



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: August 21, 2018

Agenda Item 9-C
Approvals:
City Manager W
Dept. Head ES
Attorney _____
Finance ST

Department: Beaches, Parks and Recreation
Prepared By: Samantha Thomas, Recreation Manager

Subject: *USE OF BICYCLES AND ELECTRIC BICYCLES ON THE BEACH AND BEACH TRAIL.*

Fiscal Impact: None.

Summary: Staff recommends that the City Council review SCMC 12.32 as it relates to the use of bicycles and electric bicycles on the beach and the beach trail and consider lowering the speed limit to eight (8) miles per hour and amend SCMC 12.32.130 (B) to include the words "Beach and" before any Beach Trail reference, to indicate riding of bicycles is prohibited on any bridges.

Background: At its April 10, 2018 meeting, the Beaches, Parks and Recreation Commission discussed the use of electric bicycles on the San Clemente Beach Trail. At that time, the Beaches, Parks and Recreation Commission voted to direct staff to draft an amendment to SCMC 12.32 (Attachment 1) to prohibit the use of all electric bicycles on the Beach Trail, unless the vehicle is used to assist an individual with a disability. The Commission also expressed a desire to discuss bicycle usage on the Beach Trail more generally, requesting data of reported incidents involving bicycles and numbers of bicycle users.

During the month of May, a survey was conducted to gather information regarding Beach Trail use. The Beaches, Parks and Recreation Department received 1,062 responses, both in-person, on the trail, and online. Additionally, staff went to the Beach Trail on various days and times counting the number of Trail users and their activities. According to those counts, 5% of trail users were seen bicycling and 2% riding an electric bicycle. Other uses observed included walking (48%), running/jogging (23%), dog walking/running (16%), and stroller walking/running (6%).

At its June 7, 2018 meeting, the Beaches, Parks and Recreation Commission discussed the use of bicycles on the Beach Trail and requested additional information regarding enforcement options on the Beach Trail.

At its June 12, 2018 meeting, the City Council requested the Beaches, Parks and Recreation Commission additionally consider restrictions on bicycling on the beach.

At its July 10, 2018 meeting, the Beaches, Parks and Recreation Commission voted to recommend the City Council approve amendments to Municipal Code section 12.32.130 (B) to include the words "Beach and" before any Beach Trail reference, to indicate riding of bicycles is prohibited on any bridges, the maximum speed of the

Beach Trail be reduced to six miles per hour, and indicate riding of bicycles is prohibited between Corto Lane and the Pier.

Discussion: Bicycles on the Beach and Beach Trail

Currently, SCMC 12.32.130 allows for bicycles to be ridden on the Beach Trail from Labor Day to June 14 (non-peak season) with the exception of the Riviera and Montalvo bridges and the asphalt area at the base of the pier. During peak season (June 15 through Labor Day), riding bicycles is not permitted between the pier and the Trafalgar Canyon Bridge. Under the current ordinance, electric bicycles are permissible and are required to follow the same regulation as a standard pedal bicycle. Bicycles cannot exceed 10 mph while operating on Trail.

Additionally, at this time there are no restrictions to bicycling on the beach and no reported incidents to City staff.

Electric Bicycles on the Beach and Beach Trail

Under the current SCMC 12.32.130, electric bicycles are permissible on the beach and the Beach Trail. Users are required to follow the same regulation as a standard pedal bicycle. Bicycles cannot exceed 10 mph while operating on Trail.

In 2015, the State of California passed Assembly Bill (AB) 1096, amending the vehicle code as it relates to the definition of a "motorized bicycle". AB 1096 (Attachment 2) defines an electric bicycle as a bicycle that is fully operable by pedal and contains an electric motor of less than 750 watts. There are three (3) types of electric bicycles:

- 1) Class 1: A 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 bicycle reaches the speed of 20 miles per hour.
- 2) Class 2: A low-speed throttle-assisted electric 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.
- 3) Class 3: A speed pedal-assisted electric bicycle, equipped with a speedometer and 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.

In accordance with AB 1096, the use of lower-speed electric bicycles is permissible on bicycle paths. However, this law also allows for local municipalities to prohibit, by ordinance, the operation of class 1 or class 2 electric bicycles on specified paths or trails. The operation of class 3 electric bicycles is strictly prohibited on specified paths, lanes, or trails, unless otherwise authorized by a local ordinance. Currently, the SCMC does not specify this use, therefore they are prohibited.

With a recent increase in the popularity of electric bicycles, staff have received concerns regarding the use of these types of vehicles on the Beach Trail as it relates to the safety and wellbeing of other trail users. Although there are no reported incidents.

