



March 23, 2023

Marin Water Board of Directors
Marin Municipal Water District 220
Nellen Avenue,
Corte Madera, CA 94925

Dear Marin Water Board of Directors,

We, the undersigned, are writing to express our thoughts on Marin Water's (MW) Watershed Recreation Management Planning (WRMP) process, and to present our recommendations. Our working group has met over the last few months with members of like-minded organizations who share a long history of exploring Mt. Tam on foot or horseback. We are concerned about the future of the mountain and its watershed to continue serving its primary purposes: to provide clean water and protect biological diversity in the face of increased recreational pressures. We have actively participated in all WRMP community meetings, but feel that opportunities for full expression of our concerns have been limited. *Our voices represent the majority of visitors and advocates for protection of the watershed, even as a small minority of organized bike groups and the bicycle industry attempt to overwhelm and distort MW's policies and goals for the watershed. This letter is intended to send a strong message to the MW Board that the majority of visitors (and rate payers in most cases) support MW's primary mission to protect water quality and wild nature first, and that any recreational uses must be subservient to that mission.*

- We are united in our belief that the first priority of MW is to protect its waters and natural resources and acknowledge that all recreational visitors can have an impact on these resources. To that end, the vast majority of the watershed should remain free of roads and any new trails in order to preserve its wild nature.
- Second, we are united in our desire for all visitors, regardless of mode of recreation, to be able to enjoy a safe, stress-free, and mutually compatible experience on the watershed. To enable this, the staff should formulate a Visitor Code of Ethical Conduct, and mount a comprehensive educational effort, supported by strict enforcement, in order to promote a culture of compliance by all visitors.
- Third, we are united in our desire to be part of the solution, such as participation in volunteer patrols or by volunteering in habitat maintenance and restoration activities.

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- Fourth, we are united in our strong recommendation that there be adequate CEQA review of the WRMP, and any projects under the plan, so that the inevitable and significant *environmental and social* effects from a WRMP, likely to be in place for many years, are mitigated. The CEQA review process must address long term concerns regarding bikes on trails, night visitation, habitat fragmentation and visitor impacts on wildlife, including animals that may be basking in the sun, resting, traveling, foraging, and mating near roads and trails. (Many of us have witnessed newts, snakes, and other small creatures killed by visitors on roads and trails and we believe this should be quantified and mitigated.) In addition to the environmental impacts, social impacts from increased visitation, motorized and mechanical vehicle impacts on other users, and the capacity of MW staff to protect the watershed's resources (ranger staff, maintenance staff, budget funding, etc.) must be considered. We recommend that a site-specific study of impacts from all types of visitors be performed, including, for example, the capacities of ebikes to ride uphill on narrow trails and go off trail as two-wheeled all-terrain-vehicles, and the ability of all bikes to cover great distances and invade even the most remote and pristine MW areas.

Specifically, we recommend the following:

1. MW Staff should create a Visitor Code of Ethical Conduct that emphasizes not only respect for nature and the Mt. Tam watershed, but also guides legal, respectful behavior toward all other visitors and importantly, wildlife, who call the watershed home. This Code, which could be readily downloaded from any device, should comport with MW's Policy 7, be reinforced by education, enabled by clear signage on the watershed, and supported by a strategic enforcement program – all together, promoting a culture of respect for other visitors and compliance with rules. Pressure by all visitor groups (hikers, equestrian, dog walkers, and bike riders) on their peers to adhere to the Code would be a welcome, if voluntary, addition. Although serious injury accidents on the watershed are rare, the “startle effect” caused by a speeding bike on slow-moving visitors, especially at blind corners and on narrow restricted trails, is a daily occurrence on watershed roads and trails. Even conventional mountain bikers can be startled by an ebike speeding past on an uphill climb. Additionally, unleashed dogs can spook horses, and in the wrong place, horses can scare other visitors! These diminished recreational experiences are not acceptable.
2. We are aware that MW is facing a budget deficit, and the ranger staff has been trimmed in recent years from 13 rangers to 6, often with only one ranger on duty (plus Deputy Sheriff several days per week). *This underfunding of the ranger staff and lack of enforcement, as well as an unclear ebike policy set by the Board, has allowed for a significant amount of illegal behavior (not reflected in citations or citizen observation reports).* We support a budget structure that restores and sustains ranger staff that is better able to properly manage the behavior of the “bad actors” on the watershed and manage the growing number of visitors.

