



SPECIAL AND REGULAR MEETING

BOARD OF DIRECTORS MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

Wednesday, June 29, 2022

The Board of Directors conducted this meeting in accordance with California Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33. All Board members and staff participated via teleconference.

DRAFT MINUTES

SPECIAL MEETING OF THE BOARD OF DIRECTORS OF THE MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

President Kersteen-Tucker called the regular meeting of the Midpeninsula Regional Open Space District to order at 5:00 p.m.

ROLL CALL

Members Present: Jed Cyr, Karen Holman, Zoe Kersteen-Tucker, Yoriko Kishimoto, Curt Riffle, and Pete Siemens

Members Absent: Larry Hassett

Staff Present: General Manager Ana Ruiz, General Counsel Hilary Stevenson, Assistant General Manager Brian Malone, District Clerk/Assistant to the General Manager Jennifer Woodworth, Natural Resources Manager Kirk Lenington, Visitor Services Manager Matt Anderson, Foothills Area Superintendent Brad Pennington

President Kersteen-Tucker announced this meeting is being held in accordance with Government Code section 54953(e) and Midpeninsula Regional Open Space District Resolution 21-33, allowing Board members to participate remotely. The District has done its best to conduct a meeting where everyone has an opportunity to listen to the meeting and to provide comment. The public has the opportunity to comment on the agenda, and the opportunity to listen to this meeting through the internet or via telephone. This information can be found on the meeting agenda, which was physically posted at the District's Administrative Office, and on the District website. President Kersteen-Tucker described the process and protocols for the meeting.

ORAL COMMUNICATIONS

April Vargas expressed support for the District's expansion to the San Mateo Coast. Ms. Vargas is a member of the Farmworkers Affairs Committee and spoke in support of the District updating

its policies related to agriculture and the coastal area. Ms. Vargas asked the District to consult and include the farmworker community when updating these policies.

Victoria Sanchez De Alba Chair of the Farmworkers Affairs Committee spoke in support of the District seeking input from the communities and farmworkers as it updates its policies that govern agricultural lands.

Jeff Brown provided comments regarding the negotiation impasse between the District and the Midpeninsula Rangers Peace Officers Association. Mr. Brown commented in support of the electric motorcycle program to enhance the District's ability to patrol the preserves with lower greenhouse gas emissions. However, due to safety hazards rangers have expressed concerns in using these for patrol, and Mr. Brown feels he must withdraw from the motorcycle program.

Alex Hapke described the roles and responsibilities of the District's rangers and their role in completing public safety duties according to CalPERS. Mr. Hapke stated rangers should receive the same benefits as others who serve in public safety roles at other agencies.

Ryan Augustine described the role rangers serve in responding to accidents on District lands. Mr. Augustine stated rangers are defined as essential workers and continued to provide service to the public throughout the COVID-19 pandemic putting them at risk for exposure.

ADOPTION OF AGENDA

Motion: Director Riffle moved, and Director Cyr seconded the motion to adopt the agenda.

ROLL CALL VOTE: **6-0-0** (Directors Hassett absent)

BOARD BUSINESS

1. Electric Bicycle (E-Bike) Policy Evaluation (R-22-78)

General Manager Ana Ruiz provided opening comments describing the District's mission and reported little scientific research has been completed to date regarding the impact on e-bikes. Ms. Ruiz stated the potential impact of e-bikes on wildlife and their habitats must be weighed with the ability of the public to enjoy the District's preserves.

Foothills Area Superintendent Brad Pennington provided the staff presentation describing background of the project to evaluate allowing e-bikes on District trails, including past Board direction. Mr. Pennington described the state laws that govern e-bikes, including defining e-bikes not as motor vehicles and defining the types of e-bikes. Mr. Pennington presented the results of the pilot e-bike program for improved and paved trails at Ravenswood and Rancho San Antonio and intercept surveys conducted at the locations. Mr. Pennington reviewed the results of the intercept surveys, including survey demographics, percentage opposing/supporting allowing class 1 and class 2 e-bikes, reasons for opposing/supporting allowing e-bikes, etc.

Director Riffle inquired regarding the amount of e-bikes seen at Rancho San Antonio.

Mr. Pennington stated class 1 and class 2 e-bikes are seen at Rancho San Antonio and are often at the bike racks for Deer Hollow Farm. Additionally, many of the e-bikes seen are used by

neighbors visiting the preserve. The number of e-bikes at the preserve have increased as the District has encouraged more visitors to access the preserve on bikes as part of the multi-modal access study.

