

## Oregon State Parks and Recreation Commission

April 23, 2025

---

Agenda Item: 9a

**Action**

Public Comment Allowed: No

Topic: Request to Adopt Electric Assisted Bicycle Rulemaking  
General Park Area Rules: OAR 736-010-0015, 736-010-0026,  
736-010-0028; Ocean Shores Rules: OAR 736-021-0030, 736-021-0060,  
736-021-0065, 736-021-0066

Presented by: Jo Niehaus, Policy Advisor

---

**Background:** The Oregon Parks and Recreation Department (OPRD) is revising regulations for electric-assisted bicycles (e-assisted bikes) on agency property and the ocean shore to address increasing use and clarify existing rules. Currently, e-assisted bikes are permitted on trails wider than eight feet and on beaches where motor vehicles are allowed. However, the growing popularity of e-assisted bikes, combined with recent changes in state law defining and classifying them, has prompted the need for regulatory updates.

Over the past year, OPRD has conducted extensive research, including a statewide survey with over 3,800 responses, a review of policies from other land management agencies, and multiple discussions with stakeholders. A 23-member Rule Advisory Committee, composed of representatives from various recreational groups, conservation organizations, law enforcement, and accessibility advocates, met over the course of four meetings to evaluate proposed changes. Additionally, agency staff consulted with enforcement personnel and tribal partners to assess the implications of new regulations.

The proposed rule changes update the definition of e-assisted bikes to align with state law, expand access for individuals with mobility disabilities, and refine operational guidelines to enhance safety. They also eliminate the eight-foot trail width requirement, allowing e-assisted bikes on trails where traditional bicycles are permitted unless specifically restricted. On the ocean shore, the revised rules would allow e-assisted bikes on wet sand beyond designated vehicle access areas while prohibiting their use in dry sand, dunes, and protected habitats.

These updates aim to balance expanded recreational access with the preservation of natural resources and visitor safety. Implementation will require a phased approach, including public education, updated signage, and staff training. If adopted, the new regulations may take effect as late as July 1, 2025.

Note - an administrative update clarifies that rule numbers 736-010-0028 and 736-021-0066 replace previously cited numbers 736-010-0024 and 736-021-0061 from the opening of this rule.

**Public Comments:** The proposed rules opened for public comment on February 28, 2025, following recommendations from the Rule Advisory Committee and staff workgroups. Public input was accepted through April 1, 2025, with comments posted weekly on the agency rulemaking website. Two virtual public meetings were held, drawing significant testimony from equestrians concerned about potential safety risks and user conflicts. In total, 165 comments were received, with 123 expressing concerns primarily about speed differences and safety hazards on narrow trails. Many advocated for segregated access based on recreation type, while 38 comments supported the proposed language, emphasizing increased accessibility and minimal trail impact compared to traditional bicycles. See Appendix E.

In addition to public comments, a statewide survey conducted last summer gathered over 3,800 responses, reflecting moderate support for expanded e-assisted bike access while also mirroring concerns about safety and user conflicts. The proposed rules expand to allow e-assisted bikes where traditional bicycles are currently permitted, with restrictions based on terrain, congestion, and other factors. It does not expand to trails that do not allow bicycles such as hiking only or equestrian only trails. Park and district managers retain discretion to prohibit e-assisted bikes in areas with high potential for conflict, such as narrow trails with drop-offs or tight turns. This adaptive approach ensures site-specific management while maintaining overall accessibility.

**Staff Recommendation:** Based on comments, staff recommendation is to adopt rules as written and work with specific user groups during implementation. For example, a collaborative solution proposed by an equestrian stakeholder suggests working with park officials to evaluate multi-use trail options before the rule takes effect in July. If implemented, the most significant impact on equestrians would occur at Elijah Bristow, Silver Falls, and Stub Stewart state parks, where user conflicts are already common. The agency welcomes this opportunity for collaboration. See Appendix D.

Overall, public feedback highlights key concerns around safety, maintaining quiet natural recreation spaces, and preventing potential environmental harm, while support centers on improved accessibility, consistent regulations, and the belief that e-assisted bikes, when operated responsibly, function similarly to traditional bicycles.

**Prior Action by Commission:** The Commission approved opening rulemaking of Division 10 and Division 21 rules OAR 736-010-0015, 736-010-0026, 736-010-0028, 736-021-0030, 736-021-0060, 736-021-0065, 736-021-0066 in February 2025.

**Action Requested:** Staff request adoption of amendments to OAR 736-010-0015, 736-010-0026, 736-010-0028, 736-021-0030, 736-021-0060, 736-021-0065, 736-021-0066 to update e-assisted bicycle rules and requirements for safe operation in state parks and on the ocean shore.

**Attachments:**

Attachment A marked copy of Division 10 rules  
Attachment B marked copy of Division 21 rules  
Attachment C clean copy of both divisions  
Attachment D example public comment regarding equestrian concerns  
Attachment E public comment analysis

**Prepared by:** Jo Niehaus

## Division 10 GENERAL PARK AREA RULES

### 736-010-0015

#### Definitions

As used in this division, unless the context requires otherwise:

(1) “Bicycle” means a vehicle as defined in ORS 801.150.

~~(42)~~ “Boat” means all watercraft as defined in ORS 830.005 (2).

~~(23)~~ “Camping” means the setting up of a tent or shelter, preparing bedding for use, parking of a motor vehicle, recreational vehicle, or other similar equipment or mooring of a vessel for the purpose of overnight occupancy.

~~(34)~~ “Camping Unit” means a tent, camper, camping trailer, recreational vehicle, or other shelter designed to be used as a personal living space while camping.

~~(45)~~ “Closed Area” means a park or portion of a park that the public is prohibited from entering. Closures will be identified by signs at the park, notices placed on the state park website, or by verbal instruction from park staff.

~~(56)~~ “Criminal Trespass” means the crime of remaining, or unlawfully re-entering a park property during the period of time in which a violator has been ordered to leave, or be excluded. Criminal trespass in the second degree, ORS 164.245, is a Class C misdemeanor, citable only by law enforcement.

~~(67)~~ “Commission” means the Oregon State Parks and Recreation Commission.

~~(78)~~ “Dawn” means 30 minutes prior to sunrise as calculated by the National Oceanic and Atmospheric Administration.

~~(89)~~ “Day Use” means those activities which are authorized to occur in an area between dawn and dusk.

~~(910)~~ “Day Use Area” is a park property or portion of a park property that the department has designated for day use only.

~~(4011)~~ “Department” means the Oregon State Parks and Recreation Department.

~~(4412)~~ “Designate” means administratively assigned and approve for a specific status or activity.

~~(4213)~~ “Director” means the department director.

~~(4314)~~ “District Manager” means the immediate supervisor of park managers within a specified geographic region of the state.

~~(4415)~~ “Domestic Animals” means an animal, other than livestock or equines, that is owned or possessed by a person.

~~(4516)~~ “Dusk” means 30 minutes after sunset as calculated by the National Oceanic and Atmospheric Administration.

~~(4617)~~ “Electric assisted bicycle” means ~~vehicle-class 1, class 2 and class 3 electric assisted bicycles as~~ defined under ORS 801.258.

(a) Electric assisted bicycles that do not fit under the classifications as outlined under ORS 801.258 or have been modified out of the classification criteria, will be considered “Motor Vehicles” as defined below, and only allowed where motor vehicles are allowed.

~~(4718)~~ “Enforcement Officer” means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported state park rule violations and to issue oral or written warnings or citations to enforce state park rules.

~~(4819)~~ “Exclusion” means the administrative action that prohibits a violator from entering a specific park property, or properties for a specific period of time of one month or more. The

violator may appeal the exclusion.

~~(1920)~~ “Handler” means any person who either brings a domestic animal or livestock into a park property or keeps a domestic animal at a park property.

