



## STAFF REPORT

September 10, 2021

**TITLE:** Class 1 E bike Rule Change Analysis

### RECOMMENDATION:

By motion:

- 1) Approve the implementation of the proposed rule change to 2.2 Off Road Vehicles
- 2) Adopt interim trails policy that provides limited class 1 e bike access and extends adaptive management until completion of the updated Trails Master Plan (see Appendix A)

### 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. The 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*. Approximately 290 comments were received from July 8- Sept 13th.



## ANALASYS

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

## 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 postponed to extend member comment period
- September 1, 2021: Land Management Staff met with newly chartered TOS committee to collaborate on a potential interim trail management policy.
- September 17, 2021: Board of Directors meeting to decide on proposed rule change and adoption of interim management policy.

## 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**

## ROAD AND TRAIL MANAGEMENT CHANGES

Review of comments submitted during the extended 45 day notice period shows membership has a clear desire for improved e-bike management. Adaptive Management strategies were identified and adopted under the 2013 Trails Master Plan, "*Adaptive Management is a process of making slight adjustments to a system as needed to meet goals and objectives. Tahoe Donner management can utilize an adaptive system by engaging active trail users through a Trail Committee.*" On 9/1/21 the Director of Land Management and Trail Program Manager met with the newly chartered Trails and Open Space Committee to collaborate on an interim trail management policy (Appendix A). This interim policy is intended to provide for limited e-bike access and extend adaptive management strategies to improve experiences for all trail users. If adopted, this interim policy will provide management direction until Board adoption of the updated Trails and Land Management Master Plan.

Extended Adaptive Management Provides For:

- Improving the quality of individual users' experiences by separating competing use patterns on specific trails and two tracks. Examples, under extended adaptive management, Rawhide will remain equestrian and hiker only, Cinnamon Twist will remain bike and hiker only. Land management may seek opportunities to test hiker only trails?
- Terminating adaptive management without an updated master plan will revert all trails back to multiple use.
- A number of member comments identified concern with concentrating e-bike traffic onto dirt roads / two tracks. Extending Adaptive Management provides management the flexibility to restrict and expand uses in specific areas to potentially minimize user conflict.



## **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:**

Adopting the proposed 2.2 rule change has minimal fiscal impacts, such as signage changes, which can occur out of the existing operations trail budget. Costs associated with updating the TOS Master Plan will be determined based on response to RFP and scope of final contract. Staff will provide a summary of RFP responses at the October 22<sup>nd</sup> Board meeting.

## **ALTERNATIVES:**

- Modify specific language in the proposed rule change and or updated management 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, 9/10/2021

Reviewed by:

General Manager Approval to Place on the Agenda: \_\_\_\_\_