



CITY OF DEL REY OAKS

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FORTAG Initiative

Elections Code 9212 Report

**City Council Meeting
November 16, 2021**

INTRODUCTION

The Initiative titled “Opposition to the Fort Ord Regional Trail and Greenway (FORTAG) Project running through the City of Del Rey Oaks” (Initiative) was submitted by proponents to the City Clerk on September 8, 2021. Based on an initial review, the petition contained 415 signatures. To qualify an initiative for a regular general election, signatures from ten-percent (10%) of the registered voters is required. Based on information provided by the Monterey County Elections Office (Elections), 123 qualified signatures are required.

On September 28, 2021, Elections provided the City with confirmation that the petition has been signed by the required number of City of Del Rey Oaks registered voters. Based on information provided by Elections, on October 26, 2021, the City Clerk certified as sufficient the petition signatures for the Initiative. In accordance with California Elections Code Section 9215, the City Council directed staff to prepare a 9212 report on the potential effects of the Initiative.

California Elections Code Section 9212 provides that the City Council may order a report on the effect of a proposed initiative and may refer the initiative measure to any city agency or agencies for such report. In ordering the report, the Council may request that the city agency or agencies address the following: fiscal impact; effect on the City’s general and specific plans, including the housing element and the consistency between planning and zoning; effect on land use, including the impact on availability and location of housing; infrastructure impact; impact on use of vacant parcels; and any other matters the Council requests to be in the report. The report must be presented to the legislative body within 30 days after the elections officer certifies to the legislative body the sufficiency of the petition (Elections Code, Section 9212 (b).) After reviewing and considering this report, the City Council must either adopt the initiative without any amendments or place the initiative on the ballot for consideration of the initiative by city voters within 10 days.

BACKGROUND

The Fort Ord Regional Trail and Greenway (FORTAG) is proposed as a 30-mile regional network of paved recreational trails and greenways connecting communities to open space.

In November 2016, Monterey County voters approved Measure X (Transportation Investment and Safety Plan) setting aside \$20 million in funding for the FORTAG project. In 2017, the Transportation Agency for Monterey County (TAMC) was designated the lead agency for the project.

On April 28, 2019, the Del Rey Oaks City Council approved the FORTAG Master Agreement with TAMC, Monterey Peninsula Regional Parks District, Monterey County, Seaside, Monterey, and Marina.

In January 2019, the first segment of FORTAG, through Del Rey Oaks from Fremont to Carlton with a connection up Carlton into Seaside along Plumas, received \$10.3 million

in Active Transportation Program grant funding.

On September 8, 2021, a resident and registered voter in the City of Del Rey Oaks delivered the Initiative petition to the City Clerk. The proposed measure would prohibit the City of Del Rey Oaks from agreeing to or constructing any tunnel under Highway 218, including, without limitation, a tunnel to obtain access to the Frog Pond Wetland Preserve. The proposed measure would also limit the placement of any formal bicycle or recreational trail, including without limitation, the Fort Ord Regional Trail and Greenway (FORTAG) project within the City of Del Rey Oaks to Highway 218, General Jim Moore Boulevard, and South Boundary Road. If adopted, the proposed measure could only be repealed or amended by the voters. A simple majority of votes (50% plus 1) will pass or defeat this measure.

The purpose of this report is to address the Council's request for a review of potential impacts of the Initiative. This report is designed to help inform members of the City Council and City residents of the possible effects associated with implementation of the Initiative. The Council will then use this information when it takes action in accordance with the Elections Code.

IMPACTS OF PROPOSED INITIATIVE

9212 (A)(1) - Fiscal Impacts

The primary direct fiscal impacts will be associated with the costs of the initiative election process. The direct costs (not including staff and consultant time/charges) associated with the election are based on the number of registered voters and the type of election called (special vs. regular). As of October 1, 2021, the City of Del Rey Oaks has a total of 1223 registered voters. The data from the Monterey County Elections Department factors in actual costs of jurisdictions less than 2,000 registered voters. For the regular election in 2022 based on 1223 registered voters, the estimated cost is \$9,784.00. For a stand-alone (special) mail-in only election, the estimated cost is \$29,352.00. For a stand-alone (special) poll place and vote-by-mail election, the estimated cost is \$34,244.00. These numbers are an estimate and may not necessarily reflect the final cost of the election.

