

# Appendix

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# Policy Review and Recommendations



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# Policy Review and Recommendations

Over the last decade the City of Fremont has undertaken a wide range of planning and design efforts for recreational land use, active transportation, and trails.

Fremont has adopted many goals, policies, and implementation measures related to trails in its General Plan, Bicycle Master Plan, Pedestrian Master Plan, Mobility Plan and other documents. This Policy section suggests some additional or more specific policies to support the creation, operation, and maintenance of the envisioned trails system.

## Purpose of Policy Review

The purpose of this policy review section is to:

1. Conduct a high-level review of existing City policies and plans and identify broad policies related to trail development, operations, and maintenance.  
**This section identifies general policy areas and themes, rather than specific language.**
2. Make recommendations for select trails policies that can supplement and expand existing City policies.  
**This section outlines six recommended trail policies, based on state and national best practices and Fremont's existing trails planning efforts.**

## Defining Trails

According to Fremont General Plan 2011, Policy 4-2.4: Pedestrian and Bicycle Trails, recreational trails are considered off-road Class I facilities used by people biking, walking, or jogging. Fremont trails include regional facilities such as the Alameda Creek Trail and the Bay Trail. Trail facilities also include existing and proposed trails that fall outside of Fremont's jurisdiction that are typically managed by the East Bay Regional Park District (EBRPD).

## Key Findings

Existing Policies Include:	Proposed or Expanded Policies Include:
<ul style="list-style-type: none"><li>• Cross-jurisdictional and inter-departmental coordination</li><li>• Safe, comfortable bicycle and pedestrian facility design</li><li>• Land acquisition and funding</li><li>• Site identification and prioritization</li></ul>	<ul style="list-style-type: none"><li>• Railbanking for trails</li><li>• Utility corridors for trails</li><li>• Private trail development requirements</li><li>• Safe and comfortable trail design</li><li>• Coordinated Trail Maintenance Plan (CTMP)</li><li>• Policy regarding the use of electric powered or assisted bicycles (e-bikes)</li></ul>

# Existing Policies

Over the last decade The City of Fremont has undertaken a wide range of planning and design efforts, and policy changes related to recreational land use and active transportation. Most existing policies, plans, and infrastructure projects contain some high-level language related to trail development. Existing trails policy language can be grouped under the following policy areas:

## Policy Area 1

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### **Integrate local trail development with regional trail development efforts and coordinate across jurisdictions, agencies, and departments**

Fremont is closely connected to its neighboring cities, the wider Bay Area, and nearby regional parks by wide transit and trails networks. Specific regional facilities that require cross-jurisdictional coordination are the San Francisco Bay Trail, the Alameda Creek Trail, and the East Bay Greenway.

Existing General Plan policies address inter-jurisdictional collaboration:

- Policy 3-5.2: Regional Trail Development
- Goal 3-5: Connecting to the Region
- Policy 4-2.4: Pedestrian and Bicycle Trails
- Goal 8-3: Inter-agency Collaboration
- Implementation 8-3.1.A: Existing and Future Regional Parks and Trails
- Implementation 8-3.1.D: Alameda County Flood Control District

Overall, these policies call for coordination across:

- **Neighboring local jurisdictions** including Newark, Milpitas, Union City, and Santa Clara County
- **County agencies** including Alameda County Transportation Commission (ACTC) and Alameda County Flood Control (ACFC)
- **Regional agencies** including Metropolitan Transportation Commission (MTC), Association of Bay Area Governments (ABAG), San Francisco Bay Conservation and Development Commission (BCDC), East Bay Regional Park District (EBRPD), San Francisco Public Utilities Commission (SFPUC), Bay Area Rapid Transit (BART), and Valley Transportation Authority (VTA)

Existing General Plan policies also call for coordination with utilities:

- Policy 4-2.4: Pedestrian and Bicycle Trails
- Policy 9-1.4: Facilitate Public Uses Within Public Easements
- Implementation 9-1.4.A: Utility Agency Partnerships

Policies in the Fremont Bicycle Master Plan also call for inter-departmental coordination for efficient and effective trail operations and maintenance:

- Action 1-1E: Work across departments to implement the City's area plans and major capital projects, such as the Centerville Framework Plan, Route 84 Relinquishment project, and the Fremont City Center Community Plan
- Action 1-2A: Coordinate closely with East Bay Regional Parks District, San Francisco Bay Trail, and neighboring jurisdictions in planning, designing, and funding Fremont's trail system
- Action 1-2B: Coordinate with stakeholders and across City departments to ensure that all development and roadway projects shall implement bikeways and paths, such as the East Bay Greenway, Niles Canyon Trail, Dumbarton Bridge to Quarry Lakes Trail, Bay Trail, and Public Utility Commission trails and provide access points to these

Key departments for coordination are the City of Fremont's Transportation Engineering Division, Recreation Services Department, Park Maintenance Services, Public Works Department, Community Services Department, and Community Development Department. Policy language related to roles and responsibilities remains general.

