



**HELENA OPEN LANDS MANAGEMENT  
ADVISORY COMMITTEE  
SUMMARY  
February 9, 2021**



**GENERAL MEMBERS**

- Eric Sivers
- Karen Reese
- Brian Barnes
- Claudia Clifford
- Eric Feaver (New Member)

**CITY OF HELENA STAFF**

- Brad Langsather, Open Lands Manager
- Kristi Ponozzo, Director, P & R, Open Lands
- Jennifer Schade, Recorder

**CITY-COUNTY PARKS BOARD**

- David McGuire

**HELENA CITIZENS COUNCIL**

- T.J. Lehmann

**ACTIVE PARTICIPANTS**

**Helena Tourism Alliance Representative**

- Andrea Opitz *absent*

**PPLT Representative**

- Nate Kopp

**VIA ZOOM MEETING**

**Topic: HOLMAC Meeting**

**Time: February 9, 2021 05:30 PM Mountain Time (US and Canada)**

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**Call to Order:** Dr. G Roostech; Ed Santos, Gregg and Wendy Wheeler, Joan Miles, Meg Bishop, Michele Webster, Nancy Perry, Roy Barkley, Steve, Tony Jewett, Lisa Bay, Dave Nimick

### **Welcome/Introductions/Visitors**

- Called to order at 5:33 pm.
- Welcome to our newest member, Eric Feavers!

### **Minutes Approval**

- Approval of January 2021 Minutes
  - ✚ Claudia: Ken Knutson, Michele Webster were both in attendance. Claudia also asked that Jennifer include the information that Tony provided on the Moab trail system in regards to prohibiting e-Bike use on trails and limiting the use on motorized areas. Jennifer will add that information.
- With no further corrections, Claudia to approve the minutes with said edits. Karen seconded. Motion carried.

### **HOLMAC Action Items**

#### **Reports from City / Subcommittees**

1. Update from City Staff on the following:

##### Budget and Budget Process

- Brad stated personnel requests have been submitted. Brad did not make any permanent position requests. There were no reclassifications. He will be reassembling his seasonal workforce this summer.
- The Open Lands CCIP (Comprehensive Capital Improvement Program) has been submitted to finance. This includes all the assets added last year.
- Weed control activities
  - Brad is in the process of designing the weed program. He is evaluating how much of the weed work will be contracted out and how much can be done in-house. He is also looking at which areas we will focus on this upcoming season.
  - We doubled our contract herbicide application last year and will focus on the areas that we didn't cover last year.

##### Other Updates

- The DNRC does have a draft completed for the Mount Helena North Face Project. The DNRC is doing the NEPA on that project. We chose not to input a RTP (Recreational Trails Program) Grant Request. There were some technicalities. What we are going to do with the project that we had preliminarily wanted to submit is the extension of the ADA Trail. This will be included in our fall 2021 major project items
- We submitted a grant along with the Montana DNRC, US Forest Service, BLM and Tri-County Fire, to do a first treatment on the Graham property. This is part of the Montana Action Plan so hopefully we will know in a couple of months where we stand with that grant application. We asked for \$40,000 to support that work.
- Brad stated that he and Nate Kopp have spent some time on this year's trail maintenance contract. They are negotiating some of the items that will be included in the contract. Once that is finalized, they will begin negotiating costs and schedules. We are still under an active

contract with PPLT, but we would like to include this on our 2021 work plan which hopefully will be out in March.

- Claudia asked Brad if he will share that contract with HOLMAC once it is finalized. Brad stated that that it will be included as page on the work plan. Once we have the items completely negotiated, we will take the scope of services and attach it to the work plan along with the other work we will be doing. That should be out next month.
- We have started the work on Dry Gulch PSR. We are approximately 20% complete; however, due to weather, we have been unable to do work this week.
- We have an extensive amount of clean up from the recent wind event. We are about \$10,000 into the cleanup work. There were fallen trees across trails. We had an extensive amount of trees down on the LeGrande property. Both staff and a hired contractor did the cleanup work. We did the areas that were of immediate concerns. We will have more work to do this summer. LeGrande was the worst hit sight.
- This week we are working to deep all the trail heads open and plowed. We will also be constructing kiosks in the shop during this cold snap.
- Brian asked if any of the downed trees went to the LEAP program. Brad sated yes. They hauled for three days to the Donaldson storage area. That material will be set to dry during the summer and will be of the fall distribution process next year.

