

CAPISTRANO BAY DISTRICT  
AGENDA REPORT  
October 27, 2020

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*Security Reports*

## ITEM 6b

### Electric Bike Safety and Enforcement

The District does not have a specific ordinance regulating electric bikes. This is primarily due to State laws already in place that can be enforced. The State regulates E-bikes like bicycles. The same rules of the road apply to both E-bikes and human-powered bicycles.

E-bikes are not subject to the registration, licensing or insurance requirements that apply to motor vehicles. California designates three classes of E-bikes:

- Class 1: Bicycles equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bike reaches 20 mph.
- Class 2: Bicycles equipped with a throttle-actuated motor that ceases to provide assistance when the bike reaches 20 mph.
- Class 3: Bicycles equipped with a motor that provides assistance only when the rider is pedaling and ceases to provide assistance when the bike reaches 28 mph.

In California, people under the age of 18 are required to wear an *approved, properly fitted and fastened* bicycle helmet if they are either operating or riding as a passenger on a bicycle upon a street, bikeway or any other public path or trail. This requirement also applies to passengers riding in a restraining seat attached to the bicycle or in a trailer towed by the bike.

There are an increasing number of electric bikes being used here in the community. Some riders are using helmets, some users over the age of 18 are choosing to not wear a helmet (this is permitted) and there are numerous observations of young kids NOT WEARING HELMETS. And in almost all cases, the riders are exceeding the speed limit.

Security has been instructed to begin a more assertive enforcement of helmet law violations and for speeding bikes (see attached E-bike memo to Security)

The District is the owner of the road and therefore has the authority to enact ordinances and policies regulating its use. Our security officers can stop and detain any person believed to be underage and riding without a helmet or any E-bike rider who is clocked on radar exceeding the posted speed limit of 15 MPH.

## CAPISTRANO BAY DISTRICT

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### MEMORANDUM

Date - October 20, 2020

To - Post Commander  
Security Staff

From - Donal S. Russell, General Manager

Re - ***Procedure for Intervention with Electric Bikes***

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There are two issues of safety with the increase of electric bikes in the community:

- Young riders and passengers without helmets
- All riders exceeding the posted speed limit of 15 MPH

#### CALIFORNIA HELMET LAW

The law in California treats E-bikes the same as human-powered bicycles and requires ALL riders under the age of 18 to wear a helmet with the chin strap actually buckled in place. This includes passengers on the bike and anyone riding in an attached carrier seat or trailer if under the age of 18.

#### POSTED SPEED LIMIT – 15 MPH

All the classes of E-bikes (Classes 1, 2, 3) are capable of exceeding the 15 MPH speed limit with minimal effort by the rider – some are pedal-assisted and some are simply a motorcycle with a throttle control and capable of 28-30 MPH.

#### INTERVENTION PROCEDURE BY SECURITY/PATROL

- Watch for E-bikes while on patrol
- Gate attendant should notify patrol when they observe E-bikes entering or leaving the Road
- Look for young riders not wearing helmets or any E-bike exceeding 15 MPH
- Try to identify the riders (may have to follow to the parents' house) – DO NOT TAKE PHOTOS
- Talk to the parents about the Helmet Law and Speed Limit and that the police will be called if the violations continue
- WRITE UP AN INCIDENT REPORT for every observed violation with as much info as possible so management can follow up on the incident/violation with secondary intervention

#### INTERVENTION BY GATE ATTENDANT

- When a vehicle arrives at the gate with E-bikes on the bike rack, inform the driver that the District enforces the Helmet Law and the posted Speed Limit. Log the address in your daily report then notify the duty patrol officer, the Post Commander and the District Manager so everyone is on notice and can more effectively follow up.

**THANK YOU**