## Policy Area 2

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### **Integrate trails into Fremont’s land use patterns, the existing bicycle and pedestrian network, and the wider transportation system**

Several adopted City plans have policy language related to building a safe and comfortable bicycle and pedestrian network, including some language on integrating trails into local and regional networks:

- General Plan Policy 2-6.5: Linear Open Space Connections, Implementation 2-6.5.A: Linear Park Network
- Vision Zero Action Plan (2012) Goal Six: “Build Better Bikeways” by creating a connected system of bike trails, bikes lanes, and bike routes that will also connect to larger regional bikeway systems and trails

Existing policies and plans call for trails complement and support land use patterns and key destinations, including the Priority Development Areas (PDAs), transit stations, employment centers, public facilities, neighborhood commercial uses, and parks. For example, the General Plan - Mobility Element (2011) proposes using the development review process to require pedestrian connectivity within proposed development and between development and key destinations.<sup>1</sup>

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<sup>1</sup> The City of Fremont General Plan Chapter 3 Mobility Element 3-2.3C (2011)

## Policy Area 3

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### **Develop safe, comfortable trails that meet best practices for bicycle and pedestrian facility design**

Fremont has existing policies related to bicycle and pedestrian facility design and has general policies for trail design:

- General Plan Policy 4-2.2: Connectivity, Policy 4-2.4: Pedestrian and Bicycle Trails

This Trails Strategy Plan addresses specifics of trail design. The Bicycle Master Plan (2018) provides some site-specific design recommendations for the future Dumbarton Bridge to Quarry Lakes multi-use path, including protected intersections, interchange improvements, trail crossing treatments, and grade separated crossings.<sup>2</sup> The Pedestrian Master Plan (2016) includes an extensive pedestrian design guide with some language related to materials for, erosion prevision around, and accessibility of unpaved trail design.<sup>3</sup> The Mobility Element of the General Plan provides further design guidance for trail materials to address stormwater, soils, grading, and erosion considerations.<sup>4</sup>

### **Policy Area 3:**

<sup>2</sup> Bicycle Master Plan Chapter 5: Five-Year Project List

<sup>3</sup> Pedestrian Master Plan – Pedestrian Design Guidelines

<sup>4</sup> The City of Fremont General Plan Chapter 3 Mobility Element (2011)

## Policy Area 4

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### **Identify and acquire land for trail development, and strategically fund projects**

Existing General Plan policies point to local parks, flood control channels, greenbelts, utility easements, and abandoned rail right-of-ways as opportunities for trail development:

- Implementation 3-5.2.B: Rails to Trails
- Implementation 3-5.2.C: Trail Dedication
- Implementation 4-2.4.A: Trail Right-of-Way Dedication
- Implementation 8-1.5.A: Land Corridors for Linear Parks

The Pedestrian Master Plan (2016) specifically calls for a Rails-to-Trails policy to convert vacated railways into bicycle trails or pedestrian paths with a focus on the surplus Union Pacific corridor between Niles and Milpitas. Under the current General Plan, land dedicated to resource conservation and public open space can occasionally be used for trails but is prioritized for preservation.

The City's current policies call for strategic funding for prioritized trail corridors to be secured by 2021. Other funding mechanisms in the plans include public-private partnerships and requirements for developers to dedicate public-access easements for trails in private open-space areas, where feasible.

## Policy Area 5

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### **Identify, prioritize, and study the feasibility of specific sites and trail facilities**

Existing General Plan policies recommend strategic selection and prioritization of facilities based on partnerships:

- Implementation 3-5.2.A: Bay Trail and Ridge Trail, Policy 8-1.5: Linear Parks
- Implementation 8-3.1.A: Existing and Future Regional Parks and Trails
- Implementation 8-3.1.D: Alameda County Flood Control District

The plans identify the Union Pacific Railroad Corridor, Bay Trail, and Alameda Creek Trail for feasibility studies and the Dumbarton Bridge to Quarry Lakes Trail for a scoping study, which is currently underway. The General Plan (2011) and Bicycle Master Plan (2018) call for off-road trails along Mission Creek, in the Hetch Hetchy Right-of-Way, between Fremont Boulevard and Dixon Landing Road, and between Farwell Drive and Lemke Place.

