



STAFF REPORT

August 17, 2021

TITLE: Class 1 E bike Rule Change Analysis

RECOMMENDATION:

By motion:

To extend the member comment period for the proposed changes to the "Off-Road Vehicles" rule, as follows: Additional comments will be taken up to and at a September Board Meeting where the proposed changes to the "Off-Road Vehicles" rule will be considered by the Board.

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); 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 vehicle is prohibited on Common Areas, and other Association-owned properties, with the following exceptions. 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.

BACKGROUND:

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 road and trail system.

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. 45-Day Comment period began July 8 with a direct mailer to all members, extensive email reminders to provide feedback and inclusion in the September *Tahoe Donner News*. Nearly 250 comments were received through the feedback form.

ANALASYS



The following information addresses key dates, trail use restrictions, immediate use changes, and establishes a e-bike use policy for double track trails.

KEY DATES

- July 8, 2021: 45-Day Member Notification and Comment period began
- July 23, 2021: Board of Directors meeting to hear additional member comment, discussion only
- August 20, 2021: Deadline for member comment
- August 27, 2021: Board of Directors meeting to consider acting on proposed rule with or without modifications

IMMEDIATE EFFECT

As noticed to the members, 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 (see implementation and plan development detail below)**

IMMEDIATE ROAD AND TRAIL MANAGEMENT CHANGES

Because the rule is written to allow for Adaptive Trail Management, the Tahoe Donner Land Management Department will implement the following changes if the rule change is adopted.

- Effective immediately, allow class 1 electric bikes access to double track and fire roads (not single track).
- Sign and educate the membership on the rule change, continue trail etiquette education.
- Continue trails ambassador program and trails phase-1 pilot program
- Between 8/27/21-10/31/21: Implement at minimum six unadvertised double track and single track trail monitoring days to collect trail usage data including e-bike adherence to proposed rule change.
- Between 8/27/21-10/31/21: Install two trail counters and rotate locations to collect usage data on at minimum six double or single track trails.
- By 9/10/21: Release RFP seeking consultant to assist in updating the Trails and Open Space Master Plan.
- November 2021- June, 2022: Collaborate with consultant, TOS committee and membership to release an updated Trail Master plan by July 2022. This plan will define management of all recreational use on the Tahoe Donner double and single track trail system.

OUTREACH:

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.

MEMBER COMMENTS AND SURVEY RESULTS:



Comments (see Appendix B)

- 2020 Ebike Survey: <https://www.tahoedonner.com/wp-content/uploads/2021/02/2.2.21-Ebike-Survey-Summary-Report.pdf>
- 2019 Trails Survey: <https://www.tahoedonner.com/wp-content/uploads/2019/09/Trails-2019-Survey-Response-Summary1.pdf>

FISCAL IMPACT:

New trail monitoring will occur out of existing Operations trail budget. Costs associated with updating the TOS Master Plan may range from \$45,000-\$80,000 depending on response to RFP and scope of final contract and will be addressed in the 2022 budget process.

ALTERNATIVES:

- Modify specific language in the proposed rule change and or updated e bike policy (Appendix A)
 - If this were the direction and there were material changes, TDA would likely have to re-post the 45 day notice
- Leave 2.2 Off Road Rule as currently written.
- Leave 2.2 Off Road Rule change as currently written until an updated Trail Master Plan is adopted.

Prepared by: John Groom, 8/18/2021

Reviewed by:

General Manager Approval to Place on the Agenda: _____