Mr. Pennington reviewed the results of the unpaved intercept surveys that were gathered at Santa Clara County Parks, which has allowed e-bikes since 2017.

Mr. Pennington reported on the District's outreach to equestrian users by contacting various equestrian groups. Mr. Pennington reported on the results of the outreach to equestrian groups stating most respondents opposed bikes on trails and did not limit their responses to e-bikes. Mr. Pennington reviewed the general public input received regarding e-bikes stating a majority supported allowing e-bikes or supported allowing e-bikes with some restrictions.

Mr. Pennington reviewed the results of the noise study that determined the impact of the noise emitted by traditional and e-bikes on wildlife. As a result of the study, staff recommends buffer distances to protect various bat species, but currently no known bat roosting sites are within the recommended buffer distances for existing District trails.

Director Riffle inquired regarding the impact of high frequency noise on wildlife and whether there could be impacts on wildlife not tested.

Dave Johnson, consultant with HT Harvey who completed the District's noise survey, provided additional information about the impacts of high frequency noise on wildlife. Additionally, some species are very sensitive to sounds, such as bats, are often exposed to high frequency sounds as a result of their habitat near a suburban area. There may be other wildlife in the area not studied, but more information on the impact of high frequency noise on wildlife continues to increase.

Natural Resources Manager Kirk Lenington commented on noise generated by all visitors to the preserves, including dog walkers, equestrians, bells on bikes, portable speakers used by hikers, etc.

Director Kishimoto commented on the amount of environmental study that would be required if the Board decides to move forward with allowing e-bikes on trails.

Senior Planner Jared Hart provided additional information regarding the potential environmental analysis that would be required if the Board decided to allow e-bikes.

The Board recessed at 6:45 p.m. and reconvened at 6:56 p.m. with Directors Cyr, Holman, Kersteen-Tucker, Kishimoto, Riffle, and Siemens present.

Mr. Pennington reviewed the results of the recent Scientific Advisory Panel's research and management recommendations, including adaptive management strategies. Mr. Pennington reported on the updated survey of e-bike policies of nearby public land management agencies and stated some agencies are currently studying whether to allow e-bikes. Several agencies are also waiting to see how the District decides to address e-bikes before setting their own policy.

Director Riffle requested and received additional information regarding the various federal, state, local agency policies related to e-bikes.

Mr. Pennington shared information regarding District enforcement of e-bike violations and speeding citations and warnings. Additionally, Mr. Pennington provided data regarding the number of accidents involving e-bikes and traditional bikes on District and Santa Clara County Parks lands.

Director Kishimoto inquired about the potential impact of the heavier weight of e-bikes during an accident.

Mr. Pennington stated the potential impact depends on the type of bikes involved, and the weight has decreased as newer models are released.

Chief Ranger Matt Anderson provided additional information related to a previous study of e-bikes involved in accidents stating the study was based on street bikes.

Assistant General Manager Brian Malone stated the rate of speed has a much larger impact on the severity of an accident than the weight of the bicycle.

Mr. Pennington commented on various recent news stories related to e-bikes and provided additional background information and context related to the news stories. Finally, Mr. Pennington presented the conclusions of the District's various pilot project, surveys, outreach, etc.

Public comments opened at 7:47 p.m.

Shani Kleinhaus opposed allowing e-bike in District preserves stating allowing e-bikes will cause negative impacts on visitors, wildlife, and habitats in opposition to the District's mission.

Tom Boss with the Marin County Bicycle Coalition spoke in support of allowing e-bikes in District preserves and stated there have been no negative impacts to the areas of Marin County where e-bikes are allowed in state and national parks there. The District should allow e-bikes in its constituents communities.

Craig Gleason spoke in support of allowing e-bikes in District preserves because they will be used the same way traditional bikes are currently used in District preserves. Mr. Gleason commented trails and/or areas of the District's preserves should be reserved for cyclists to avoid negative impacts and dangerous situations for other users.

Deborah Goldeen shared her experiences using e-bikes on streets and stated in her experience that some e-bike users have modified their bikes to allow them to go above the allowed speed.

Bob Breuil spoke in support of allowing e-bikes in District preserves stating they allow him to enjoy the District's trails similar to how he could as a younger rider. Due to the steepness of the trails, e-bikes typically do not travel faster than traditional bikes.