In reviewing MW Citation and Citizen Observation Report data from 2018 to present, we have drawn several conclusions:

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Citations:

- Parking citation categories are the bulk of enforcement (Of the 31 Citations possible, 14, or 45% have to do with parking, vehicle speeding, registration, etc.). From 2018 to current, (excluding non-payment of parking fees totaling 4350), there were a total of 1103 citations, and 604 (54%) were for parking and related issues.
- Contrast that to the *extremely low number* of citations issued for “Unsafe biking” (riding unsafely in certain situations and conditions) of 1, or .0009%, and bikes on trails over the same period: 123 citations or 11%.
- No citations for speeding on roads and trails by any visitor.
- Dogs off leash citations were 107 or 9%.
- There were no citations for equestrians.

Citizen observation reports, the data (total of 441 reports) shows complaints around:

- 37% illegal bike use
- 15% dogs off leash
- 12% bike speeding
- 8% recreational impacts
- 4% ebike use
- 0% equestrian

Recommendations to enhance visitor education and enforcement:

- We suggest that the parking patrol be contracted out so that rangers are freed up for their essential duties, which includes education and enforcement of visitor rules, among many others.
- Citation categories need clarity, e.g., what is “Unsafe biking”? Citations and citizen observation categories should relate more closely.
- Citizen observation categories need clarity, e.g., what are “Recreational impacts?”
- Speeding bikes, bikes on trails, unsafe biking, and dogs off leash are the top recreational issue categories for citizen complaints. It appears that rangers need more staff and time in the watershed and the direction of the Board to craft methods to enforce the code.
- Improved signage program throughout the watershed should be developed to better orient visitors about their location, post basic regulations and clearly identify acceptable and unacceptable activities, interpret the importance of natural resources, and identify and strengthen the consequences of law violation.
- Create new signage with a QR code, and in large letters, the phone number/email and text to file a Citizen Observation Report. Visitors should be encouraged to utilize the reporting function to assist Rangers with days, times, and types of issues and to create a record that can help measure behavior changes.
- Create a volunteer patrol sourced from all visitor groups, to monitor visitor activities, educate other visitors about the Code of Conduct as well as basic regulations, such as dogs on leash, and the sensitivity of natural resources all around them.
- Add more “Slow Zones” in the most popular areas on the watershed and indicate speed regulations of 10 mph maximum with 5 mph when approaching blind turns and others. (15 mph is standard.) Create bike lanes on popular roads so that people walking on foot or horse, can feel safe in “their lane”.

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- Make Eco-counters permanent and expand their use to provide needed information on visitor patterns. This information is needed for any adaptive management relating to recreational uses.
 - Utilize cameras in trouble zones and on decommissioned trails to inform ranger staff and improve enforcement. Coordinate enforcement with other land agency staff.
 - Create traffic calming measures on downhill fire roads and require all bike riders to use bells.
 - Create some form of a free visitor pass program that must be carried while on the watershed. It should have the Code of Ethical Conduct printed on it. The Code should be made available to all with a QR code on signage and as stand-alone signage.
 - Encourage all visitors to report behavior and property damage issues. Staff should report monthly to the Watershed Committee and annual and longer term data should be included to measure behavioral trends.
3. We recommend, as a high priority, that trails intersecting with other land agencies be reviewed and collaboratively evaluated for either joint maintenance and/or enforcement using additional tools, or jointly decommissioned and monitored using additional tools (a draft list is attached). This could lead to safer and more consistent experiences for visitors on contiguous public lands. Many of these intersecting trails, primarily the non-authorized, are heavily eroded in portions, such as the Happersberger Trail, which presents a “gaping wound” in the watershed. MW, in its RTMP, has identified the need to decommission non-authorized trails. Use of these non-system trails continues to fragment habitat for wildlife and cause soil erosion that impacts water quality, as well as impact safe visitation by slower moving visitors. We encourage MW to prioritize and provide the necessary funding for the restoration of the 70 miles of undesignated trails whose use is causing much resource damage.
4. We are aware that mtn. bikers and ebikers do not constitute a single “biking community”; they represent different styles and behaviors. They range from slower moving family and individual bike riders who are riding in a safe, legal manner, in contrast to “sport, competitive” bike riders trying to gain performance badges and hold Strava King of the Mountain (KOM) speed records on fire roads and trails, or seeking “technical” rides on steep, eroded, rocky, rooty (illegal) trails.