#### Upcoming Forestry Activities

- Nothing to report.

#### 2. Report from PPLT

- Nate – as Brad stated, they have been working on the annual maintenance agreement.
- PPLT is looking to hire a Seasonal Trails Coordinator.

### **New Business**

#### 1. Update: Davis/DeFord Working Group

- This group has just gotten started.
- Brad – the working group has had its first meeting. They reviewed a number of items with the lower bike skills area. Also, Kristi is working on arranging a walking audit and analysis of the DeFord Trail from an ADA standpoint.
- The group also discussed a number of items associated with the upper and lower trail.
- We had to cancel the field trip this week because of the weather.
- We will be contracting for a slope survey of the trail from the lower DeFord Trailhead parking area up to where Tucker Gulch takes off. We will need to wait on the ADA walk audit until some of the snow clears.

#### 2. Presentation: E-Bike Management in Other Jurisdictions

- Brad gave a presentation on e-Bike management in other areas.
- There are three classes of e-bikes:
  - ✚ Class I which is pedal assist only, with no throttle, and have a maximum assisted speed of 20 mph;
  - ✚ Class II which is pedal assist, throttle-assisted and a maximum assisted speed of 20 mph;
  - ✚ Class III which is pedal assist only, with no throttle, and a maximum assisted speed of 28 mph.

- The state of Montana defines an electric bicycle as an "electric assisted bicycle." To be placed in this category, the motor must have a maximum speed of 20 mph. Both electric bicycles and traditional bicycles must adhere to the same rules of the road. E-bikes are not required to meet the registration, licensing, or insurance requirements that standard motor vehicles are subject to. E-bikes are allowed on both sidewalks and bike paths.
- Brad performed research of e-Bikes use in the following cities/counties/states: Missoula, MT; Boulder CO; Colorado Springs, CO; Boise, ID; Durango, CO; Park City, UT; Boulder County, CO; Jefferson County, CO; Larimer County, CO.
  - ✚ Missoula, MT allows Class I and II e-Bikes on streets and commuter trails. They are not formally authorized for use on city open space trails, nor are they prohibited. They have not made a decision on open space.
  - ✚ Boulder, Co allows Class I and II e-Bikes on streets and commuter paths but they are prohibited on open space trails.
  - ✚ Colorado Springs, CO allows Class I e-Bikes on urban trails and all e-Bikes are prohibited on open space. They recently completed an e-Bike survey. They will be evaluating the survey to make decisions on this issue. Brad did not have access to the survey.
  - ✚ In Boise, ID, Class I, II, and III e-Bikes are allowed on streets, sidewalks, bike lanes, and green belt paths. They are not allowed on open space trails; however, the city does provide a map of ADA open space trails where e-Bikes are allowed.
  - ✚ Durango, CO allows Class I and II e-Bikes on city hard-surfaced trails within the community. They are prohibited on open space trails with the exception of Twin Buttes where there is an ongoing 1-year trial period for Class I e-Bikes. This trial period will be completed in June.
  - ✚ Park City, UT allows Class I and II e-Bikes on paved trails. Class I e-Bikes are allowed on soft-surface trails wider than five feet. Class I e-Bikes are also allowed on single track trails for riders 65 years and older who have obtained a permit.
  - ✚ Boulder County, CO allows Class I and II e-Bikes on identified regional and plains trails (plains trails are a combination of gravel surfaced trails such as decomposed granite and are wider topography), but they are prohibited on all other open space trails.
  - ✚ In 2018, Jefferson County, CO went through an e-Bike trial period. They not only did surveys, but also allowed people to use e-Bikes and then completed a survey before and after the use. As a result, Jefferson County allows Class I e-Bikes on natural surfaced trails and Class I and II e-Bikes on paved trails.
  - ✚ Larimer County, CO (Fort Collins area) allows Class I and II on paved trails; however, all e-Bikes are prohibited on all other naturally surfaced trails with the exception of the Devils Backbone Trail where 30 "lotto selected" riders can ride Class I e-Bikes until February 15, 2021.
- David – with the surveys and other research, were there any issues with collisions on the trails identified at any of these locations.
- Brad didn't see issues with collisions – it was more concerns with people being passed while ascending on an e-Bike. Brad then encouraged board members to google some of these locations. Durango, CO has started their trial period last summer. There are a number of comments on their website.