~~(2021)~~ “Highway” means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right, as describe in ORS 801.305.

~~(2122)~~ “Livestock” means birds, avians, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches.

~~(2223)~~ “Motor Vehicle” means a vehicle that is self-propelled or designed for self-propulsion as defined in ORS 801.360.

~~(2324)~~ “Order to Leave” means the administrative action that orders a violator to leave a specific park property, or properties, for up to 72 hours (3 nights).

~~(2425)~~ “Other power-driven mobility device” or “OPDMD” means any mobility device powered by batteries, liquid fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, e-assisted bicycles, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (42) below.

~~(2526)~~ “Overnight facility” means everything within the campground including showers, campsites, cabins, yurts, parking areas associated with camping and other facilities for use by overnight visitors.

~~(2627)~~ “Pack Animal” means equines, llamas, alpacas, and goats.

~~(2728)~~ “Park Property” means any state park, natural area, greenway, wayside, corridor, scenic area, monument, historic structure or area, trail, or recreation area under the jurisdiction of the department.

~~(2829)~~ “Park Employee” means an employee of the department while on duty.

~~(2930)~~ “Park Manager” means the supervisor or designated employee in charge of a park property.

~~(3031)~~ “Park Resource” means any natural feature, wildlife, vegetation, water, cultural artifact, archaeological remains, or human-made structure or feature of a park area.

~~(3132)~~ “Peace Officer” means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

~~(3233)~~ “Person” includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.

~~(3334)~~ “Public” includes all persons visiting or intending to visit a park property that are not park employees.

~~(3435)~~ “Public Indecency” has the meaning defined in ORS 163.465.

~~(3536)~~ “Recreational Vehicle (RV)” means motor vehicles, campers or trailers or similar type vehicles with living areas intending for temporary sleeping including vehicles converted to serve this purpose, such as sprinter vans, buses, and utility trailers.

~~(3637)~~ “Service Animal” means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical,

sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

(3738) "State Park Rules" mean the rules, regulations, restrictions, prohibitions, or limitations established by this division for the use or protection of park properties.

(3839) "State Park Website" means the internet resource with the host name <http://www.oregonstateparks.org> and its associated links.

(3940) "Violate" includes failure to comply.

(4041) "Violator" means a person or visitor who violates any state park rule, federal, state, county, or city law; or court order while on state park property.

(4142) "Visitor" means any member of the public who arrives at or is present at a park property.

(4243) "Wildlife" means fish, shellfish, amphibians and reptiles, wild birds and other wild mammals.

(4344) "Wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

(4445) "Other Agency" means local, state, federal or tribal government entity that provides mental health, law enforcement or human services.

**Statutory/Other Authority:** 390.124

**Statutes/Other Implemented:** ORS 390.050, 390.111 & 390.124, 496.004

### 736-010-0026

#### **Operator-Propelled Vehicles, Cycles or Similar Devices**

(1) Violation of this rule is a Class D violation, unless park resources are damaged resulting in a Class A violation.

(2) Any areas open to pedestrian and bicycle use may be accessed by Ppersons with mobility disabilities by using any of the following: are allowed to use wheelchairs and manually powered mobility aids, designed for use by individuals with mobility disabilities, to access any areas open to pedestrian use.

(a) wheelchairs and manually powered mobility aids, designed for use by individuals with mobility related disabilities;

(b) OPDMD unless there is a legitimate safety reason that the OPDMD cannot be accommodated. A legitimate safety reason shall be assessed by a park manager under OAR 736-010-0025(11), ADA reference, and by using the following criteria:

(A) the type, size, weight, dimensions, and speed of device;

(B) the facility's volume of pedestrian traffic (which may vary at different times of the day, week, month or year);

(C) the facility's design and operational characteristics (e.g., whether its business is conducted indoors or outdoors, its square footage, the density and placement of furniture and other stationary devices, and the availability of storage for the OPDMD if needed and requested by the user);

(D) whether legitimate safety requirements, such as limiting speed to the pace of pedestrian traffic, can be established to permit the safe operation of the OPDMD in the specific facility; and  
(E) whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural, cultural, or historic resources, or poses a conflict with Federal land management laws and regulations.

(3) A person operating a bicycle, electric-assisted bicycle, skateboard, scooter, roller- or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land must comply with the following:

- (a) Motor vehicle and bicycle regulatory signs posted in park properties,
- (b) Persons under 16 years of age are required to wear protective headgear, unless wearing the headgear would violate a religious belief or practice of the person.

(c) Persons under 16 years of age must follow other requirements outlined under ORS 807.020.

(A) In the event that a person under 11 years of age violates this subsection, the notice of violation shall be issued to the person's parent, legal guardian or person with legal responsibility.

(B) In the event that a person is at least 12 years of age and is under 16 years of age violates this subsection, the notice of violation may be issued to the violator or that person's parent, legal guardian or person with legal responsibility, but not to both.

(ed) Restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other park users. This includes:

- (A) Yielding the right-of-way to pedestrians, equestrians and animals;
- (B) Dismounting and walking in congested areas and posted walk zones;
- (C) Slowing down to safe passing speed and making presence well known in advance and using caution when overtaking other persons, equestrians or animals;
- (D) Displaying adequate lighting during the hours of darkness where riding is permitted after dark, in compliance with ORS chapters 814 to 816;
- (E) Using caution when approaching turns or areas of limited sight distance and other concerns such as congestion, road crossings, low light, rough or uneven surfaces;
- (F) Not disturbing or harassing wildlife as provided in OAR 736-010-0055; ~~and~~
- (G) Operating in compliance with any additional requirements identified in ORS 814.488 when on public roads accessible by motor vehicles; ~~and-~~
- (H) Prohibit reckless behavior as defined under ORS 161.085, while riding and using bicycles and electric assisted bicycles on park property-

(4) A person may operate bicycles, non-motorized cycles or similar devices on roads and trails at any park property, except where ~~posted-designated~~ to specifically prohibit or conditionally restrict such activity.

(5) A person may operate an electric assisted bicycle on **roads** at any park property except where designated to specifically prohibit or conditionally restrict such activity. ~~and trails eight feet or wider unless otherwise posted.~~

(6) A person may operate an electric assisted bicycle on trails at any park property where bicycles are allowed except where designated to specifically exclude, prohibit or conditionally restrict such activity as determined by the District Manager, based on an evaluation of factors related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

(67) The director or designee may open or close roads and trails to the operation of non-motorized cycles, electric assisted bicycles, or similar devices, based on an evaluation of factors

related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

~~(78)~~ A person may not operate non-motorized cycles, electric assisted bicycles, scooters, or similar devices in those portions of a park property listed below, except where authorized by the director and posted specifically or conditionally to allow such activities:

(a) Off roads or off trails;

(b) Within designated historic or natural areas, natural forest areas, or natural area preserves except on roads or trails;

(c) On docks, piers, floats and connecting ramps; and

(d) In areas specifically designated as free from this use.

**Statutory/Other Authority:** ORS 390.124

**Statutes/Other Implemented:** ORS 390.111, 814.400 - 814.489 & 814.600

**736-010-0028**

**Effective Dates**

Amendments to OAR 736-010-0015 and 736-010-0024, adopted at the April 23, 2025 OPRD Commission meeting become effective upon July 1, 2025.

**Statutory/Other Authority:** ORS 390.124



## Division 21 OCEAN SHORE RULES

### 736-021-0030

#### **Definitions**

For purposes of this division, the definitions in ORS 358.905 and ORS 390.605 shall apply. In addition, the following definitions apply, unless the context requires otherwise:

(1) "ATV" means All-Terrain Vehicle as described and defined in OAR 736-004-0015. ATV may also be referred to interchangeably as Off-Highway Vehicle (OHV).

(2) "Bicycle" means any vehicle as defined under ORS 801.150.

