

# **Title 08 DEPARTMENT OF NATURAL RESOURCES**

## **Notice of Proposed Action**

The Secretary of Natural Resources proposes to:

- (1) Amend Regulation **.10** under **COMAR 08.01.07 Chesapeake Forest Lands**;
- (2) Adopt new Regulations **.01—.06** under **COMAR 08.01.10 Use of Bicycles and Electric Bicycles on Department Lands**;
- (3) Amend Regulation **.25** under **COMAR 08.07.01 State Forests**; and
- (4) Amend Regulation **.25** under **COMAR 08.07.06 Use of State Parks**.

## **Subtitle 01 OFFICE OF THE SECRETARY**

### **Chapter 07 Chesapeake Forest Lands**

Authority: Natural Resources Article, §§5-209(a) and 10-808, Annotated Code of Maryland

#### **.10 Vehicles.**

A. The Service may restrict the use of [bicycles, mountain bikes, and] animals on certain forest roads and trails on Chesapeake Forest Lands.

B—C. (text unchanged).

### **Chapter 10 Use of Bicycles and Electric Bicycles on Department Lands**

Authority: Natural Resources Article, §§5-209, 5-1211, and 10-808, Annotated Code of Maryland

#### **.01 Applicability.**

*This chapter applies to the use of bicycles and electric bicycles on Department lands.*

#### **.02 Definitions.**

*A. In this chapter, the following terms have the meanings indicated.*

*B. Terms Defined.*

*(1) “Adaptive bicycle” means a bicycle designed with a specialized mobility device for use by individuals with physical disabilities or mobility challenges and that may be customized with one or more of the following adaptive features:*

- (a) Hand-cycles;*
- (b) Three-wheeled designs for stability;*
- (c) Reinforced frames;*
- (d) Adaptive seating; or*
- (e) Specialized controls.*

*(2) “Bicycle” means a vehicle that:*

- (a) Is designed to be operated by human power; and*
- (b) Has two or three wheels, of which one is more than 14 inches in diameter.*

*(3) “Department” means the Department of Natural Resources.*

*(4) “Department lands” means Chesapeake Forest Lands, State Forests, State Parks, Wildlife Management Areas, Cooperative Wildlife Management Areas, Natural Environmental Areas, Natural Resource Management Areas, and Wildlands.*

*(5) Electric bicycle.*

*(a) “Electric bicycle” has the meaning stated in Transportation Article, § 11-117.1, Annotated Code of Maryland.*

*(b) “Electric bicycle” includes an adaptive bicycle equipped with an electric assist motor.*

***.03 Usage.***

*A. Subject to §§B—G of this regulation, a person may use a bicycle or an electric bicycle only on recreational trails, public roads, or parking lots on Department lands.*

*B. A person may only use a Class 1 or Class 3 electric bicycle that has a pedal-assist motor on Department lands.*

*C. Except for adaptive bicycles, a person is prohibited from using a Class 2 electric bicycle or an electric bicycle with a non-pedal-assist motor on Department lands.*

*D. A person is prohibited from using a bicycle or an electric bicycle on Wildlands, as designated under Natural Resources Article, §5-1203, Annotated Code of Maryland.*

*E. The Secretary, or their designee, may restrict on a temporary or permanent basis the use of bicycles or electric bicycles on trails on Department lands.*

*F. If the use of bicycles is prohibited in an area on Department lands, the use of an electric bicycle is also prohibited.*

*G. If a recreational trail is designated as pedestrian-use only, the use of bicycles and electric bicycles is prohibited.*

#### ***.04 Notice.***

*A. The Secretary, or their designee, shall provide notice of temporary or permanent bicycle or electric bicycle restrictions by:*

- (1) Posting signage at a trailhead;*
- (2) Posting notice on a bulletin board on the affected Department land; or*
- (3) Publishing the restriction on the Department's website.*

*B. When determining whether to restrict the use of bicycles and electric bicycles from Department lands, the Secretary, or their designee, shall consider:*

- (1) If the trail is designed for a particular user group;*
- (2) If the area contains appropriate infrastructure;*
- (3) If critical habitat protection is necessary;*
- (4) If the area is designated as a wildland; and*
- (5) The safety of the trail users.*

#### ***.05 Conduct.***

*A person may not operate a bicycle or electric bicycle:*

- A. In a reckless, careless, or negligent manner;*
- B. In a manner that disregards the rights or safety of an individual;*
- C. While under the influence of alcohol or drugs; or*
- D. In a manner that causes damage to property, wildlife, vegetative resources, or individuals.*

**.06 Violations.**

*An individual who violates any provision of this chapter is subject to the provisions of Natural Resources Article, §5-1301, Annotated Code of Maryland, in addition to any penalties under Criminal Law Article, §6-405, Annotated Code of Maryland.*

## **Subtitle 07 FORESTS AND PARKS**

### **Chapter 01 State Forests**

Authority: Natural Resources Article, §5-209, Annotated Code of Maryland

#### **.25 Use of Trails.**

The Service may restrict the use of [bicycles, mountain bikes, and] animals on certain trails in a State forest.

### **Chapter 06 Use of State Parks**

Authority: Natural Resources Article, §5-209, Annotated Code of Maryland

#### **.25 Use of Trails.**

The Service may restrict the use of [bicycles, mountain bikes, and] animals on certain trails in a State park.

**JOSH KURTZ**

**Secretary of Natural Resources**