATV's), off-road motorcycles; motorized bicycles (i.e. mopeds); Class 2 and 3 electric bicycles; motor-propelled scooters or boards; electric unicycles;~~ and off-road use of any ~~other motor-propelled~~ motorized vehicle is prohibited on Common Areas, and other Association-owned properties, with the following exceptions; ~~except that~~ **First**, the Association may use such vehicles in the furtherance of its operations. **Second**, golf carts are authorized for use on the golf course. **Third**, Class 1, 2 and Class 3 electric bicycles and motorcycles are allowed in Association parking lots. **Fourth**, mobility assistive devices for those medically certified as disabled are allowed. **Finally**, Class 1 electric bicycle usage is authorized on the Association trail and fire road system segments designated and regulated for their use through Association open space and trails policies.*

The California Vehicle Code definitions of any terms used here in, sections 406, 12804.9, 21113, 21207.5, and 24016 of, and to add Sections 312.5 and 21213 as adopted October 7, 2015, shall apply to any interpretation of this rule.

NOTE:

Red text signifies new or amended language
Strikethrough text signifies deletions

PURPOSE

The purposes of the proposed Off-Road Vehicle Rule changes are to:

- Clarify the regulations of electric bicycles on Tahoe Donner-owned property
- Update rule to include modernized terminology
- Update rule to address modern technological advances and changing recreational usage
- Address the changing needs of the Association members

EFFECT

The effects of the proposed Off-Road Vehicle Rule on homeowners are to:

- Expand prohibition of off-road vehicles to include utility terrain vehicles (UTV's), side-by-side vehicles (SXS's), motor-propelled scooters/boards and other motor-propelled vehicles
- Authorize Class 1 electric bicycle usage on trails and fire road system as designated and regulated by future Association open space and trails policies

KEY DATES

July 8, 2021: 45-Day Member Notification and comment period begins

July 23, 2021: Board of Directors meeting to hear additional member comment as a discussion item only

August 20, 2021: Deadline for member comments; must be submitted by 12PM

August 27, 2021: Board of Directors meeting to consider acting on proposed rule with or without modifications

HOW TO PROVIDE FEEDBACK

To ensure the Board of Directors has time to review all member comments, written comments must be submitted by 12PM on August 20, 2021.

Please submit written comments at tahoedonner.com/off-road-vehicle-notice or US mail: Tahoe Donner Association, Attn: Robin Bennett, 11509 Northwoods Blvd., Truckee, CA 96161.

PROPOSED ELECTRIC BICYCLE REGULATION

CLASS 1 E-BIKE



Low-speed, pedal-assisted bicycle equipped with a motor that activates only when the rider is pedaling and ceases to provide assistance when the bicycle reaches 20 miles per hour

POLICY-DRIVEN ACCESS

CLASS 2 E-BIKE



Low-speed, throttle-assisted bicycle equipped with a motor that may be used exclusively to propel the bicycle and ceases to provide assistance when the bicycle reaches 20 miles per hour (pedaling not required for electric assist when using throttle)

CONTINUED PROHIBITION ON TRAILS

CLASS 3 E-BIKE



Higher-speed, pedal-assisted electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and stops providing assistance when the bicycle reaches 28 miles per hour; operators must be 16 years or older and wear a helmet

CONTINUED PROHIBITION ON TRAILS