~~(23)~~ "Cobble" means a rock fragment between about 2.5 inches and 10.2 inches wide, especially one that has been naturally rounded.

~~(34)~~ "Commission" means the Oregon Parks and Recreation Commission.

~~(45)~~ "Department" means the Oregon Parks and Recreation Department.

~~(56)~~ "Director" means the director of the Oregon Parks and Recreation Department.

~~(67)~~ "Domestic animal" means those animals whose food and shelter are provided by a human custodian.

(8) "Electric assisted bicycle" means any ~~vehicle~~-lass 1, class 2 and class 3 electric assisted bicycles as defined under ORS 801.258(4).

(a) Electric assisted bicycles that do not fit under the classifications as outlined under ORS 801.258 or have been modified out of the classification criteria, will be considered "Motor Vehicles" as defined below, and only allowed where motor vehicles are allowed.

~~(79)~~ "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations and to issue oral or written warnings or citations to enforce the ocean shore state recreation area rules.

~~(810)~~ "Habitat Conservation Plan for Western (Coastal) Snowy Plovers" is a multi-agency, multi-jurisdictional recovery effort for the Western Snowy Plover. The full text of the "Habitat Conservation Plan for Western (Coastal) Snowy Plovers" is available from the State Parks and Recreation Department.

~~(911)~~ "Handler" means a person who brings a domestic animal onto the ocean shore state recreation area.

~~(1012)~~ "Holdfast" means the part of a seaweed by which it fastens to the surface on which it grows.

~~(1113)~~ "Marine Protected Area" means any area of the marine environment within Oregon's Territorial Sea that has been reserved by the state to provide lasting protection for part or all of the natural and cultural resources in it. A marine protected area is an area established by the State Land Board and identified in OAR chapter 141, division 142.

~~(1214)~~ "Marine Reserve" is an area within Oregon's Territorial Sea or adjacent rocky intertidal area that is protected from all extractive activities, including the removal or disturbance of living and non-living marine resources, except as necessary for monitoring or research to evaluate reserve condition, effectiveness, or impact of stressors. A marine reserve is an area established by the State Land Board and identified in OAR chapter 141, division 142.

~~(1315)~~ "Motorized vehicle or device" means any self-propelled means moving on wheels, runners, tracks or the like by which a person could travel or carry something, whether or not designed exclusively to transport or typically used on roads. This definition includes but is not limited to a motor vehicle as defined in ORS 825.005(9), motorized bicycles, motor scooters,



ATVs, OHVs, recreational vehicles, trailers, electric bicycles outside of the definition in ORS 801.258 and other mobile equipment.

~~(4116)~~ “Natural Product” means living and non-living natural products on the ocean shore, including but not limited to marine plants, minerals, shells, rocks, and sand.

~~(4517)~~ “Non-Traditional Park Use” means any organized activity, gathering or use conducted in whole or in part within the boundaries of the ocean shore state recreational area, that is not a recreational use allowed by the posted park regulations or permitted under the provisions of this rule or divisions 10, 15 and 20 and which requires a special use permit under division 16.

~~(4618)~~ “Occupied site” means a department-owned or leased area, a privately or locally-owned area or an area adjacent to federal lands that has at least one nest or nesting attempt as identified by the department at the beginning of each western snowy plover nesting season in accordance with the Habitat Conservation Plan for Western (Coastal) Snowy Plover.

~~(4719)~~ “Ocean shore state recreation area” means the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line or the line of established upland vegetation, whichever is farther inland, under the jurisdiction of the department that is used by the public for recreational purposes per ORS 390.605 (2) and (3).

~~(4820)~~ “Ocean shore resources” means any natural or human-made property, material, product, feature or structure in the ocean shore state recreation area.

~~(4921)~~ “OHV” means Off Highway Vehicle, also called ATV, see definition (1).

(22) “Other power-driven mobility device” or “OPDMD” means any mobility device powered by batteries, liquid fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, e-assisted bicycles as defined in section (8) above, or any mobility device designed to operate in areas without defined pedestrian routes , but that is not a wheelchair within the meaning defined in 736-010-0015(26) within the meaning defined in section (33) below.

~~(2023)~~ “Park Employee” means an employee of the department.

~~(2424)~~ “Park Manager” means the supervisor or designated employee in charge of an ocean shore state recreation area.

~~(2225)~~ “Peace Officer” means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.

~~(2326)~~ “Person” includes an individual, a public or private corporation, an unincorporated association, a partnership, a government or a governmental unit, or a non-profit entity.

~~(2427)~~ “Personal Use” means use that is directly by the individual for purposes other than monetary reward and not involving sale, barter, resale, or exchange of money.

~~(2528)~~ “Territorial Sea” as defined in ORS 196.405(5) means the waters and seabed extending three geographical miles seaward from the coastline in conformance with federal law.

~~(2629)~~ “Unoccupied sites” means actively managed department-owned or leased areas, privately or locally-owned areas or areas adjacent to federal lands that have been identified as potential nesting sites for western snowy plovers in concurrence with the Habitat Conservation Plan for Western (Coastal) Snowy Plover.

~~(2730)~~ “Upland” means the land lying shoreward or generally easterly of the ocean shore state recreation area.

~~(2831)~~ “Violate” includes failure to comply.

(2932) “Wet sand” means the area seaward of symbolic fencing (roping), signs, or both that are placed on the dry sand area.

(33) “Wheelchair” means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

**Statutory/Other Authority:** ORS 390.660

**Statutes/Other Implemented:** ORS 390.124, 390.635 & 390.660

## 736-021-0060

### Motor Vehicles and Other Motorized Devices

#### General Provision:

(1) A person operating a motorized vehicle or device on the ocean shore state recreation area must<sup>22</sup>

(a) Observe all posted signs, including signs that prohibit the operation of motorized vehicles or devices; and

(b) Restrict speed and manner of operation to reasonable and prudent practice, considering the terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other ocean shore state recreation area users, natural resources, and wildlife.

(2) A person operating a motorized vehicle or device on the ocean shore state recreation area may not:

(a) Disturb or harass wildlife or other natural resources, or

(b) Block access, use, or the safe and uninterrupted passage of others on the ocean shore state recreation area.

#### Motor Vehicle Provisions:

(3) A person may not use a motor vehicle as defined in ORS 825.005(9) on any area of the ocean shore state recreation area unless the department had posted the area as open. A person may use a motor vehicle on a closed area only pursuant to a permit issued by the department.

(4) On an area of the ocean shore state recreation area that the department has posted as open to motor vehicle use, a person may only operate a motor vehicle that is registered to operate on public highways and roads.

(5) On the ocean shore state recreation area fronting the Oregon Dunes National Recreation Area and Sand Lake Recreation Area, a person may use an ATV or OHV provided that the vehicles is equipped with at least the minimum safety equipment as specified in OAR 735-116-0000.

(6) A person may not operate a Class I ATV on the ocean shore state recreation area, except:

(a) If the person obtains an Ocean Shores ATV Operating Permit from the department as provided in OAR 736-004-0062.

(b) On the ocean shore state recreation area fronting the Oregon Dunes National Recreation Area and Sand Lake Recreation Area. A person may operate a Class I ATV registered in a state other than Oregon under this subsection.

(7) Unless otherwise posted, a person may not operate motorized vehicles or devices within the ocean shore state recreation area at speeds in excess of 25 mph in open sections and 10 mph in closed sections.

(8) A person operating a motorized vehicle or device must comply with regulatory signs in the ocean shore state recreation area. All provisions of motor vehicle laws of the State of Oregon are applicable and enforceable.

