

**The Situation**

In February 2015 RPD installed new signs in our parks. There are two types, one for regular park areas and one for areas managed by the Natural Areas Program. The NAP signs flatly state, “Stay on Designated Trails. No Bicycles.” The NAP signs appear on both paved and earthen trails. The signs for regular park areas make no mention of bicycles. Needless to say, San Franciscans who cycle are extremely unhappy about the signs that now prohibit bike riding on large portions of Twin Peaks, Mount Davidson, Bayview Hill, McLaren Park and even the road on the floor of Glen Canyon.



Letters were sent to RPD and to the Recreation and Park Commission noting cyclists objections and asking for an explanation. A formal response was returned by RPD General Manager Phil Ginsberg on March 3, 2015. Critical assertions made in the email are:

- Cycling is not allowed on NAP controlled lands except for two trails
- In all other parklands, bikes are not allowed on earthen trails.
- “The signs posted in McLaren Park are correct and are consistent with long-standing regulations.”

This is a dramatic change in policy. The only existing cycling prohibitions are on certain trails in Golden Gate Park marked by signs at their street entrances. SFRPD currently runs a children’s mountain biking program, apparently in violation of their own “longstanding regulations”. Over the past 5 years, NAP invited cyclists to volunteer thousands of hours to build trails in Golden

Gate Park Oak Woodlands, Interior Greenbelt and McLaren Park. The NAP staff did not tell the cyclist volunteers it was illegal to ride bicycles on the trails they were building.

The SF Park Code contains no rules forbidding cyclists from riding on dirt trails in any of our parks. SECTION. 3.04. BRIDLE PATHS makes it clear that bicycles are expected to be on these earthen trails.

### **Sunshine Request 1 Alex Aldrich April 22, 2015 “Bicycle Policy”**

An information request submitted to RPD under the SF Sunshine Ordinance and a subsequent hearing at the Sunshine Ordinance Task Force Complaints Committee proved that there are no “long standing regulations” and in fact, no records whatsoever that support the assertion that bikes are not allowed on earthen trails.

The Sunshine request asked for copies of all regulations that prohibit or restrict bicycle riding on paved or un-paved paths and trails in City parks. In response, RPD provided no existing documents related to regulations, rather they provided a letter written in response to the Sunshine request by RPD Operations Manager Dennis Kern. In that he says, “We post signs restricting or prohibiting bicycle riding on trails at specific park sites where we believe that such activity would either be inappropriate (*e.g.*, the trail is too narrow or not constructed to support biking activity) – or – potentially destructive (*e.g.*, creating land erosion conditions, compaction, endangering sensitive natural habitat).” This confirmed the public’s understanding, that cycling is generally allowed, but that RPD might choose to limit cycling in specific areas by posting signs per Park Code 3.02. This is the logical inverse of what Phil Ginsberg wrote.

The SOTF issued Order of Determination 15087 for RPD’s failure to disclose there were no documented regulations. Further, the SOTF issued a second letter to RPD, “Codification of Recreation and Park Department Policies”, admonishing them for failure to follow proper process.

### **Sunshine Request 2 Tom Borden June 24, 2015 “information request regarding off-road cycling”**

A second sunshine request was lodged to find out what sorts of problems trail cyclists were causing, who decided to put “No Bicycles” on the signs and why. RPD was able to produce some emails from gardeners working the west end of Golden Gate Park complaining about rude cyclists riding off trail and a video shot by “outlaw” cyclists from a bike event in 2008 that shows riders skidding alongside a staircase in Glen Canyon. That is all.

RPD was not able to produce any documentation about the decision making process to exclude bicyclists from NAP managed land, other than a document titled “Offroad Mountain Biking on City Parkland Trails” which was written after the signs were installed. This document claims “The language for both signs was vetted through a review process inclusive of staff participation from Operations, Capital and Public Affairs; as well, as review of existing regulatory guiding documents (*i.e.* Park Code, SNRAMP, etc.).” This document is clearly a fabrication. RPD was unable to produce any documents related to this interdepartmental vetting process. The documents produced under the Sunshine request show that staff in Operations, Capital and Public Affairs were unaware the NAP was putting the “No Bicycles” text on their signs. Obviously, the Park Code was not reviewed, or the bicycle references would have been discovered. The SNRAMP does not disclose any plan for the wholesale exclusion of bicycle riders. The paper erroneously claims riding bicycles on earthen trails is not considered a “hazardous recreational activity” under California Government Code 831.7.(a) and (b) and therefore a major liability concern for RPD.

The produced documents show the anti-cycling signage was a unilateral NAP initiative. This was undertaken without public input and without public notice. It was not based on a demonstrated need to prohibit cycling in the NAP areas.

Clearly, RPD is withholding documents related to the decision to post No Bicycles on the signs. Tom filed a complaint with the Sunshine Ordinance Task Force and the task force found RPD to be in violation of the Sunshine Ordinance. See SOTF Order of Determination 15159.