Additionally, preparation of a ballot measure requires many hours of city staff time, as well as, the services of the City's legal counsel. Associated work items include efforts such as preparation of election related resolutions for Council adoption; preparation of ballot measure language; preparation of this 9212 report; processing of ballot arguments for and against the ballot measure; processing related campaign finance reports; coordination with the Registrar of Voters on all associated logistical requirements; and responding to media and public inquiries about the measure.

9212 (A)(2) – Consistency with Plans

Section 9212(A)(2) presents several areas of analysis with respect to the Initiative's impacts. This report addresses potential impact in the following areas: 1) the Initiative's "effects on the internal consistency of the city's general and specific plans, including the housing element"; and 2) the Initiative's effect on "the consistency between planning and zoning."

1. What are the Initiative’s effects on the internal consistency of the City’s general and specific plans, including the housing element?

The City currently has no specific plans within its jurisdiction. The following General Plan Goals, Policies, and Programs may be impacted by the Initiative. (Note: The Goals, Policies, and Programs are presented below as written in the General Plan, to include spelling and grammar errors. For example, at times the General Plan mentions “multimodal transportation systems,” at other times it mentions “multimodel transportation systems.”)

GENERAL PLAN GOALS, POLICIES AND PROGRAMS

General Policy L-9: “Native vegetation along Canyon Del Rey should be preserved and entrances to the City enhanced by landscaping.”

CIRCULATION GOALS, POLICIES, AND PROGRAMS

Circulation Goal 2: “Provide or promote travel by means other than the single-occupant automobile.”

Circulation Goal 4: “Improve and maintain a transportation network of streets, transit, and pedestrian paths and bikeways.”

Circulation Goal 5: “Coordinate the economic development needs of the City with proposed circulation improvements on Highway 68 and Canyon Del Rey to ensure that the City benefits from the proposed changes.”

Circulation Policy C-2: “All intersections on Highway 218 within the City are part of the adopted Monterey County Congestion Management Program (CMP) network. Proposed new land uses shall require mitigation measures to assure that the CMP LOS standards are met for those intersections. These measures may include, but not be limited to a fair share of the City’s costs to fund the recommended regional transportation projects. The CMP LOS standards are as follows:

Intersection	CMP Standard
1. Highway 218 @ Highway 68	LOS E
2. Highway 218 @ N. Fremont	LOS D

Circulation Policy C-4: “To minimize the adverse impact of through-traffic traversing the City, widening or other actions which increase such traffic on Highway 218 west of North-South Road or City streets will be discouraged or not permitted by the City. Conversely, actions which reduce or divert such traffic will be favored or implemented by the City.”

Circulation Policy C-10a: “The City will coordinate and assist with TAMC and AMBAG in providing funding for an efficient regional transportation network.”

Circulation Policy C-10b: “Support and participate in regional and state planning efforts and funding programs to provide an efficient regional transportation network.”

Circulation Policy C-10c: “Land use and circulation plans shall be integrated to create an environment that supports a multi-modal transportation system. Development shall be

directed to areas with a confluence of transportation facilities (autos, buses, bicycles, pedestrian, etc.).”

Circulation Policy C-11: “In order to provide or promote a safe, interconnected network of bicycle and pedestrian routes linking homes with places of work, school, recreation, shopping, transit centers and other activity centers both within the City and nearby, four Class II City Bike Routes are hereby designated and adopted:

- Highway 218 within City limits;
- North/South Road from City limit to Highway 218 (requested Fort Ord annexation area);
- Carlton Drive from Highway 218 to the City limit;
- South Boundary Road (requested Fort Ord annexation area).

