

## NOTICE OF PROPOSED RULEMAKING

CHAPTER 736

PARKS AND RECREATION DEPARTMENT

FILING CAPTION: Update electric-assisted bicycle access and operation rules in Division 10 and 21.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/01/2025 5:00 PM

### HEARING(S):

DATE: 03/17/2025

TIME: 5:30 PM - 7:30 PM

OFFICER: Jo Niehaus

### REMOTE HEARING DETAILS

MEETING URL: <https://us06web.zoom.us/j/87581787573>

PHONE NUMBER: 1-669-444-9171

CONFERENCE ID: 87581787573

### SPECIAL INSTRUCTIONS:

Topic: May 17 OPRD E-Assisted Bicycle Rule Update Hearing

Time: Mar 17, 2025 05:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/87581787573>

Meeting ID: 875 8178 7573

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• +1 253 205 0468 US

• +1 253 215 8782 US (Tacoma)

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• +1 507 473 4847 US

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- +1 301 715 8592 US (Washington DC)
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Meeting ID: 875 8178 7573

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DATE: 03/26/2025

TIME: 5:30 PM - 7:30 PM

OFFICER: Jo Niehaus

#### REMOTE HEARING DETAILS

MEETING URL: <https://us06web.zoom.us/j/85395086133>

PHONE NUMBER: 1-669-444-9171

CONFERENCE ID: 85395086133

#### SPECIAL INSTRUCTIONS:

Topic: May 26 OPRD E-Assisted Bicycle Rule Update Hearing

Time: Mar 26, 2025 05:30 PM Pacific Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/85395086133>

Meeting ID: 853 9508 6133

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Meeting ID: 853 9508 6133

Find your local number: <https://us06web.zoom.us/j/85395086133>

#### NEED FOR THE RULE(S):

Currently, e-assisted bikes are allowed on OPRD trails over eight feet in width and on the ocean shore where driving on beach by motor vehicles is allowed. With the popularity of e-assisted bike recreation increasing, the agency is finding that current rules do not clearly accommodate growing need and cause confusion among all visitors. The state also passed legislation that amended the definition of electric assisted bicycles and regulated into three different categories: Class 1, Class 2, and Class 3. The rules at minimum need to be updated to align with statutory changes.

#### DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

All rule advisory committee meetings are recorded and available here:

<https://www.youtube.com/@oprddirectorsoffice5783/streams>

The rule brief to the Oregon State Parks and Recreation Commission is available here:

<https://www.oregon.gov/oprd/CAC/Documents/2025-02-9b.pdf>

Rule webpage: <https://www.oregon.gov/oprd/PRP/Pages/PRP-Rule-2024-EBikes.aspx>

#### STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

These rule proposed was created with diverse representation from the Rules Advisory Committee. The RAC accounted for the potential impacts from underrepresented groups while acknowledging not every single perspective can be present at every step of the process. Overall, expanding the e-assisted bicycle access in state parks and on the ocean shore could have positive impacts for racial equity as it could help expand opportunities for small businesses, local Oregon economy, and make the recreation more available to all communities. Cycling and electric-assisted bicycles in particular have a high cost to entry and by making opportunities to ride more available with safe spaces to take part, it can help make the recreation more welcoming and bring down associated costs. The agency also recognizes that different communities have varying levels of familiarity with and access to e-bikes. Regulations that encourage or support programs like e-bike rentals, subsidies, or educational initiatives could help bridge gaps in access and promote more equitable park use. A widespread implementation campaign would follow the adoption of these rules.

#### FISCAL AND ECONOMIC IMPACT:

The RAC also discussed the fiscal and economic impacts associated with these proposed changes. Ultimately, expanding e-bike access in Oregon state parks and the ocean shore would likely have a fiscal impact on both the state agency and local businesses, with mostly positive economic effects by increasing tourism and visitor spending at restaurants, lodging, and bike-related businesses. The e-bike industry could see growth in rentals, sales, and guided tours, while rural communities might benefit from more stable, year-round revenue. Overall, while there may be short-term administrative and enforcement costs, the long-term benefits for local businesses and park funding could outweigh these challenges.

#### COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The Oregon Parks and Recreation Department (OPRD) would be directly affected by e-bike rule changes due to potential increases in maintenance costs, infrastructure updates, outreach and communication efforts, and enforcement needs including training rangers and enforcement partners like Oregon State Police. Other state agencies involved in land use, natural resource management, or outdoor recreation—such as the Oregon Department of Transportation (ODOT) and the Oregon Department of Forestry (ODF)—may also experience indirect effects. Federal and local land management agency partners may see impacts especially as neighboring lands have different management rules and allowed access. Local governments at all levels and communities near state parks and the ocean shore, particularly those that rely on tourism, could see increased economic activity from higher visitor traffic. Members of the public, including cyclists, outdoor recreationists, and mobility-impaired individuals, may experience both benefits (expanded access) and potential costs (crowds from more recreation in a specific park or trail).

#### DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

In development of this rule, the agency made sure to include small business owners and recreation enthusiasts on the Rules Advisory Committee. The RAC represented trail builders, rental shop owners, and bike shop/repair owners. Small businesses in the outdoor recreation, hospitality, and retail sectors would likely be impacted, including bike rental shops, tour operators, outdoor gear stores, and lodging businesses. Coastal and rural businesses near affected parks would be the most directly impacted. Estimating the number of small businesses is difficult to estimate, but Oregon has hundreds of businesses in the outdoor recreation sector that could experience increased demand. According to the 2025-2029 Oregon statewide Comprehensive Outdoor Recreation Plan (SCORP) and the 2022 Economic Analysis of Outdoor Recreation in Oregon, recreation trips and equipment purchases supported \$15.7 billion in expenditures in 2022 and supported 192,000 full and part-time jobs in Oregon.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

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RULES PROPOSED:

736-010-0015, 736-010-0026, 736-010-0028, 736-021-0030, 736-021-0060, 736-021-0065,  
736-021-0066

AMEND: 736-010-0015

RULE TITLE: Definitions

RULE SUMMARY: Update and add definitions for "Bicycle," "Electric-Assisted Bicycle," and clarify "Other power-driven mobility device."

RULE TEXT:

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. 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, 496.004

STATUTES/OTHER IMPLEMENTED: ORS 390.050, 390.111, 390.124



AMEND: 736-010-0026

RULE TITLE: Operator-Propelled Vehicles, Cycles or Similar Devices

RULE SUMMARY: Amendments clarify the areas where electric-assisted bicycles can access and operate safely. Clarifies ADA and mobility assistance use. The rule is updated to align with statutory changes and references. Updated safety language for safe operation of these devices. Rule also allows for prohibition of operation of electric-assisted bicycles in certain areas after an evaluation for public safety, damage to resources, conflicts, or other observations.

RULE TEXT:

#### 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

ADOPT: 736-010-0028

RULE TITLE: Effective Dates of 2025 Electric-Assisted Bicycle Rulemaking for Division 10

RULE SUMMARY: Allows the implementation of the 2025 electric assisted bicycle rules three months after agency commission adoption to give time for the agency to launch an information campaign and update park resources.

RULE TEXT:

Amendments to OAR 736-010-0015 and 736-010-0026, adopted at the April 23, 2025 OPRD Commission meeting become effective upon July 1, 2025.

STATUTORY/OTHER AUTHORITY: ORS 390.124

STATUTES/OTHER IMPLEMENTED: ORS 390.124

AMEND: 736-021-0030

RULE TITLE: Definitions

RULE SUMMARY: Update and add definitions for "Bicycle," "Electric-Assisted Bicycle," "Wheelchair," and "Other power-driven mobility device."

RULE TEXT:

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. 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

AMEND: 736-021-0060

RULE TITLE: Motor Vehicles and Other Motorized Devices

RULE SUMMARY: Adds electric bicycles that do not fit under statutory classifications will not be considered e-assisted bicycles, they will be considered as motorized devices.

RULE TEXT:

(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.

(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.

(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

(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

AMEND: 736-021-0065

RULE TITLE: Operator-Propelled Vehicles, Cycles, Unpowered Aircraft, Sails and Other Similar Devices

RULE SUMMARY: Updates e-assisted bicycle requirements by statute. Expands to allow e-assisted bicycles on wet sand areas on the ocean shore except where specifically excluded. Allows agency management to determine exemption areas that may prohibit e-assisted bicycle access based on an evaluation of operational safety and resource protection factors. Prohibits any access to western snowy plover management areas by e-assisted bicycles during the seasonal closures from March 15 through September 15.

RULE TEXT:

(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

ADOPT: 736-021-0066

RULE TITLE: Effective Dates of 2025 Electric-Assisted Bicycle Rulemaking for Division 21

RULE SUMMARY: Allows the implementation of the 2025 electric assisted bicycle rules three months after agency commission adoption to give time for the agency to launch an information campaign and update park resources.

RULE TEXT:

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

STATUTES/OTHER IMPLEMENTED: ORS 390.124

