

E-bike and E-scooter policy



October 30, 2024



Complaints and issues

1. The residents of Los Altos have been very vocal on the safety and the method of operation of the e-bike and e-scooter within the public right of way.
2. Residents of Los Altos have stated that they have personally experienced a number of near collisions with operators of e-bikes and e-scooter, especially in the downtown area.
3. Residents have observed numerous e-bike/e-scooter operators not wearing necessary protective helmets.
4. Residents have observed on numerous times, an e-bike having more then 2 people on one bike.
5. The public and Los Altos Police Department have observed blatant disregard for the law when operating within the public right of way.
6. The e-bikes and e-scooters are operating their vehicles at a high rate of speed.
7. E-bikes and e-scooter are driving anywhere they want.



Current California Law Regarding Bicycles

What does the law state about e-bike and e-scooter?

Definition of electric bicycle

- CVC 231
 - A bicycle is a device upon which a person may ride, propelled exclusively by human power, except as provided in Section 312.5, through a belt, chain, or gears, and having one or more wheels. A person riding a bicycle is subject to the provisions of this code specified in Sections 21200 and 21200.5. **An electric bicycle is a bicycle.**

Types of electric bicycle that are allowed by law.

- CVC 312.5
 - (a) An “electric bicycle” is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts.
 - ❖ (1) A “class 1 electric bicycle,” or “low-speed pedal-assisted 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.
 - ❖ (2) A “class 2 electric bicycle,” or “low-speed throttle-assisted 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.



Current California Law Regarding Bicycles

- ❖ (3) A “class 3 electric bicycle,” or “speed pedal-assisted 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 equipped with a speedometer.
- (b) A person riding an electric bicycle, as defined in this section, is subject to Article 4 (commencing with Section 21200) of Chapter 1 of Division 11.
- (c) On and after January 1, 2017, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

The City of Los Altos may make and modify California Vehicle Code per section CVC 21100(3), CVC 21207

CVC 21200 provided all bicycle rider the same right as a driver of a vehicle including but not limited to provision concerning driving under the influence.



Current California Law Regarding Bicycles

CVC 21202 & 21208 states that if a bicycle is operating lower than normal speed of traffic moving in the same direction, it shall be ridden as close as practicable to the right-hand curb or edge of the roadway except:

1. overtake and passing, preparing for a left turn at intersections
2. necessary to avoid hazard
3. If the lane is too narrow for a bicycle lane and vehicle to travel

CVC 21204 states that a bicycle cannot ride more than the intended design of the bicycle.

Helmet requirement:

CVC 21212 states nobody under the age of 18 shall operate bicycle, a nonmotorized scooter or skateboard, wear in-line or roller skates, nor ride upon a bicycle, a nonmotorized scooter, or a skateboard as a passenger, upon a street, bikeway without a helmet.

CVC 21213 – prevents a person under 16 years of age from operating a class 3 electric bicycle.



Current California Law Regarding E-Scooters

Definition of E-scooter

- CVC 407.5
 - (a) A “motorized scooter” is any two-wheeled device that has handlebars, has either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor. This device may also be designed to be powered by human propulsion. For purposes of this section, a motorcycle, as defined in Section 400, a motor-driven cycle, as defined in Section 405, or a motorized bicycle or moped, as defined in Section 406, is not a motorized scooter.
 - (b) A device meeting the definition in subdivision (a) that is powered by a source other than electrical power is also a motorized scooter.
- CVC 21221
 - Every person operating a motorized scooter upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle by this division, including, but not limited to, provisions concerning driving under the influence of alcoholic beverages or drugs
- CVC 21223 – when operating at night, the scooter must be equipped with a lamp that is able to illuminate up to 300 feet in front, red reflector on the rear.
- CVC 21228 – If operating at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or right edge of roadway, except under the following:
 - Overtaking and passing another vehicles proceeding in the same direction,
 - Preparing for a left turn, the operator shall stop and dismount as close as practicable to the right-hand curb or right edge of the roadway and complet the turn by crossing the roadway on foot, subject to the same restriction placed on pedestrians.



Current California Law Regarding E-Scooters

CVC 21229

- Whenever a class II bicycle lane has been established on a roadway, any person operating a motorized scooter upon the roadway shall ride within the bicycle lane, except that person may move out of the lane under any of the following:
 - ❖ When overtaking and passing another vehicle or pedestrian within the lane or when about to enter the lane if the overtaking and passing cannot be done safely within the lane.
 - ❖ When preparing for a left turn, the operator shall stop and dismount as close as possible to the right-hand curb or right edge of the roadway and complete turn by crossing the roadway on foot.
 - ❖ When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.
 - ❖ When approaching a place where a right turn is authorized.

CVC 21230

- Unless other provision of the law, a motorized scooter may be operated in bicycle path or trail or bikeway, unless the local authority or the governing body of a local agency having jurisdiction over that path, trail, or bikeway prohibits that operation by ordinance.



Current California Law Regarding E-Scooters

CVC 21235

- The scooter must be properly equipped with brake,
- Operator of a scooter on a highway with speed limit greater than 25 mph, unless the motorized scooter is operated within a Class II or Class IV bikeway may by ordinance or resolution authorize the operation of a motorized scooter outside of Class II or Class IV bikeway on a highway with a speed limit of up to 35 miles per hour. The 15 miles per hour max speed limit for operation of a motorized scooter applies to operation of motorized scooter on all highway, including bikeway, regardless of higher speed limit.
- Operator under the age of 18 must wear a properly fitted and fastened bicycle helmet.
- It may not be operated without a driver's license or instruction permit.
- Operator of a motorized scooter may not carrying any package, bundle, or article that prevents one hand is upon the handlebars at all times
- Operator of a motorized scooter **may not** upon a sidewalk, except as may be necessary to enter or leave adjacent property.
- Operator of a motorized scooter that the handlebar is raised above the shoulder level
- Operator of a motorized scooter may not leave it lying in its side on sidewalk, park a motorized scooter on a sidewalk.
- Operator of a motorized scooter may not attached the operator or scooter on a roadway by means of a vehicle. (Hold on to a vehicle while operating the motorized scooter.)