Many cyclists visit the watershed in a legal and respectful manner, but based on empirical information and Strava data, a large and growing cadre of cyclists ride on trails closed to bikes. As a consequence, these trails are now heavily damaged in significant portions, and, in some cases, unsafe for foot-traffic. Many cyclists ride habitually at night using automobile-equivalent light technology when the whole watershed is legally closed to public use. These riders also cross boundaries into other land agencies onto non-bike trails, increasing the negative impacts. And, finally, riding ebikes continues throughout the watershed despite their illegal status except under ADA exception.

Even with this level of non-compliance, most cyclists as a group believe they should have “more access” to narrow trails on the watershed, even claiming inequity. Given that all visitors, including cyclists, can opt to visit the watershed on foot, this claim is untrue. Tamarancho, Stafford Bike Park, China Camp State Park, Rush Creek and Ponti Ridge Trail, and numerous other open spaces and parks in Marin can offer many miles of trail

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experiences for mountain bikes. We believe that until the bike community as a whole demonstrates adherence to rules, it is not appropriate, if ever, to offer up any new trail opportunities on the watershed.

In the coming year(s) cyclists will have the new multi-use Azalea Hill/Liberty Gulch trail to connect to the Pine Hill area. We recommend that this new multi-use route be closely monitored for appropriate/legal behavior, and the new hiker-equestrian trail over Azalea Hill be monitored as well to ensure that bikes are not riding on that trail. Until MW can demonstrate that bikes can share fire roads and this new “trail” without alarming hikers, runners, and equestrians concerned with safety and tranquility on the trails and roads, we will oppose opening any existing trails to accommodate bikes. We also dismiss the idea of one-way or alternate days of use for bikes on trails as unenforceable. The District, bike organizations, and the bike industry, need to take steps to **ensure** that bicyclists adhere to the rules and a code of ethical conduct.

Because bike riders and their bikes are not identified, they are not easily held to account. Based on the impacts of bike riders (speed and riding on system and non-system trails, etc.), we strongly recommend that all bike riders/bikes be registered and display a permit number below their saddle to enable ranger enforcement, and more peer pressure and citizen reporting.

MW needs to send an important message to the public and to bike owners, bike retail outlets, etc. that illegal and risky behavior will not be tolerated on MW. The Board and staff need to demonstrate political will and provide a special enforcement team and tools to back it up. One only needs to review the marketing blitz by mtn. bike and ebike retail players and the corporate industries that support them. For example, in a recent IJ ‘Outdoors’ Magazine, inserted within the Sunday IJ, there is an article on e-bikes which sounds like an invitation to ride on the watershed, calling it the “Crown Jewel” of Mtn. Biking in Marin. The article refers to MW considering a 3 year trial of allowing e-bikes access to roads.

We are extremely concerned that this kind of promotion is going on and call for MW to counter this statement in writing to all those who may have read this article. Outreach should extend to bike shops throughout the bay area. Frankly, this kind of promotion of ebike riding, essentially motorized bike riding, will likely diminish the experience for the vast majority of other visitors to Mt. Tam as slower visitors lose the precious ability to experience tranquility and security on the watershed, and are displaced from their favorite trails.

