

Chapter 3. Off-Road Bicycle Policies

3.1. Introduction

Mountain bicycle access in City parks is addressed in the Bicycle Plan as a continuation of previous policies in the existing Bicycle Plan. The existing Bicycle Plan contains specific recommendations to open certain trails in some City of Los Angeles parks to mountain bicycle access. However, because consensus was not achieved, those policies have never been implemented. This update of the Bicycle Plan revisits those policies.

Recreational access to City parks is a particular challenge in Los Angeles as there is limited park acreage to adequately serve the population. This chapter provides the legislative and historical background of mountain bicycling on City trails, a discussion of the range of mountain bicycling issues, and recommendations for improving access in a way that addresses all user groups' needs. As with all recommended programs in this plan, implementation funding is assumed to be available.

3.2. Legislative Background

3.2.1. State Law

Similar to most states, the California legislature has adopted Recreational Use Statutes (RUS-§846) to promote recreation and encourage landowners to open their properties to visitors. Recreational Use Statutes provide legal protections to public and private landowners from liability claims that arise from the recreational use of land. The statutes address many issues specific to mountain bicycle trails, although it is important to note that the language does not specifically mention “mountain bicycling” or “bicycling”. This is often the case in state RUS codes, where the original legislation was drafted and adopted prior to the common usage of bicycles on trails. In instances where a state’s RUS did not specifically mention bicycles, courts have found bicycling was an applicable recreational activity.

RUS are also helpful to trail managers and landowners on a day-to-day basis because they limit the duty of care they are required to provide to visitors. California’s RUS, for example, specifically state that landowners are not required to keep their premises safe or to warn visitors of hazardous conditions, structures, or activities on their property.

California RUS protections are void, however, in three specific instances:

1. If a landowner willfully or maliciously fails to warn or guard against a dangerous situation. Generally speaking, the landowner has to be guilty of malicious behavior or gross negligence, not mere carelessness.
2. If the landowner charges a fee for access to the land. Because a person is paying to use the property, it is assumed that the landowner has a higher duty of care towards the visitor. Fees associated with parking or some other aspect of the user’s visit may not invalidate the applicability of the RUS.
3. A landowner has a higher duty of care to persons invited onto the property, not merely permitted. In most cases, persons recreating on public property are permittees, not invitees, so this condition would not apply. However, invitee situations do occasionally arise.

3.2.2. Municipal Law

The Los Angeles City Charter and the Los Angeles Municipal Code (L.A.M.C.) prescribe the roles and responsibilities of City departments relative to the operation and control of City recreation and park facilities. While, the Department of City Planning is the lead agency for the development of the Bicycle Plan, with the Department of Transportation providing funding and technical expertise, the City Charter designates sole authority to operate and control all parks in the City of Los Angeles to the Department of Recreation and Parks. The Los Angeles Municipal Code prohibits the use of bicycles on unpaved roads and paths. Two Municipal Code sections pertain to the use of bicycles on off-road “trails” in the City of Los Angeles:

LAMC Section 63.44B16: No person shall drive or ride any cycle or vehicle, whether powered by a motor or human power, except on paths, roads or drives designed and provided for such purposes.

LAMC Section 12.04.05B1(a)(i) [Open Space Zone]: Types of Uses: Parks and recreation facilities, including: bicycle trails, equestrian trails, walking trails, nature trails, park land/lawn areas, children’s play areas, child care facilities, picnic facilities, and athletic fields (not to exceed 200 seats in park) used for park and recreation purposes.

3.2.3. Existing Bicycle Plan Recommendations and Programs

Several policies concerning mountain bicycle access on city trails were adopted by the Los Angeles City Council in the 1996 Bicycle Plan and readopted in 2002 and 2007.

Existing Mountain Bicycle Related Policy

- *1.3.4. Acknowledge the growing demand for mountain bike trails and the absence of any such designated trails on City-managed land; and endorse staff review to study the feasibility of designation and development of:*
 - a. at minimum two dedicated mountain bike trails in Griffith Park and one dedicated mountain bike trail in Ernest Debs Park;*
 - b. at minimum two dedicated mountain bike trails in the Recreation and Parks Valley Region and two dedicated mountain bike trails in the Recreation and Parks Pacific Region*
 - c. mountain bike usage of DWP access roads/public utility rights-of-way and mountain fireroad in Hillside areas throughout the city*

Policy 1.3.4 calls for the addition of eight dedicated mountain bicycle trails to be built within the City of Los Angeles. Four of these trails have specific locations: Griffith Park and Ernest Debs Park.

