

E-Bikes, motorized scooters and motorized assist vehicles used on Washington Trails and Beaches

Information provided by the Washington State Parks and Recreation Commission

The source for E-Bike information is RCW 46.61.710 and WAC 352-20-005. WAC 352-20-005 also states the regulation on motorized scooters. American Disability Act regarding motorized assist vehicles can be found at www.ada.gov.

In mid-2018 E-Bike legislation changed the laws regarding E-Bikes as regulated by RCW46.61.710. They were classified into three categories and the authority to regulate was granted to local and state jurisdictions. The definition and classification of these devices are as follows:

Electric-assisted bicycle—Class 1 electric-assisted bicycle—Class 2 electric-assisted bicycle—Class 3 electric-assisted bicycle.

"Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than seven hundred fifty watts. The electric-assisted bicycle must meet the requirements of one of the following three classifications:

(1) "Class 1 electric-assisted bicycle" means an electric-assisted bicycle in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty miles per hour;

(2) "Class 2 electric-assisted bicycle" means an electric-assisted bicycle in which the motor may be used exclusively to propel the bicycle and is not capable of providing assistance when the bicycle reaches the speed of twenty miles per hour; or

(3) "Class 3 electric-assisted bicycle" means an electric-assisted bicycle in which the motor provides assistance only when the rider is pedaling and ceases to provide assistance when the bicycle reaches the speed of twenty-eight miles per hour and is equipped with a speedometer.

EPMD & OPMD

OPMD- Other Power-Driven Mobility Devices - They are devices powered by batteries, fuel, or other engines, and may or may not be designed primarily for use by individuals with mobility disabilities. OPDMDs include golf carts, electronic personal assistance mobility devices, such as the Segway® PT, or any other mobility device designed to operate in areas without defined pedestrian routes.

EPMD - electric personal assistive mobility device is included in the OPMD definition

Who May Use OPDMDs

With the exception of off-road vehicle parks, the use of OPDMDs in Washington State Parks is restricted to people with mobility disabilities as defined in §35.104 of Title II of the Americans with Disabilities Act. Users of OPDMDs must provide credible assurance that the mobility device is required because of their disability. Credible assurance may be provided by showing park staff a government-issued pass showing evidence of a qualified mobility disability or any state's valid disabled parking placard or card assigned to the person who will be using the OPDMD. Individuals who provide only verbal representation, not

contradicted by observable fact, that the device is required because of a mobility disability will not be denied the benefit of this program. Park staff shall not ask an individual using a wheelchair or OPDMD questions about the nature or extent of the individual's disability.

Standards for Use of OPDMDs

In order to ensure that OPDMD operation does not pose significant safety or environmental risks, all OPDMDs operated in State Parks must meet the following standards.

Long-distance trails:

1. OPDMD use is permitted, except in classified Natural Area Preserves, provided the OPDMD meets the other criteria in this section.
2. Internal combustion engines are not permitted in classified Natural Areas or Natural Forest Areas.
3. OPDMD shall not exceed 48" in width¹.
4. If powered by an internal combustion engine, the OPDMD engine shall be equipped with a US Forest Service-approved spark arrestor, in working condition with no modifications. The OPDMD is required to have an operating muffler device, and to meet Clean Air standards in effect at the time of its manufacture.
5. Speed shall not exceed 15 miles per hour, except within 30 feet of other trail users, where speed shall not exceed 5 miles per hour.
6. 48" maximum width is needed in order to safely allow two OPDMDs to pass, and to allow OPDMDs to pass between bollards designed to prevent street vehicles operated by people without mobility disabilities from accessing the trails.
7. 5 miles per hour is the maximum speed on non-motorized trails within state parks because these trails are often unpaved, and steeper than long-distance trails. Under these conditions, faster speeds would lead to soil erosion. Also, since these trails are more heavily used, the lower speed limit is needed for the protection of other trail users.