5. To the Points 2 and 3 above, the following hiker/hiker-equestrian trails need immediate enforcement attention:
 - Happersberger Trail
 - Y2K Trail (aka, the Carey Camp Trail)
 - Benstein, Rock Springs
 - Portrero Meadows
 - Matt Davis
 - Little Carson Falls (aka, the Nail Trail)
 - Split Rock system

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- New Paradigm Trail
- Northside Trail

In conclusion, we recognize that it is challenging for the District to manage the watershed for a variety of passive and legal recreation modes. MW's Mission is to provide clean water and protect its other natural resources. **A whole new reset is needed, with a reordering of priorities and shifts in the discussion: MW watershed is not a recreational "park"; it is a "watershed" meant to protect the biodiversity and natural resources for existing and future generations.**

With sincere appreciation,

Working Group for Responsible MW Watershed Visitation,
(In alphabetical order):

Jonathan Braun

Linda Bolt

Geoff Bolt

Kim Burgraff

Wendy Dreskin, Instructor, College of Marin Hiking Class

Foot People

Robert Freinkel, informal representative of multiple hiking groups

Friends of Elliott Nature Preserve

Marin Conservation League

Marin Horse Council

Linda Novy

Pamela Reaves

Larry Scheibel

Rene Voss, Managing Attorney Natural Resources Law

Tamalpais Conservation Club

Watershed Alliance of Marin

Bryon Wilson

Cc: Shaun Horne, MW Natural Resource Program Manager

Attachments: MCL policies re: roads and trails, e bikes; list of MW trails/roads intersecting with other jurisdictions

MCL Road and Trail Policy for Marin Public Lands and Open Space

Adopted March 17, 2015; Revised and adopted May 16, 2017; Revised and adopted January 15, 2019

Preamble:

Marin County contains a wealth of public open spaces and parklands. Roughly half the county consists of federal or state parkland, public watershed lands, county open space, and community-owned open space. Some of the lands are former ranches; many are relatively pristine. In either case, they include a rich diversity of plant communities and fish and wildlife habitats as well as cultural and scenic values, and they are managed for the most part in a “natural” state.

More than 600 miles of old ranch roads, fire roads, and trails provide recreational access to these public lands, many of them continuous across jurisdictional boundaries. As a consequence, Marin attracts millions of visitors annually, both local and from elsewhere, who relish the opportunity to experience nature safely and in a variety of ways. Visitors walk, study the natural world, hike, ride horse-back, jog, bicycle, and exercise their dogs. Even with diligent park management, heavy recreational use and trends toward increased and more active use threaten the health of the resources that we treasure and the quality of the experience we seek. The challenge is how to allow for different recreational activities on Marin’s roads and trails without compromising vegetation and wildlife habitats, other natural and cultural resources, or the quality of experience sought by visitors.

Definitions. The term “trails” in this policy comprises natural surface roads that serve as fire and emergency access, multi-use recreational trails, and narrow foot paths. A narrow trail or foot path (also called single-track) can vary in width from 12 to 24 inches and in most cases is not safe for shared use by bicycles and people on foot or horseback. A multi-use trail should be either wide enough (minimum 5 to 6 feet) or, if narrower, with adequate sight-lines and low gradient, to accommodate safe shared use by pedestrians, bicyclists, and equestrians with adequate room for passing. Recently built dual-use (hiker-biker) trails are constructed with an approximate 48-inch bench. A fire road is by definition wide enough to safely accommodate emergency vehicles as well as all recreational visitors.

Roads and trails serve many recreational functions on public open space: traveling from one place to another (connectivity), recreation and socializing, exercise and stimulation, access to sites of ecological, cultural, or scenic interest, and opportunity to experience aesthetic values, solitude, and connection with nature. Visitors use different modes to carry out these activities: slow walk, often with a dog, vigorous hike, jog, run, walk or trot (horse), and ride (mountain bike) at varying speeds from slow/moderate to fast, consistent with speed regulations.

Goals and Recommendations.