(9) The department may have a motorized vehicle or device towed at the owner's expense if left unattended for more than 24 hours or immediately if it meets one or more of the following criteria:

(a) Blocks or restricts a beach access,

(b) Is owned by a person who has been excluded or who is in violation of criminal trespass, or

(c) Poses harm to the beach environment or ocean shore resources, creates a hazard to humans or wildlife, is a nuisance or may become a navigational hazard if washed out to sea.

(10) Vehicle operators must have a valid driver's license in their possession, except at ocean shore state recreation area adjacent to Oregon Dunes National Recreation Area and Sand Lake Recreation Area that are open to ATV use.

(11) A person whose driving privilege has been suspended or revoked may not operate any vehicle on the ocean shore recreation area, including at ocean shore state recreation areas adjacent to the Oregon Dunes National Recreation Area and at Sand Lake Recreation Area.

(12) A person may not use any vehicle in western snowy plover-management areas as provided in OAR 736-021-0090.

ATV-Specific Provisions:

(13) A person operating an ATV on designated portions of the ocean shore state recreation area under this rule must comply with the following equipment requirements:

(a) Flag: All vehicles must display a highly visible red or orange flag when on the sand.

(A) The flag must be displayed vertically and be at least nine feet from the ground level when the vehicle is under power; and

(B) The flag dimensions must be at minimum 8 inches wide and 12 inches long.

(b) Helmet: Operators and passengers younger than 18-years-old in a Class I, III or IV ATV must wear a Department of Transportation-approved helmet with the chin strap fastened while operating an ATV. In addition, operators and passengers younger than 18 years of age must also wear a Department of Transportation-approved helmet with the chin strap fastened while operating a Class II nonregistered vehicle.

(c) Fuel tank: All fuel tanks must meet the following requirements:

(A) Must be securely mounted;

(B) Must be properly constructed of industrial material for carrying fuel;

(C) All connections must be secure and tight; and

(D) All mechanical fluids and fuel must be securely contained to ensure no leakages that may affect the ocean shore state recreation area.

(d) Muffler: All vehicles must be equipped with a muffler that conforms to the current noise level and defect standards of the Department of Environmental Quality for vehicles operated off road.

(14) A person operating an ATV on designated portions of the ocean shore state recreation area is subject to the following conditions:

(a) ATV Operator Permit: Operators of Class I, III and IV ATVs must obtain an ATV Safety Education Card, also known as an ATV operator permit, according to OAR 736-004-0085 and comply with all the provisions in OAR 736-004-0085.

(A) The department shall honor an ATV permit issued by another state, as detailed in OAR 736-004-0070.

(B) A temporary ATV Safety Education Card is valid for operation on the ocean shore state recreation area if the operator meets the provisions of OAR 736-004-0095.

(C) These rules apply to all ATV operators, regardless of state of residence.

(D) Only persons with disabilities and park employees, emergency personnel or natural resources workers on official duty that have obtained an Ocean Shores ATV Operating Permit from the department may operate a Class I ATV on the ocean shore state recreation area.

(b) Placement of ATV Permit: A person must display his or her ATV operating permits as provided in OAR 736-004-0065.

(c) Rider Fit: ATV operators younger than 16 years of age must meet the rider-fit criteria established in OAR 736-004-0115

Other Vehicle Provisions:

(15) A person may take off or land on the ocean shore in a powered aircraft, airborne vehicle or other aircraft:

(a) In an emergency, or

(b) As authorized in a special-use permit from the department as provided in OAR 736-016.

(16) Electric assisted bicycles that do not fit under the classifications as outlined in ORS 801.258(4) or have been modified out of the classification criteria, will be considered “Motorized vehicle or device” Other Motor Vehicles” and only allowed on the ocean shore where motor vehicles as defined under ORS 825.005(9) are allowed.

**Statutory/Other Authority:** ORS 390.660

**Statutes/Other Implemented:** ORS 390.668 & 390.660

### 736-021-0065

#### **Non-Motorized Vehicles Operator-Propelled Vehicles, Cycles, Unpowered Aircraft, Sails and Other Similar Devices**

(1) A person may operate a bicycle, skateboard, scooter, rollerblades or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land, as provided in section (35).

(2) A person may operate a wind-powered aircraft or vehicle, such as a land sail, kite-buggy or other similar items on the ocean shore state recreation area as provided in section (35).

(3) A person may operate an electric assisted bicycle only on the wet sand on ocean shore state recreation areas, as provided in section (5) except where designated to specifically exclude, prohibit or conditionally restrict such activity as determined by the District Manager, based on an evaluation of factors related to the use of these devices including: but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

(a) A person shall not operate an electric assisted bicycle at a speed exceeding the posted speed limits for motor vehicles.

(b) Operation of electric assisted bicycles is prohibited in dry sand and in areas of sand dune vegetation.

(4) The director or designee may open or close ocean shore areas and access points specifically or conditionally to the operation of the vehicles describes in sections (1), (2) or (3), based on an

evaluation of factors related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

(35) A person operating any vehicle described in sections (1), ~~or~~ (2) or (3) on the ocean shore state recreation area must:

(a) Observe all posted signs, including the signs that restrict the operation of such vehicles, aircrafts and devices; ~~and~~

(b) Restrict speed and operation to reasonable and prudent practice considering the terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other ocean shore state recreation area users, natural resources, and wildlife; ~~and-~~

(6) A person operating any vehicle described in sections (1), (2) or (23) on the ocean shore state recreation area may not:

(a) Disturb or harass wildlife or other natural resources as provided in OAR 736-021-0090; ~~or~~

(b) Access any western snowy plover managed area, during seasonal closures beginning March 15 and ending September 15; or

(bc) Block access, use, or the safe and uninterrupted passage of others on the ocean shore state recreation area.

**Statutory/Other Authority:** ORS 390

**Statutes/Other Implemented:** ORS 390

### 736-021-0066

#### Effective Dates

Amendments to OAR 736-021-0030, 736-021-0060, and 736-021-0065 adopted at the April 25, 2025 OPRD Commission meeting become effective upon July 1, 2025.

**Statutory/Other Authority:** ORS 390.124

## **E-assisted bike rulemaking – Clean copy April 2025**

### **Division 10**

### **GENERAL PARK AREA RULES**

#### **736-010-0015**

##### **Definitions**

As used in this division, unless the context requires otherwise:

- (1) “Bicycle” means a vehicle as defined in ORS 801.150.
- (2) “Boat” means all watercraft as defined in ORS 830.005 (2).
- (3) “Camping” means the setting up of a tent or shelter, preparing bedding for use, parking of a motor vehicle, recreational vehicle, or other similar equipment or mooring of a vessel for the purpose of overnight occupancy.
- (4) “Camping Unit” means a tent, camper, camping trailer, recreational vehicle, or other shelter designed to be used as a personal living space while camping.
- (5) “Closed Area” means a park or portion of a park that the public is prohibited from entering. Closures will be identified by signs at the park, notices placed on the state park website, or by verbal instruction from park staff.
- (6) “Criminal Trespass” means the crime of remaining, or unlawfully re-entering a park property during the period of time in which a violator has been ordered to leave, or be excluded. Criminal trespass in the second degree, ORS 164.245, is a Class C misdemeanor, citable only by law enforcement.
- (7) "Commission" means the Oregon State Parks and Recreation Commission.
- (8) “Dawn” means 30 minutes prior to sunrise as calculated by the National Oceanic and Atmospheric Administration.
- (9) “Day Use” means those activities which are authorized to occur in an area between dawn and dusk.
- (10) “Day Use Area” is a park property or portion of a park property that the department has designated for day use only.
- (11) "Department" means the Oregon State Parks and Recreation Department.
- (12) “Designate” means administratively assigned and approve for a specific status or activity.
- (13) "Director" means the department director.
- (14) "District Manager" means the immediate supervisor of park managers within a specified geographic region of the state.
- (15) “Domestic Animals” means an animal, other than livestock or equines, that is owned or possessed by a person.
- (16) “Dusk” means 30 minutes after sunset as calculated by the National Oceanic and Atmospheric Administration.
- (17) "Electric assisted bicycle" means class 1, class 2 and class 3 electric assisted bicycles as defined under ORS 801.258.
  - (a) Electric assisted bicycles that do not fit under the classifications as outlined under ORS 801.258 or have been modified out of the classification criteria, will be considered “Motor Vehicles” as defined below, and only allowed where motor vehicles are allowed.
- (18) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported state park rule violations and to issue oral or written warnings or citations to enforce state park rules.