Circulation Policy C-12: “Any improvement, repavement or signalization on the three designated City Bike Routes permitted by the City shall include Type II bike lanes on both sides of the affected segment of those routes.

Circulation Policy C-13: “New non-residential land uses which generate significant adverse traffic impacts shall dedicate an easement or make a monetary contribution, if appropriate, toward the completion of adopted Bicycle Routes.”

Circulation Policy C-14: “For all proposed new land uses in the City, provision for bicycle circulation, sidewalks and pedestrian-friendly design will be required.”

Circulation Policy C-15: “Land use and circulation plans shall be integrated to create and environment that supports a multimodal transportation system. Development shall be directed to areas with a confluence of transportation facilities (auto, bus, bicycles, pedestrian, etc.).”

Circulation Program 14: “The City shall develop a program that requires new non-residential land uses which generate significant adverse traffic impacts to dedicate an easement or make a monetary contribution, if appropriate, towards completion of adopted Bicycle Routes.”

Circulation Program 17: “The City will seek funding for, promote and/or implement the planned Class II Bike Routes on Highway 218 and Carlton Drive, and on North/South Road and South Boundary Road. upon conveyance. Bike improvements are a Transportation Control Measures (TCMs) adopted in State and Federal Air Quality Plans for the region, so funding for these improvements is a priority under the Congestion Management and Air Quality (CMAQ) grant program as well as the AB 2766 grant program administered by the Monterey Bay Unified Air Pollution Control District.”

PARKS AND RECREATION GOALS, POLICIES AND PROGRAMS

Goal 2: “Provide a full range of park and recreation facilities including active recreation areas, passive natural open spaces, and bicycle/pedestrian trail systems.”

Air Quality

C/OS-13: “The City will encourage the improvement of air quality in Del Rey Oaks and in the

region by implementing the measures described in the Monterey Bay Air Quality Management Plan. Such measures include, but are not limited to, measures to reduce dependence on the automobile and encourage the use of alternate modes of transportation such as buses, bicycling, and walking.”

Noise Goals, Policies and Programs

Policy N-5: “Any future improvements to Canyon Del Rey must include noise attenuation measures to ensure that resultant indoor and outdoor noise levels are within recommended acceptable levels for residential land use.”

Land Use Element

Policy L-9: “Native vegetation along Canyon Del Rey should be preserved and entrances to the City enhanced by landscaping.”

