



MARIN COUNTY
PARKS
PRESERVATION • RECREATION



OPEN SPACE DISTRICT
REGIONAL PARKS & PATHWAYS
COMMUNITY PARKS
LANDSCAPE SERVICES

Max Korten
DIRECTOR AND
GENERAL MANAGER

Marin County Civic Center
3501 Civic Center Drive
Suite 260
San Rafael, CA 94903
415 473 6387 T
415 473 3795 F
415 473 2495 TTY
www.marincountyparks.org

September 24, 2019

Marin County Board of Supervisors
Marin County Civic Center
San Rafael, California 94903

SUBJECT: MERIT HEARING FOR AN ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS AMENDING TITLE 10 CHAPTER 10.05 OF THE MARIN COUNTY CODE TO REVISE VEHICLE AND TRAFFIC REGULATIONS REGARDING USE OF BICYCLES AND ELECTRIC BICYCLES WITHIN MARIN COUNTY PARKS' PROPERTIES AND ON COUNTY MULTI-USE PATHWAYS AND TO AMEND TITLE 13 CHAPTER 13.24 OF THE MARIN COUNTY CODE TO UPDATE BICYCLE USE POLICIES FOR PUBLIC RIGHT-OF-WAYS

Dear Board Members:

RECOMMENDATION:

1. Open merit hearing to receive public comment on proposed amendments to Marin County Code Chapters 10.05 and 13.24.
2. Close public hearing.
3. Consider and approve ordinance amending Marin County Code Chapters 10.05 and 13.24.
4. Direct the Clerk of the Board to publish amended ordinance within 15 days of Board approval.

SUMMARY:

On Tuesday September 17, 2019 your board conducted a first reading of the proposed changes to the Marin County Code (MCC). The Marin County Code, as adopted by the Board of Supervisors, sets forth rules and regulations governing the county and is organized into multiple titles and chapters, including Title 10 (Parks) and Title 13 (Roads and Bridges). Title 10 contains regulations related to Parks facilities (not including Marin County Open Space District properties), while Title 13 contains regulations pertaining to county maintained public rights-of-way for which the Department of Public Works is responsible.

As of January 1, 2016, the State of California adopted a new definition for electric bicycles for the California Vehicle Code (CVC). The new code defines an electric bicycle (e-bike) as a bicycle with fully operable pedals and an electric motor of less than 750 watts. It also creates three electric bicycle classifications. State law allows local authorities and public agencies to regulate and/or prohibit the use of electric bicycles within their jurisdictions.

With limited exceptions, bicycle usage on public rights-of-way (streets/sidewalks) is regulated under the CVC. Marin County Parks' roads and multi-use pathways are not subject to the same limitations, thus Marin County Parks can establish specific rules, such as speed limits or usage restrictions, for facilities under its jurisdiction. Marin County Parks and the Marin County Department of Public Works are proposing revisions to the Marin County Code to address changes to the CVC pertaining to electric bicycles and to realign the respective sections of Title 10 and Title 13 in order to reflect each department's area of responsibility. The proposed changes will help to avoid confusion and any potential conflict in bicycle regulations for on-street facilities and off-street multi-use pathways.

Specific to the Title 13 changes:

Chapter 13.24, Bicycles, currently contains definitions and regulations for bicycles on roadways, sidewalks, and multipurpose recreational trails. Proposed amendments to Chapter 13.24 include the following:

- Instead of providing definitions for "Bicycle" and "Motorized Bicycle", the proposed language will refer to the CVC definition of bicycles, the various classes of electric bicycles, motorized bicycles, and motorized vehicles. The primary benefit of referring to CVC definitions is that the CVC sets the overarching regulations and enforceability for public roadways statewide, thus if definitions of mobility devices evolve over time, the County of Marin's related regulations will follow suit and remain enforceable.
- The section requiring compliance with the CVC remains, as it is applicable to bicycle usage on public rights-of-way. Additional language is added to refer to Chapter 10.05 as it relates to bicycle usage within our county parks or on county multi-use pathways.
- Language referring to bicycles on "Multipurpose Recreational Trails" and "Use of Trails" is deleted from this chapter and moved to Chapter 10.05.

Specific to Title 10 Changes:

Public use of county developed parks and designated multi-use pathways is governed by Title 10 of the MCC. Currently e-bikes are regulated under Title 10, Chapter 10.05 (Vehicles and Traffic Regulations) which includes Sections 10.05.010 (Motor Vehicles), 10.05.020 (Bicycles), and 10.05.040 (Speed Limits). A different section of the MCC (Appendix A) governs the Marin County Open Space District (MCOSD) preserves. E-bikes are not allowed on MCOSD lands except when used as an "Other Power-Driven Mobility Device" in accordance with the MCOSD Inclusive Access Plan.

Marin County Parks engaged the community and the Parks and Open Space Commission (POSC) during the process of updating MCC Chapter 10.05 as it pertains to e-bikes. Staff also communicated with Marin's cities and towns and other public agencies regarding the use of e-bikes within their jurisdictions.

After engaging and considering feedback from the POSC, members of the public and other agencies, staff is proposing revisions to MCC Chapter 10.05 which would allow Class 1 and Class 2 e-bikes on public roads and parking lots within County parks, and on paved designated county bicycle and multi-use pathways. Class 1 and class 2 e-bikes would also be allowed in other areas when specifically signed to permit them. Class 3 e-bikes will not be allowed within county owned park facilities,

except for on public roads and parking lots, or when specifically signed to permit them.

Proposed revisions to Chapter 10.05 were presented to the Parks and Open Space Commission on March 21, 2019. Commissioners, after deliberation and public testimony, voted unanimously to recommend approval of the suggested changes to your Board.

FISCAL IMPACT:

No fiscal impact.

REVIEWED BY:

- | | |
|--|---|
| <input type="checkbox"/> Dept. of Finance | <input checked="" type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input checked="" type="checkbox"/> N/A |

Respectfully submitted,



Chris Chamberlain
Assistant Director