MCL’s primary goals in supporting the management of Marin’s road and trail networks are to avoid adverse impacts to natural resources due to recreation, ensure that the natural environment and the plants and wildlife it sustains will persist into the future, and assure users of their safety and well-being on all roads and trails. To achieve these goals, MCL recommends the following:

1. New trails, including substantial renovation of existing trails. Illegally-built trails are by definition prohibited. MCL discourages the construction of new trails in Marin's public and open space lands because of the existing high density of roads and trails. Construction of a new trail or realignment of an existing road or trail into previously undisturbed land can have adverse impacts, such as damaging plants and fish and wildlife habitats, including sensitive resources, and promoting invasion of non-native plants. These impacts are difficult to fully mitigate. Under limited circumstances, decommissioning an existing degraded non-system trail could partially mitigate the impacts of new construction. If a new trail is proposed, or an existing trail undergoes substantial renovation and/or realignment, the alignment, design and construction should minimize impacts, as follows:

- Use existing ranch roads or fire roads wherever possible, modifying for steepness through gradient reduction or other design mechanisms to control speed, and, if narrowing to multi-use trail width to reduce erosion, maintaining adequate sight lines and ensuring that slower moving visitors have room to step out of the path of faster travel;
- Avoid riparian corridors, stream crossings, wetlands, known wildlife corridors, and habitats of endangered and other sensitive species, such as woodlands harboring Northern spotted owl, serpentine areas with rare plants, native grasslands, etc; establish adequate buffers between the trail and adjacent habitats, make an effort to consolidate rather than fragment wildlife habitats, design trail margins to prevent off-trail activity, and employ best management practices;
- Minimize the need to remove native trees, other major woody vegetation, and sensitive perennials;
- Design roads and trails to prevent erosion, sedimentation, and other impacts to wetlands and water courses;
- Note locations of source populations of invasive plants, take measures to avoid spread into new areas, and monitor post-construction for such species at frequent time intervals and take remedial action as necessary;
- Provide for public input well in advance of proposed projects and appropriate environmental review under CEQA of land management decisions, with opportunity for public comment.

2. Managing conditions on existing trails. Roads and trails undergo wear and tear with use over time and can expose adjacent lands and habitats to damage. Maintenance of existing trails should include the following:

- Correcting drainage, slope, and tread (trail surface) conditions that can lead to erosion and sedimentation;
- Maintaining as-built tread widths by regular brushing and dressing;

- Repairing off-trail damage, including gradual widening of tread into adjacent vegetation due to side-stepping wet or muddy trails, creating “eye-brows” (bike-riding up the sides of adjacent slopes and road cuts), wearing down side-slopes and bench cuts to create banked turns, and cutting across switchbacks;
 - Closing vulnerable trails and roads during wet weather to avoid both rutting and trail side-stepping;
 - Decommissioning steep, erodible, non-sustainable “social” trails;
 - Restricting access to nesting or breeding areas during appropriate seasons;
 - Monitoring for new occurrences of invasive plant species and responding rapidly (“early detection/rapid response”), with removal and control, and where appropriate, revegetation with native species and regular follow-up to prevent spread of invasives;
 - Monitoring for dog waste and litter, and removing it.
3. Use Guidelines. Under all conditions, the protection of habitats and safety and well-being of all visitors must be paramount. All visitors share in the responsibility to protect vegetation and wildlife, maintain safe and sustainable trails, and be courteous to other visitors. Trails should be designed and their use managed according to the following guidelines:
- All visitors should stay on established trails, should not go cross-country or cut corners, and should not walk or ride on the shoulders of trails unless clearly designated for use;
 - Visitors should be strongly discouraged from night-time activity in open space, including use of bright lights, which, as demonstrated by published research, is disruptive to natural foraging and breeding habits of nocturnal and twilight-active wildlife;
 - Visitors should respect the natural sound-scape of open space and wild lands, for the benefit of wildlife and other visitors;
 - All visitors should pack out litter and dog waste;
 - All visitors should follow suggested YIELD protocols and be mindful of other users; and
 - All visitors should obey safety rules as prescribed by various land management agencies and observe “trail etiquette.” At a minimum . . .
 - Bicycles should be allowed only on ranch/fire roads and on trails specifically designed for safe shared hiker-biker or multi-use, which includes equestrians;
 - Bike-racing and technical and downhill riding are not acceptable on public lands roads and trails;