- (19) “Exclusion” means the administrative action that prohibits a violator from entering a specific park property, or properties for a specific period of time of one month or more. The violator may appeal the exclusion.
- (20) “Handler” means any person who either brings a domestic animal or livestock into a park property or keeps a domestic animal at a park property.
- (21) “Highway” means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right, as describe in ORS 801.305.
- (22) “Livestock” means birds, avians, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches.
- (23) “Motor Vehicle” means a vehicle that is self-propelled or designed for self-propulsion as defined in ORS 801.360.
- (24) “Order to Leave” means the administrative action that orders a violator to leave a specific park property, or properties, for up to 72 hours (3 nights).
- (25) “Other power-driven mobility device” or “OPDMD” means any mobility device powered by batteries, liquid fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, e-assisted bicycles, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (42) below.
- (26) “Overnight facility” means everything within the campground including showers, campsites, cabins, yurts, parking areas associated with camping and other facilities for use by overnight visitors.
- (27) “Pack Animal” means equines, llamas, alpacas, and goats.
- (28) "Park Property" means any state park, natural area, greenway, wayside, corridor, scenic area, monument, historic structure or area, trail, or recreation area under the jurisdiction of the department.
- (29) "Park Employee" means an employee of the department while on duty.
- (30) "Park Manager" means the supervisor or designated employee in charge of a park property.
- (31) "Park Resource" means any natural feature, wildlife, vegetation, water, cultural artifact, archaeological remains, or human-made structure or feature of a park area.
- (32) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.
- (33) "Person" includes individuals, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality, or a non-profit entity.
- (34) “Public” includes all persons visiting or intending to visit a park property that are not park employees.
- (35) “Public Indecency” has the meaning defined in ORS 163.465.
- (36) “Recreational Vehicle (RV)” means motor vehicles, campers or trailers or similar type vehicles with living areas intending for temporary sleeping including vehicles converted to serve this purpose, such as sprinter vans, buses, and utility trailers.



(37) “Service Animal” means any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler’s disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

(38) “State Park Rules” mean the rules, regulations, restrictions, prohibitions, or limitations established by this division for the use or protection of park properties.

(39) “State Park Website” means the internet resource with the host name <http://www.oregonstateparks.org> and its associated links.

(40) “Violate” includes failure to comply.

(41) “Violator” means a person or visitor who violates any state park rule, federal, state, county, or city law; or court order while on state park property.

(42) “Visitor” means any member of the public who arrives at or is present at a park property.

(43) “Wildlife” means fish, shellfish, amphibians and reptiles, wild birds and other wild mammals.

(44) “Wheelchair” means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

(45) “Other Agency” means local, state, federal or tribal government entity that provides mental health, law enforcement or human services.

**Statutory/Other Authority:** 390.124

**Statutes/Other Implemented:** ORS 390.050, 390.111 & 390.124, 496.004

### **736-010-0026**

#### **Operator-Propelled Vehicles, Cycles or Similar Devices**

(1) Violation of this rule is a Class D violation, unless park resources are damaged resulting in a Class A violation.

(2) Any areas open to pedestrian and bicycle use may be accessed by persons with mobility disabilities by using any of the following:

(a) wheelchairs and manually powered mobility aids, designed for use by individuals with mobility related disabilities;

(b) OPDMD unless there is a legitimate safety reason that the OPDMD cannot be accommodated. A legitimate safety reason shall be assessed by a park manager under OAR 736-010-0025(11), ADA reference, and by using the following criteria:

(A) the type, size, weight, dimensions, and speed of device;

(B) the facility’s volume of pedestrian traffic (which may vary at different times of the day, week, month or year);

(C) the facility’s design and operational characteristics (e.g., whether its business is conducted indoors or outdoors, its square footage, the density and placement of furniture and other stationary devices, and the availability of storage for the OPDMD if needed and requested by the user);

(D) whether legitimate safety requirements, such as limiting speed to the pace of pedestrian traffic, can be established to permit the safe operation of the OPDMD in the specific facility; and  
 (E) whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural, cultural, or historic resources, or poses a conflict with Federal land management laws and regulations.

(3) A person operating a bicycle, electric-assisted bicycle, skateboard, scooter, roller- or inline skate, or other wheeled, operator-propelled equipment that transports the operator on land must comply with the following:

- (a) Motor vehicle and bicycle regulatory signs posted in park properties,
- (b) Persons under 16 years of age are required to wear protective headgear, unless wearing the headgear would violate a religious belief or practice of the person.
- (c) Persons under 16 years of age must follow other requirements outlined under ORS 807.020.
  - (A) In the event that a person under 11 years of age violates this subsection, the notice of violation shall be issued to the person's parent, legal guardian or person with legal responsibility.
  - (B) In the event that a person is at least 12 years of age and is under 16 years of age violates this subsection, the notice of violation may be issued to the violator or that person's parent, legal guardian or person with legal responsibility, but not to both.
- (d) Restrict speed and manner of operation to a reasonable and prudent practice relative to terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other park users. This includes:
  - (A) Yielding the right-of-way to pedestrians, equestrians and animals;
  - (B) Dismounting and walking in congested areas and posted walk zones;
  - (C) Slowing down to safe passing speed and making presence well known in advance and using caution when overtaking other persons, equestrians or animals;
  - (D) Displaying adequate lighting during the hours of darkness where riding is permitted after dark, in compliance with ORS chapters 814 to 816;
  - (E) Using caution when approaching turns or areas of limited sight distance and other concerns such as congestion, road crossings, low light, rough or uneven surfaces;
  - (F) Not disturbing or harassing wildlife as provided in OAR 736-010-0055;
  - (G) Operating in compliance with any additional requirements identified in ORS 814.488 when on public roads accessible by motor vehicles; and
  - (H) Prohibit reckless behavior as defined under ORS 161.085, while riding and using bicycles and electric assisted bicycles on park property
- (4) A person may operate bicycles, non-motorized cycles or similar devices on roads and trails at any park property, except where designated to specifically prohibit or conditionally restrict such activity.
- (5) A person may operate an electric assisted bicycle on **roads** at any park property except where designated to specifically prohibit or conditionally restrict such activity.
- (6) A person may operate an electric assisted bicycle on **trails** at any park property where bicycles are allowed except where designated to specifically exclude, prohibit or conditionally restrict such activity as determined by the District Manager, based on an evaluation of factors related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.
- (7) The director or designee may open or close roads and trails to the operation of non-motorized cycles, electric assisted bicycles, or similar devices, based on an evaluation of factors related to

the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.

8) A person may not operate non-motorized cycles, electric assisted bicycles, scooters, or similar devices in those portions of a park property listed below, except where authorized by the director and posted specifically or conditionally to allow such activities:

- (a) Off roads or off trails;
- (b) Within designated historic or natural areas, natural forest areas, or natural area preserves except on roads or trails;
- (c) On docks, piers, floats and connecting ramps; and
- (d) In areas specifically designated as free from this use.

**Statutory/Other Authority:** ORS 390.124

**Statutes/Other Implemented:** ORS 390.111, 814.400 - 814.489 & 814.600

## **736-010-0028**

### **Effective Dates**

Amendments to OAR 736-010-0015 and 736-010-0024, adopted at the April 23, 2025 OPRD Commission meeting become effective upon July 1, 2025.

