

MEMORANDUM

TO: Open Space Board of Trustees

FROM: Dan Burke, Director, Open Space and Mountain Parks
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DATE: May 11, 2022

SUBJECT: Written Information: E-biking activity assessment

The purpose of this memo is to inform the Open Space Board of Trustees (OSBT) about the initiation of an assessment and process to consider e-biking on OSMP lands.

Current city policy necessitates Open Space and Mountain Parks (OSMP) to dispose of land along OSMP trails if/when e-bike use is provided or contemplated. Several years ago, when staff brought forward disposal needs related to e-bikes on paved, multi-use paths that traverse through OSMP, members of the OSBT at that time expressed a desire to limit or forego the disposing of Open Space as a means for accommodating e-bike use on these paths. Instead, there was the suggestion of utilizing management agreements, not disposals. However, unless there is a policy change, disposal action is needed if paths on OSMP are to allow e-bikes.

This upcoming assessment and process is intended to review the city e-bike policy and will enable consideration of alternatives to disposing of land, which staff had heard from the OSBT is not typically a preferred approach. This assessment is also related to the OSMP Master Plan as it envisions a connected network of local and regional trails (outcome RRSE.E: High Quality Trail Network) that support a range of passive recreation experiences (RRSE.6) and defines a strategy that encourages multimodal access to trailheads and leverages regional trail partnerships (strategy RRSE.4: Encourage Multi-modal Access to Trailheads). There also is growing interest in considering the use of e-bikes on regional trail connections to help meet the city's Climate Commitment goal by reducing the number of vehicle miles traveled to reach local trails, which would in turn help to preserve the ecosystems and habitats that make up OSMP.

Background – E-bike definitions and regulations

An e-bike is a bicycle with an integrated electric motor to help users achieve or maintain cadence with less effort. E-biking is an activity where participants are propelled by human power and low-powered electric-assist power. There are three classifications of e-bikes as detailed below which were established by State law (CRS § 42-1-102(58)) in 2017 when the definition of e-bikes was changed, and they were no longer classified as motor vehicles.

Class 1: Low-speed pedal-assisted electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 20 mph.

Class 2: Low-speed throttle-assisted electric bicycle equipped with a throttle-actuated motor, that ceases to provide assistance when the e-bike reaches 20 mph.

Class 3: Pedal-assisted electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the e-bike reaches 28 mph. Class 3 e-bikes are prohibited on all open space trails.

The City of Boulder underwent a process and has allowed e-bikes on certain hard-surface multi-use paths by local ordinance since 2013. This local ordinance continued to prohibit e-bike use on city open space lands and currently requires disposal of open space trails to allow e-bike use. Following the adoption of the local ordinance, OSMP staff, the OSBT, and Council considered and authorized the disposal of several noncontiguous OSMP parcels that were improved with paved multi-use paths segments integral to and interspersed throughout the greenway network intended to accommodate e-bikes. The disposal transferred management responsibilities to the City Transportation Department and Greenways program and authorized the city to allow e-biking use on these paths.

As mentioned above, State law (CRS § 42-1-102(58)) not only changed the definition of e-bikes in 2017, but also allowed class 1 and class 2 e-bike use on all multi-use paths and trails unless not allowed by local regulation. This was a reversal to regulations where e-bikes were previous not allowed unless specifically allowed by local regulation. This regulation change did not impact the city of Boulder since, as mentioned above, the city went through a designation process in 2013. However, this regulation change did impact other neighboring land management agencies the effects of which on OSMP are detailed in the Assessment Need section of this memo.

Assessment Need

City of Boulder open space lands are naturally linked with adjacent departmental lands in Boulder County (BCPOS) and Jefferson County (JCOS) coming together to form an interconnected open space system. Recent processes and regulation changes to allow e-bikes on open space trails by neighboring land management agencies and partners necessitates a review to address operational challenges on OSMP trails as well as to provide consistent and equitable visitor access across the regional trail system.

In November 2019, the Board of County Commissioners (BOCC) approved allowing class 1 and class 2 e-bikes on Boulder County open space trails on the plains where regular bikes are allowed, including regional trails and trails on open space parks, with certain exceptions. At the request of OSMP, Boulder County agreed to continue prohibiting e-bikes on select BCPOS plains trails that cross jurisdictional boundary with City of Boulder Open Space managed trails until OSMP re-evaluates its e-bike policy. These trails include the Coalton, Mayhoffer-Singletree, and Boulder Canyon trails.