Mike Bushue spoke in support of designing trails to support safe riding of bikes in the District's preserves and in support of allowing e-bikes.

Jen Frederick spoke regarding the perceived slant of the information presented to support allowing e-bikes and expressed concern regarding the preserves used for comparison stating they were too different to be compared.

Kathleen Jones supported allowing e-bikes in District preserves because e-bikes are allowed on connecting trails, and the District should support regional trail connections. Additionally, e-bikes allow those with mobility issues to enjoy the preserves.

Ms. Woodworth read the submitted comments into the record.

Rani Fischer opposed allowing e-bikes on wildlife trails because they create erosion and scare wildlife.

Sean Varah supported allowing e-bikes on District trails where it is safe to do so. The types of e-bikes allowed should be restricted and reckless behavior penalized.

Manfred Kopsich opposed allowing e-bikes in District preserves because they have a negative impact on habitats in protected lands.

Rob Anagnoson supported allowing e-bikes in District preserves because they support older riders being able to access open space.

Paul Raffaeli stated e-bikes should only be allowed on specific trails or days.

Petra Wengler opposed allowing e-bikes in District preserves and expressed concern regarding equestrians sharing trails with cyclists.

Naomi Goodman opposed allowing e-bikes in District preserves other than the Baylands because seniors may not hear e-bikes approaching, and the noise pollution may harm wildlife.

Michelle Swenson opposed allowing e-bikes in District preserves and raise concerns regarding safely sharing trails with e-bikes.

Mark Thanassi supported allowing e-bikes in District preserves stating they have the same impact as traditional bikes and requested a bike-friendly trail design for Alpine Road Trail.

Mike Dineen supported allowing e-bikes in District preserves stating e-bikes support older visitors being able to enjoy the preserves.

Dick Schreiber opposed allowing e-bikes in District preserves due to safety concerns of hikers and equestrians sharing trails with cyclists.

Ken Nitz opposed allowing e-bikes in District preserves because they disrupt the environment and enjoyment of the preserves by visitors.

Daniel Phillips opposed allowing e-bikes in District preserves because e-bikes destroy vegetation and trails.

Dave Story supported allowing e-bikes in District preserves where bikes are allowed to allow older riders to access District preserves. Additionally, e-bikes are not more harmful than traditional bikes.

Eugene Lim opposed allowing e-bikes in District preserves stating e-bikes are much louder than traditional bikes and disrupt wildlife and visitors.

Briana Wengler opposed allowing bikes at Bear Creek Redwoods preserve stating this area should be reserved for equestrians and hikers. Allowing bike here will create a safety danger for other user types.

Brian Vermilion supported allowing e-bikes in District preserves which would support regional trail connections that already allow e-bikes. Additionally, the effects of e-bikes and their riders are similar to that of traditional bikes.

Basim Jaber supported allowing e-bikes in District preserves where bikes are currently allowed.

April Steger supported allowing e-bikes in District preserves to help support physical and mental health of visitors who cannot ride traditional bikes.

Bruce England opposed allowing e-bikes in District preserves stating the preserves should be for hikers and wildlife.

Brian Mullins supported allowing e-bikes in District preserves stating e-bikes help older riders continue to enjoy the preserves.

Joshua Smith supported allowing e-bikes in District preserves where bikes are allowed stating the environmental impact is similar to that of traditional bikes.

Audrey Palmer opposed allowing bikes at Bear Creek Redwoods preserve due to the negative safety impacts on equestrians who ride there.

Connie Cunningham opposed allowing e-bikes in District preserves because trails should be for pedestrians.

Gail Prickett supported allowing e-bikes in District preserves because they allow older riders to continue to enjoy the preserves, and e-bikes riders do not cause more conflict than traditional bike riders.

Ahsan Ali supported allowing e-bikes in District preserve to allow all types of riders to visit the preserves.

Betty DeLuco opposed allowing e-bikes in District preserves because they are disruptive to wildlife and have conflicts with pedestrians.

Carla Bowen expressed concern regarding potential negative interactions between cyclists and equestrians, which can cause dangerous situations and accidents.

Mark Kawano supported allowing e-bikes in District preserves because cyclists want to continue to access open space as they get older.

David McQuilkin opposed allowing e-bikes in District preserves.

