



**Open Space & Recreation Advisory Committee  
Unapproved October Meeting Minutes  
Tuesday, October 5, 2021  
9:00 AM  
Council Chambers - Eagle Town Hall  
200 Broadway  
Eagle, CO 81631**

*This agenda and the meetings can be viewed at [www.Townofeagle.org](http://www.Townofeagle.org).  
\*The public is invited to comment at the end of each agenda item\**

**MEETING ACCESS PUBLIC WIFI - TOEG – townofeagle2019**

This was an in-person meeting, although participants could still log in via zoom. The link can be found here: <https://us02web.zoom.us/j/83472864496> Meeting ID: 834 7286 4496

**9:00am CALL TO ORDER**

**Call to order at: 9:02 by Saeger**

**Absent:** None.

**9:05am APPROVAL OF SEPTEMBER MINUTES**

Bailey requested a change to the minutes under the New Business section. The Hardscrabble Road seasonal closure is for wheeled vehicles, not mechanized use.

**Motion to approve the September OSRAC meeting minutes by Kehoe second by Foulis, with the changes suggested by Bailey. Motion passes unanimously.**

**9:10am DISCUSSION**

9:10am (30 min) Haymaker Winter Use

- Brian Wodrich, the District Wildlife Manager for Colorado Parks and Wildlife in the Eagle area, provided information to the Committee regarding the potential impacts to wildlife from winter use of the Haymaker trail.
- Wodrich said according to the best available science, people can easily stress wintering wildlife while recreating or even just walking the dog in the outdoors. This stress can have negative consequences for birth and survival rates of ungulates.
  - However, Wodrich confirmed that a localized study to determine specific impacts from winter use on wildlife in the local area does not exist. A study of this magnitude would take 3-5 years and cost around \$500,000.
- Members of the Committee thought it would be beneficial for the Council to host a panel of wildlife experts and community stakeholders to discuss winter recreation and wildlife in the Eagle area.

- Education efforts are a key component for winter recreation to coexist with wildlife in the Eagle area. VVMTA's Wildlife Trail Ambassadors program and CPW will be available this winter to educate users on how to recreate in the region while minimizing stress to wintering animals.

**Motion to recommend to Town Council to host a panel of local wildlife experts and community stakeholders to present available science and data on seasonal wildlife closures in the Haymaker trail area by Saeger second by Foulis. Motion passes unanimously.**

9:40am (20 min) Town of Eagle E-Bikes

- Moved to the November meeting.

10:00am (20 min) Open Space and Trails Master Plan First Open House

- Moved to the November meeting.

10:20am (5 min) Ongoing projects update (LOV Bridge and Haymaker) –

- Haymaker TH improvements have been completed.
- Staff is continuing to coordinate updates for the LOV Connection bridge.

10:25am (5 min) Future Agenda items/ New Business

- Foulis introduced a potential land acquisition project in the Eagle River Valley. The project is near the Town of Eagle. Foulis requested that the Committee consider recommending a letter of support for the project.

**Motion to recommend that Council provide a letter of support for the proposed land acquisition project by Wescoatt second by Bailey. Motion had the support of four votes on the Committee. Foulis abstained, and the other Committee members had to leave before this presentation. Five votes are required for a quorum on the Committee.**

**Motion to ADJOURN at 11:05 by Saeger second by Foulis. Motion passes unanimously.**

# **Town of Eagle**

## **E-Bikes in Open Space**

September 29, 2021

### **Background:**

#### Types of low-speed E-bikes in Colorado and Regulations

- Colorado HB 17-1151 defines three classes of low-speed E-bikes and requires manufacturers to label all bikes fabricated and sold in the state.
  - Class 1 E-bikes provide assistance only when the rider is pedaling. Most bikes have motors that cease to assist at 20mph.
  - Class 2 E-bikes are low-speed throttle-assisted bikes. The motor is engaged regardless of pedaling. Most bikes have motors that cease to assist at 20mph.
  - Class 3 E-bikes provide assistance only when the rider is pedaling; the motor ceases at 28 mph. Class 3 E-bikes must have a speedometer.
- In general, municipalities and counties can regulate E-bike policies within their jurisdiction.
  - In Colorado, Class 1 and 2 E-bikes are not considered motorized vehicles (Colorado Revised Statutes: Section 42-4-1412). Rather, these E-bikes are treated as bikes on roads and multi-use paved paths.
  - Unless otherwise restricted by a local jurisdiction, Class 1 and Class 2 E-bikes are allowed on the same bicycle and pedestrian paths as conventional bicycles in Colorado.
  - Local jurisdictions have the authority to prohibit E-bikes on any bicycle or pedestrian path under its jurisdiction.
  - A person riding an Electric Mobility Device is generally exempt from restrictions.

#### S-Pedelecs and Power-on-Demand bikes

- In addition to the three types of low-speed E-bikes listed above, manufacturers also produce pedal assist, low-power scooters, and power-on-demand electric bikes that exceed 28mph and do not require the rider to provide any assistance for power.
  - Most of these bikes are considered similar to mopeds or motorcycles by Colorado State law.

### **Town of Eagle E-bikes Policies in Open Space**

- E-bikes are not permitted on any non-motorized, natural surface trails in the Town trail system.
  - The only trail that permits E-bikes is Second Gulch because the trail is open to motorized use.
- In part, this was determined because the Bureau of Land Management (BLM) and the National Forest Service (NFS) set this policy standard as a national benchmark.
- Further, because the Town of Eagle trails connect with trails on lands managed by the BLM, the Town elected to be consistent with travel management determinations by our federal partners.
  - The only soft surface singletrack trail entirely within the Town of Eagle's jurisdiction is the Haymaker Trail.

## **Municipal and County Open Space E-bike policies in Colorado**

### Municipal and County Open Space E-bike summary

Most Municipal and County Open Space programs do not permit any E-bikes on natural surface, non-motorized trails (Jefferson County is one of the notable exceptions). However, several municipalities and counties have recently increased access to paved and gravel recreation paths for Class 1 and 2 E-bikes. Most open space programs agree that gravel and paved rec paths are appropriate for E-Bike use with proper signage.

Before permitting E-bikes, municipalities and counties have often started with a pilot program that included collecting visitor data and natural resource monitoring. This provided data and additional flexibility as entities considered permitting E-bikes on different types of trails.

### Evaluating E-Bikes on Natural Surface Trails

In conversations with colleagues, the following concerns are frequently considering when evaluating increasing opportunities for E-bikes on natural surface singletrack trails:

1. Increased trail use and damage. Regular E-bike use will likely require additional maintenance and upkeep on trails because of the weight, tire width, speed, and increased throttle ability of E-bikes. This would necessitate additional funding for trail maintenance.
2. Increased crowding. On already busy trails, some open space programs are apprehensive about adding another user group. Particularly, a potential novice user group that can travel very quickly on flat ground and uphill without making loud noises
3. Safety concerns.
  - a. First, E-bikes can permit novice bikes to travel faster than their abilities may allow. The quiet nature of the bikes could lead to increased user conflict, particularly with hikers and equestrians.
  - b. Second, E-bikes can permit novice recreationists to travel greater distances than their physical ability might otherwise allow. If the bike battery were to die, experience a mechanical error, or if the rider were to be hurt, they could find themselves far away from help. Local search and rescue groups have already had to accommodate these types of rescues.
4. Consistency with federal partners and neighboring landowners. As so many trail systems cross multiple land jurisdictions, open space programs have been hesitant to permit E-bikes to prevent confusion. For instance, only one natural surface trail is entirely within the Town's jurisdiction in Eagle (Haymaker Trail).

However, others open space professionals have seen this debate through the lens of snowboarding emerging into the scene in the 1980s. We are perhaps too nervous about a new user group on the trails. Benefits to permitting E-bikes include:

1. Increasing recreational opportunities for people experiencing disabilities and elderly individuals.
2. Management of a new use, rather than prohibition. The sport will likely continue to progress. Therefore, it could be advantageous to get ahead of it through management rather than trying to prohibit it.

3. Enforcement issues. E-bikes will soon closely resemble mountain bikes, and it won't be easy to know who is on an E-bike and a regular bike. Buy-in and self-regulation from users will be crucial. Overall management of E-bikes will be better off with the user group sitting at the table.
4. Increase tourism opportunities – permit and market a new activity in Town.
5. Local economic benefits – benefits to local businesses who could sell and rent E-bikes.

#### Colorado Municipal and County Open Space E-bike policies

- Jefferson County
  - Starting in 2018, the County permitted Class 1 E-bikes on natural surface trails and Class 1+2 on paved/gravel rec paths. This policy was informed through a pilot program that included visitor surveys and natural resource monitoring.
    - Jefferson County is unique – they have several trails entirely within their jurisdiction that do not connect with trails on federal lands.
- Summit County and Town of Breckenridge
  - E-bikes are not permitted on natural surface trails dedicated as non-motorized, whether the trails are under the jurisdiction of Summit County, the Town of Breckenridge, or the National Forest Service.
  - Class 1 E-bikes are allowed on paved/ gravel rec paths. However, when trails cross through lands managed by federal entities, E-bikes are prohibited.
- Town of Crested Butte and CB Land Trust
  - E-bikes are only permitted on motorized trails and paved/ gravel rec-paths.
  - Together with Gunnison County, the entities have focused on positive E-bike messaging. For example, messaging focuses on where E-bikes are allowed instead of where they are prohibited.
- Eagle County
  - Eagle County Open Space does not permit any type of E-bikes on trails dedicated as non-motorized that are soft surface.
  - Eco trails permits Class 1+2 E-bikes on paved and gravel rec-paths except where the path goes through lands managed by the National Forest Service (mostly Vail Pass).
- Pitkin County
  - Pitkin County allows Class 1 E-bikes on paved and gravel trails. However, E-bike use is not permitted on any singletrack trail within Pitkin County's open space trail network.
- Boulder County Open Space
  - E-bikes are not permitted on foothills and singletrack mountain trails.
  - Class 1 and Class 2 E-bikes are allowed on Boulder County trails located in the plains region. Most of these trails are more similar to gravel rec paths than singletrack trails, however.
- City of Boulder Open Space and Mountain Parks
  - E-bikes are only permitted for people experiencing disabilities. Otherwise, E-bikes are prohibited on trails.
  - A continuing pilot program permits E-bikes to use paved and gravel commuter trails throughout the city.
- Larimer County Open Space

- E-bikes are only permitted for people experiencing disabilities on natural surface trails. Otherwise, E-bikes are prohibited on natural surface trails.
- Class 1 and 2 E-bikes are permitted on paved/gravel paths.
- City of Fort Collins Open Space
  - On April 21, 2020, the Fort Collins City Council approved City and Traffic Code updates to allow Class 1 and Class 2 E-bikes on paved trails following the completion of a pilot program. E-bikes are not permitted on soft/natural surface trails.
- City of Durango
  - The City of Durango allows E-Bikes on paved and gravel rec paths, sidewalks, and roadways. However, E-bikes are not permitted to use the City of Durango open space trail network.

## **Federal E-Bike policies**

### Bureau of Land Management

The Bureau of Land Management (BLM) has historically established that E-bikes are considered a motorized use, and therefore, they were only permitted on trails that allow motorized recreation. However, on August 29, 2019, Secretary of the Interior David Bernhardt issued Secretary's Order (SO) 3376. The purpose of the order was to increase recreational opportunities through E-Bikes.

- Bureau of Land Management 2020 Rule Change and Secretary's Order 3376.
  - The SO specifically directed the BLM to revise its off-highway vehicle (OHV) regulations to consider Class 1, 2, and 3 E-bikes as a non-motorized use, thereby expanding access on public lands to E-bikes.
  - The rule, however, does not result in any immediate on-the-ground changes or site-specific allowances for E-bike usage on BLM-administered public lands.
    - Before any on-the-ground changes can occur, an authorized officer must issue a land-use planning or implementation-level decision that complies with NEPA and other applicable legal requirements.
- **How this rule change could impact the Town of Eagle:**
  - The rule provides the BLM with greater flexibility to contemplate updating E-bike policies on certain non-motorized trails on lands administered by the BLM.
  - The Town of Eagle could ask that the BLM consider expanding E-bike opportunities near the Town of Eagle or endorse continuing to prohibit E-bikes on non-motorized trails.
    - Either way, the BLM would require community involvement and public support.
  - To increase E-bike recreational opportunities, the BLM would likely be required to complete and/or update their travel management plans and go through the NEPA process.
    - The BLM could also deny any requests altogether if the District Office does not support expanding or limiting use owing to current travel management plans.
- The Open Space and Trails Master plan and the Open Space and Recreation Advisory Committee would be ideal avenues to evaluate E-bike policies in the Town of Eagle and express community support for a direction.

### National Forest Service

- All classes of E-bikes are prohibited on non-motorized trails because the National Forest Service (NFS) considers E-bikes to be a motorized use. Therefore, they also have less flexibility than the BLM to expand opportunities for low-speed E-bikes on non-motorized trails.