The existing Bicycle Plan contains implementation programs related to off-road bicycle use. Those programs are:

- *P15 utilizing guidelines and standards for mountain bike trails, proceed with staff to review the feasibility of establishing mountain bike trails pursuant to Bicycle Plan Policy 1.3.4.. Responsibility: City Planning Dept., Dept. of Recreation and Parks, Fire Dept., DOT, BAC*
- *P23 prepare guidelines and standards for mountain bike trails to be established on City owned and/or managed property **by 2005**, and incorporate into Sections IV and V of the Bicycle Plan **as a part of the next scheduled plan revision.***

The programs introduced in 2002 further support policy 1.3.4 from the existing Plan, and add design guidelines and standards for mountain bicycle trails in the City.

Significant time has passed since meetings were held concerning mountain biking in the City of Los Angeles. Between 1999 and 2000 approximately eight public meetings were held to discuss mountain bicycles and off-road policy in Los Angeles. The following groups were the major participants of the process:

- City of Los Angeles Bicycle Advisory Committee
- Concerned Off-Road Bicyclists Association
- Los Angeles Recreation and Parks Commission
- Mountain Bicycle Access Working Group

No consensus was reached at the conclusion of the public involvement process and mountain bicycles on city trails were not found feasible.

3.3. 2009 Bicycle Plan Off-Road Policy Mediation Strategy

Because past public meetings regarding mountain bicycling on City of Los Angeles park trails have been contentious and have ended without definitive consensus, the development of the 2009 Bicycle Plan incorporated a professional mediator to address off-road bicycle issues. Mediated meetings were held with the stakeholders to discuss options and potential solutions.

Representatives from individual user groups (mountain bicyclists, hikers, and equestrians) were selected by each group, with each group providing one representative and one alternate to attend these meetings. Trail user groups provided representatives who were City of Los Angeles residents, based upon their:

- ability to address contentious issues with an open mind;
- respect of all stakeholders and willingness to consider other viewpoints;
- standing within their community;
- availability to attend meetings.

The outreach strategy consisted of five phases:

1. establishment of an Off-Road Bicycle Policy Stakeholder Advisory Group (SAG) based on the above selection criteria;
2. telephone interviews with advisory group members to provide baseline information to all participants;
3. introductory meeting of the SAG followed by individual user group (equestrians, hikers, and mountain bicyclists) meetings;
4. presentation to the full SAG user group regarding concerns and potential alternatives; and
5. recommendations of preferred policy alternatives for inclusion in the Bicycle Plan.

Two SAG meetings were held in April and May of 2009. The meetings included a discussion of the following issues surrounding mountain bicycle use in City parks.

- Safety
- Allocation of scarce resources
- Environmental impact
- Equity for all user groups

- Appreciating diversity of users
- User conflict and conflict resolution

Presentation materials and meeting notes are available in Appendix C.

3.3.1. Recommendations

While it is beyond the scope of this plan and the current financial means of the City to propose a network of unpaved mountain bicycling paths, the following actions can be undertaken to address multiple user groups' needs in the City's limited public park land.

1. Continue to permit mountain bicycling at Mandeville Canyon Park. At present, opportunities for mountain biking in the Los Angeles City Recreation and Park system are limited to Mandeville Canyon. This plan does not support any change in that condition.
2. Pursue opportunities for mountain bicycle access that may exist on land within and adjacent to the City of Los Angeles, under the jurisdiction of other agencies such as the Santa Monica Mountains Conservancy, Los Angeles County, State of California, etc.
3. Assess the viability and future availability of trails for mountain biking. Existing trails in the City of Los Angeles park system should be inventoried and assessed to determine their availability and use for equestrian and hiking activities.
4. Examine other jurisdictions to understand how they accommodate mountain biking and the extent to which conflicts in use, in particular concerns about safety, have been realized and addressed (See Appendix X).
5. Take the following steps to clarify and disseminate existing laws, regulations, and adopted city policies regarding the use of off-road bicycling in city parks and on other city-owned property:
 - Develop a comprehensive database of all unimproved roads including City-owned trails and their allowed uses.
 - Develop a database of all non-City-owned trails within or directly adjacent to the City of Los Angeles where mountain bicycle use is allowed.
 - Conduct user counts on trails in Los Angeles City parks to indicate level of use for different groups.
 - Conduct comparison counts on shared use trails in other urban areas.
 - Research levels of user conflict on shared use trails in urban areas.
 - Identify urban parks where mountain bicycle use is restricted to a limited number of trails, to determine the level of containment (i.e. to what extent does mountain bicycle use spill over onto trails where mountain bikes are prohibited).
 - Identify a subset of trails with no existing equestrian use that may potentially be suitable for mountain biking based on trail width, grade and existing user counts.
 - Obtain information on levels of use by hikers and equestrians before and after the introduction of off-road bicycle access.
 - Develop a citywide master plan of trails for City-owned parks and open space.
 - Report to City Council on environmental impacts of different trail uses.