**Statutory/Other Authority:** ORS 390.124

## **Division 21**

### **OCEAN SHORE RULES**

#### **736-021-0030**

##### **Definitions**

For purposes of this division, the definitions in ORS 358.905 and ORS 390.605 shall apply. In addition, the following definitions apply, unless the context requires otherwise:

- (1) "ATV" means All-Terrain Vehicle as described and defined in OAR 736-004-0015. ATV may also be referred to interchangeably as Off-Highway Vehicle (OHV).
- (2) "Bicycle" means any vehicle as defined under ORS 801.150.
- (3) "Cobble" means a rock fragment between about 2.5 inches and 10.2 inches wide, especially one that has been naturally rounded.
- (4) "Commission" means the Oregon Parks and Recreation Commission.
- (5) "Department" means the Oregon Parks and Recreation Department.
- (6) "Director" means the director of the Oregon Parks and Recreation Department.
- (7) "Domestic animal" means those animals whose food and shelter are provided by a human custodian.
- (8) "Electric assisted bicycle" means any class 1, class 2 and class 3 electric assisted bicycles as defined under ORS 801.258.
  - (a) Electric assisted bicycles that do not fit under the classifications as outlined under ORS 801.258 or have been modified out of the classification criteria, will be considered "Motor Vehicles" as defined below, and only allowed where motor vehicles are allowed.
- (9) "Enforcement Officer" means a peace officer or park employee specifically designated by the director under ORS 390.050 to investigate observed or reported violations and to issue oral or written warnings or citations to enforce the ocean shore state recreation area rules.
- (10) "Habitat Conservation Plan for Western (Coastal) Snowy Plovers" is a multi-agency, multi-jurisdictional recovery effort for the Western Snowy Plover. The full text of the "Habitat

Conservation Plan for Western (Coastal) Snowy Plovers” is available from the State Parks and Recreation Department.

(11) “Handler” means a person who brings a domestic animal onto the ocean shore state recreation area.

(12) “Holdfast” means the part of a seaweed by which it fastens to the surface on which it grows.

(13) “Marine Protected Area” means any area of the marine environment within Oregon’s Territorial Sea that has been reserved by the state to provide lasting protection for part or all of the natural and cultural resources in it. A marine protected area is an area established by the State Land Board and identified in OAR chapter 141, division 142.

(14) “Marine Reserve” is an area within Oregon’s Territorial Sea or adjacent rocky intertidal area that is protected from all extractive activities, including the removal or disturbance of living and non-living marine resources, except as necessary for monitoring or research to evaluate reserve condition, effectiveness, or impact of stressors. A marine reserve is an area established by the State Land Board and identified in OAR chapter 141, division 142.

(15) “Motorized vehicle or device” means any self-propelled means moving on wheels, runners, tracks or the like by which a person could travel or carry something, whether or not designed exclusively to transport or typically used on roads. This definition includes but is not limited to a motor vehicle as defined in ORS 825.005(9), motorized bicycles, motor scooters, ATVs, OHVs, recreational vehicles, trailers, electric bicycles outside of the definition in ORS 801.258 and other mobile equipment.

(16) “Natural Product” means living and non-living natural products on the ocean shore, including but not limited to marine plants, minerals, shells, rocks, and sand.

(17) “Non-Traditional Park Use” means any organized activity, gathering or use conducted in whole or in part within the boundaries of the ocean shore state recreational area, that is not a recreational use allowed by the posted park regulations or permitted under the provisions of this rule or divisions 10, 15 and 20 and which requires a special use permit under division 16.

(18) “Occupied site” means a department-owned or leased area, a privately or locally-owned area or an area adjacent to federal lands that has at least one nest or nesting attempt as identified by the department at the beginning of each western snowy plover nesting season in accordance with the Habitat Conservation Plan for Western (Coastal) Snowy Plover.

(19) “Ocean shore state recreation area” means the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line or the line of established upland vegetation, whichever is farther inland, under the jurisdiction of the department that is used by the public for recreational purposes per ORS 390.605 (2) and (3).

(20) “Ocean shore resources” means any natural or human-made property, material, product, feature or structure in the ocean shore state recreation area.

(21) “OHV” means Off Highway Vehicle, also called ATV, see definition (1).

(22) “Other power-driven mobility device” or “OPDMD” means any mobility device powered by batteries, liquid fuel, or other engines, whether or not designed primarily for use by individuals with mobility disabilities, that is used by individuals with mobility disabilities for the purpose of locomotion, including golf cars, electronic personal assistance mobility devices (EPAMDs), such as the Segway® PT, e-assisted bicycles, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair within the meaning defined in section (33) below.

(23) “Park Employee” means an employee of the department.

- (24) "Park Manager" means the supervisor or designated employee in charge of an ocean shore state recreation area.
- (25) "Peace Officer" means a sheriff, constable, marshal, municipal police officer, member of the Oregon State Police, and other persons as may be designated by law.
- (26) "Person" includes an individual, a public or private corporation, an unincorporated association, a partnership, a government or a governmental unit, or a non-profit entity.
- (27) "Personal Use" means use that is directly by the individual for purposes other than monetary reward and not involving sale, barter, resale, or exchange of money.
- (28) "Territorial Sea" as defined in ORS 196.405(5) means the waters and seabed extending three geographical miles seaward from the coastline in conformance with federal law.
- (29) "Unoccupied sites" means actively managed department-owned or leased areas, privately or locally-owned areas or areas adjacent to federal lands that have been identified as potential nesting sites for western snowy plovers in concurrence with the Habitat Conservation Plan for Western (Coastal) Snowy Plover.
- (30) "Upland" means the land lying shoreward or generally easterly of the ocean shore state recreation area.
- (31) "Violate" includes failure to comply.
- (32) "Wet sand" means the area seaward of symbolic fencing (roping), signs, or both that are placed on the dry sand area.
- (33) "Wheelchair" means a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor locomotion.

**Statutory/Other Authority:** ORS 390.660

**Statutes/Other Implemented:** ORS 390.124, 390.635 & 390.660

## 736-021-0060

### Motor Vehicles and Other Motorized Devices

#### General Provision:

- (1) A person operating a motorized vehicle or device on the ocean shore state recreation area must
- (a) Observe all posted signs, including signs that prohibit the operation of motorized vehicles or devices; and
  - (b) Restrict speed and manner of operation to reasonable and prudent practice, considering the terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other ocean shore state recreation area users, natural resources, and wildlife.
- (2) A person operating a motorized vehicle or device on the ocean shore state recreation area may not:
- (a) Disturb or harass wildlife or other natural resources, or
  - (b) Block access, use, or the safe and uninterrupted passage of others on the ocean shore state recreation area.

