

**From:** [Bruce Dughi](#)  
**To:** [Transportation](#)  
**Subject:** Public Comment--5.Ordinance: Discussion of the e-bike and e-scooter ordinance.  
**Date:** Tuesday, October 29, 2024 3:26:56 PM

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Hello Complete Streets Commission,

I am disturbed by the misguided agenda item 5 presentation regarding e-bikes. If the presenter wants to change behavior, they should advocate for education in our schools and enforcement of existing law rather than try to pass new ones. E-bikes are extremely useful tools in reducing congestion and greenhouse gases. They are popular because they foster independence and they are fun/easy to ride. Let's work on education and enforcement.

Firstly, existing state laws already covers a couple of the requests.

3. All bicycle/e-bicycle and e-scooter is required to use the bike lane when available.
6. Require all bicycle/e-bicycle and e-scooter go with the direction of the traffic.

Secondly, a local municipality does not have the authority to modify state transportation laws as per precedent set in *Rumford v. City of Berkeley* (1982) 31 Cal.3d 546. So Los Altos has no authority for the following:

1. All bicycle/e-bicycle and e-scooter is required to wear a helmet regardless of age.
4. All bike lane will have a speed limit of 15 mph.

The only discretion Los Altos has it to restrict cycling on sidewalks as per CVC 21100(3).

2. Restrict bicycle/e-bicycle and e-scooter on all sidewalk.

Many of the bikes shown in the presentation include long seats intended for more than 1 person so not much to do about that. These bikes remind me of the motorcycles in Cambodia where whole families sit on a long seat.

5. All bicycle/e-bicycle and e-scooter carry only intendent number of riders by the manufacture.

Please listen to this presentation with caution and ask many questions. Thanks.

Bruce

Request from Public Works

1. All bicycle/e-bicycle and e-scooter is required to wear a helmet regardless of age.
2. Restrict bicycle/e-bicycle and e-scooter on all sidewalk.
3. All bicycle/e-bicycle and e-scooter is required to use the bike lane when available.
4. All bike lane will have a speed limit of 15 mph.

5. All bicycle/e-bicycle and e-scooter carry only intended number of riders by the manufacture.
6. Require all bicycle/e-bicycle and e-scooter go with the direction of the traffic.
7. Reiterate the State Law

**CVC 21100(3)**

(h) Operation of bicycles and, as specified in Section 21114.5, electric carts by physically disabled persons or persons 50 years of age or older, on public sidewalks.

From: [Eric Muller](#)  
To: [Transoceanic](#)  
Subject: Public comment, 10/30/2024 meeting, item 5, e-bike ordinance.  
Date: Tuesday, October 29, 2024 3:36:58 PM

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Dear Commissioners,

This is a public comment on agenda item 5, e-bike ordinance, for the October 30, 2024 meeting.

I am only an ordinary driver/ridr, and I may very well misinterpret the existing regulations. Please do not hesitate to educate me.

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Slide 5: exception to a bicycle riding as close as possible to the right side of the curb or edge:

> 3. if the lane is to narrow for a bicycle lane and vehicle to travel

More precisely, the CVC states: if the lane is "too narrow for a bicycle and a vehicle to travel safely side by side within the lane".

It is worth noting that this exception is widely applicable in Los Altos. A bicycle needs a 4ft of operating space (more if there are parked cars or lanes on the right), vehicles need to leave 3ft of space when passing a bicycle (CVC 21760), a typical car is about 6.8 ft wide (Tesla 3), and needs some room on its left, say 2ft, for a total of 15.8 ft. Many lanes are narrow enough to trigger that exception, and there are places where "taking the lane" is by far the safest thing to do (in particular when arriving in an intersection, without a continuous bike lane).

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Slide 13:

> 2. Restrict bicycle/e-bicycle and e-scooter on all sidewalk  
> (everywhere in the city or only in some areas).

CVC 21235 already prevents e-scooters on sidewalks.

No problem with preventing bicycle/e-bicycle on sidewalks.

> 3. All bicycle/e-bicycle and e-scooter is required to use the bike  
> lane when available.

CVC 21208 (bicycle/ebike) and 21229 (e-scooter) already require the use of a bike lane if it exists (and provides appropriate and necessary exceptions). There is no need for this rule in an ordinance.

> 6. Require all bicycle/e-bicycle and e-scooter go with the direction  
> of the traffic.

CVC 21650.1 (bicycle/ebike) and 21228 (e-scooter) already require that. There is no need for this rule in an ordinance.

> 4. All bike lane will have a speed limit of 15 mph.

CVC 22411 limits motorized scooters at 15mph.

Should this rule apply to shoulders?