- Brian asked Brad if he has seen any analysis on increased trail maintenance due to e-Bikes? Brad stated the only thing he has noticed is potential weight difference but it is not significant. It is more about is the activity consistent with what is going on the trails.
- Eric asked if Brad knows when Jefferson County made the decision made to allow e-Bikes on their natural surface trails. Brad believes that decision was made in 2019. The trial occurred in 2018.
- **Jennifer will add Brad's presentation to the website and will send it out to HOLMAC members.**
- Claudia – in looking at a map of Missoula's open space, it seems clear that they restrict all e-Bikes to their commuter trails and that e-Bikes are considered motorized under their jurisdiction so they have kept them off of their open space lands. That was Brad's perception as well; however, he reached out to Missoula staff who stated they have not made a formal decision to allow nor deny e-Bike use on single track trails. Brad was left with an indication that a decision has not been made.
- Claudia stated that in her interactions, Missoula does not allow e-Bikes on their open space trails. While Montana does have one law in place, we are able to consider e-Bikes as motorized as is the forest service and BLM.
- Brad added that the only place he saw where e-Bikes are considered non-motorized was in Colorado.
- Claudia then added that we are able to define e-Bikes as motorized.
- Brian – when presenting information from Boise, Idaho, Brad mentioned an assessment of possible trails that could be accessed by eBike users. How long would it take for us to get this type of assessment. Brad – at this time he doesn't have an answer to that question as we have not yet gone through a formal process. He added that he noticed Boise was the only city that actually had a map of where eBikes could be used. Going forward in our process, Brad thinks that would be an im good idea.
- Eric S added that his understanding has been that because that natural surfaced open space trails are not compliant to ADA (you don't have to make allowances for them), the mobility device exception did not apply there.
- Brad stated the when the 2011 law took effect, Brad assumed we would receive requests for motorized uses on our trail system; however, that has not materialized. When we look at eBikes today, the likelihood of this materializing is greater now.

## Public Comment

Lisa Bay

- If approved, Lisa agrees that having a map of where eBikes will be allowed will be very important no matter what decision is made.
- She also mentioned that state law on the PowerPoint presentation did not address Class III e-Bikes. It states that Class I and II are non-motorized, but said nothing about Class III. She also thought it was interesting that none of the jurisdictions mentioned addressed Class III. It would be interesting to see if anyone believes Class III would be appropriate on our trail system.
- Brad then stated that most of the municipalities classified Class III e-Bikes as a moped. Some prohibited scooters and Class III eBikes. That was dependent on the agency.

Tony Jewitt

- Good presentation, Brad.

- Montana law defines eBikes as electrically assisted bicycles, but not non-motorized. It is defined as a bicycle with two operational pedals with a motor attached. This is an important distinction.
- If you go online and look at efforts being made in defining e-Bikes around the country, much of it is politically engineered by the biking industry to define eBike usage at the state level in order to open up ease of opportunity for use of that. We are lucky to be able to define that at a local level. It is also important to remember that there is a pretty big effort to define eBikes as non-motorized.
- Tony added that two places of not to look at that weren't included in the PowerPoint are Marin County in California (a heavily used mountain bike area) and Moab which is the mountain biking capital of America. It is true that the city of Moab has very few city trails, the city has prohibited use of eBikes on those trails. It is also the county seat of Grand County Utah. If you look at Moab's website, you will see that eBikes prohibited on all non-motorized county trails as well as BLM and forest service lands.