Non-motorized trails within state parks:

1. OPDMD use is permitted, except in classified Natural Area Preserves, provided the OPDMD meets the other criteria in this section.
2. In classified Natural Areas, Natural Forest Areas, and Heritage Areas, OPDMD use is permitted only on trails with a paved, wood, or crushed rock surface.
3. If the trail has wider areas to allow for passing at 1000-foot maximum intervals, the OPDMD width shall not exceed 90% of the width of the trail, up to a maximum of 48".
4. If the trail does not have wider areas to allow for passing at 1000-foot maximum intervals, the OPDMD width shall not exceed 45% of the width of the trail, up to a maximum of 48".
5. If powered by an internal combustion engine, the OPDMD engine shall be equipped with a US Forest Service-approved spark arrestor, in working condition with no modifications. The OPDMD is required to have an operating muffler device, and to meet Clean Air standards in effect at the time of its manufacture.
6. Speed shall not exceed 5 miles per hour.

Off-trail use:

1. OPDMD use is not permitted off-trail, except in open turf areas managed for active or passive recreational activities.

State Park roads:

1. OPDMD use is permitted on internal state park roads, provided the OPDMD meets the other criteria in this section.
2. Internal combustion engines are required to have an operating muffler device, and to meet Clean Air standards in effect at the time of their manufacture.
3. Speed shall not exceed posted speed limits.

Outdoor recreation access routes:

1. OPDMD use is permitted, provided the OPDMD meets the other criteria in this section.
2. If the outdoor recreation access route has wider areas to allow for passing at 200-foot maximum intervals, the OPDMD width shall not exceed 90% of the width of the outdoor recreation access route, up to a maximum of 48”.
3. If the outdoor recreation access route does not have wider areas to allow for passing at 200-foot maximum intervals, the OPDMD width shall not exceed 45% of the width of the outdoor recreation access route, up to a maximum of 48”.
4. If powered by an internal combustion engine, the OPDMD engine shall be equipped with a US Forest Service-approved spark arrestor, in working condition with no modifications. The OPDMD is required to have an operating muffler device, and to meet Clean Air standards in effect at the time of its manufacture.
5. Speed shall not exceed 5 miles per hour.

Off-Road Vehicle (ORV) trails:

1. OPDMD use is permitted, provided the OPDMD meets the standards required of ORVs.

Winter recreation trails:

1. OPDMD use is permitted on trails or trail sections managed for snowmobile use during the winter recreation season, provided the OPDMD meets the standards required for other motorized winter users.
2. OPDMD use is permitted on ungroomed trails or trail sections managed for non-motorized winter trail use, provided the following criteria are met:
 - a. The OPDMD meets the standards required for other motorized winter users.
 - b. Internal combustion engines are required to have an operating muffler device, and to meet Clean Air standards in effect at the time of their manufacture.
 - c. If the trail has wider areas to allow for passing at 1000-foot maximum intervals, the OPDMD width shall not exceed 90% of the width of the trail, up to a maximum of 48”.
 - d. If the trail does not have wider areas to allow for passing at 1000-foot maximum intervals, the OPDMD width shall not exceed 45% of the width of the trail, up to a maximum of 48”.
 - e. Speed shall not exceed 15 miles per hour, except within 30 feet of other trail users, where speed shall not exceed 5 miles per hour.
3. OPDMD use is not permitted on groomed cross-country ski trails, except in areas where there is sufficient space to avoid damage to the set tracks and skating lanes. The following criteria must be met:
 - a. The OPDMD meets the standards required for other motorized winter users.
 - b. Internal combustion engines are required to have an operating muffler device, and to meet Clean Air standards in effect at the time of their manufacture.
 - c. If the trail outside the set tracks has wider areas to allow for passing at 1000-foot maximum intervals, the OPDMD width shall not exceed 90% of the width of the trail, up to a maximum of 48”.

- d. If the trail outside the set tracks does not have wider areas to allow for passing at 1000-foot maximum intervals, the OPDMD width shall not exceed 45% of the width of the trail, up to a maximum of 48”.
- e. Speed shall not exceed 15 miles per hour, except within 30 feet of other trail users, where speed shall not exceed 5 miles per hour.

