

INFORMATION BULLETIN



FOR STATE PARK PEACE OFFICERS

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ELECTRIC BICYCLES

Public land agencies and municipal jurisdictions are currently facing many challenges with rapidly-evolving technologies. Drones have been an example of this, as have electric bicycles. Department headquarters and Districts have been receiving numerous public inquiries on the use of pedal-assist and electric bicycles, and this information bulletin is intended to help clarify some of the new laws and the Department's position on the subject.

Consider the current California Code of Regulations section:

§ 4360. Trail Use.

Unless designated by the Department, all trails are open to pedestrians and closed to all other uses. All allowable trail uses will continue as they are designated at the date of adoption of these regulations unless and until a change is made by order of the District Superintendent. The Department may establish speed limits for designated trail use for units or portions thereof. If established, these speed limits will be posted.

(a) Trails in Reserves and Preserves as defined in PRC Sections 5019.65, 5019.71 and 5019.74 may be designated for bicycle or equestrian use when the District Superintendent has determined that such use is important for public access to the area or to make important connections to other trails and where it has been determined that impacts to the resources for which the area was established will not be significant as defined in Public Resources Code Section 21068 and Section 15382, California Code of Regulations Title 14.

As stated in this section, trails are for pedestrian use only, unless opened to other uses by Superintendent's Posted Order (CCR 4326). Most, if not all, Districts have trails which have been opened to bicycle use under Posted Orders.

In October 2015, Assembly Bill 1096 was signed into law, which, among a few other things, defined some electric bicycles as "bicycles", which creates potential challenging scenarios for the management of multiple user groups on park trails.

Here is a link to the full Legislative Counsel's Digest on AB 1096:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1096

Among the legal amendments provided in AB 1096 was the addition of California Vehicle Code Section 312.5, which defined the following:

- An “electric bicycle” is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.
- A “class 1 electric bicycle,” or “low-speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- A “class 2 electric bicycle,” or “low-speed throttle-assisted electric bicycle,” is a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- A “class 3 electric bicycle,” or “speed pedal-assisted electric bicycle,” is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and equipped with a speedometer.

CVC § 21207.5 was amended to read:

- (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.*

If the Superintendent’s Order in a District states that trails are open to “bicycles,” then those trails are ALSO open to Class 1 and 2 electric bicycles (based on the CVC revision). While in some areas these bicycles may not prove to be an issue, in other areas electric bicycles may need to be restricted to protect public safety. Public Safety Superintendents are asked to analyze the issue within their Districts and suggest Posted Order changes accordingly.

While the Department has not taken a formal stance on this issue, it should be pointed out that the allowance of Class 2 electric bicycles on trails may create a precedent with regard to non-human powered devices that will be hard to reverse. Class 3 electric bicycles are prohibited from use on trails by the CVC, so that should not require any action within Superintendent Orders, but is important to note for officers encountering these electric bicycles on park trails. Class 1, or pedal-assisted electric bicycles may not pose as significant an issue in some areas that are already opened to bicycles, but this still requires District analysis.