- Bicycle riders should obey speed limits of 15 mph maximum, slow to 5 mph or less when going around blind curves or approaching pedestrians, and in all cases ride no faster than conditions warrant;
 - When approaching equestrians, bicyclists and hikers should slow, alert the rider in advance by using a voice or bell, stop and ask the rider for direction to pass safely; the voice request will assure the horse that the biker or hiker is “human” and therefore not a predator;
 - When approaching people on foot, bicycle riders should slow and signal their approach by use of voice or a bell, and proceed at low speed;
 - Equestrians should familiarize their horses and themselves with multi-use trail riding, know how to direct others to pass , and be prepared for the possibility of surprise encounters that may frighten their horses (e.g., cyclists, dogs, back-pack wearing hikers);
 - Walkers with dogs should stay off prohibited trails where posted and keep dogs on six-foot leash wherever a leash is required;
 - Horse-back riders should stay off prohibited trails where posted and minimize vegetation disturbance when going off-trail to rest or water their horse;
 - In the interest of personal safety, all visitors, regardless of mode, should avoid wearing ear-buds in both ears while traveling on open space roads and trails; and
 - Only bicycles that are entirely human-powered should be permitted on natural surface roads and trails in public lands – i.e., electric-assist bikes should be permitted only on facilities that permit motorized vehicles, except when employed as Other Power-driven Mobility Devices (OPDMDs) by visitors with legally recognized mobility disabilities and operated according to Disabled Acces regulations under the ADA.
4. Enforcement of visitor regulations. Compliance with rules and guidelines depends heavily on cooperation and mutual respect of all users as well as respect for the natural environment. MCL supports funding land management agencies at levels which provide adequate personnel to educate visitors on appropriate use of open space. In addition, agencies should monitor trail usage and rigorously enforce regulations by strategic use of LiDar or cameras, patrol areas of high incident or trail abuse reports, impose meaningful sanctions on violators, record public incident reports submitted by phone, e-mail, or website, and maintain a readily accessible database of both ranger reported violations and other incidents.

Marin Conservation League

Electric Bicycle Policy for Marin’s Paved Multi-use Paths

Adopted by the MCL Board, subject to minor edits (incorporated), July 12, 2019

The subject of electric bikes has been discussed by the Parks & Open Space Committee over the past year, and this draft policy, with input from previous discussions, was recommended on May 9 for action by the MCL Board. The MCL Board discussed the Draft on June 18 and agreed that it needed some minor revisions before adoption.

Background:

Marin County has been developing a network of paved routes to enable safe bike travel around the county for purposes of general transportation, intra and inter-county commuting, and recreation. Although many routes parallel existing roadways, the county enjoys substantial mileage of pathways that are separated from motor traffic. These shared-use or multi-use paths offer exclusive rights of way for road bicyclists and pedestrians (and equestrians on multi-use paths). **This policy applies to these multi-use pathways, as distinct from “natural surface” roads and trails in Marin’s open space and other public parklands.**

Multi-use pathways are owned and maintained by several different jurisdictions in Marin. A few examples include the Mill Valley-Sausalito Multi-use Path and Corte Madera Creek Path (Marin County Parks, or MCP), the Tiburon Linear Park pathway, and the Sandra Marker Trail (Corte Madera). Although not always consistent in design, they are paved or otherwise smooth surfaced, level for the most part, and generally wide enough and with adequate line-of-sight to enable safe travel by different modes, including road bike, foot, scooter, skate, and horseback.

They vary greatly in character and use, however. Tiburon’s path is used primarily by locals— joggers, families, and the old and slow; benches offer rest and views of the Bay. Fast moving cyclists are directed to use the bike lane parallel to State Route 131. The Mill Valley-Sausalito MUP connects several public amenities, such as a dog park, playing fields, school grounds, a retirement community and the Mill Valley Community Center. It is also a through-way for weekend cyclists, sometimes in groups. And it is a critical link for Horse Hill equestrians to reach all of the Southern Marin trails.

These facilities have gained substantially in popularity over the past few years. Programs such as Safe Routes to School promote them for safe bicycle travel to school. Locals use them for jogging, walking, with or without dogs. Commuters travel daily to San Francisco and beyond. On weekends, they are heavily used by recreationists, especially cyclists coming into Marin for a day of cycling. To promote courteous and safe behavior, a County partnership established the “Share the Path” educational program that appears as special signage, such as “Keep to the Right, Pass to Left” and “Look and Listen.” The partnership also hosts educational events and an educational web site (“sharethepathmarin.org”).