#### Claudia Clifford

- In looking at the different types of eBikes, and if we are going to enforce policies on the use of e-Bikes, how would we regulate and be able to tell the difference between Class I, II, and III eBikes? How does the city regulate this?
- Brad – when doing his research, Brad found that if eBike use on trails was allowed, the eBike has to be labeled as to its class. If they are on a trail that does not allow that particular class of eBike, the owner/rider is fined.
- Claudia then asked who does that labeling. Brad stated there has to be a process. The class would have to be the manufacturers class/rating. There are some areas where you may have to get the eBike inspected.
- TJ asked if rules would be enforced by the city. From what Brad has read, open space systems that allowed eBike use on their trails had actual law enforcement personnel on the trails. They most likely have the capability to issue citations.

#### Meg Bishop

- With the potential of moving forward to developing a policy regarding eBikes, Meg encourages the city and everyone to consider that our trails are intermingled with forest service/BLM land. Any policy written would need to state that eBikes are considered a motorized vehicle and therefore would be prohibited on those trails.
- Meg also mention that relative to a 50 mile radius of Helena, there are maps that show trails that are accessible for motorized use. We should make sure to evaluated and look at where we currently have that type of access. This would be a good addition to the discussion.

#### Joan Miles

- Joan stated she appreciates all the research Brad has done on this issue. She encourages the group to also look at Kalispell and Bozeman. They are consistent on the fact that eBikes are on paved trails and some of the wide, shared use trails, but not on mountain trails. If you look at the jurisdictions all around us, most are prohibiting and/or restricting eBikes on open space trails.
- HOLMAC's purview is looking at Helena's open spaces, especially in the South Hills; however, Joan believes an effort should be made to look at areas of where eBikes are perfectly suited for. There are miles and miles of area in and around Helena that are perfectly suited for eBikes. This issue shouldn't be looked at in a negative light, but do eBikes belong on our steep, rocky trail system which are already pretty crowded.

- Last thing Joan offered – in listening and reviewing Brads assessment of the different jurisdictions, Joan noticed that maybe two of the municipalities allowed Class 1 eBikes; however, most have said no motorized (including eBikes) are allowed on open space areas.
- If you start differentiating between classes, you will need to have a really defensible, rationale reason for doing that. Joan believes that is why a lot of jurisdictions have said that eBikes are not allowed on open space areas.

Steve Platt – President of the Helena Hunters and Anglers Association Board (HHAA)

- Their concerns of allowing eBikes on the Helena trail system are much like Meg Bishops concerns.
- Our city trails connect with public lands trails on BLM and forest service lands. Steve believes it will be very difficult if we allow eBikes on our city trails to keep them from going onto forest service lands.
- We do have a lot of good opportunities to allow eBikes on hard surfaced trails. Steve has seen a fair amount of eBikes on LeGrande Cannon, but he does not believe they are appropriate on the soft, natural trails.
- HHAA’s biggest concern is wildlife and the increasing use of the South Hills trail system.

Nate Kopp

- Nate asked to provide information that may be pertinent to this discussion. He received an email today. Apparently, there is a bill in the legislature that will revise potential bicycle rules and regulations. The bill is HB326. Nate wanted to make everyone aware of this bill as any decision the state makes on the bill could affect the decision the city makes in regards to eBike use on Helena open space.

Michele Webster

- Regarding distinguishing between Class I, II, and III eBikes: Michele recently read an article from the mountain biking association where they talked about the potential of owners overriding the software on a bike to make them go faster. This is a concern to Michele.

Angie LaFron

- As private land owners, Angie and David are concerned that if the city allows eBikes on the trail system, and the trail intersects with trails that go across their property, how would they as the property owner monitor this activity. They do not want eBikes on their property because of potential resource damage and having more bikes on the trails. it would be a logistical nightmare, and David and Angie ask that HOLMAC and the city consider private landowners with trails across their property when making the decision about eBike use.