Colin Bookman supported allowing e-bikes in District preserves.

Denise Larsen supported allowing e-bikes in District preserves where bikes are currently allowed because they allow older riders to be able to access the preserves.

Don Coleman supported allowing e-bikes in District preserves.

Donna James supported allowing e-bikes in District preserves because they allow older riders to access the preserves and encourage new visitors to enjoy the outdoors.

Annette Herz opposed allowing e-bikes in District preserves due the noise pollution that would negatively affect wildlife.

Chris Stoffel supported allowing specific classes of e-bikes in District preserves because e-bikes can help new visitors access and enjoy the preserves.

Peter Mills opposed allowing e-bikes in District preserves stating that no motorized vehicles should be allowed in District preserves except for patrol by rangers

Philip Smith supported allowing e-bikes in District preserves and reviewed the evidence provided by the District's surveys and scientific studies.

Chris McCabe supported allowing e-bikes in District preserves where bikes are allowed because they allow safe access to the trail network and promotes health benefits.

Carol Espinosa supported allowing e-bikes in District preserves to extend accessibility for visitors and suggested the District could issue permits for e-bikes to support enforcement.

Jeff Vance supported allowing e-bikes in District preserves where bikes are allowed.

Mark Dinan supported allowing e-bikes at the Ravenswood Open Space Preserve to support commuters commuting by bike.

Kent Taylor supported allowing e-bikes in District preserves stating he must travel much further from his home to be able access trail that allow e-bikes. E-bikes should be allowed under the District's existing restriction son traditional bikes.

Liehann Loots supported allowing e-bikes in District preserves on unpaved trails because expanding access will encourage users to be more active. Additionally e-bikes are as safe as traditional bikes and do not damage trails more than traditional bikes.

Mary Barnhard supported allowing e-bikes in District preserves to allow older riders to be able to access District trails.

Heidrun Utz supported allowing pedal assist e-bikes in District preserves because these allow cyclists of all ages and abilities to enjoy the trails.

Jim Van Gogh supported allowing e-bikes in District preserves stating a bias against cyclists and e-bikes was seen at recent meetings discussing e-bikes. The District should expand access to its preserves, and Mr. Van Gosh suggested mitigation measures, such as limiting e-bikes to certain days of the week or bypass routes for bikes.

Jason Woodbury opposed allowing e-bikes on single-track trails at District preserves because their weight and speed are dangerous to all trail users.

Margaret Hinebaugh opposed allowing e-bikes in District preserves to help visitors avoid motorization and mechanization. E-bikes are dangerous to pedestrians and will negatively affect wildlife and the environment.

Kaye Mason supported allowing e-bikes in District preserves where traditional bikes are allowed to open recreational opportunities to visitors with mobility challenges.

Ellyn Rubin opposed allowing e-bikes in District preserves stating they pose a danger to other trail users.

Bill Peters supported allowing e-bikes in District preserves stating the District's surveys show a majority of the public supports allow e-bikes, and e-bikes provide access to various users to open space.

Rachel Goldeen opposed allowing e-bikes in District preserves and expressed concern regarding the negative impact on wildlife.

Vitaly Liss supported allowing e-bikes in District preserves to support visitors enjoyment of the outdoors.

Nancy Cole opposed allowing e-bikes in District preserves stating e-bikes raise safety concerns and suggested separate trails for cyclists.

Sean McKenna supported allowing e-bikes in District preserves stating e-bikes are as safe as traditional bikes, e-bike riders obey speed limits similar to traditional bike riders, and e-bikes move quickly which reduces the amount of wildlife interactions.

William Bradley supported allowing e-bikes in District preserves to allow cyclists of all ages to utilize District trails.

Annie Yang opposed allowing e-bikes in District preserves expressing concerns regarding hikers sharing trails with cyclists and potentially dangerous situations caused by speeding cyclists. Additionally, speeding cyclists will harm vegetation and negatively impact wildlife.

Randall Vail supported allowing e-bikes in District preserves stating e-bikes help riders overcome ability challenges.

Public comments closed at 9:04 p.m.

The Board recessed at 9:04 p.m. and reconvened at 9:15 p.m. with Directors Cyr, Holman, Kersteen-Tucker, Kishimoto, Riffle, and Siemens present.

Mr. Malone and Mr. Pennington provided additional information from the paved and unpaved studies regarding the number of different types of e-bikes included in the studies and potential modifications that could be made by owners.