All bicycle travel is regulated under the California Vehicle Code (CVC) 21200 VC, and violations of regulations can result in a citation and a fine. This applies to separated pathways (as described above) as well as to on-road bike routes, not discussed here. The public owner of a multi-use pathway, such as MCP, which owns the Mill Valley-Sausalito MUP, can establish specific regulations, such as lower speed limits for safety or resource protection, based on local conditions. As well documented, the 15 mph

speed limit on some of Marin's pathways is often violated. Experienced road bikers are capable of 20 mph and greater speeds. Enforcement varies and citations are few. Although injury accidents are infrequent, near-misses do occur and can diminish the experience of slower visitors/users, even displace them from the pathway. At all times, walkers, runners, and equestrians also need to observe "rules of the road" such as keeping to the right, and in their own self-interest, should be alert to bikes, even when they are traveling at posted speed limits .

Regulation of electric bicycles in California

Since 2016, electric bicycles (e-bikes) in California have been redefined as "bicycles" rather than "motorized vehicles" under California 21200 VC. Therefore, the same rules apply to both e-bikes and human-powered bicycles on MUPs as described above. California designates three classes of e-bikes. Class 1 and 2 electric bicycles (with top assisted speeds of 20 mph) are allowed wherever regular bikes are allowed unless a sign specifically prohibits electric bicycles. Class 1 requires some pedaling assisted by battery-powered motor; Class 2 also requires pedaling, assisted by throttle power. Although Class 3 e-bikes (with top pedal-assisted speeds of 28 mph) have been observed, they are prohibited from multi-use bike paths unless allowed by local authorities. They require the rider to wear a helmet and may not be operated by people under age 16. As of January 2017, e-bike manufacturers and distributors were required to affix a permanent label that lists the bike's class, top assisted speed and wattage.

Regulation of e-bikes on Marin Class I pathways

Over the past couple of years, as they have gained in popularity in the U.S., electric bikes have begun to appear on Marin MUPs. Under the umbrella regulation of the CVC, public owners of multi-use pathways, such as the Town of Tiburon or Marin County Parks, have discretion to determine what uses are safe for their facilities and, assisted by the County Sheriff, are responsible for enforcing regulations, including speed limits. With the exception of Tiburon and Marin County Parks, jurisdictions in Marin that own MUPs currently are either deferring to the CVC as the legal basis for regulation and allowing use of their facilities by Class 1 and Class 2 e-bikes, or are still considering e-bikes as motorized vehicles and regulating them as such.

Tiburon, with an e-bike rental shop on Main Street, has revised its code regulations to be consistent with the CVC, replacing "safe speed" signs with "15 mph." Marin County Parks staff has recommended that Chapter 10 Code language, which applies to multi-use pathways (but not Open Space Preserves), be revised to permit Class 1 and 2 e-bikes on MUPs (Class 3 in very limited areas), subject to regulation of speed and other conditions that apply to conventional road bikes. The BOS action is pending.

In all cases, it appears that e-bikes are being passively "permitted" to use most Marin county, city or town paths, subject to posted speed limits and any other CVC regulations that apply to bicycles in general (e.g., follow traffic signals, stop at stop signs, etc.).

Arguments for and against MCL policy to support use of e-bikes on paved multi-use paths

E-bikes are an accepted form of transportation in Europe and Asia, the extension of a long tradition of bicycle commuting. They are gaining in popularity in the U.S. and in Marin. They are sold locally and/or rented to tourists and passively "accepted" by most jurisdictions. Not counting the e-bike industry, which has an economic interest, proponents cite the fact that long-distance bike commuters can

transition to e-bikes for a less arduous commute. Some have already done so. Locals are adopting them for short trips to decrease reliance on the automobile: e-bikes are touted as a clean-energy and healthy form of transportation. Parents use battery-assisted cargo bikes to carry young kids and/or groceries. Not always easy to identify as “different,” e-bikes are operated in much the same manner as the conventional road bikes with which they mingle.