Circulation Element

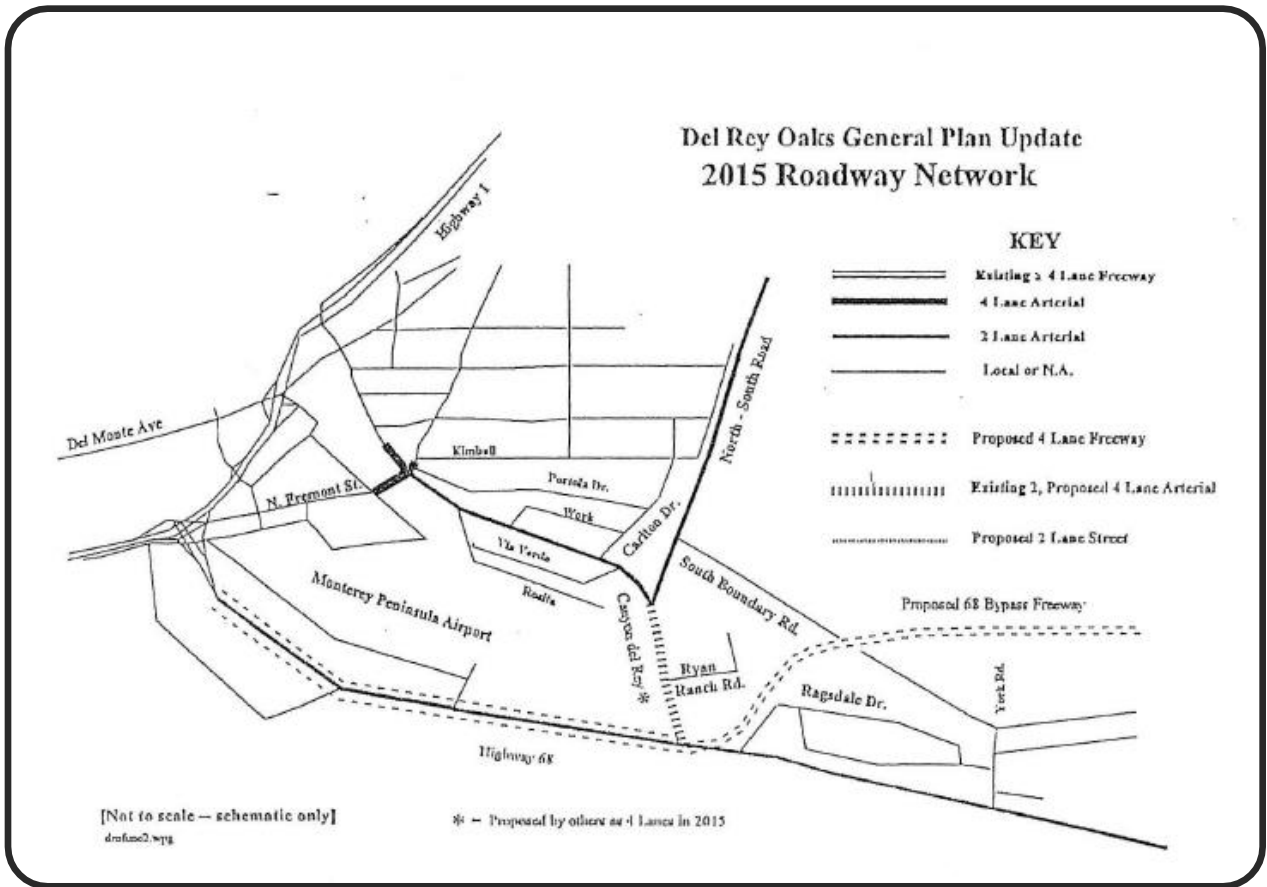
“Bicycle and Pedestrian Routes and Conditions”

“Separate bicycle route or bike parking facilities, e.g. striped lanes, paved separate bike paths or bike locks or storage lockers are currently available in the City. To bicycle or walk in Del Rey Oaks, one can use the sidewalks or paths where they have been installed, but bicyclists must often ride in travel lanes on local streets and roads. A bike lane was recently completed along Highway 218. The lack of through city streets means generally low speeds and volumes of traffic on city Streets. As a result, pedestrian and bicycle travel in travel lanes is generally acceptable, at least during off-peak periods.

In addition to the City's shortage of dedicated, paved pedestrian and bike facilities, two other reasons limit bicycle and pedestrian circulation in the City. The first is that most of the existing city of Del Rey Oaks is in a steep-sided canyon. Since most streets run parallel to the creek at the bottom, there are very few north-south streets for pedestrian movement, and those that exist are relatively steep and/or have visibility restrictions at intersections. Walkways have been cut through many blocks in the community to help address this difficulty. These walk-ways providing north-south pedestrian access are not generally appropriate for bicycles.

The second reason for limited bike/ pedestrian circulation concerns Highway 218, which can only be safely crossed during most of the day at signal controlled crosswalks. With the only signalized intersections at the extreme east and west ends of the City, and limited or no sidewalks, the highway is an effective barrier to east-west pedestrian/ bicycle travel in the City.

The General Plan Update includes policies and programs which could help increase the attractiveness and feasibility of travel by bicycle and walk mode. The planned improvements to bike and pedestrian circulation could increase the attractiveness of these alternatives to motor vehicles., as well as increase the potential ridership of bus transit by enabling safer, more rapid access to that service.”



Circulation Goals

Goal 1.