OSMP did not request e-bikes be prohibited on the BCPOS portions of the LOBO regional trail because although the regulations do not provide for a consistent e-bike visitor experience, it is such a regionally important trail with a strong desire to allow e-bikes that while the inconsistencies were not ideal it was considered better than not allowing e-bikes at all. Another important consideration was that there are alternative (road) routes visitors can take to comply with OSMP regulations. We are also aware of concerns among area residents around biking along 71st and 79th Streets, the alternative road routes, and that they would prefer to access the OSMP Cottontail Trail.

As outlined in a written update to the OSBT in the Aug. 8, 2018 meeting packet, a staff commitment was made to Boulder County, City of Boulder Transportation and the OSBT to re-evaluate e-bikes on OSMP lands after the conclusion of the OSMP master plan finalized in September 2019, this assessment was delayed during COVID.

Since 2019, OSMP rangers have observed increased e-bike use on city open spaces that connect with regional and plains trails managed by other jurisdictions raising enforcement complications. Additionally, community inquires requesting a review of e-bike use on OSMP lands have increased since agency partners approved e-bike use on their lands. Many of the community inquiries are more generally related to the increasing popularity of e-biking for recreational purposes by an aging population of visitors interested in continued access to open space lands.

There are still some hard surface multi-use paths on OSMP lands that are interconnected with the city greenways network and regional trail system e.g. the Boulder Canyon Trail and South Boulder Creek path where there is a desire to allow e-bikes. There are also several regional trail feasibility studies underway by our agency partners that continue to present planning challenges regarding e-bike use on trails crossing jurisdictional boundaries. These include the Boulder to Erie Regional Trail (BERT), Colorado Front Range Trail (CFRT), and US 36/North Foothills Bikeway. The planning challenges are primarily associated with not knowing the future status of e-bikes on OSMP lands and therefore not being able to assess impacts and next steps, for example, determining if disposals would be required. It is extremely time consuming to work through these challenges at the project level and presents a level of uncertainty around these collaborative projects. Knowing the future status of e-bikes on OSMP lands will ensure efficient and effective use of staff time and help staff, the board and council, and community better assess the implications.

Process to consider e-biking

The scope of this assessment is to evaluate the use of e-bikes as an appropriate passive recreational activity and develop a staff recommendation on which trails, if any, are appropriate for e-biking, along with any other conditions to minimize their impacts including for example speed limits. There will be a community engagement window this summer to gather community input and there will also be a public hearing at the meeting when the board makes a recommendation later this fall.

During the BCPOS e-bike process, OSMP participated in a [*Literature Review of Recreation Conflict, and Bicycle and E-bike Research, Policies and Management*](#). This effort was cost-shared between four agencies, with OSMP contributing funds in anticipation of evaluating e-bike policy on city open space lands. OSMP is utilizing this literature review to help complete the e-bike activity assessment.

OSMP has begun assessing e-biking as a passive recreational activity this spring. In developing the staff recommendation, staff will use criteria developed as part of the 2005 Visitor Master Plan that includes 1) compatibility with other recreational activities, 2) compatibility with resource protection, 3) compatibility with existing facilities and services, and 4) their relationship to the natural setting. The activity assessment will guide the development of a preliminary staff recommendation for community input over the summer. An OSBT recommendation to Council is scheduled in the fall and Council action is anticipated to be complete by the end of the year or in early 2023. Below is an overview of the project milestones.

Spring	Summer	Early Fall	Late Fall/Winter
<ul style="list-style-type: none"> • OSBT written updates • Activity Assessment • Preliminary staff recommendation 	<ul style="list-style-type: none"> • Community engagement window • Open House meetings • Visitor intercept surveys with e-bike questions 	<ul style="list-style-type: none"> • Analysis of data/input • Refine staff recommendation (as needed) 	<ul style="list-style-type: none"> • Board input & refinement • Board recommendation • Council Action • Potential ordinance revisions

Next Steps

A written information memo to the OSBT will be provided in July to share the preliminary staff recommendation along with additional details around the community engagement window over the summer. The community engagement feedback received will be presented to the OSBT, along with a revised or confirmed staff recommendation in the fall for board input which will guide refinement of a final staff recommendation for board consideration of and a recommendation to Council by the end of the year.