## Policy and Plan Summary

**Table D-1** highlights the policies and plans that contain language specific to trail strategies and planning. The Bicycle Master Plan (2018), the Pedestrian Master Plan (2016), and the Mobility Element of the General Plan (2011) contain most of the City's trail policies, including some detailed design guidance. Other policies and plans contain more general language that can be applied to trail development – for example, the Mobility Action Plan (2019) makes the case for a well-connected bicycle and pedestrian network that is integrated with the broader transportation system. Some policies and plans such as the Climate Action Plan (2012) and Safe Routes to School program do not speak directly to trail development but provide important environmental and safety context to help shape policy and design recommendations.

The City of Fremont will begin preparation and development of new Active Transportation Plan with biking and walking a focus mode of that Plan. The Trails Strategy Plan will be a resource to develop and implement new Trails Policies and Design Guideline into the future Active Transportation Plan and update of General Plan.

## Other Policies and Plans

The City of Fremont has a wealth of regional plans and local studies that can inform the Trails Strategy Plan, including but not limited to:

- Alameda County Bicycle and Pedestrian Plan for Unincorporated Areas (Alameda County, 2019)  
[http://www.acgov.org/board/bos\\_calendar/documents/DocsAgendaReg\\_8\\_5\\_19/GENERAL%20ADMINISTRATION/Regular%20Calendar/2019\\_Bike\\_Ped\\_Master\\_Plan.pdf](http://www.acgov.org/board/bos_calendar/documents/DocsAgendaReg_8_5_19/GENERAL%20ADMINISTRATION/Regular%20Calendar/2019_Bike_Ped_Master_Plan.pdf)
- East Bay Regional Parks District Bicycle Plan
- Niles Canyon Trail Feasibility Study (EBRPD, 2015)  
<https://www.acgov.org/board/district2/documents/Niles-Trails-Options.pdf>
- UPRR Trail Feasibility Study (Questa, 2009)  
<https://www.railstotrails.org/resourcehandler.ashx?id=4288>
- Newark to Fremont Bay Trail Realignment Feasibility Study (Questa, 2013)  
<https://fremont.gov/DocumentCenter/View/37822/Bay-Trail-Realignment-Study?bidId=>
- Fremont Bay Trail Gap Feasibility Study (Questa, 2013)
- San Francisco Bay Trail Design Guidelines (2015)  
[https://baytrail.org/pdfs/BayTrailDGTK\\_082616\\_Web.pdf](https://baytrail.org/pdfs/BayTrailDGTK_082616_Web.pdf)



Table D-1. Policy and Plan Summary

	Regional & Agency Coord.	Integrate Transportation & Land Use	Safe Bike/Ped Design	Acquire Land & Funding	Identify Priority Projects
Mobility Action Plan (2019)	x	x			x
Landscape Development Requirements & Policies (2019)		x			x
Bicycle Master Plan (2018)	x	x	x	x	x
Pedestrian Master Plan (2016)	x	x	x	x	x
Vision Zero Action Plan (2016)		x			
Complete Streets Policy (2013)		x		x	
Development Policies (2013)		x			
Climate Action Plan (2012)		x			
City of Fremont General Plan (2011)					
• Chapter 2: Land Use & Open Space	x	x		x	
• Chapter 3: Mobility	x	x	x	x	x
• Chapter 8: Parks and Recreation	x				x
Safe Routes to School (Ongoing)		x			
Pedestrian Safety Projects (Ongoing)			x		x
Citywide Design Guidelines (2017)		x			



# Policy Recommendations

## Policy Recommendation: Railbanking

### Railbanking Background

Railbanking, a practice that allows long term, temporary use of a rail corridor for trail purposes, is discussed in detail in **Appendix C, Corridor Environment**.

General Plan Implementation 3-5.2.B: Rails-to-Trails call for trail development along vacant rail lines in Fremont. The 2009 Union Pacific Railroad Trail Feasibility Study included design and construction recommendations but did not provide policies for land acquisition or property negotiations.

### Railbanking Policy Recommendations

Further study is required to determine if any rail lines in Fremont are eligible for railbanking (i.e., are not yet abandoned). If there are eligible rail lines, when a railroad files for abandonment with the Surface Transportation Board (STB), the City must submit a railbanking request, along with a Public Use Condition (PUC). This action will provide the time and opportunity for the City to negotiate a sale or lease agreement with the railroad.

### *Railbanking Resources*

- Rails-to-Trails Conversions: A Legal Review, Andrea C. Ferster, General Council, Rails-to-Trails Conservancy, 2017
- Railbanking and Rail-Trails: Legacy for the Future, Rails-to-Trails Conservancy, 2006

## Policy Recommendation: Utility Corridors

### Utility Corridor Background

The same linear corridors that utility companies need for their power lines, pipes, and cables often make excellent routes for non-motorized, multi-use trails.