“Provide for safe, convenient, energy-conserving, comfortable and healthful transportation for all people and goods by the most efficient and appropriate transportation modes that meet present and future travel needs of the City's residents.”

Goal 2.

“Provide or promote travel by means other than the single-occupant automobile.”

Goal 3.

“Prevent the significant adverse impact of through traffic on Highway 218 as well as on roads and streets.”

Goal 4.

“Improve and maintain a transportation network of streets, transit, and pedestrian paths and bikeways.”

Goal 5.

“Coordinate the economic development needs of the City with proposed circulation improvements on Highway 68 and Canyon Del Rey to ensure that the City benefits from the proposed changes.”

Circulation Policy C-4.

“To minimize the adverse impact of through-traffic traversing the City, widening or other actions which increase such traffic on Highway 218 west of North South Road or City streets will be discouraged or not permitted by the City. Conversely, actions which reduce or divert such traffic will be favored or

implemented by the City.”

Circulation Policy C-7.

“The City does not support any realignment of Highway 68 which will significantly impact the intersection of Canyon Del Rey and Highway 68 and result in land use and fiscal impacts on the City due to the loss of commercial property at the east entrance to the community.”

Circulation Policy C-10c.

“Land use and circulation plans shall be integrated to create an environment that supports a multi-modal transportation system. Development shall be directed to areas with a confluence of transportation facilities (auto, buses, bicycles, pedestrians, etc.).”

Bicycle & Pedestrian Circulation and Facilities

Policy C-11.

“In order to provide or promote a safe, interconnected network of bicycle and pedestrian routes linking homes with places of work, school, recreation, shopping, transit centers and other activity centers both within the City and nearby, four Class II City Bike Routes are hereby designated and adopted:

- Highway 218 within City limits;
- North/South Road from City limit to Highway 218 (requested Fort Ord annexation area)
- Carlton Drive from Highway 218 to the City limit.
- South Boundary Road (requested Fort Ord annexation area)”

Policy C-12.

“Any improvement repavement or signalization on the four designated City Bike Routes permitted by the City shall include Type II bike lanes on both sides of the affected segment of those routes.”

Policy C-13.

“New non-residential land uses which generate significant adverse traffic impacts shall dedicate an easement or make a monetary contribution, if appropriate, toward the completion of adopted Bicycle Routes.”

Policy C-14.

“For all proposed new land uses in the City, provision for bicycle circulation, sidewalks and pedestrian-friendly design will be required.”

Transit Services

Policy C-15.

“Land use and circulation plans shall be integrated to create an environment that supports a multimodal transportation system. Development shall be directed to areas with a confluence of transportation facilities (auto, bus, bicycles, pedestrian, etc.).”

Airport Plan

Program 14.

“The City shall develop a program that requires new non-residential land uses which generate significant adverse traffic impacts to dedicate an easement or make a monetary contribution, if appropriate, toward the completion of adopted Bicycle Routes.”

Program 17.

“The City will seek funding for, promote and/or implement the planned Class II Bike Routes on

Highway 218 and Carlton Drive, and on North/South Road and South Boundary Road upon conveyance. Bike improvements are Transportation Control Measure (TCM) adopted in State and Federal Air Quality Plans for the region, so funding for these improvements is a priority under the Congestion Management and Air Quality (CMAQ) grant program as well as the AB 2766 grant program administered by the Monterey Bay Unified Air Pollution Control District.”

Program 17b.

“In an effort to promote multimodal transportation, the City shall consider transit supportive density and zoning for proposed new land uses within 1,320 feet (1/4 mile) of existing transit routes or designated transit corridors. Appropriate transit access and circulation shall be required where feasible for all such land uses.”

PARKS AND RECREATION ELEMENT

Goal 2.

“Provide a full range of park and recreation facilities including active recreation areas, passive natural open spaces, and a bicycle/pedestrian trail system.”

Program 26.

“The City shall identify and pursue sources of funds to improve and maintain the parks and pedestrian/bike paths in the City.”