Eric Feaver

- As the newest member of HOLMAC, Eric Feaver asked for the background of the current issues/policies regarding eBikes.
- Eric Sivers began this discussion. Kristi Ponozzo, the Parks Director at the City of Helena sent an email to HOLMAC asking for direction on the use of eBikes on Helena Open Lands. We (HOLMAC) had the initial discussion last month. This conversation is larger than HOLMAC. We have three options: do not allow anywhere, allow everywhere, or do nothing. Brad did some research on what other similar jurisdictions have done regarding this issue which is what he presented tonight. HOLMAC is not presenting recommendations or suggestions to the city. We are deciding on moving forward with an open, inclusive public process regarding the matter. Kristi has agreed to work on a survey that will have broad circulation.

Kristi Ponozzo

- Kristi was asked by the city commission to begin the conversation regarding eBikes.

- The next step in the process for city staff will be a public involvement survey. Kristi is working on this and hopes to have a draft to present at the next HOLMAC meeting.
- HOLMAC will be engaged in making advice based on information gathered from the survey.

#### Claudia C

- Claudia asked that HOLMAC review the survey before it goes out to the public.
- Kristi stated she will add the survey as an agenda item for the next meeting.

#### Edward S

- Edward asked if he can get a sense of where the HOLMAC members stand with regards to eBikes.
- Eric Sivers: He is neutral on this topic. While he does have some concerns, he doesn't believe they are necessarily as impactful as he thought five years ago.
- Brian: Brian thoughts are to allow eBikes on commuter trails and paved trails, but not on narrow trails up the mountain. He wants more information on potential trails that could work with eBikes and recommends that we start with a policy and modify as needed. From what he has noticed, there are more responses against the use of eBikes.
- Dave M: As discussed last month, we need a lot more public input. We also need to keep an open mind about this. It seems like there are two camps right now – the exclusionary camp and the inclusionary camp. We need to determine what suits our community the best. If we determine they are unsafe on the trails, that needs to address. David has not seen data to support that one way or the other. There has been a lot of discussion that eBikes could be damaging to the trail system. We need to find out how much impact they will have to the trail system.
- TJ: As a member of the HCC, the message he has received from the citizen's council is that there needs to be more public interaction. We need to get the community involved. Both sides need to be heard. With the Chapter 7 revamp, we need to make sure the information gets out to the public. TJ wants to figure out what the community thinks about this issue. TJ wants to make sure we hear everyone out before we make a recommendation.
- Claudia: Our trail system is really loved by community. The trails are a wonderful asset. Claudia is concerned that we have a level of user conflicts. The trails are well used and worn. There are concerns about adding eBikes. They will bring a significant change on our open space. Claudia is not in favor of allowing eBikes on the Helena open lands trail system. In agreement with David McGuire, there are safety considerations that we haven't considered. She added that this could be a great opportunity for the city to develop more in-town recreational options for eBike use.
- Brian: Brian did notice during the presentation that a couple of the jurisdictions did pilot projects. Perhaps this is something we could entertain – perhaps make an exception on one of the trails. It would be interesting to hear some more information on this.
- Eric F: At this point, Eric is not a big eBike fan. These trails are not the trails that Eric began running years ago. Our trail system is a precious asset for hikers, runners, and even bikers. Eric will keep an open mind and looks forward to Kristi's community survey and future discussions.

#### Joan Miles

- Joan scanned the piece of legislation that Nate discussed. What it does include under the definition of electrically assisted bicycle is 3-wheelers with fully operable pedals, a saddle, electric motor, etc. The whole issue of eBikes probably has more to do with licensing and insurance. Her point – if you allow one type of motorized vehicles on our trails, you just opened the door for other motorized vehicles such as 3-wheelers. Do motorized vehicles/devices belong on our South Hills trails?