Mr. Johnston provided additional information regarding the sound study, including potential interference from surrounding ambient noise, etc.

Director Riffle reported on the discussion of the topic by the Planning and Natural Resources Committee.

Director Siemens spoke in support of allowing the same types of e-bikes allowed on the Dumbarton Bridge for the Ravenswood Bay Trail. Director Siemens stated most that oppose e-bikes also oppose traditional bikes and spoke in support of allowing class 1 e-bikes where traditional bikes are allowed.

Motion: Director Kishimoto moved, and Director Holman seconded the motion to approve Class 1 and Class 2 e-bike access on limited improved trails at Ravenswood Open Space Preserve.

ROLL CALL VOTE: 6-0-0 (Director Hassett absent)

Motion: Director Riffle moved, and Director Kishimoto seconded the motion to approve Class 1 and Class 2 e-bike access on the limited improved trails at Rancho San Antonio Open Space Preserve, where bikes are currently allowed.

Director Holman spoke in support of providing access to Rancho San Antonio, such as providing additional bike racks in the parking lots, and expressed concern about allowing e-bikes at Rancho San Antonio that visitors may not respect the areas that do not allow bikes.

Director Siemens expressed concern regarding allowing class 2 e-bikes on the same trails as hikers at Rancho San Antonio.

Mr. Malone and Mr. Pennington provided additional information regarding the various trails at Rancho San Antonio, which separate hikers from other users.

ROLL CALL VOTE: 6-0-0 (Director Hassett absent)

Director Holman supported continuing the District's prohibition on e-bikes on District trails except for specifically designated trails due to the limited amount of data currently available related to the impact of e-bikes on trails, wildlife, etc. Since e-bikes allow cyclists to travel further the impact on wildlife is largely unknown.

Director Cyr supported having an unpaved e-bike pilot program to better understand the implications of e-bikes on a smaller scale rather than the entire District at once.

Director Riffle spoke in support of ecologically sensitive recreation in the preserves and the District's mission to protect nature in the preserves. Director Riffle supported allowing those

with accessibility needs to be able to access the preserves using the District's policy on Other Power-Driven Mobility Devices; however, e-bikes should largely be prohibited in the District's preserves.

Director Kishimoto shared her experiences with using traditional bikes and e-bikes and spoke in support of implementing an unpaved e-bike pilot program in select preserves.

Director Siemens supported allowing class 1 e-bikes on District trails where bicycles are allowed due to their similarities to traditional bikes, including potential impacts on wildlife and District trails. Alternatively, Director Siemens supported an unpaved e-bike pilot program to learn more about the impacts of allowing e-bikes.

President Kersteen-Tucker commented on the role of the District to provide ecologically-sensitive recreational opportunities and spoke in support of an unpaved e-bike pilot program to avoid disenfranchising members of the public who support allowing e-bikes in District preserves.

Motion: Director Holman moved, and Director Riffle seconded the motion to affirm the prohibition of e-bikes on District trails except for specifically designated trails previously approved by the Board of Directors.

Director Holman commented public opinion is fairly evenly split on the topic, and the Board has a duty to support the mission of the District to preserve the land and provide ecologically-sensitive recreational opportunities. Additionally, there is not much data regarding the impacts of e-bikes, and another pilot study may not provide much additional data.

Director Riffle commented a majority of preserve users may not be aware of the decision being considered by the Board on whether to allow e-bikes and many commenters stated their concerns regarding their safety around bikes at preserves.

Mr. Malone shared additional information on staff's public outreach for the e-bike project, including information posted to the District's website, information in all preserve signboards, and multiple emails to an active interested parties list.

Director Kishimoto suggested various criteria for a potential unpaved e-bike pilot program and the importance of having consistent allowances for e-bikes across various regional trails.

President Kersteen-Tucker commented on the potential consequences of having different regulations across current and proposed regional trails.

Director Riffle stated regional trails would still allow for traditional bikes.

Director Siemens commented on the District's support of multi-modal access to its preserves.

ROLL CALL VOTE: 4-2-0 (Director Kishimoto and Siemens dissenting; Director Hassett absent)

ADJOURNMENT

President Kersteen-Tucker adjourned the regular meeting of the Board of Directors of the Midpeninsula Regional Open Space District at 10:42 p.m.

Jennifer Woodworth, MMC
District Clerk