Levees are discussed in detail in **Appendix C, Corridor Environment**. Other utilities are discussed in detail in **Chapter 6, Corridor Ownership**.

Many of the City's existing plans call for trail development along utility easements. Specific guidance on land acquisition and trail planning is typically provided in feasibility studies, many of which have been completed for priority trail corridors.

### Utility Corridor Policy Recommendations

New or revised policies should provide specific recommendations and support for trails in utility corridors. These policies should address legal agreements, liability, easements, and maintenance to make future development negotiations with between the City and utilities clear and transparent.

Operations, maintenance, and liability related to trail use is discussed further in **Chapter 10, Operations and Maintenance**.

### *Utility Corridor Resources*

- York County Department of Parks and Recreation <https://yorkcountypa.gov/parks-recreation/the-parks/heritage-rail-trail-parks.html>
- Florida Power and Light Greenway Trail Assessment Study <https://www.railstotrails.org/resource-library/resources/trail-assessment-study-florida-power-and-light-greenway-a-shared-use-corridor-pilot-project/>

## Policy Recommendation: Private Development Requirements

By requiring developers to dedicate a certain proportion of land to open space or conservation, property owners along priority trail routes may consider contributing their open space allotment to trail development. For many developers, proximity to a recreational trail is an attractive amenity and boosts land value. Some communities offer additional incentives for developers to construct trails in exchange for zoning variances or tax benefits. In lieu of these enforcement or incentives policies, the City can choose to work with property owners one-on-one to negotiate trail development through tax-deductible donations, purchasing, leasing and leasing-to-own, easements, right of first refusal, or traditional land dedication.

### Development Requirements in Fremont

Existing City policy requires developers to finance and install sidewalks, pedestrian walkways, and other pedestrian-oriented features in new development, including infill development and redevelopment. The General Plan Mobility Element states in three policies that developers are required to dedicate land for trails.

### Private Development Policy Recommendation

The City should consider modifying General Plan Policy 3-2.3-C to explicitly require developments to provide access points to new and existing trails.

#### *Development Requirements Resources*

- Trails for the Twenty-First Century: Planning, Design, and Management Manual for Multi-Use Trails 2nd Edition, Charles Flink, Kristine Olka, Robert Searns, 2001

## Policy Recommendation: Safe and Comfortable Trail Design

### Trail Design Policy Recommendations

This Trails Strategy Plan includes recommendations for specific design of trails to make them safe, comfortable, and efficient for transportation and recreation including:

**Chapter 7, Trail Design and Typologies** — outlines trail design standards (typologies) to guide the design of different trails based on expected use, context, and connections.

**Chapter 8, Trail Improvement Recommendations** — sets standards for smooth transitions and connections from the on-street bike route and sidewalk system to the trail system and for safe and comfortable crossings of streets and railroads for all trail users.

**Chapter 9, Trailside Elements** — describes trailside elements, best practices, and recommendations for their application in Fremont, including Trailside Element Installation Policies:

- Ensure Ongoing Maintenance
- Prioritize Context
- Prioritize Park Locations
- Prioritize Low Frequency Maintenance

The City of Fremont will begin preparation of a new Active Transportation Plan with biking, walking, and trails a focus of the Plan.

### Design Policy Recommendation

This Trails Strategy Plan should be used as a resource to develop and implement new Trails Policies and Design Guidelines into the future Active Transportation Plan and update of the General Plan.

#### *Trail Design Policy Resources*

The upcoming revision to the AASHTO Guide will include a new section on trails design. The ASSHTO guide will provide benchmarks for trail design best practices across the country.

## Policy Recommendation: Coordinated Trail Maintenance Plan

National best practices suggest that a City-led Coordinated Trail Maintenance Plan (CTMP) is critical to manage costs and provide a safe, efficient, and uniform trail system to the public. A CTMP includes standardized trail maintenance guidelines for both the trail infrastructure and the surrounding environment, both of which can greatly impact the safety and the perception of safety for users. Plan development requires comprehensive stakeholder meetings with all coordinating agencies and departments, both regional and local, to establish clear responsibilities for financing, construction, maintenance, operations, and enforcement. **Chapter 10, Operations and Maintenance**, describes this in detail.

### Trail Maintenance Coordination in Fremont

Existing policies and plans call for routine maintenance of bicycle and pedestrian facilities, including paved trails and bicycle parking facilities. The Bicycle Master Plan (2018) Goal 5 calls for coordination across City departments to conduct regular and frequent sweeping, pavement repairs, and vegetation trimming. Pedestrian Master Plan Design Guidelines policies touch on trails maintenance related to erosion, accessibility, and stormwater drainage, but do not provide specific guidance. Trail maintenance in Fremont currently falls under Park Maintenance Services or Public Works, depending on the specific facility.