#### Motor Vehicle Provisions:

- (3) A person may not use a motor vehicle as defined in ORS 825.005(9) on any area of the ocean shore state recreation area unless the department had posted the area as open. A person may use a motor vehicle on a closed area only pursuant to a permit issued by the department.
- (4) On an area of the ocean shore state recreation area that the department has posted as open to motor vehicle use, a person may only operate a motor vehicle that is registered to operate on public highways and roads.
- (5) On the ocean shore state recreation area fronting the Oregon Dunes National Recreation Area and Sand Lake Recreation Area, a person may use an ATV or OHV provided that the vehicles is equipped with at least the minimum safety equipment as specified in OAR 735-116-0000.
- (6) A person may not operate a Class I ATV on the ocean shore state recreation area, except:
  - (a) If the person obtains an Ocean Shores ATV Operating Permit from the department as provided in OAR 736-004-0062.
  - (b) On the ocean shore state recreation area fronting the Oregon Dunes National Recreation Area and Sand Lake Recreation Area. A person may operate a Class I ATV registered in a state other than Oregon under this subsection.
- (7) Unless otherwise posted, a person may not operate motorized vehicles or devices within the ocean shore state recreation area at speeds in excess of 25 mph in open sections and 10 mph in closed sections.
- (8) A person operating a motorized vehicle or device must comply with regulatory signs in the ocean shore state recreation area. All provisions of motor vehicle laws of the State of Oregon are applicable and enforceable.
- (9) The department may have a motorized vehicle or device towed at the owner's expense if left unattended for more than 24 hours or immediately if it meets one or more of the following criteria:
  - (a) Blocks or restricts a beach access,
  - (b) Is owned by a person who has been excluded or who is in violation of criminal trespass, or
  - (c) Poses harm to the beach environment or ocean shore resources, creates a hazard to humans or wildlife, is a nuisance or may become a navigational hazard if washed out to sea.
- (10) Vehicle operators must have a valid driver's license in their possession, except at ocean shore state recreation area adjacent to Oregon Dunes National Recreation Area and Sand Lake Recreation Area that are open to ATV use.
- (11) A person whose driving privilege has been suspended or revoked may not operate any vehicle on the ocean shore recreation area, including at ocean shore state recreation areas adjacent to the Oregon Dunes National Recreation Area and at Sand Lake Recreation Area.
- (12) A person may not use any vehicle in western snowy plover-management areas as provided in OAR 736-021-0090.

#### ATV-Specific Provisions:

- (13) A person operating an ATV on designated portions of the ocean shore state recreation area under this rule must comply with the following equipment requirements:
  - (a) Flag: All vehicles must display a highly visible red or orange flag when on the sand.
    - (A) The flag must be displayed vertically and be at least nine feet from the ground level when the vehicle is under power; and
    - (B) The flag dimensions must be at minimum 8 inches wide and 12 inches long.
  - (b) Helmet: Operators and passengers younger than 18-years-old in a Class I, III or IV ATV must wear a Department of Transportation-approved helmet with the chin strap fastened while operating an ATV. In addition, operators and passengers younger than 18 years of age must also

wear a Department of Transportation-approved helmet with the chin strap fastened while operating a Class II nonregistered vehicle.

(c) Fuel tank: All fuel tanks must meet the following requirements:

(A) Must be securely mounted;

(B) Must be properly constructed of industrial material for carrying fuel;

(C) All connections must be secure and tight; and

(D) All mechanical fluids and fuel must be securely contained to ensure no leakages that may affect the ocean shore state recreation area.

(d) Muffler: All vehicles must be equipped with a muffler that conforms to the current noise level and defect standards of the Department of Environmental Quality for vehicles operated off road.

(14) A person operating an ATV on designated portions of the ocean shore state recreation area is subject to the following conditions:

(a) ATV Operator Permit: Operators of Class I, III and IV ATVs must obtain an ATV Safety Education Card, also known as an ATV operator permit, according to OAR 736-004-0085 and comply with all the provisions in OAR 736-004-0085.

(A) The department shall honor an ATV permit issued by another state, as detailed in OAR 736-004-0070.

(B) A temporary ATV Safety Education Card is valid for operation on the ocean shore state recreation area if the operator meets the provisions of OAR 736-004-0095.

(C) These rules apply to all ATV operators, regardless of state of residence.

(D) Only persons with disabilities and park employees, emergency personnel or natural resources workers on official duty that have obtained an Ocean Shores ATV Operating Permit from the department may operate a Class I ATV on the ocean shore state recreation area.

(b) Placement of ATV Permit: A person must display his or her ATV operating permits as provided in OAR 736-004-0065.

(c) Rider Fit: ATV operators younger than 16 years of age must meet the rider-fit criteria established in OAR 736-004-0115

Other Vehicle Provisions:

(15) A person may take off or land on the ocean shore in a powered aircraft, airborne vehicle or other aircraft:

(a) In an emergency, or

(b) As authorized in a special-use permit from the department as provided in OAR 736-016.

(16) Electric assisted bicycles that do not fit under the classifications as outlined in ORS 801.258 or have been modified out of the classification criteria, will be considered "Motorized vehicle or device" and only allowed on the ocean shore where motor vehicles are allowed.

**Statutory/Other Authority:** ORS 390.660

**Statutes/Other Implemented:** ORS 390.668 & 390.660

### [736-021-0065](#)

## **Operator-Propelled Vehicles, Cycles, Unpowered Aircraft, Sails and Other Similar Devices**



- (1) A person may operate a bicycle; skateboard; scooter; rollerblades or inline skate; or other wheeled; operator-propelled equipment that transports the operator on land, as provided in section (5).
- (2) A person may operate a wind-powered aircraft or vehicle, such as a land sail, kite-buggy or other similar items on the ocean shore state recreation area as provided in section (5).
- (3) A person may operate an electric assisted bicycle only on the wet sand on ocean shore state recreation areas, as provided in section (5) except where designated to specifically exclude, prohibit or conditionally restrict such activity as determined by the District Manager, based on an evaluation of factors related to the use of these devices including: but not limited to, the degree of conflict with other users, public safety, or damage to park resources.
  - (a) A person shall not operate an electric assisted bicycle at a speed exceeding the posted speed limits for motor vehicles.
  - (b) Operation of electric assisted bicycles is prohibited in dry sand and in areas of sand dune vegetation.
- (4) The director or designee may open or close ocean shore areas and access points specifically or conditionally to the operation of the vehicles describes in sections (1), (2) or (3), based on an evaluation of factors related to the use of these devices including, but not limited to, the degree of conflict with other users, public safety, or damage to park resources.
- (5) A person operating any vehicle described in sections (1), (2) or (3) on the ocean shore state recreation area must:
  - (a) Observe all posted signs, including the signs that restrict the operation of such vehicles, aircrafts and devices;
  - (b) Restrict speed and operation to reasonable and prudent practice considering the terrain, prevailing conditions, equipment, personal capabilities, personal safety and the safety of all other ocean shore state recreation area users, natural resources, and wildlife; and
- (6) A person operating any vehicle described in sections (1), (2) or (3) on the ocean shore state recreation area may not:
  - (a) Disturb or harass wildlife or other natural resources as provided in OAR 736-021-0090; (b) Access any western snowy plover managed area, during seasonal closures beginning March 15 and ending September 15; or
  - (c) Block access, use, or the safe and uninterrupted passage of others on the ocean shore state recreation area.

**Statutory/Other Authority:** ORS 390

**Statutes/Other Implemented:** ORS 390

### **736-021-0066**

#### **Effective Dates**

Amendments to OAR 736-021-0030, 736-021-0060, and 736-021-0065 adopted at the April 25, 2025 OPRD Commission meeting become effective upon July 1, 2025.

**Statutory/Other Authority:** ORS 390.124





# Submit a public comment on a rule

## Oregon Parks and Recreation Department

**Commenter name (if provided):**

Kim McCarrel

**Date comment received:**

March 18, 2025 02:19 PM

**Commenter email (if provided):**

kim.mccarrel@gmail.com

**Location (if provided):** Bend, OR

**Public comment:**

We have two additional thoughts about the proposed rule permitting e-bikes on all trails where mountain bikes are allowed.

**RECKLESS BEHAVIOR**

We are concerned that a rule prohibiting reckless behavior while riding an e-bike doesn't go far enough to protect equestrians and hikers, for three reasons.

1. Park staff are highly unlikely to be on a given trail at the right time to observe reckless behavior, so this rule is essentially unenforceable.
2. The reckless behavior rule is cold comfort if you're a hiker who is injured trying to get off the trail to avoid a speeding e-bike or a rider who is thrown when an e-bike spooks her horse. OPRD's prohibition of reckless behavior notwithstanding, the injured person is still in the hospital.
3. Behavior doesn't have to be reckless to put another trail user in jeopardy. Not calling out to another trail user until you are close to them is poor etiquette, but it can't be construed as reckless. And yet it can cause the other trail user to get injured.

