

Bicycling is great for the environment and your health. But it also can be a lot of work, especially when you have to go up a steep hill. That's where electric bikes can be handy – and thanks to lighter motors and other innovations, they have really taken off. They're particularly useful when you are pedaling around a child or a large bag of groceries.

There is a problem here, however. [Electric bicycles may not be legal on bike paths that prohibit motor vehicles \(such as motorcycles\)](#). That is counter to the goal of encouraging more bicycle use. And I think while most people would object to a motorcycle passing them on a bike path, they wouldn't have much objection to an electric bike (usually fairly quiet) passing them on a bike path, particularly if that electric bike wasn't much faster than the average bike (again in contrast to motorcycles).

The legislature tried to solve this problem by passing [AB 1096](#), which creates a new category of electric bicycles. The legislation also aims in part to eliminate confusion about the regulatory and insurance status of electric bicycles. But in solving these problems, the legislature may have just created another problem.

It appears that the bill sets as the default that low-power electric bikes – defined in the statute as bikes that cannot go faster than 20 mph on their motor power alone – can be allowed on hiking and other trails throughout the state where bicycles are already allowed. Here, the legislature seems to have failed to recognize the difference between a bike path – usually paved, graded, and intended for intensive transportation and recreational use – and a hiking path – often not paved, often not graded (certainly not in the fashion of a bike path), and intended for a more reflective or quieter form of recreation. There are already user conflicts between mountain bikers and hikers on hiking paths – sometimes resolved by limiting mountain bike use on those paths. Those user conflicts led to an [epic legal battle](#) in the Golden Gate National Recreation Area about where and how mountain bikes could be permitted on various kinds of trails. But those user conflicts are surely going to be exacerbated when hikers are being passed by electric bicyclists going uphill past them at up to 20 mph (the upper speed limit allowed under the statute for qualifying electric bicycles).

The bill does allow land managers to affirmatively decide to prohibit electric bikes on hiking paths. But that requires affirmative action by land managers to prohibit a use that I think many hiking path users (including mountain bikers) would find inconsistent with the goals of a hiking path. Far better for the law to prohibit electric bikes from these paths unless the land manager specifically allows them.

The bill still awaits Governor Brown's signature. It strikes me that the problems with this well-intentioned bill might warrant a veto. If the bill is not vetoed, land managers around

the state should be aware of what this legislation does, and be prepared for another round of difficult decisionmaking. Land managers might want to start with an initial blanket prohibition on electric bikes on these kinds of paths, and then opening up individual paths on a case-by-case basis.

(Disclosure: I hike. I mountain bike (not very well). And we're very interested in getting an electric bike for commuting around town with our daughter in tow.)

(Hat-tip on this issue to a member of my local outdoor and hiking group who sent out an email alert on the topic.)