



Public Safety Committee Burleson Police Department

E-Bike and E-Motorcycle use in Parks

Lieutenant Brandon Glass

Objective

- Assessing the increase in E-Bike and E-Motorcycle usage throughout Burleson and its impact on city operations.
- Understand the current laws on E-Bikes and E-Motorcycles.
- Identify current City Ordinances in place.
- Recognize current State Laws in place.
- Recommendations from PD.





City Impact

- The city has seen an increase in E-Bike and E-Motorcycle usage in City Parks and City Streets.
- There have been increased concerns and complaints called into the police department by citizens regarding the usage of these types of bicycles in the parks and on the trails maintained by the Parks Department.
- Officers have worked minor accidents involving E-Bikes by juveniles.
 - Juvenile hit a car at a 4-way stop and was riding an illegal e-motorcycle.
 - *Minor Injury sustained
 - Juvenile hit a parked trailer and was riding a Class 2 E-Bike. Rider was distracted on his phone and the top speed attainable was in-question regarding legitimate Class 2 rating.
 - *Minor Injury sustained

E-Bike Versus E-Motorcycle

E-BIKE



E-MOTORCYCLE



E-Bike Definition

E-Bikes are divided into three classes:

- **Class 1:** Motor assists only while pedaling; maximum speed of 20 MPH
- **Class 2:** Motor assists without pedaling; maximum speed of 20 MPH
- **Class 3:** Motor assists while pedaling; maximum speed between 20–28 MPH

Per Transportation Code §664.001, an electric bicycle is defined as a bicycle equipped with fully operable pedals and an electric motor of fewer than 750 watts, with a top speed of 28 MPH or less.

* If the E-Bike has greater than the 750 watt motor, it is no longer classified as a bicycle, but now defined as a motor vehicle Sec. 541.201 Texas Transportation Code.

Current City Ordinances

- § 58-6 Off-road recreational motor vehicles in parks.
- § 58-21 Trail use.
- § 58-23 Bicycles, roller blades, skateboards and other wheeled equipment.
- § 58-24 Interference with users.

City Ordinances

§ 58-6 Off-road recreational motor vehicles in parks.

(Ord. No. CSO#103-12-2014, § 1, 12-8-2014)

The riding of off-road recreational motor vehicles, including, but not limited to, motorcycles (commonly referred to as "dirt bikes") and all-terrain vehicles (ATVs), is prohibited in all city parks except when such use is by a city employee in the exercise of their official duties.

City Ordinances

§ 58-21 Trail use.

(Ord. No. CSO#103-12-2014, § 1, 12-8-2014)

(a) No person shall operate or use or a motor vehicle, including motorcycles, scooters or mini-bikes, on a trail or path not designated for use by such vehicle. This prohibition shall not apply to motorized mobility devices as defined by V.T.C.A., Transportation Code § 542.009.

(b) Persons who operate bicycles or in-line skates on designated paved trails shall yield the right-of-way to pedestrians.

(c) Joggers shall yield the right-of-way to pedestrians on designated trails.

(d) Trail users shall leave ample room on the trail for other users to pass safely.

City Ordinances

§ 58-23 Bicycles, roller blades, skateboards and other wheeled equipment.

(Ord. No. CSO#103-12-2014, § 1, 12-8-2014)

It shall be unlawful for any person to use a bicycle, roller blades, skateboard, scooters or other wheeled equipment, excluding wheeled equipment for the disabled, in designated parks or recreation areas or any portion of parks or recreation areas where such use is prohibited and has been so designated by signs indicating such prohibition.

- No parks have been identified as having been designated under this ordinance at this time.

City Ordinances

§ 58-24 Interference with users.

(Ord. No. CSO#103-12-2014, § 1, 12-8-2014)

(a) No person shall prevent, disturb or unreasonably interfere with any other persons occupying any area or participating in any lawful activity permitted within any park.

(b) No person shall act in disorderly manner or otherwise disturb the peace in any city park.

(c) No person shall operate or use any audio or other noise-producing device, including, but not limited to, radios, televisions or musical instruments and motorized equipment in such a manner as to unreasonably annoy or endanger persons at any time or exceed state and local laws governing noise levels.

State Laws

Sec. 551.106. REGULATION OF BICYCLES BY DEPARTMENT OR LOCAL AUTHORITY.

(a) The department or a local authority may not prohibit the operation of an electric bicycle:

- (1) on a highway that is used primarily by motor vehicles; or
- (2) in an area in which the operation of a nonelectric bicycle is permitted, unless the area is a path that:
 - (A) is not open to motor vehicles; and
 - (B) has a natural surface tread made by clearing and grading the native soil without adding surfacing materials.

(b) The department or a local authority may:

- (1) prohibit the operation of a bicycle on a sidewalk; and
- (2) establish speed limits for bicycles on paths set aside for the exclusive operation of bicycles and other paths on which bicycles may be operated.

(c) The department may establish rules for the administration of this section if necessary.

State Laws

Sec. 551.107. OPERATION OF ELECTRIC BICYCLE.

(a) Subtitles A, B, and D and Chapter 551A do not apply to the operation of an electric bicycle.

(b) A person may not operate an electric bicycle unless the electric motor disengages or ceases to function either:

- (1) when the operator stops pedaling; or
- (2) when the brakes are applied.

(c) **A person may not operate a Class 3 electric bicycle, as defined by Section 664.001, unless the person is at least 15 years of age. This subsection does not prohibit a person who is under 15 years of age from riding on a Class 3 bicycle as a passenger.**

Recommendation

Utilize the City Ordinances that are currently in place.

Update City Ordinance “58-6 Off-road recreational motor vehicles in parks” to specifically include E-Motorcycles into the language outlined.

- The riding of off-road recreational motor vehicles, including, but not limited to, motorcycles (commonly referred to as "dirt bikes"), **E-Motorcycles (Electric Bikes without Pedals or E-Bikes that are over the 750W rating defined by the Texas Transportation Code)** and all-terrain vehicles (ATVs), is prohibited in all city parks except when such use is by a city employee in the exercise of their official duties.

Educate staff on E-Bike specific laws and the difference between E-Bikes and E-Motorcycles.

Educate citizens and parents of juveniles that are operating E-Bikes that fall outside of the Texas definition of Electric Bicycle with the 3 classifications.

Take appropriate enforcement action of offenders in violation of the city ordinance or state law.

Question/Comments