Since it has been observed that most ebikes ride at 15-20mph, does this rule really make a difference?

Finally, as this is specific to Los Altos, I suppose it would require the installation of many signs; is the expense justified?

> 5. All bicycle/e-bicycle and e-scooter carry only intendend number of  
> riders by the manufacture.

CVC 21235 already prevents passengers on e-scooters.

How can an officer know what the manufacturer specification is? There is no requirement that the maximum number of riders be somehow inscribed on the ebike (unlike the class, for example). The CVC mentions a "separate seat" for each rider, but there are clearly ebikes with a single, long seat, intended for two persons, so that CVC requirement is not practical. Or if it is, then this restriction is not needed in the city ordinance.

> 6. All bicycle/e-bicycle and e-scooter is required to wear a helmet  
> regardless of age.

Currently, bicyclists 18 and over do not need a helmet. I don't see any motivation (e.g. new safety study) or reason to change that. It would certainly discourage me from riding my bike, and push me to a car instead. I appreciate the concerns for my safety, but since my top speed is less than 10mph, and only when the wind is in my back, there isn't that much danger on my own. It would be vastly more effective to educate car drivers to share the road (speed limits, double yellow medians), as well as to engineer our streets to be more bicycle friendly (e.g. bike lanes that do not disappear suddenly without any indication, no parking in bike lanes, make shoulders more usable).

It is also worth noting that Seattle (King County), certainly a reference when it comes to bicycles, repealed its decades-old helmet law in 2022, after realizing that this is not the right tool to encourage safety.

So I strongly object to the requirement for bicycles and e-bikes, for bicyclists over 18.

Also, laws that vary unexpectedly from city to city are creating confusion.

Taking all the comments above into consideration, it seems to me that the CVC already restricts e-scooter appropriately and that an ordinance only needs to prevent bikes/ebikes on sidewalks.

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Chapter 8.32 of the Los Altos city code, "Bicycles", is entirely about the registration of bicycles, and apparently mandates registration (in section 8.32.10, although I can't quite parse this paragraph). Since 2023, mandatory registration is prohibited by the CVC (19002 (a)), so is may be a good time to drop this chapter in its entirety.

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Thanks for you attention,  
Eric Muller  
Los Altos resident

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<https://url.ayaman.click/v2/r0U/> <https://climatechangetracker.org/incc...YYArOmvyvZFsaO9vY2f6YTpsOjHMzEzNJaANdVvNTBmGYsOTAsMDBJOTBmYY5NjIsOjszBzA8YzssNT03Yjc2YmRM2U3YjAsYQDs0YWMJZmM0NTUzTlRNd&2TlJYmE0NTM5NjYsYTFBNTY1ZTcsZjg0Yjc5YTcsOnA6VDp0>  
updated June 6, 2024  
remaining CO2 budget for a 50-50 chance at a 1.5C=2.7F world: 200 gigatonnes  
current emissions: 40 gigatonnes per year

**From:** [Nancy Williams](#)  
**To:** [Transportation](#)  
**Subject:** E-Bike Agenda Item Feedback  
**Date:** Tuesday, October 29, 2024 9:24:22 PM

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TO: Los Altos Complete Streets Commission  
FROM: Nancy Williams, 1167 Laureles Dr., Los Altos, CA 94022

We have a serious and growing problem with young teens riding fat-tire e-bikes (like small mopeds) in a dangerous manner on city streets, sidewalks, and public paths such as the one that connects my neighborhood in north Los Altos with Gunn High School. These kids are too young for drivers licenses (or driving tests), have no fear because they're too immature to have had an accident, go really fast, pop wheelies, ride "no-hands," and seriously startle and jeopardize strollers and elderly walker-clutching folks from Bridgeport, the nearby senior living facility. I yelled at two of them the other day for reckless behavior and they turned around and started harassing me. (I won't do that again.) If they injure anyone they can just take off undetected because the bikes do not have license plates that could be tracked.

However, the Power Point proposal entitled "E-Bike and E-Scooter Policy" dated Oct. 30, 2024 is misguided. First, the proposal evinces ignorance of the different types of e-bikes and who is riding them:

- Class 1, pedal-assisted, which have motors that only operate when the rider is pedaling and which cease assistance when the bike reaches 20 mph – these are ridden almost exclusively by law-abiding adults, many of them seniors who formerly rode manual road bikes
- Class 2, throttle-assisted, which can be used without pedaling up to a max speed of 20 mph; some of the kids are riding these, and a few adult commuters
- Class 3, pedal-assisted, which can reach a speed of up to 28 mph and which can, with a few tools and parts, be modified to go much faster than that. This is what most of the children appear to be riding despite the fact that it is illegal for anyone under 16 to operate a Class 3. (I am told that if you google "remove the limiter on an e-bike" you will see many resources for disabling it.)