## Public Comment – DeFord Working Group

Meg B

- Meg provided history of the proposal for an ADA trail route up the existing DeFord Trail as part of the Helena Open Lands Work Plan. Meg feels that opportunities for the ADA community to enjoy nature and our trail system is vital. It adds to our quality of life.
- Since then, Meg has done more research on this topic as the broad interest is expanding .
- In discussion with Lisa Bay, they learned with ADA legal requirements don't apply to trails on open space unless the land is owned by the federal government. The legal requirements apply to restroom facilities and parking spaces.
- From PPLT trails map, the DeFord is on all city-owned land. Per Brad – the trail is on city-owned land and it does cross very little of BLM.
- Over the years, a number of federal, state, and land trusts have recognized that ADA local agencies requirements do not apply to locally owned trails. therefore, they have written technical guidelines, including best management practices, for those types of trails. Over the years, the “Universal Access Trail Guidelines” has been created. Meg wants to be clear that she is proposing a trail under these guidelines, not a shared-use path. There are many details associated with this.
- Meg has also seen google earth grade analysis for the DeFord Trail that shows it has an overall grade of at 8%. This indicates a universal trail access would be physically possible under the Universal Access Trail Guidelines.
- Meg and Lisa are asking to work with Brad on this issue. It may help us make informed decisions as we move forward with the ADA Trail.
- There is a lot of interest in this recreational opportunity.

Lisa B

- Lisa added that Brad has discussed putting out a RFP for an engineer to do a grade analysis. If Brad hasn't seen this Universal Access Guideline, Lisa encourages him to look at that. They list grade requirements and also outline where you need to make exceptions to the grade requirements.
- Brad stated that he has reviewed the Universal Access information. The slope survey Brad spoke about allows us to look at the actual slope of the trail itself. It will help us with what we want to do from that point forward. An engineer will survey the existing trail.
- Slope survey allows us to look at what the slope is doing – ask brad
- Lisa - will those results be presented as profiles. Brad stated yes. He added that he has done an informal profile as well as looked at problems areas. The analysis of 8% is about what Brad thought. He just wanted to formalize that with a slope survey. He would like to do a slope survey from mid-DeFord up to Tucker to look at the upper area as well.
- Lisa – when Meg and Lisa walked the trail, there thoughts were that it would be best to look at starting such a trail north of Netcherts rather than all the way down to where the parking is. It may be best to look at a 2-car ADA compliant parking area so we don't have conflicts of so many uses. This can be something for the committee to look at. Per Brad – we will be looking at all of this.

Claudia C

- The other half of this project is the proposal from Matt Culpo who wants to take a rogue section of a bicycle skills course and improve that which is right next to the DeFord trail. What are the discussions around this and how would this bicycle section go back up to the top of the course

again? Would that be on DeFord or on Davis Gulch or a separate new trail? Have there been discussions on these considerations?

- Brad – we have discussed this, but no decisions have been made. Eric S stated we should postpone that response until next month. We can consider asking Matt to be a part of that discussion.

### **Future Agenda Items**

1. Discussion: Trail Attributes for Assessment Project

### **Adjournment**

With no further business, Brian moved to adjourn the February 9, 2021 HOLMAC Advisory Board meeting. TJ seconded. Motion carried. The meeting adjourned at 7:15 pm.

### **ADA NOTICE**

The City of Helena is committed to providing access to persons with disabilities for its meetings, in compliance with Title II of the Americans with Disabilities Act and the Montana Human Rights Act. The City will not exclude persons with disabilities from participation at its meetings or otherwise deny them the City's services, programs, or activities.

Persons with disabilities requiring accommodations to participate in the city's meetings, services, programs, or activities should contact Sharon Haugen, Community Development Director, as soon as possible to allow sufficient time to arrange for the requested accommodation, at any of the following: Phone: (406) 447- 8490; TTY Relay Service 1-800-253-4091 or 711 Email: [citycommunitydevelopment@helenamt.gov](mailto:citycommunitydevelopment@helenamt.gov), Mailing address & physical location: 316 North Park, Avenue, Room 445, Helena, MT 59623.