Enforcement

The enforcement of the current regulations through citations for the Beach Trail and beach activities is managed by the Marine Safety Division and Orange County Sheriff's Department. Over the coming year, staff is working to grant citation authority to Park Monitors, giving these staff the opportunity to further support existing enforcement arms. Upon approval of this responsibility, staff will seek Council approval to expand Park Monitor authority to include the Beach Trail and surrounding areas. Staff have reviewed possible additional enforcement opportunities, but there are no available resources at this time to expand enforcement beyond what is currently established.

Public outreach and education efforts are currently underway through the RSVP (Retired Senior Volunteer Program) at the base of the Pier. It may be possible to develop additional volunteer program efforts with a trail volunteer program similar that operated by the California State Parks.

Recommended

Action: STAFF RECOMMENDS THAT the City Council introduce Ordinance No. _____, amending San Clemente Municipal Code section 12.32.130 as it relates to the use and regulation of bicycles and electric bicycles on the beach and the beach trail.

Attachments: 1. Ordinance No. _____

Notification: Interested Parties.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, AMENDING SECTION 12.32.130 OF THE SAN CLEMENTE MUNICIPAL CODE RELATING TO THE USE OF BICYCLES, INCLUDING ELECTRIC BICYCLES CLASS 1 AND CLASS 2, AND OTHER ACTIVITIES ON THE PIER, BEACH ACCESS ROAD, BEACH AND BEACH TRAIL

WHEREAS, the San Clemente Beach Trail was constructed as a multi-use trail for use by pedestrians and bicycles, and is an important transportation and recreation opportunity for residents and visitors of San Clemente;

WHEREAS, California Assembly Bill 1096 provides definitions for electric bicycles, and allows for the operation of class 1 and class 2 electric bicycles on municipal trails;

WHEREAS, Section 12.32.130 of the Municipal Code permits the City Council to make modifications if the City Council determines that such modification will not be contrary to the public health, safety or welfare; and

NOW, THEREFORE, the City Council of the City of San Clemente, California, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Section 12.32.130 of the San Clemente Municipal Code, entitled "Cycling, skateboarding and similar activities on pier and access road," is hereby amended to read in its entirety as follows:

12.32.130 Cycling, skateboarding and similar activities on pier, access road, beach, and beach trail.

A. Prohibited Activities on Pier and Access Road.Except as provided below in Subsection (B) of this section, no person shall ride or permit to be ridden, drive, or permit to be driven, any bicycle, tricycle, skateboard, roller skates, or similar type device on the municipal pier, accesses to the pier, service roads, or beach access roads. In addition, no person shall throw any "frisbee" or other similar device on the municipal pier, accesses to the pier, service roads, or beach access roads.

B. Use of Bicycles on Beach and Beach Trail.Riding of bicycles is permitted on the Beach and Beach Trail, including those portions that overlay the beach service road, subject to the restrictions of this subsection B. Riding of bicycles on the Beach and Beach Trail is not permitted between the pier and the south end of the Trafalgar Canyon Bridge from June 15 through Labor Day.

Riding of bicycles is not permitted on Riviera Beach Trail Bridge, Montalvo Beach Trail Bridge, or on the asphalt area extending north and south of the base of the pier at any time. Bicycle owners are permitted to walk their bicycles through restricted areas and at restricted times. Bicycles may be ridden at a maximum speed of eight (8) mph on all portions of the Beach and Beach Trail. Reckless riding of bicycles is prohibited, and no person shall allow his or her bicycle to block or be left unattended on the Beach and Beach Trail at any time.

C. Modification.In the event of special circumstances so warranting, the City Council may by resolution modify the requirements established herein. Modifications by the City Council shall only be made if the City Council determines that such modification will not be contrary to the public health, safety or welfare.

Section 2: The City Clerk shall certify to the passage of this ordinance and cause the same to be published as required by law, and the same shall take effect as provided by law.

APPROVED, ADOPTED and SIGNED this ____ day of _____,

ATTEST:

City Clerk of the City of
San Clemente, California

Mayor of the City of San
Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN CLEMENTE)

I, _____, City Clerk of the City of San Clemente, California, hereby certify that Ordinance No. _____ having been regularly introduced at the meeting of _____, was again introduced, the reading in full thereof unanimously waived, and duly passed and adopted at a regular meeting of the City Council held on the _____ day of _____, 2011, and said ordinance was adopted by the following vote:

AYES:

NOES:

ABSENT:

CITY CLERK of the City of
San Clemente, California

APPROVED AS TO FORM: _____

CITY ATTORNEY