Field Observation

Field Observations:

1. Most of the e-bikes that I have observed in the field are Class II e-bicycle.
2. Based on speed radar survey, the e-bikes are going between 15-20 mph. Most of the e-bikes are going 20 mph since Class II e-bicycle is restricted to that speed by the manufacture.
3. Most e-bicycle operators does have a helmet for themself. It is always the passenger without a helmet.
4. E-bicycle is used by young adults under the age of 16 years old.
5. E-bicycle operators are currently utilizing both the sidewalk and the bike lane whichever is more convenient.
6. It appears most of the e-bicycle operator are in compliance with most laws. When an e-bicycle operator is violating the law, they are very blatant about it.
7. E-bicycle and e-scooters are not the only one violating the law. I have seen a lot of bicycle and skateboard operating the law equally.



Current California Law Regarding E-Scooter

No helmets:



Current California Law Regarding E-Scooter

Disregard for the law:



Did not want to wait for the pedestrian so went around.



Wheelie turning left from Main St to San Antonio Rd



Hanging out at an intersection Main St/State St



Current California Law Regarding E-Scooters

Riding the bicycle/e-bicycle/e-scooter any where:



It is not uncommon to see people riding on the sidewalk

Pedestrian yielding to bikes on the sidewalk



Current California Law Regarding E-Scooters

Request from Los Altos PD

1. All bicycles/e-bicycles and e-scooters are required to wear a helmet regardless of age.
2. Restrict bicycles/e-bicycles and e-scooters on all sidewalks only in the downtown and business districts.
3. All bicycles/e-bicycles and e-scooters is required to use the bike lane when available.
4. All bike lanes will have a speed limit of 15 mph.
5. All bicycles/e-bicycles and e-scooters carry only intended number of riders by the manufacture.
6. Require all bicycles/e-bicycles and e-scooters go with the direction of the traffic.
7. Reiterate the State Law

Request from Public Works

1. All bicycles/e-bicycles and e-scooters are required to wear a helmet regardless of age.
2. Restrict bicycles/e-bicycles and e-scooters on all sidewalks.
3. All bicycles/e-bicycles and e-scooters is required to use the bike lane when available.
4. All bike lanes will have a speed limit of 15 mph.
5. All bicycles/e-bicycles and e-scooters carry only intended number of riders by the manufacture.
6. Require all bicycles/e-bicycles and e-scooters go with the direction of the traffic.
7. Reiterate the State Law



Current California Law Regarding E-Scooter

Sample e-bicycle/e-scooter ordinance

- Amend the City Municipal Code, Chapter 8.32 to add the following,
 1. Section 8.32.000 – Definition of a Bicycle will be added to the city’s municipal code as follows:
 - A bicycle is a device upon which a person may ride, propelled exclusively by human power, except as provided by California Vehicle Code Section 312.5, through a belt, chain or gears, and having one of more wheels. A person riding a bicycle is subject to the provisions of CVC Section 21200 and 21200.5. An electric bicycle is defined as a bicycle.
 1. Section 8.32.001 – Irregardless of age, all electric bicycle users and passenger must wear a helmet while utilizing a bicycle.
 2. Section 8.32.002 – The speed limit on all bicycle lanes shall be 15 miles per hours.
 3. Section 8.32.003 – No bicycle shall be ridden on the sidewalk. All bicycles shall be walked when a sidewalk or crosswalk is utilized.
 4. Section 8.32.004 – Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the section under CVC 21202.
 5. Section 8.32.005 – Bicycle shall always follow the direction of traffic.
 6. Section 8.32.006 – The number of passengers on a bicycle shall not exceed the intended design of the bicycle.



Current California Law Regarding E-Scooter

Sample e-bicycle/e-scooter ordinance

- Chapter 8.33 –
 1. Section 8.33.010 – Per CVC 313.5, a electric motorized board is any wheeled device that has a floorboard design to be stood upon when riding that is not greater than 60 inches deep and 18 inches wide, is designed to transport only one person, and has an electric propulsion system averaging less then 1,000 wats, the maximum speed of which, when powered solely by a population system on a paved level surface, is no more then 20 miles per hour. The devise may be designed to also be powered by human propulsion.
 2. Section 8.33.20 - Irregardless of age, all electric motorized board users must wear a helmet while utilizing the electric motorized board.
 3. Section 8.33.30 – Electric motorized board has the right to utilize the bicycle lane in the public right of way.
 4. Section 8.33.40 - The speed limit on all bicycle lanes shall be 15 miles per hour.
 5. Section 8.32.050 – No electric motorized board shall be ridden on the sidewalk. All electric motorized boards shall be walked when the sidewalk is utilized.
 6. Section 8.32.060 – Any person operating a electric motorized board upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the section under CVC 21202.
 7. Section 8.32.070 – Electric motorized board shall always follow the direction of traffic.
 8. Section 8.32.080 – The number of passengers on a electric motorized board shall not exceed the intended design.



Questions

- Thank you