### Trail Maintenance Policy Recommendations

To maintain the ambitious vision of a comprehensive trail network, Fremont needs a more specific and adequately funded plan for trail operations and maintenance.

Key elements of a Coordinated Trail Maintenance Plan include:

- Staff and funding allocation for routine trail inspections and maintenance. This includes mowing, trash pick-up, pruning, graffiti abatement, weed control (focused on weed growth through the trail), and routine detailed inspections.
- Focused attention on trails used for recreation and transportation purposes. The users of these trails are reliant on the system to get to work, school, or other vital destinations such as health

clinics and deferred maintenance on these trails can have a cascading impact on the community.

- A trail-oriented line item in capital projects, with funds allocated for major maintenance and repairs that have already been identified (such as trail resurfacing or bridge replacements) and on short-term construction projects to improve the system.
- Police integrated into trail-focused operations to ensure that coordination of patrol duties and information. Crime needs to be understood based on where on the trail it occurs so patrols as well as additional maintenance and programming can be focused.
- Trail-oriented funds and staff allocated to trail planning, acquisition, construction, and maintenance activities to ensure positive progress in building out the future trail system.

### *Trails Maintenance Planning Resources*

- Trails Implementation Plan for Prince George's County, 2017

## Policy Recommendation: E-Bike Policy for Trails

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E-bikes (electric powered or assisted bicycles) are rising in popularity and can provide wide ranging transportation benefits. The focus of this section is e-bikes and does not incorporate policies/regulations around e-scooters or e-skateboards, although some of the same recommendations may apply.

Fremont and most other local agencies do not have comprehensive e-bike related policies, but rather prohibit e-bikes in specific locations. For example, Fremont has prohibited e-bikes and motorized devices on paths around Lake Elizabeth in Central Park, and EBRPD has prohibited e-bikes on part of the Bay Trail near Alameda Creek Trail and Coyote Hills Regional Park.

### Key Takeaways

- The State of California categorizes e-bikes using a system with three defined Classes. This helps define laws based on the features and maximum speeds of the e-bikes.<sup>1</sup>
  3. A "Class 1 (Type 1) electric bicycle" is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
  4. A "Class 2 (Type 2) electric bicycle" is a bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
  5. A "Class 3 (Type 3) electric bicycle" is a bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour, and is equipped with a speedometer.
- State law permits most low-speed e-bikes (Class 1 and Class 2, less than 20mph) and restricts higher-speed e-bikes (Class 3 and all other e-bikes) from State Park trails.
- Most agencies allow Class 1 and 2 e-bikes on their trails
- E-bikes are allowed on most trails, but not all. Where e-bikes are allowed, many agencies have

set speed limits that apply to any type of bicycle (electric or traditional) on their trails.

- Studies have shown that e-bikes do not pose more safety concerns than traditional bicycles.<sup>2</sup>
- The lack of trail-related policies, and the patchwork of legal definitions regarding e-bikes across state and local agencies, can often lead to confusion about where e-bikes are permitted.

### Local Agency Policy Review

As e-bikes often closely resemble conventional bicycles, many trail agencies avoid e-bike-specific rules and instead opt for policies that apply to all trail users.

For example, both the City of San Jose and the East Bay Regional Park District (EBRPD) established a 15mph speed limit for all users on their trails. Speed limits are generally posted at trail entrances along with other rules and regulations for trail use.

The Town of Tiburon in Marin County occasionally uses a portable speed indicator.

The City of Boulder, CO permits e-bike use only on certain multi-use paths within the city. A Map of Multi-Use Paths that Allow E-Bike Use was created to help raise awareness regarding where e-bikes are permitted.<sup>3</sup>

### E-Bike Policy Recommendation

The City should adopt a comprehensive e-bike policy to clarify acceptable use throughout the City. The policy should define criteria for where e-bikes are allowed that can be applied to both existing and future trails and should also include maximum speed limits. The new policy should be well publicized and included on all trails and active transportation maps.

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<sup>2</sup> "Risky riding: Naturalistic Methods Comparing Safety Behavior from Conventional Bicycle Riders and Electric Bike Riders" Langford, et. al., 2015

<sup>3</sup> <https://www-static.bouldercolorado.gov/docs/map-boulder-existing-paths-allow-e-bikes-1-201401071034.pdf>

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<sup>1</sup> [https://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160AB1096](https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1096)