2. What is the Initiative’s effect on the consistency between planning and zoning?

As is common, the streets within the City are not designated with any zoning classification. Therefore, it appears the zoning code would not need amendment should the Initiative pass.

With respect to off-street land, any zoning designations that would allow a formal trail outside of the areas specified in the Initiative would have to be amended to restrict approval of planned trails to a ballot initiative. This would restrict any planning, designs or development agreement negotiations with potential developers of the former Fort Ord properties.

9212 (A)(3) – Use of Land

What will be the Initiative’s effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs?

The Initiative does not regulate the availability or location of housing, or the City’s ability to meet its regional housing needs. However, the Initiative would prohibit the City from requiring new developments (e.g., residential or commercial projects on the former Fort Ord) to include formal trails should they be located outside of the trail areas specified in the Initiative. This is inconsistent with Urban Planning best practices as well as the City’s General Plan.

Any new development would be required to seek voter approval for any paths or trails not on South Boundary, General Jim Moore or Highway 218.

9212 (A)(4) – Infrastructure Funding

The primary funding impacts of the Initiative would be to existing and future grant funding for infrastructure projects in the City. To gauge the real and potential grant funding impacts of the passing of the Initiative, staff reached out to our funding partners. TAMC confirmed that if

the ballot initiative were to pass, they would not pursue construction of the FORTAG segment in Del Rey Oaks and would effectively forfeit the \$10.3 million dollar State grant investment in the project. Due to the safety concerns, additional cost, and technical challenges, there is not a viable alternative route through Del Rey Oaks. In addition, Caltrans provided the following statement confirming they would not support the construction of the trail along Highway 218. "Placing a Class 1 bike path along (Highway 218) would require a positive barrier to protect the path from vehicles. This work was discussed in the past with TAMC and it was determined that a road diet (lane reduction) would be required to construct the Class 1 within State right of way. The road diet has been analyzed and will result in increased vehicle delays and queue lengths. Further, placing the Class 1 path on the eastbound side of Canyon Del Rey Blvd (MON 218) will require bicyclists to cross the state highway at Carlton Drive. For these reasons, Caltrans would not support the relocation of the Class 1 path (FORT ORD bike and pedestrian trail) adjacent to Route 218 from the current design."

Returning the current grant funds to the State could also impact funding availability for other sections of the FORTAG project. Considerable funds have already been expended on the Del Rey Oaks segment to date. Repayment of those funds to the State may have to come from Measure X funds slated for the overall project.

Regarding potential impacts to future infrastructure funding, it should be noted that past performance on projects is a key criteria that granting agencies consider when reviewing grant applications. Returning the funding and not delivering the project will likely have a negative impact on the ability of the City and TAMC to receive future grant funds. As TAMC is the regional lead for transportation funding, this could further impact projects from other Monterey County jurisdictions. Every grant application would receive additional scrutiny, and with the competitiveness of the State grant programs, the State may decide it is safer to invest their dollars elsewhere. This could extend to grant applications beyond those for transportation projects.

Restricting bike trail routes to a few roadways may also impact future competitiveness for grant funding as such a restriction is in direct conflict with State transportation goals and objectives. For example, the State's Bicycle Transportation Act (Street & Highways Code Section 890) states, "It is the intent of the Legislature, in enacting this article, to establish a bicycle transportation system. It is the further intent of the Legislature that this transportation system shall be designed and developed to achieve the functional commuting needs of the employee, student, business person, and shopper as the foremost consideration in route selection, to have the physical safety of the bicyclist and bicyclist's property as a major planning component, and to have the capacity to accommodate bicyclists of all ages and skills."

Additionally, the FORTAG project includes several safety features that will reduce the likelihood of pedestrian and bicycle injuries and fatalities as well as improving accessibility to public facilities. Not constructing these safety improvements after they have been identified and fully funded increases the City's liability when there are injury or fatality crashes that may have been addressed by the project.

