



# PARTNER TOOLKIT

## Fight Back Against Local E-Bike Regulations

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### **About this toolkit:**

Municipal governments, mostly in Southern California, have responded to the increasing popularity of e-bikes by introducing regulations to control and penalize e-bike riders, as well as people on conventional bikes and other people using active transportation.

In some cases, these local regulations needlessly duplicate existing state laws. In others, they may violate state law and the federal Constitution, as in the case of laws that allow police to confiscate e-bikes without due process. Many of these laws target youth, and all of them provide opportunities for police to single out and harass Black, Indigenous, and people of color (BIPOC) bike riders.

To support our local partners and individual advocates, we've created this toolkit to help you respond to proposed local anti-e-bike ordinances. Local ordinances may differ; use the information that applies in your situation. We encourage you to add local crash statistics to place the e-bike risk in context; many of these ordinances or "states of emergency" are triggered by one or two collisions — imagine if a single car crash sent a city into a panic and led to banning or restricting cars.

Below, you will find:

- A list of provisions that are commonly included in anti-e-bike regulations with responses to each, based on provisions in a recently enacted law in Huntington Beach and a similar ordinance under consideration in Santa Barbara
- Public testimony talking points to highlight the issues with these types of regulations
- A template letter you can customize to send to your local city council members or mayor.

Please let us know about new ordinances so we can track state trends. CalBike isn't able to weigh in on every local e-bike ordinance, but we will do our best to provide support. Please contact [jared@calbike.org](mailto:jared@calbike.org) if you have any questions.

## Responses to regulatory language

**Regulation:** Provides **definitions** for bicycles, electric bicycles, motorized bicycles, motorized scooters, e-conveyances, and electric skateboards, often **cross-referencing** their counterpart definitions in the California Vehicle Code (CVC).

**Response:** Bikes, e-bikes, motorized bicycles, and scooters are already defined in the CVC. E-conveyances and electric skateboards are not, but these definitions should be codified at the state level, not in a patchwork from city to city.

**Regulation:** Defines what constitutes operating in an **unsafe manner** and provides examples of unsafe ridership behaviors. This section is applicable to any public street, public right-of-way, sidewalk, bicycle path, lane, or trail. Included in the examples is performing any acrobatics, tricks, wheelies, or stunts on a public street, public right-of-way, bicycle path, lane, or trail.

**Response:** The California Vehicle Code already adequately addresses the unsafe operation of vehicles on public roads: "(a) A person who drives a vehicle upon a highway in willful or wanton disregard for the safety of persons or property is guilty of reckless driving." (See [CVC 23103](#)) Because bicycles and electric bicycles are vehicles and their unsafe operation is already regulated by [CVC 21200](#), the proposed ordinance's establishment of differing requirements as an administrative violation and imposition of a fine for "unsafe operation" would exceed the City's very limited authority to regulate public roads.

**Regulation:** Requires riders to **use bike lanes where possible**, and on streets without bike lanes, to ride close to the right curb or **edge of roadway**.

**Response:** The California Vehicle Code already addresses where a bicycle or e-bike may operate on the roadway or in bike lanes (see [CVC 21200](#)), and duplicating it in a city ordinance does not add benefit.

**Regulation:** Requires riders to ride in single file and **not more than two abreast**, except on paths or parts of a roadway set aside for the exclusive use of bicycles.

**Response:** This requirement would supersede state law, which allows for people on bikes to ride side-by-side. There is no restriction in the CVC that cyclists ride single file, and limiting this through city ordinance illegally conflicts with statewide rules of the road. What the City may do under the CVC is require that bicycles, electric bicycles, and other devices comply with provisions identical to, or at least not in conflict with, applicable sections of the CVC when they

are operated on sidewalks, bicycle paths, and trails under its jurisdiction. Further, this regulation effectively outlaws group bike rides or any pileup of bicycle commuter traffic as more people shift their travel mode to bicycle.

**Regulation:** Reaffirms requirements to always **yield to pedestrians** when emerging from an alley, driveway, bicycle path, building, or otherwise approaching upon a sidewalk or sidewalk area.

**Response:** The California Vehicle Code already addresses this, and duplicating it in a city ordinance does not add benefit ([see CVC 21952](#)).

**Regulation:** Reaffirms the requirement to not ride a bicycle or electric bicycle on any **sidewalk** except on a driveway.

**Response:** Cities do have the right to regulate operation on sidewalks. However, laws that force bike riders to share a lane with fast-moving motor vehicle traffic put vulnerable road users at risk. Before enacting sidewalk riding bans, cities should build a robust network of protected bikeways so riders of all ages and abilities can navigate the streets safely.

**Regulation:** Requires wearing of properly strapped **helmets for all riders under 18** years of age and that all bicycles or electric bicycles have reflectors affixed to both the front and back wheels and on the rear of the bike.

**Response:** The California Vehicle Code already addresses helmets ([CVC 21212](#)) and reflectors ([CVC 21201](#)), and duplicating it in city ordinance does not add benefit.

**Regulation:** Prohibits the operation of a bicycle or electric bicycle on a roadway unless it is equipped with a **brake** that will enable the operator to make one braked wheel skid on dry, level, clean pavement.

**Response:** The California Vehicle Code already addresses this, and duplicating it in city ordinance does not add benefit (see [CVC 21235](#)).

**Regulation:** Any person operating a bicycle or e-conveyance upon a roadway or a highway, which carries traffic in one direction only and has two or more marked traffic lanes, **shall** ride as near the **left-hand** curb or edge of such highway or roadway as practicable.