Second, the presentation states that most e-bikes seen in Los Altos are Class 2. This is entirely incorrect. The overwhelming majority are Class 1. I doubt, actually that the writer can even tell the difference between a regular manual road bike and a Class 1 e-bike; I have been an avid cyclist and member of the local Western Wheelers Bicycle Club for 35 years and I myself often cannot tell the difference as someone rides by me. The Class 1 riders are not the problem and penalizing them with any of the ordinance changes mentioned, including the nanny-state helmet or bike-lane speed requirements, would be unfair as well as patently contrary to state law. I would point out that as a society we should be encouraging people to get out and bicycle, not hamstringing their efforts to do so.

Third, the presentation recommends several ordinance changes that are counter to state law. As a taxpayer I worry about the City provoking lawsuits they would most certainly lose. However, we DO have the ability to enforce existing laws, such as children under 16 using Class 3 e-bikes, or anyone using Class 3's on sidewalks or off-road paths.

Enforcement of existing laws – not creating new ones – is what is needed. We need to "surgically" address only the problem of dangerous, irresponsible, and unlicensed kids on e-

bikes, and do with ordinances already on the books.

Nancy Williams

(Los Altos resident for 35 years)

**From:** [Anne Paulson](#)  
**To:** [Transportation](#)  
**Subject:** Proposed e-bike and e-scooter ordinance  
**Date:** Tuesday, October 29, 2024 9:55:23 PM

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Dear Commissioners,

Before you is a proposal to regulate e-bikes, regular bikes, and scooters. We've seen a lot of young people zooming around recklessly on fast electric two-wheelers; it's a real problem. However, the proposed regulations are not the solution, because the problem vehicles are too powerful to be classified as e-bikes, and state law already forbids using them the way we're seeing. We don't need new laws to address this problem. We need to enforce existing laws.

## E-bike lookalikes

There are three kinds of bikes that might look like e-bikes.

**Class 1 and 2 e-bikes** are motorized bikes where the motor cuts out at 20 mph. They are legally treated like bicycles. These are the only motorized bikes that children under 16 are allowed to ride.

**Class 3 e-bikes** are bikes that can go up to 28 mph, but the rider has to pedal in order for the motor to engage. They can't have a throttle that the rider can turn on to make the bike move without any pedaling. Only people 16 and over can ride Class 3 e-bikes on California roads. And all riders, even adult riders, must wear bike helmets.

Some **motorcycles and mopeds** may be confused with e-bikes. A cycle that has a motor more powerful than 750 watts, or that goes faster than 28 mph, or that goes faster than 20 mph without the rider pedaling, is not classified as an e-bike under California law, but instead falls into one of the more strictly regulated categories, like a moped or a motorcycle. For these vehicles, a rider needs to be 16 or over and have a driver's license. And they must wear a motorcycle helmet, which, unlike a bike helmet, offers protection against a collision with a car or truck. The vehicle must be registered and have a license plate..

**The fat-tired electric-bike-looking vehicles in the photos are not e-bikes.** The presentation slides show fat-tired electric two-wheelers, and talk about the bad behavior of their riders, but these vehicles do not appear to be e-bikes under California law. The pictured vehicles typically can go faster than 20 mph without the rider pedaling, which an e-bike legally cannot do. Moreover, often those bikes have more powerful motors than an e-bike is allowed to have.

There might be "e-bikes" for sale that resemble the ones pictured, with fat tires and a long moped-style seat, that are legal e-bikes under California law, but I haven't seen any. These faster vehicles most likely do not count as e-bikes under California law, and e-bike laws and other bicycle laws do not apply to them.

## Electric scooters

**Scooter riders need to be 16 and have a driver's license.** Unlike most e-bike riders, scooter drivers need to be 16 years old and must have a driver's license. CVC §21235

**Scooter speed limit is 15 mph.** Scooters do not have to have speed governors like e-bikes, but the maximum speed limit for scooters is 15 mph. CVC §22411

## What should the City of Los Altos do?

**Enforce the law.** Residents think there ought to be a law restricting these zooming electric cycles and scooters. And there is! Children on motorcycles/mopeds, children on Class 3 e-bikes, children without helmets on bikes, motorcycle/moped riders without driver's licenses, motorcyclists/moped riders without helmets, motorcycles/mopeds without license plates, scooter riders going faster than their 15 mph speed limit, riders riding recklessly and swerving around—all of this is illegal right now. We need to increase awareness of these laws, and enforce them.