TAMC summarized the information above with the following statement, "Approval of the ballot initiative would certainly have negative impacts on relationships between Del Rey

Oaks, TAMC, and other involved stakeholders. Approval of the ballot initiative would stop the FORTAG Canyon Del Rey project and any investment in Del Rey Oaks, open the city to legal liability, jeopardize future segments of FORTAG, and make receiving grant funding more difficult for the entire region.”

The Initiative may also impact the City’s ability to obtain park funding. As written, the Initiative would require approval of voters for any new trail or path not on designated routes. This would frustrate the City’s ability to seek funding for park projects that include paths.

9212 (A)(5) – Ability to Attract and Retain Business

A quick review of resources found several studies and reports detailing the economic development benefits of bike and pedestrian trails in cities. (Greenways & Trails: Bringing Economic Benefits to New York, *The Business Council of New York State, Inc.*; Heritage Rail Trail County Park 2007 User Survey and Economic Impact Analysis, *York County Department of Parks and Recreation*; Implementing Traveled-Based Economic Development Programs: A Handbook for Iowa Communities, *Iowa Department of Transportation*)

The WeConservePA website (<https://conservationtools.org/guides/97-Economic-Benefits-of-Trails>) identifies several economic impact studies, summarizes key findings of each, and provides hyperlinks to the studies. Some of the pertinent findings include:

- Trails increase the value of nearby properties.
- Trails boost spending at local businesses. Communities along trails, often called trail towns, benefit from the influx of visitors going to restaurants, snack shops and other retail establishments. On longer trails, hotels, bed and breakfasts, and outdoor outfitters benefit.
- Trails make communities more attractive places to live. When considering where to move, homebuyers rank walking and biking paths as one of the most important features of a new community.

9212 (A)(6) – Uses of Land

The Initiative would not directly regulate vacant parcels of land in the City. However, indirectly, the Initiative would prohibit the City from requiring formal trails as part of the development of vacant parcels if the vacant lots were located outside of the trail areas specified in the Initiative. For example, the City would be prohibited from requiring a developer of land in the former Fort Ord area to construct a formal trail as part of the permitting process as that area is outside of the trail areas specified in the Initiative.

9212 (A)(7) – Open Space, Traffic Congestion

While the Initiative does not purport to regulate the issues mentioned in this section, its impact would be similar to those discussed regarding housing. The Initiative would prohibit the City from requiring new development to include formal trails outside of the areas specified by the Initiative.

9212 (A)(8) – Council Requested Topics

FORTAG Master Agreement

The FORTAG Master Agreement (Agreement) was signed by all public agencies – including the City – over and within which FORTAG was proposed to extend. In the Agreement, the public agencies are referred to as “Underlying Jurisdictions.” The intent of the Agreement, at Recital 9, is described as follows:

“The overall intent of this Agreement is to effectuate FORTAG by having TAMC undertake the primary planning, development and construction of FORTAG, and by having the Underlying Jurisdiction(s) accept ownership and responsibility for completed segments of FORTAG and to maintain and operate FORTAG as cohesively as possible for the health, safety and benefit of the public. The purpose of this Agreement is to set forth the rights and responsibilities of the Parties to fulfill this overall intent.”

Specifically, the Agreement obligated the City to “cooperate with TAMC and each other Party in order to fulfill the intent of this Agreement and the FORTAG Project, being the funding, development and operation of a sustainable active bicycle and pedestrian trail connecting Underlying Jurisdictions, existing trails, and communities.” (Agreement at Section IV.A.1.)

Though a proposed route was contemplated in FORTAG’s environmental documents, the Agreement does not specify the exact location of FORTAG through the City. Indeed, it specifically provides:

“As any given segment (or phase thereof) of FORTAG is identified by TAMC and an Underlying Jurisdiction for development and receives sufficient funding therefor, TAMC and the Underlying Jurisdiction for such segment shall enter into a Supplemental Agreement specifying in greater detail the manner in which the parties will comply with these covenants, consistent with the terms and conditions of relevant funding agreements.”