### **Sunshine Request 3 Alex Aldrich December 2015**

In a third Sunshine Request, Alex asks for documents related to several topics.

Question: Please share the document(s) that show who and when the decision was made to put no bikes on the signs erected in February 2015.

Answer: The Department has no documents responsive to this request.

RPD continues their refusal to produce the documents.

Question: Is the recent no off trail bike sign a rule or a regulation?

Answer: It's neither. There are no rules or regulations that restrict or prohibit bikes on earthen trails in all parkland.

RPD finally admits that Phil Ginsberg's assertion was wrong. Why did it take so long?

### **Violation of BOS Resolution 653-02 and CEQA**

Posting of the signs with language "Stay on Designated Trails. No Bicycles." by the Natural Areas Program violates BOS Resolution 653-02 which prohibits the NAP from imposing, "Trail closures, or restrictions on access and recreation" until the BOS has approved the natural areas management plan(SNRAMP). The BOS has not approved the management plan. The EIR for the SNRAMP has not even been released and certified by the Planning Commission. See the sister document, BOS 653-02 violation, for more information.

The closure of NAP controlled park lands to cycling violates the will of the public as expressed in BOS 653-02 and violates CEQA.

#### List of Related Documents:

Email from Phil Ginsberg, March 3, 2015

Sunshine Response from Denny Kern, May 1, 2015

SOTF Order of Determination 15087

SOTF Codification of Recreation and Park Department Policies

SOTF Order of Determination 15159

**On 3/3/2015 2:41 PM, Ginsburg, Phil (REC) wrote:**

> Dear Tom,

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> I spoke with Dan Schneider earlier today, but am also reaching out to you

> and others copied on your email.

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> We recognize your concerns and take all public input about our parks quite  
> seriously. The Recreation and Park Department manages over 4,000 acres of

> land and over 30 miles of urban trails. Our goal is to provide

> opportunities for safe, fun spaces that welcome all types of uses

> including mountain biking. Currently mountain biking is allowed on

> earthen trails in the Interior Greenbelt and in portions of the Oak

> Woodlands in Golden Gate Park. In all other parklands, bikes are not

> allowed on earthen trails.

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> Recently, newly designed parks signs went up in a variety of park

> locations and admittedly have created some confusion. Incorrect signs were

> posted in the Interior Greenbelt; mountain biking is permitted on the

> Interior Greenbelt trails. We are in the process of fixing those and

> expect to have that work completed in the next two weeks.

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> The signs posted in McLaren Park are correct and are consistent with

> long-standing regulations. Many of the trails in McLaren are too narrow,

> run through sensitive natural habitat and are not constructed to support

> mountain biking. However, as we have discussed, the department is working

> to expand opportunities for mountain biking in McLaren. First, as you

> know, we are partnering with the San Francisco Urban Riders to build a

> bike park in McLaren. Second, the Department would like to work with

> SFUR and other interested mountain bikers by engaging in a park-wide

> circulation study that will help us identify opportunities and constraints

> for expanding mountain biking trails in McLaren and, perhaps, elsewhere.

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> We recognize that mountain biking is a healthy recreational opportunity

> and pledge to continue to work with SFUR to expand opportunities for

> mountain biking throughout the city.

>

> Best,

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> Philip A. Ginsburg

> General Manager

> San Francisco Recreation and Park Department

On Fri, May 1, 2015 at 4:34 PM, Kern, Dennis (REC) <[dennis.kern@sfgov.org](mailto:dennis.kern@sfgov.org)> wrote:

Mr. Aldrich,

I am responding on behalf of the Department to the queries in your recent Sunshine Ordinance request regarding bicycle riding on paths and trails in City parks.

Our approach to this issue has been one of park stewardship and land management, which is our mission. We post signs restricting or prohibiting bicycle riding on trails at specific park sites where we believe that such activity would either be inappropriate (*e.g.*, the trail is too narrow or not constructed to support biking activity) – or – potentially destructive (*e.g.*, creating land erosion conditions, compaction, endangering sensitive natural habitat). We have continuously posted such signage since at least 2008 and it has taken various formats. See first two attachments for examples of such signage that preceded our recent revised sign format (which you'll find at the third attachment).

Our authority for the posting of these signs is Park Code 3.02 which states “*No person shall willfully disobey the notices, prohibitions or directions on any sign posted by the Recreation and Park Commission or the Recreation and Park Department.*” This Park Code section was enacted in 1981 and has been in force since then.

We recognize that bicycling and mountain biking are healthy recreational opportunities and we are actively working with SF Urban Riders to expand opportunities for this activity throughout the City.

I hope that this information is helpful.

*Dennis Kern  
Director of Operations  
San Francisco Recreation & Parks*