To protect equestrians and hikers, e-bikes should be limited to trails 8 feet or wider, the beach, and trails specifically designed for bikes.

**WHERE ARE THE GREATEST RISKS TO EQUESTRIAN USERS?**

We conducted a park-by-park analysis to see which trail users each park permits. We divided the parks that allow horses into 3 categories: those that separate horse and bike users, those where the proposed e-bike rules won't make a difference to equestrians, and those where all of the park's horse trails are shared with bikes.

- Of Oregon's 257 state parks, natural areas, heritage areas, recreation areas, 21 allow horses.
- Ten parks separate horses and bikes on the trails. These include Bob Straub, Bullards Beach, Cape Blanco, Emigrant Springs, Hat Rock, Milo McIver, Nehalem Bay, South Beach, Tryon Creek, and Willamette Mission. Location matters, of course, if the nearest state park that separates horses

and bikes is 80 miles from your home.

- In six parks, the proposed e-bike rules won't make a significant difference to equestrians, either because their trails are wide so they already allow e-bikes or because horses and bikes share the beach but no other trails. These include the Banks-Vernonia Trail, Del Rey Beach, Deschutes River Trail, Fort Stevens, OC&E Woods Line Trail, and Smith Rock. We included Smith Rock in this category because the horse trails are quite short, the trails are very crowded, and trailer parking is virtually non-existent. Equestrians have already been completely displaced from this park. Allowing e-bikes at Smith Rock won't affect equestrians because they're not there.
- Five parks allow bikes on all the trails where horses are allowed. These include Cottonwood Canyon, Elijah Bristow, Stub Stewart, La Pine, and Silver Falls. Bike use in Cottonwood Canyon and La Pine doesn't pose big risks to equestrians because their terrain is flat, sight lines are good, and usage is light. The other three parks, though, represent significant risks for equestrians. Elijah Bristow, Stub Stewart, and Silver Falls are near major metro areas, so they are likely to see a big influx of e-bike riders. And Stub Stewart and Silver Falls feature trails with significant elevation changes, adding speed to the risks posed by frequent wheeled/non-wheeled encounters.

If OPRD decides to approve the proposed e-bike rules despite our concerns, we would appreciate the opportunity – before the rules go into effect – to work with park officials to identify specific trails at Elijah Bristow, Silver Falls, and Stub Stewart where e-bike use should not be allowed. Once e-bike users are allowed on a multi-use trail, there will be no going back, so it's important that these decisions get made before the rules go into effect.

#### SUMMARY

The equestrian community would like to modify the proposed rules to allow e-bikes on trails eight feet or wider, on the beach, and on purpose-built mountain bike trails. They should not be allowed on single-track multi-user trails.

If OPRD decides to proceed with the proposed rules, we would like to work with park officials to identify specific trails, especially those at Silver Falls, Stub Stewart, and Elijah Bristow, where e-bike use should be prohibited for the safety and enjoyment of other trail users. Any trail-specific decisions should, of course, be made before the proposed rules are implemented.

Thank you very much for considering our views, and thank you for giving us the opportunity to comment.

## E-assisted bicycle rulemaking public comment analysis

Feb 28, 2025 – Apr 1, 2025

In total, 165 comments.

General approval of proposed language: 38

Expressed concerns of proposed language: 126

Unclear: 4

**Opposition** typically revolves around safety (especially around horses), the desire to preserve quiet, slow-paced natural recreation, and concerns that adding motor-assist capability will lead to more hazards, conflicts, or environmental harm.

**Support** usually cites accessibility for older and disabled riders, minimal trail damage compared to traditional bicycles, and the desire to keep rules straightforward. They emphasize that many Class 1 e-assisted bikes behave much like analog bikes and provide real health and mobility benefits to broader user groups.

50 comments in total specifically mention Horse or Equestrian riders.

Expressed concerns:

- Speed differences & User Conflicts: 105 mentions
- Preference for limited or segregated access: 70 mentions
- Environment or wildlife concerns: 45 mentions
- Slippery slope/ Enforcement: 35 mentions
- Preserving natural experience: 40 mentions
- Equestrians: 50 mentions

General approvals:

- Accessibility: 35 mentions
- E-assisted bikes same as bikes: 20 mentions
- Encouraging outdoor recreation: 25 mentions
- Harmonizing rules and simplifying enforcement: 10 mentions
- Economic/tourism benefit: 8 mentions
- Similar speed and Impact: 15 mentions

### Why People Oppose Allowing E-assisted bikes on All Bike-Legal Trails

#### 1. Concerns for Equestrians

- A large subset of opponents are horseback riders (or advocates) who fear that fast, often-quiet e-assisted bikes will startle horses.
- Horses are “prey animals,” easily spooked by sudden appearances; a horse reacting badly can endanger both the rider and any cyclist nearby.

#### 2. Speed Differences & User Conflicts

- Many opponents emphasize safety for hikers, children, dog walkers, and slower users on narrow trails.

- E-assisted bikes can climb uphill faster than traditional bicycles, so conflicts can happen in both directions (downhill and uphill).
- Some object that “reckless” biking already exists with standard mountain bikes; adding e-assist only intensifies that speed conflict.

### 3. Preference for Limited or Segregated Access

- Opponents sometimes say they support *some* e-assisted bike use—but only on wide trails (e.g., 8 feet or wider) or designated bike-specific routes.
- Others want strictly Class 1 e-assisted bikes allowed, but not Class 2 or 3 (throttle-capable or faster).
- Many want no e-assisted bikes near horse trails, so that equestrians retain some safer areas.

### 4. Environmental & Wildlife Concerns

- Some argue e-assisted bikes constitute “motorized vehicles,” which should remain prohibited from certain natural/sensitive areas (including beaches with wildlife).
- Fear that higher speeds, heavier bikes, or broader trail use will worsen erosion and disturb wildlife.

### 5. Slippery Slope / Enforcement

- Worries about how to enforce speed/class limits.
- Some fear that admitting e-assisted bikes will encourage illegal use of higher-powered electric motorcycles on the same trails.

### 6. Desire to Preserve “Natural Experience”

- A faction views e-assisted bikes (and sometimes all bikes) as eroding the sense of “peace and quiet” in nature.
- They dislike seeing “tech and motors” in what they consider a refuge from modern noise.

## **Why People Support Allowing E-assisted bikes Where Regular Bikes Are Allowed**

### 1. Accessibility & Inclusivity

- By far the most common pro-e-assisted bike theme is **mobility for older adults, people with health issues, or disabilities** who can’t use a standard bicycle.
- They see e-assist as an “equalizer” that keeps them active and outdoors.

### 2. E-assisted bikes as Bikes, Not Motorcycles

- Many argue that Class 1 pedal-assist e-assisted bikes function almost the same as normal bikes (only helping uphill or at lower speeds).
- They believe e-assisted bikes do not cause more environmental damage, pointing to studies showing little difference in trail impact compared to non-assisted bicycles.

**3. Encouraging Outdoor Recreation**

- E-assisted bikes get more people enjoying trails and nature, boosting park use and potential funding.
- Some see this as an overall benefit to public health and to fostering a deeper appreciation of state lands.

**4. Harmonizing Rules & Simplifying Enforcement**

- Supporters often say that forbidding e-assisted bikes on trails already open to conventional bikes is confusing or arbitrary.
- They see a consistent “treat e-assisted bikes like regular bikes” rule as simpler for riders, land managers, and law enforcement.

**5. Economic/Tourism Benefit**

- A handful note that e-assisted bike tourism is growing; letting e-assisted bikers ride in scenic areas can boost local economies.

**6. Studies Show Similar Speeds & Impacts**

A few cited actual research from other states or agencies indicating no significant adverse impact on speed differentials, safety, or trail wear.