Concerns have been raised that experienced road bikers who are capable of speeds of 20 mph and beyond already present a hazard – minimally a “surprise factor” – to slow-moving people on foot (or horseback) on popular pathways. Even 15 mph may not be a comfortable speed for passing! The Mill Valley-Sausalito MUP is the most heavily used in the County, hence the 10 mph limit through the congested Sycamore hub. An earlier accident prompted the cautionary signage and other measures to slow bikes. The Corte Madera Creek path also experiences heavy use by local walkers, joggers, and families, with more limited line-of-sight and width for passing. In both locations, the absence of consistent speed enforcement (observed anecdotally), combined with the ability for an e-bike to achieve 20 mph with ease, could multiply existing hazards. Furthermore, although e-bikes are required to be labeled by class, kits to equip or alter e-bikes are widely available on the internet, making enforcement of class much more difficult. Future technology is changing rapidly, and future performance is hard to predict.

Policy Statement

MCL recognizes that electric bikes can be a practical and enjoyable form of clean transportation for a variety of purposes, including commuting, local errands, family transport, recreation, and mobility for a wide age-range of riders. For the most part, Marin multi-use paths have been designed to safely accommodate a variety of travel modes, including walkers, joggers, equestrians, and cyclists, whether conventional or battery-assisted. Regardless of their capability to exceed the prevailing 15 mph speed limit, both conventional road bikers and e-bikers are expected to observe that regulation and further slow as crowded conditions may require.

However, because not all cyclists, regardless of their technology, can be counted on to observe such regulations or courtesies, nor can all people on foot or horseback be counted on to proceed with caution and keep to the right, MCL can support permitting e-bikes on multi-use paths only if there is strict enforcement of speed and safety rules. For example, if e-bikes are allowed on Marin County’s MUPs, rangers and/or deputy sheriff must monitor compatibility of these travel modes and enforce speed limits with citations and meaningful fines or other sanctions. In particular, Marin County Parks should track behaviors and report periodically to the Board of Supervisors and the public on the safe operation of its MUPs. Furthermore, if the cycling community and e-bikes sales and rental shops are promoting e-bikes, they should also commit time and resources in support of regulation and enforcement. If these precautions are not taken, MCL reserves the right to withdraw its support.

List of Trails and Fire Roads Crossing Jurisdiction Boundaries between Marin County Parks/MCOSD and Marin Water Lands

System Trails

- Rock Springs Trail (crosses from Mt. Tam SP near Mountain Theater)
- Matt Davis Trail (crosses from Mt. Tam SP north of Bootjack Picnic Area)
- Troop 80 Trail (weaves in and out of Mt. Tam SP along Panoramic Hwy near Rattlesnake & Spike Buck Creeks)
- Corte Madera or Corte Madera Creek Trail (enters Baltimore Canyon OSP at two places from Hoo-Koo-E-Koo Fire Road)
- Ross Trail (enters Town of Ross Natalie Coffin Green Park at two locations)
- California Coastal Trail (segment where watershed boundary extends to west side of Ridgecrest Blvd)
- Hoo Koo-e-koo Trail

Non-System Trails

- Happersberger Trail System (MMWD to Cascade Canyon OSP)
- Y2K or Carey Camp Trail System (MMWD to Cascade Canyon OPS via Pine Mtn Tunnel Fire Road)
- Split Rock Trail System (start in Giacomini OSP, then MMWD, and feed into Cascade Canyon OSP)
 - Wildcat and Wildcat Meadow (starts from White Hill Fire Road)
 - Split Rock (two starting points from White Hill Fire Road)
- Zig Zag Trail (from north of Mountain Home Inn into Mill Valley OS near Old Mill Creek)
- Cascade Dam Trail (crossed into Mill Valley OS north of Cascade Dam of Old Mill Creek)
- Unnamed Trail (crosses into Bald Hill OSP north of the start of the Buckeye Trail, half way to Crest Road)
- Inkwell Trail (parallels Split Rock)

Fire Roads

- Horseshoe FR
- Worn Springs FR
- White Hill FR
- Cascade Canyon FR
- Willow Camp FR
- Old Stage FR
- Old RR Grade FR
- Blithedale Ridge FR
- Pine Mountain Tunnel FR