Therefore, while the Agreement compels the City to participate in the “planning, development and construction of FORTAG,” it does not commit the City to permit FORTAG in any particular location.

CEQA

With respect to the California Environmental Quality Act (CEQA), a voter-initiated measure placed on the ballot is not considered a “project” under CEQA. Likewise, a city council’s decision to adopt a voter-initiated measure is not subject to CEQA.

Note that the Initiative would not limit the City’s discretion to evaluate the environmental impacts of any specific trail projects in the future. Such impacts would be analyzed as part of the City’s normal application review process.

Preemption

It is axiomatic that where local legislation duplicates, contradicts, or enters an area fully occupied by state or federal law, the local legislation is preempted.

State Route 218 is owned, operated, and maintained by the State of California and as such the City lacks the authority to regulate it. For example, while the Initiative limits formal trails to Highway 218 (among other locations), the City or any other project applicant would have to seek permission from the State of California before locating a formal trail on State Route 218. Likewise, while the Initiative's language prohibits tunnels from being constructed under State Route 218, the City lacks the authority to prohibit the State of California from permitting as much.

Similarly, the City lacks the authority to prohibit the Monterey Peninsula Regional Parks District from permitting or constructing formal paths or trails in the Frog Pond Preserve. When asked about how the Initiative might impact MPRPD's planned section of the FORTAG trail staff provided the following statement;

"In June 2020 the Monterey Peninsula Regional Park District entered into a Master Agreement with TAMC and eight other local public entities to support the goal of TAMC in creating a 28-mile trail known as the Fort Ord Regional Trail and Greenway Project (FORTAG). To advance that goal, MPRPD has approved a portion of the current proposed Canyon Del Rey trail segment section to the extent it crosses over a small area of the Preserve. The proposed improvement at the Preserve is expected to improve access for Frog Pond visitors. MPRPD does not have any involvement in determining the overall proposed trail alignment, other than as to those portions of the trail that are specifically located on MPRPD property. Other than as noted above, MPRPD has not at this time agreed to any specific trail alignment that traverses MPRPD's Frog Pond Wetland Preserve."

Formal Trail Definition

Given the vagueness of the Initiative language, staff believes that any definitions of "formal bike trails, or recreation trails" will need to be determined by the City Council and can be very broad or quite specific.

Recreation Trail:

For reference purposes, the National Recreation Trails Program defines a trail as, "...a travel way established either through construction or use and is passable by at least one or more of the following, including but not limited to: foot traffic, stock, watercraft, bicycles, in-line skates, wheelchairs, cross-country skis, off-road recreation vehicles such as motorcycles, snowmobiles, ATVs and 4-wheel drive vehicles."

Other agencies have definitions as broad as any "designated thoroughfare, tack, or route used for recreational purposes." This could be interpreted to mean any path in the City including park walkways, dirt paths and even sidewalks.

Bike Trail:

The California Street & Highways Code § 890.4 defines a bikeway (trail) as follows:

As used in this article, “bikeway” means all facilities that provide primarily for, and promote, bicycle travel. For purposes of this article, bikeways shall be categorized as follows:

- (a) Bike paths or shared use paths, also referred to as “Class I bikeways,” which provide a completely separated right-of-way designated for the exclusive use of bicycles and pedestrians with crossflows by motorists minimized.
- (b) Bike lanes, also referred to as “Class II bikeways,” which provide a restricted right-of-way designated for the exclusive or semiexclusive use of bicycles with through travel by motor vehicles or pedestrians prohibited, but with vehicle parking and crossflows by pedestrians and motorists permitted.
- (c) Bike routes, also referred to as “Class III bikeways,” which provide a right-of-way on-street or off-street, designated by signs or permanent markings and shared with pedestrians and motorists.
- (d) Cycle tracks or separated bikeways, also referred to as “Class IV bikeways,” which promote active transportation and provide a right-of-way designated exclusively for bicycle travel adjacent to a roadway and which are separated from vehicular traffic. Types of separation include, but are not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking.