



DATE: November 6, 2023

MEMO TO: Jessica Vealitzek, Chair
Operations Committee

FROM: John E. Nelson
Chief Operations Officer

DISCUSSION OF: Ebike Rules - For Information Only

STRATEGIC DIRECTIONS SUPPORTED: Public Access and Connections; Communication, Education and Outreach

FINANCIAL DATA: No financial impact at this time.

BACKGROUND: At the October 11, 2023 Board of Commissioners meeting, Commissioners (in response to a public comment) asked staff to review the District's rules pertaining to Ebikes.

The District's current regulations with respect to Ebikes were approved unanimously (18-0) by the Board on January 14, 2020, as part of updates to the General Use Ordinance to address laws that had recently been adopted or changed (e.g., the concealed carry statute) and new technology (e.g., Ebikes and drones).

The General Use Ordinance allows Ebikes – Class 1 to be used on District trails but prohibits the use of Ebikes – Class 2 or Ebikes – Class 3 on District trails. The Class definitions for Ebikes, as set forth in the General Use Ordinance, are set forth below.

Local restrictions and permissions for Ebikes vary throughout Lake County (i.e. County, municipalities, park districts), and across other similar agencies (i.e. forest preserve and conservation districts) resulting in a broad patchwork of public expectations.

According to a recent Washington Post article posted on October 17, 2023:

“E-bike sales in the United States surged 269 percent between 2019 and 2022, approaching \$1 billion, even as overall bike sales declined,... In the United States, e-bikes now outsell electric cars and trucks.”

(<https://www.washingtonpost.com/climate-environment/2023/10/17/electric-bikes-cars-cost-testing/>)

As the number of Ebikes has increased, the District has also seen a noticeable increase in the comments it has received from the public related to Ebikes (and other electric vehicles) on trails. The opinions expressed in these public comments have varied – they include comments in favor of Ebikes,

against Ebikes, advocating for allowing Class 2 and 3 Ebikes, asking the District to ban all Ebikes, and/or expressing concerns with speeding or discourteous riding behaviors on the trails.

At its November 6, 2023, meeting, following discussion of this issue, the Committee may take such action as it deems appropriate, which may include (among other actions) requesting further information, directing staff to present revisions to the General Use Ordinance, or directing staff to take no action. To assist the Committee in its discussion, below are excerpts from the General Use Ordinance, including selected definitions, a list of certain allowed uses, and a list of certain prohibited uses.

REVIEW BY OTHERS: Manager of Board Operations and Corporate Counsel.

The General Use Ordinance provides the following definitions:

“Ebike” means a bicycle with a motor. An Ebike is not a “moped” or a “motor driven cycle”, as such terms are defined in Section 1-146 of the Illinois Vehicle Code (625 ILCS 5/1-146).

“Ebike - Class 1” means an Ebike equipped with fully operable pedals and an electric motor of less than 750 watts (1 horsepower) that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 20 miles per hour.

“Ebike - Class 2” means an Ebike equipped with fully operable pedals and an electric motor of less than 750 watts (1 horsepower) that may be used exclusively to propel the bicycle and that is not capable of providing assistance when the bicycle reaches a speed of 20 miles per hour.

“Ebike - Class 3” means an Ebike equipped with fully operable pedals and an electric motor of less than 750 watts (1 horsepower) that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of 28 miles per hour.

“Other Power-Driven Mobility Device” or “OPDMD” means any mobility device powered by batteries, fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by an individual with a mobility disability for the purpose of locomotion, including golf cars/carts, electronic personal assistance mobility devices, such as the Segway ® Personal Transporter or any mobility device designed to operate in areas without defined pedestrian routes. A Wheelchair is not an OPDMD.

“Vehicle” means any device intended to transport a person or people or another Vehicle or Vehicles from one place to another.

The General Use Ordinance provides the following authorizations:

SECTION IV USES AUTHORIZED WITHOUT A PERMIT

A. Authorized Uses. The following uses are allowed, but only in areas where they are Authorized Uses and only in accordance with these Regulations and all Rules:

- (i) swimming and wading in District Waters;
- (ii) bicycling on Bicycle Trails and public rights-of-way;
- (iii) golfing on District golf courses;
- (iv) fishing in District Waters;
- (v) hiking, running or walking on Pedestrian Trails;
- (vi) a picnic or other gathering with 25 or fewer people;
- (vii) sledding (but not tobogganing), skiing, skating, or ice fishing, but only on District Property that has been designated as “safe” or “open” for such use by the District;
- (viii) snowmobiling, provided that the District Property upon which snowmobile use is an Authorized Use and the District has posted notice on the District Property or the District's website that the trails are open;
- (ix) roller blading or skateboarding;
- (x) use of Wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any area open to pedestrian use, unless such use would (i) pose a direct threat to the health or safety of others, (ii) fundamentally alter a District service, program, or activity in such area, or (iii) result in undue financial and administrative burdens to the District;
- (xi) use of OPDMD’s being used by individuals with mobility disabilities, unless (i) the class of OPDMD being used cannot be operated in accordance with legitimate safety requirements that the District has adopted, (ii) such use would pose a direct threat to the health or safety of others, (iii) such use would fundamentally alter a District service, program, or activity in such area, or (iii) such use would result in undue financial and administrative burdens to the District; and
- (xii) all other Authorized Uses not identified in this Section.

The General Use Ordinance provides the following prohibitions:

SECTION V USES PROHIBITED

E. Regulation Of Vehicles, Traffic, Bicycles, And Parking. No person shall commit any of the following acts on District Property:

(i) operate a Vehicle in a manner that violates the Illinois Vehicle Code or other laws of the State of Illinois having to do with the equipment, control, licensing, operation, registering, and use of such Vehicle;

(ii) operate a Vehicle anywhere except on roads, drives, parking areas, and other District Property where such use is an Authorized Use;

(iii) operate any Vehicle on any road, drive, or parking area if such Vehicle is not permitted to be operated thereon under State law, which Vehicles may include without limitation snowmobiles, go-carts, trail bikes, mini-bikes and other all-terrain off road Vehicles;

(iv) operate or move any Vehicle within District Property at any time other than the Hours of Operation for that District Property;

(v) operate a Vehicle, on any road, drive, parking area, or other District Property closed to public traffic;

(vi) operate a Vehicle in such a manner as to fail to yield the right-of-way to pedestrians, bicyclists, or equestrians;

(vii) allow a Vehicle under his or her control to remain parked on District Property at a time other than the Hours of Operation for that District Property;

(viii) park a Vehicle (a) in a manner that blocks in another parked Vehicle; (b) blocks, restricts or impedes the normal flow of traffic; (c) where parking is prohibited; (d) on or in a turf, wetland, meadow, prairie, marsh, field, woodland, or exposed roots of any tree or shrub; (e) if the Vehicle is over 20 feet in length, except in areas designated for such Vehicles; (f) for the purpose of washing it or making any repairs or alterations to it, except those of an emergency nature; (g) in such a way as to occupy more than one provided parking stall or space;

(ix) operate a Vehicle at a speed greater than the posted speed limit or, in the absence of such posted limit, at a speed in excess of 20 m.p.h.; (x) operate any Vehicle in any manner that endangers the safety of people or property, or at a speed which is greater than reasonable and proper for safe operation of the Vehicle, with regard to traffic conditions and special hazards, such as trail crossings, entrances to parking areas or campgrounds, narrow or winding roads, hills, curves, weather or road conditions, and pedestrian, equestrian, or bicycle traffic;

(xi) perform, or fail to perform, any act if such act or failure is a violation of the Illinois Vehicle Code, 625 ILCS 5/1-100 et seq., the provisions of which are incorporated herein by this reference;

(xii) operate any Ebike-Class 2 or Ebike-Class 3, or any other type of Ebike other than an Ebike-Class 1.

(xiii) operate any bicycle or Ebike (i) in any manner that endangers the safety of other persons or property, including, without limitation, other trail users, and taking into consideration, without limitation, weather and trail conditions, (ii) in the absence of a posted speed limit, at a speed in excess of 20 m.p.h., or (iii) at a speed in excess of that which is reasonable and proper for the safe operation of such bicycle or Ebike, with regard to existing conditions, including but not limited to trail or road surface, hills, curves, intersections and other bicycle, pedestrian, or equestrian traffic;

(xiv) ride a bicycle or Ebike on any District Property other than a Bicycle Trail or public right of way where bicycles and Ebikes are permitted;

(xv) ride a bicycle or Ebike on any Bicycle Trail more than two abreast or on any public right of way in any manner other than single file;

(xvi) when riding a bicycle or Ebike on a Bicycle Trail, fail to ride the bicycle or Ebike (a) within the lane designated for travel by signs or District Rules; or (b) if no specific lane is designated for travel, on the right side of the Bicycle Trail;

(xvii) when riding a bicycle or Ebike on a Bicycle Trail, fail to ride the bicycle or Ebike single file when overtaking or approaching another bicycle, Ebike, pedestrian, or equestrian;

(xviii) when riding a bicycle or Ebike on a Bicycle Trail, fail to yield to a pedestrian or equestrian; or

(xix) operate or use a Wheelchair or OPDMD (i) in any area not intended for pedestrian use, (ii) if, in the case of an OPDMD, the class of OPDMD being used cannot be operated in accordance with legitimate safety requirements that the District has adopted, (iii) such use would pose a direct threat to the health or safety of others, (iv) such use would fundamentally alter a District service, program, or activity in such area, or (v) such use would result in undue financial and administrative burdens to the District;

(xx) Operate or use a Wheelchair or OPDMD on District Property, if the person operating is not a person with a mobility disability.