**Educate parents.** Parents are led to believe that overpowered cycles are e-bikes, and buy them online for their children. But they're not legally e-bikes, they are much more dangerous than e-bikes, and children under 16 cannot legally ride

them on the street. And then, often, child riders and other riders use easily discoverable modifications to make these vehicles even faster. The city should publicize the laws regarding what is and is not an e-bike.

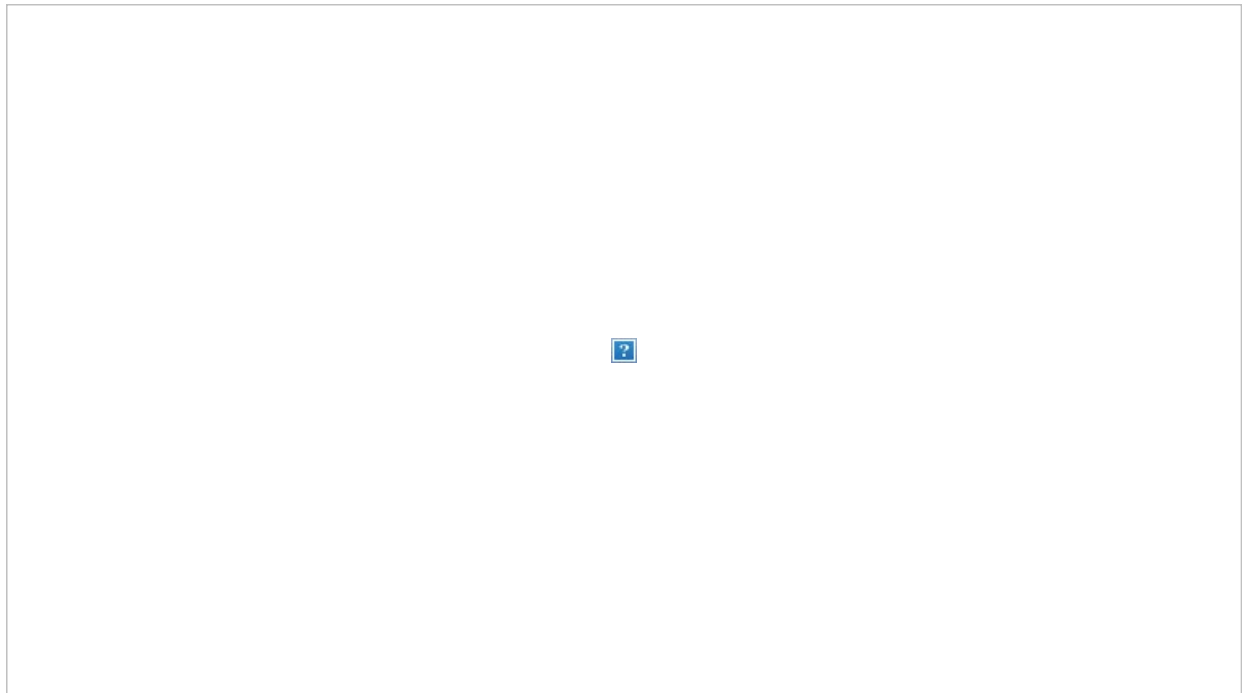
**Ban bike riding on downtown sidewalks.** Our downtown sidewalks get busy. It makes sense to ban sidewalk riding downtown, as Palo Alto, for example, already does.

### **What shouldn't Los Altos do?**

**Don't pass an ordinance requiring bikes to use the bike lane.** California law already requires bikes to use an on-street bike lane if one is available.[CVC §21208] We don't need a duplicative ordinance.

**Don't reduce the bike lane speed limit to 15 mph.** The City of Los Altos has no authority to reduce speed limits in bike lanes. That authority is reserved to the state. State law (§21) and judicial decisions (e.g., Rumford v. City of Berkeley (1982) 31 Cal.3d 546) conclusively establish that cities are permitted to regulate bicycling (including e-bikes, which are considered a type of bicycle) only as expressly provided.

**Don't ban sidewalk riding (by bikes) outside downtown.** Have a look at this picture from the presentation. I don't know where it was taken, but I suspect it was near a school. We do not want to force those child cyclists to ride on that road, because there is plainly no room for them. We do not want the kid in the white adidas shirt on the road, where that silver car will try to squeeze past them. That's how crashes happen. We should provide safe bike facilities for these children, but until we do, we mustn't ban them from the sidewalk.



### **Conclusion**

We have a real problem with overpowered electric cycles and scooters. But we don't need new laws to prohibit behavior that is already illegal. We just need to educate people about what a legal e-bike is, and enforce the laws we already have.

Sincerely,

Anne Paulson