Ocean Beaches:

1. OPDMD use is permitted in all areas where motor vehicles are permitted, provided the following criteria are met:
 - a. The OPDMD is driven on the uppermost hard sand area.
 - b. Internal combustion engines are required to have an operating muffler device, and to meet Clean Air standards in effect at the time of their manufacture.
 - c. Speed shall not exceed posted speed limits.
2. Except in designated sensitive beach areas, OPDMD use is also permitted in areas where motor vehicles are prohibited, provided the following criteria are met:
 - a. OPDMDs are not permitted in dune areas,³ except on designated trails or boardwalks. On such trails, refer to the criteria for non-motorized trails within state parks.
 - b. Internal combustion engines are required to have an operating muffler device, and to meet Clean Air standards in effect at the time of their manufacture.
 - c. OPDMD shall not exceed 48” in width⁴.
 - d. In uppermost hard sand areas, speed shall not exceed 15 miles per hour, except within 30 feet of other beach users, where speed shall not exceed 5 miles per hour.
 - e. In clam beds, speed shall not exceed 3 miles per hour⁵.
3. In sensitive beach areas, OPDMD use is permitted, provided the following criteria are met:
 - a. Dune areas are fragile ecosystems, and also have highly irregular and shifting terrain.
 - b. Larger OPDMDs are more likely to crush shellfish in the clam beds.
 - c. A low speed is needed in clam beds to avoid disturbing or crushing the shellfish, particularly while turning.
 - d. OPDMDs are not permitted in dune areas³ except on designated trails or boardwalks. On such trails, refer to the criteria for non-motorized trails within state parks.
 - e. OPDMDs shall not produce noise levels in excess of 70 decibels⁶.
 - f. Internal combustion engines are required to have an operating muffler device, and to meet Clean Air standards in effect at the time of their manufacture.
 - g. OPDMD shall not exceed 48” in width⁷.
 - h. Speed shall not exceed 5 miles per hour, except in clam beds, where speed shall not exceed 3 miles per hour⁸.
4. OPDMD use is not allowed in beach areas closed for wildlife protection.
5. Excessive noise can disturb the threatened or endangered species that use sensitive beach areas.
6. Larger OPDMDs are more likely to disturb threatened or endangered species, or to crush shellfish.
7. Slower speeds are needed to avoid disturbing threatened or endangered species, and to avoid crushing shellfish.
8. 36” maximum width is needed because Puget Sound and freshwater beaches are often crowded, and because they often have sensitive surface plants or animals that would be more easily crushed by a larger device.
9. 5 miles per hour is the maximum speed on Puget Sound or freshwater beaches because they are often crowded, and because slower speeds are less likely to disturb sub-surface animals.

Puget Sound or Freshwater Beaches:

1. OPDMD use is permitted, except in classified Natural Area Preserves, provided the OPDMD meets the other criteria in this section.
2. Internal combustion engines are required to have an operating muffler device, and to meet Clean Air standards in effect at the time of their manufacture.
3. OPDMD shall not exceed 48" in width.⁹ On some beaches, the only access is via non-motorized trails within state parks or outdoor recreation access routes; in those cases, refer to the width limits in those sections of the policy.
4. Speed shall not exceed 5 miles per hour.¹⁰
5. OPDMDs shall not be driven over surface plants or animals, which include, but are not limited to oysters, muscles, barnacles, and seaweed.

Indoor facilities:

1. OPDMD use is permitted provided the OPDMD does not exceed 32" in width.
2. Internal combustion engines are not permitted.
3. Speed shall match the walking speed of others in the facility, not to exceed 3 miles per hour.

Operator responsibilities:

1. OPDMD operators shall yield to other trail users. In particular, to ensure the safety of all trail users, the OPDMD shall come to a complete stop and shut off the OPDMD if it makes noise when encountering equestrians, and the operator should communicate with the rider to determine the best way to proceed safely.
2. OPDMDs must be kept entirely within the width of the trail bed at all times. Driving off the edge of the trail bed is damaging to vegetation and soils, and is not permitted.