



January 8, 2020

Submitted via email to: OCParksCommission@ocparks.com

Michael Posey, Chair
OC Parks Commission
13042 Old Myford Road
Irvine, CA 92602

RE: Support for existing e-bike policy (Ordinance 18-022)

Dear Chair Posey and Commissioners,

I am writing on behalf of the Safe Trails Coalition regarding Agenda Item IV-B (e-bike policy) for the January 9, 2020 OC Parks Commission agenda. **We support the e-bike policy as it exists today (Ordinance 18-022)—without modification.**

As you may be aware, the Safe Trails Coalition was formed eight years ago by Audubon California; Friends of Harbors, Beaches and Parks; Laguna Canyon Foundation; Sea and Sage Audubon; and Sierra Club. Collectively and along with our more than 30 other supporting organizations, our focus is to find the balance between recreational needs and resource protection in our parks, preserves, and natural lands.

The United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) established a position on use of e-bikes in the Central-Coastal Natural Community Conservation Plan (NCCP)/Habitat Conservation Plan (HCP) and Southern HCP. The July 16, 2019 letter to the City of Irvine states:

“Because e-bikes are self-propelled by a motor, can easily travel at speeds generally prohibited on trails within the Reserve (i.e., in excess of 10 miles per hour), and have potential to dramatically increase the intensity of public use within the Reserve, we agree that they should be treated as recreational motor vehicles and, consistent with the NCCP/HCP Public Access and Recreation policies, their use prohibited within the Reserve.”

The Coalition concurs with the impacts relayed by the Service and Department. **We urge the Commission and OC Parks to follow this position and NOT allow e-bikes in the Plan Area.**

As OC Parks and the Board of Supervisors are likely aware, Orange County had the vision and foresight to develop California’s first-ever NCCP in 1996. These conservation plans offset environmental impacts from specific approved projects (development, infrastructure, etc.).

Many agencies, businesses, non-profits, and the residents spent years working on the plan itself and affirming in writing how the land would be managed. These uses were approved by the permitting agencies (USFWS/CDFW). To modify those land protections to accommodate a more intensive (not to mention motorized) recreational use now, would be a step backwards and jeopardize the integrity of the entire plan and conserved areas. This decision would be counter to the intent of the Plan.

Further, based on our analysis of the California Vehicle Code, local jurisdictions are allowed to determine whether or not, and where e-bikes may be used. OC Parks is wholly within its power to define the uses of e-bikes in its park system.

Section 21027.5 of the Vehicle Code states:

“(a) Notwithstanding Sections 21207 and 23127 of this code, or any other law, a motorized bicycle or class 3 electric bicycle shall not be operated on a bicycle path or trail, bikeway, bicycle lane established pursuant to Section 21207, equestrian trail, or hiking or recreational trail, unless it is within or adjacent to a roadway or unless the local authority or the governing body of a public agency having jurisdiction over the path or trail permits, by ordinance, that operation.

(b) The local authority or governing body of a public agency having jurisdiction over a bicycle path or trail, equestrian trail, or hiking or recreational trail, may prohibit, by ordinance, the operation of a class 1 or class 2 electric bicycle on that path or trail.”
(emphasis added)

Additionally, we know the issue of the Americans with Disabilities Act (ADA) has been raised. There is no mention in the Vehicle Code that the ADA issues can alter such regulations. Therefore, we again concur with the USFWS/CDFW letter about the United States Forest Services’ determination that e-bikes are “not solely designed for individuals who have mobility impairments and ... they do not qualify for a use exception in locations where motor vehicles are otherwise prohibited.”

Research on the issue of e-bikes brings to light other concerns—outlined in the attached article “Cheaper, Faster, Off-road E-Bikes Threaten Multi-User Trail Networks” (January 7, 2020). As the article explains, e-bikes are now blurring the line between e-bikes and motorcycles. They do not belong on “natural-surface” (dirt) trails, and instead belong on Off Highway Vehicle trails. With the speeds that can be achieved on an e-bike (32 MPH, per the article), this becomes a public safety issue for other park visitors on foot, bike, or horse.

We continue to encourage OC Parks to provide outreach to park visitors and e-bike users so that everyone understands the use, and permissible parks and locations. It may also be helpful to provide a flyer at the registration kiosk for e-Bike users (and others) to learn and understand the rules associated with this device.

Thank you for allowing the Safe Trails Coalition to provide substantive comments and support of the existing OC Parks e-bikes policy. Should you have any questions, please contact me directly at 714-928-8689.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Wellborn".

Michael Wellborn
Core Team Member

Attachment

cc:* Stacy Blackwood, OC Parks Director
Rory Paster, OC Parks Trail Coordinator
Jonathan Snyder, US Fish and Wildlife Service
David Mayer, CA Department of Fish and Wildlife

* letter sent by email

TUESDAY, JANUARY 7, 2020



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Cheaper, Faster, Off-Road E-Bikes Threaten Multi-User Trail Networks

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I lamented that the [Suru Scrambler](#) represented everything wrong with allowing electric-motorized bicycles on multi-user, natural-surface trails. Less than a year later, the E-bikes headed down the trail make the Suru look quaint in comparison. The [E-Cell Super Monarch AWD 1000](#) is a perfect example of an E-bike that is blurring the line between E-bikes and motorcycles.