**Response:** This conflicts with the California Vehicle Code, which states that people on bikes “may” ride on the left side of one-way streets, but doesn’t require it.

**Regulation:** Stipulates that any violation of the ordinance is punishable as an **administrative citation** with the fine not exceeding \$100 for the first violation, \$200 for a second violation, and \$500 for each additional violation within a one-year period.

**Response:** These are regressive fines, likely to be disproportionately enforced against BIPOC bike riders and low-income people for whom these debts could be devastating. It adds a new hazard to city streets for people of color: police harassment and civic penalties.

**Regulation:** Provides for the **impoundment of a juvenile’s bicycle for operating in an unsafe manner**, which requires a parent or other guardian to retrieve the bicycle from the Police Department and the payment of an impound fee.

**Response:** No seizure of property from a citizen is lawful unless authorized by a judicial warrant or predicated upon probable cause to believe a crime has been committed and the property seized is either evidence of that crime or the fruits of that crime, per the 4th Amendment to the U.S. Constitution. The prospect of officers seizing bicycles from juveniles will risk escalating a simple citation into a more serious incident. Notably, the ordinance says a vehicle “may” be seized, which gives officers unfettered discretion as to whose vehicle will be seized, potentially leading to unequal enforcement. Last, would the City also intend to do the same for motor vehicles involved in a minor infraction?

**Regulation:** Prohibition of performing any acrobatics, tricks, wheelies, or stunts on a public street, public right-of-way, bicycle path, lane, or trail.

**Response:** Outlawing wheelies is legislating against joy, as long as the rider doesn’t endanger others. There are existing [laws](#) that forbid people from riding unsafely, so this language isn’t needed. This seems like a coded attack on people of color, who are most likely to be cited.

**Regulation:** Prohibition on intentionally swerving or riding around stopped or slowed traffic.

**Response:** Riders sometimes need to ride around stopped traffic and are allowed to do so under [CVC 21208](#). Criminalizing “swerving” that does not amount to unsafe operation is vague and ripe for biased enforcement.

## Talking points for public testimony

- It can be hard to tell an e-bike from a classic bicycle. This ordinance will lead to increased police harassment of bike riders.
- The majority of e-bike riders are law-abiding. Regulating all e-bikes is an inefficient and unethical way to deal with a small minority who ride unsafely. Those riders can be cited using laws that are currently on the books.
- In an era of climate change, we should be encouraging people to ride bikes. This law discourages them from doing so.

- There were \_\_ car crashes on the city’s streets over the past year with \_\_ people injured. If your primary concern is safety, why aren’t you talking about banning or restricting motor vehicles, which cause much greater harm much more often?
- Studies have shown that police are more likely to pull over Black and Latino people on bikes and more likely to subject them to invasive searches. This ordinance seems written to encourage profiling and police harassment of youth and people of color.
- Laws like this increase, not decrease, traffic violence. By demonizing bike riders, you give car drivers permission to drive less safely around them and even deliberately menace riders with their vehicles. Studies have shown that the less drivers perceive bike riders as human or worthy of using the road, the less likely they are to care for their safety.
- Many of the provisions of this ordinance are already state law. Replicating that in a local regulation is purely performative.
- Some of the provisions of this law are in conflict with provisions of the California Vehicle Code, which supersedes local law, and are therefore unenforceable.
- Seizing property over a civil administrative rule violation violates the U.S. Constitution's prohibition on unreasonable search and seizure.
- Ways to solve issues with e-bikes:
  - Provide more car-free spaces and off-road paths to ease congestion on shared-use bicycle and pedestrian paths.
  - On wider paths, delineate separate spaces for people walking and biking.
  - Educate car drivers about sharing the road with bike riders.
  - Offer free bicycle education classes, usually available through the local bicycle coalition.
  - Lower speed limits for all vehicles, including cars.
  - Build more protected bikeways. Improve the bicycle network so people on bikes have safe spaces to ride, separate from vehicle and pedestrian traffic.
  - Develop new funding programs at the state and local levels to invest in infrastructure and education.
  - Hold training sessions for police officers and elected officials on how to recognize and avoid racially biased policing.

## Sample letter to elected leaders

Dear [city council member/mayor/other civic leader],

I am one of your constituents. I vote. I pay taxes. And I get around by bicycle. I’m writing to express my strong opposition to the proposed e-bike regulations.

E-bikes are an essential part of our transportation ecosystem; you can’t regulate them out of existence. They provide vital mobility options for older adults who can’t drive, people with disabilities who wouldn’t otherwise be able to ride a bike, parents who need to take children to school, and many others.

The vast majority of these e-bike riders are responsible and operate within the law. Your proposed regulations will make them less safe by making them the targets of biased policing and driver harassment.

If you are concerned about street safety, here are some alternative regulations that would be more effective:

- Reduce the speed limit within the city limits to as low a speed as is legally allowed, which might be lower in school zones and business districts with high amounts of pedestrian traffic;
- Create car-free zones with designated bikeways so people walking and biking can share the space safely;
- Expand the number of bikeways and multi-use paths to create more space to ride and reduce crowding that can lead to unsafe conditions.

The increase in the number of bike riders on our streets, particularly e-bike riders, creates growing pains for our transportation system. Our city should welcome this shift to low- and no-carbon transportation and strategize ways to safely accommodate all users while enforcing existing laws against reckless vehicle operation. The proposed regulations penalize e-bike riders — and all bike riders. They will make people on bikes less safe, not more safe.

Please withdraw the proposed ordinance and work with stakeholders, including bicycle advocates like me, to come up with solutions that work.