The E-Cell Super Monarch AWD 1000 (AWD stands for All Wheel Drive) was recently [reviewed by the website Electrek](#). Their test states, "While the bike does come factory limited to 20 mph, it's simple enough to enter the display settings and unlock the top speed, that allowed me to reach up to 32 mph" and "They rate this bike as a 1,000 W machine (dual 500 W motors), but that's obviously continuous power, not peak power. Based on the power meter on the digital display, I could see my peak power hitting just shy of 1,500 W during acceleration." Yipes! A motorized vehicle with this speed potential and bushwhacking ability belongs on OHV (Off-Highway Vehicle) trails, not on a trail shared with families hiking along at 3 miles per hour.

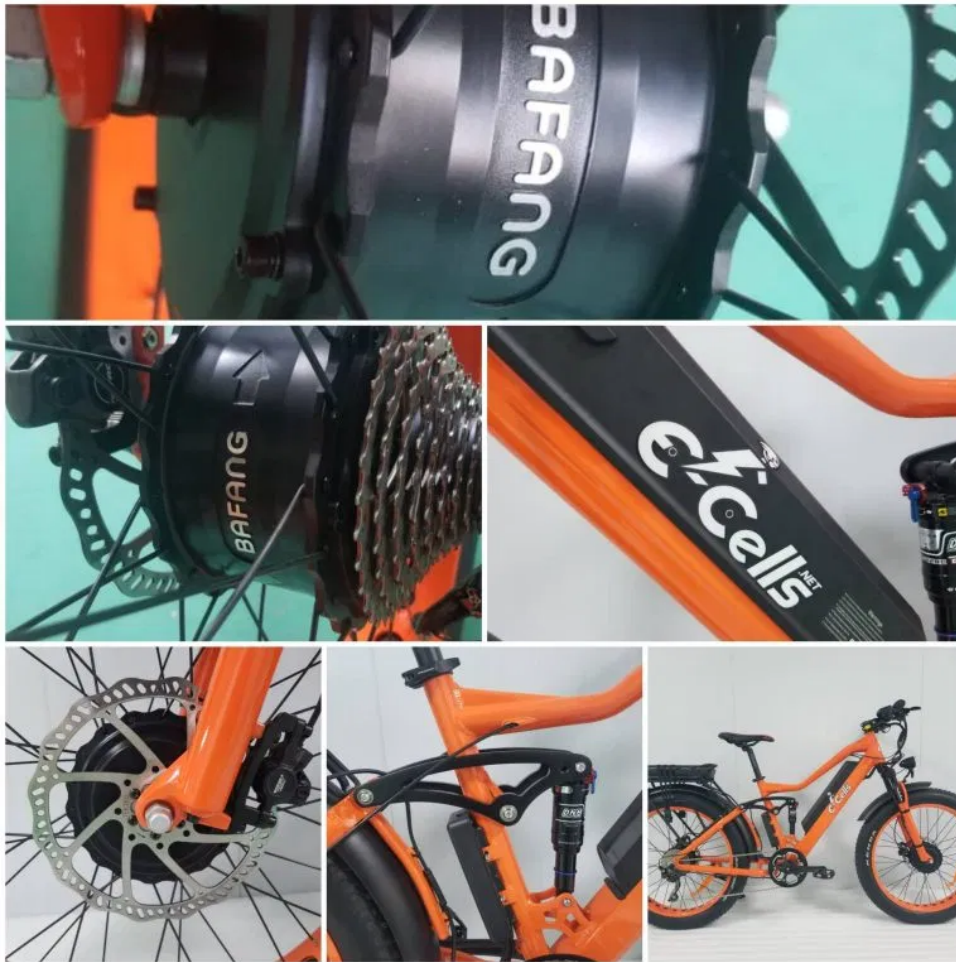
Manufacturers and E-bike trade organizations who have pushed for opening non-motorized, natural-surface trails to electric-motorized bikes will point out that the Super Monarch is a motorcycle because it exceeds their Class 3 E-bike definition. On paper, that's true. On the trail, the whole **E-bike class scheme is a sham** and everyone involved knows it except the clueless politicians adopting the boiler plate legislation.

E-BIKES HAVE THEIR PLACE

I don't hate E-bikes. I have never referred to E-bike riders as "cheaters." If I wasn't scared to death of riding to town on Somis Road (a notoriously dangerous road for cyclists with heavy truck traffic where shoulders are nonexistent or covered in mud), there would be an E-bike in my garage.

I don't even hate E-bikes designed for off-highway use. I recently **defended E-bikes** from a poorly-conducted study by Brigham Young University that concluded E-bike don't really assist their riders!

Still, the introduction of more bikes like the Super Monarch makes a great argument to get them off trails used for non-motorized activity. E-bikes are motorized vehicles that will only get faster and cheaper. They belong on trails designated for motorized activity.



The Super Monarch sells for the discounted price of \$3195 (notice how every E-bike seems to be on sale?). I find the single-crown fork and air shock questionable specs for a bike of this weight and speed potential.

About the author: Jim "Jimmy Mac" McIlvain was Editor of Mountain Bike Action Magazine, Motocross Journal, Road Bike Action Magazine and a contributing editor of Electric Bike Action Magazine. He has been used as a resource by land management agencies in developing e-bike and mountain bike policy. He welcomes **feedback or questions** from land management agencies, retailers and riders who deal with e-bike issues. The Jimmy Mac On Two Wheels website is self-funded.

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