

ORDINANCE NO. 2247

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANTON TO PERMIT ALL CLASSES OF E-BIKES ON TRAILS AND PATHWAYS, AND IN PARKS AND RECREATION FACILITIES, SUBJECT ALL BIKES TO A 15 MPH MAXIMUM SPEED LIMIT OR SLOWER FOR SAFE OPERATION, AND OTHER REGULATIONS, BY AMENDING MUNICIPAL CODE TITLE 11 VEHICLES AND TRAFFIC AND CHAPTER 13.08 PARKS AND RECREATION FACILITIES

WHEREAS, AB 1909 (2022) amended the California Vehicle Code regarding e-bikes (also known as electric bicycles) by removing the prohibition on Class 3 e-bikes (bicycles equipped with an electric motor that provides assistance only when the rider is pedaling and stops assisting when the bike speed reaches 28 miles per hour) from being operated on bicycle paths, equestrian trails, and hiking or recreational trails that do not exist within or adjacent to a roadway; and

WHEREAS, the Pleasanton Municipal Code currently does not address e-bikes and has a general prohibition against motorized bicycles from operating in park and recreation facilities; and

WHEREAS, e-bikes are growing in popularity; surveys show that e-bike riders use their e-bikes more frequently than regular bike riders; e-bikes are popular with persons with diminished physical ability; Class 1 (pedal-assisted e-bike with motor assisting only when rider pedaling with maximum speed of 20 mph), Class 2 (throttle-assisted e-bike where motor can operate exclusively with assistance ending at 20 mph) and Class 3 e-bikes are already being used in Pleasanton including in park and recreation facilities; and

WHEREAS, the General Plan Circulation Element Policy 8 “Maximize traffic safety for automobile, transit, bicycle users and pedestrians.” is satisfied with these proposed municipal code amendments as they permit e-bikes on trails and pathways, and in park and recreation facilities, which will make some e-bike riders feel safer separated from automobiles; and speed limits and safe operation requirements – including yielding to pedestrians – provides for both bicycle user and pedestrian safety; and

WHEREAS, the Climate Action Plan 2.0 includes as an implementation measure: “S4. VMT [vehicle miles travelled] reduction for K-12 activities” that supports alternative transportation like e-bikes in-lieu of automobiles; and

WHEREAS, the *Community Trails Master Plan* has a goal to make Pleasanton a city where walking and biking are viable alternatives to the automobile for daily trips, and allowing all classes of e-bikes will assist e-bike riders to travel longer distances and carry extra weight from small children, groceries or other items; and

WHEREAS, the Bicycle, Pedestrian and Trails Committee at its meeting of April 24, 2023, and the Park and Recreation Commission at its meeting of May 11, 2023, both received public comments and had deliberations that resulted in each advisory body recommending that the City Council allow all classes of e-bikes on trails and pathways, and in park and recreation facilities, subject to a maximum 15 mph speed limit (or slower if conditions warrant) and other requirements for safe operation; and

WHEREAS, the City Council held a noticed meeting on June 20, 2023, to consider amendments to the municipal code to allow e-bikes subject to requirements for safe operation, speed limit, and other restrictions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Finds that these municipal code amendments to allow persons to ride e-bikes on existing trails and pathways, and in park and recreation facilities, subject to speed limits and safe operation requirements, is categorically exempt as Class 1 – Existing Facility (see Title 14 Cal. Code of Regulations §15301) the “operation” of existing facilities, including: “(c) Existing ... streets, sidewalks... bicycle and pedestrian trails, and similar facilities ...”. This amendment would allow e-bikes on existing facilities where regular bikes are already permitted. Concerns regarding potential noise and disturbance of wildlife are not significant because e-bike riders are required to remain on the same existing paths as regular bike riders, and noise from electric motors are generally “in frequencies that are inaudible to most birds and mammals (including humans) but can be heard by bats.” as concluded by the H. T. Harvey Noise Study (9/17/21; Project #4505-01) for the Midpeninsula Open Space District (June 29, 2022, Report No. 22-78).

SECTION 2. Adopts amendments to the Pleasanton Municipal Code regarding e-bikes as set forth in the attached Exhibit A.

SECTION 3. A summary of this ordinance shall be published once within fifteen (15) days after its adoption in “The Valley Times,” a newspaper of general circulation published in the City of Pleasanton, and the complete ordinance shall be posted for fifteen (15) days in the City Clerk’s office within fifteen (15) days after its adoption.

SECTION 4. This ordinance shall be effective thirty (30) days after its passage and adoption.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Pleasanton on June 20, 2023, and adopted on July 18, 2023 by the following vote:

Ayes:	Councilmembers Arkin, Balch, Nibert, Testa
Noes:	Mayor Brown
Absent:	None
Abstain:	None



Karla Brown, Mayor

ATTEST:



Jocelyn Kwong, City Clerk

APPROVED AS TO FORM:



Daniel G. Sodergren, City Attorney

EXHIBIT A

TITLE 11 VEHICLES AND TRAFFIC

Chapter 11.04 DEFINITIONS

11.04.053 E-bike or electric bicycle. “E-bike” or “electric bicycle” is a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, defined as a Class 1, Class 2 or Class 3 electric bicycle as provided in the California Vehicle Code §312.5.

11.04.057 Electric vehicle. “Electric vehicle” means a vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off grid source, that is stored on board for motive purposes; excluding e-bikes.

Chapter 11.12 ENFORCEMENT OF TRAFFIC REGULATIONS

11.12.030 Traffic regulations apply to persons riding bicycles, e-bikes or animals.

Every person riding a bicycle, an e-bike or riding or driving an animal upon a highway has all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this title, except those provisions which by their very nature can have no application.

Chapter 11.52 BICYCLES AND E-BIKES

11.52.060 Operation/prohibited areas.

A. It is unlawful for any person to ride a bicycle or an e-bike on public property, or on private property open to the public, where there has been posted in conspicuous places a sign or signs, not less than 17 inches by 22 inches, with lettering not less than one-inch high, that states that bicycling on the property is prohibited pursuant to this section.

B. The following areas are designated as prohibited areas for riding bicycles or e-bikes:

1. Publicly owned tennis courts;
2. Publicly owned walls, park and street furniture, steps, railings, public art installations, and fountains;
3. Any portion of construction projects, whether or not completed, located on public property; and
4. E-bikes are prohibited from being ridden or operated in public bicycle motocross (BMX) park.

C. No person shall ride or operate a bicycle or an e-bike within the city in a manner which endangers any pedestrian or other bicyclist.

1. Any person riding or operating a bicycle or an e-bike on trails and pathways, or in any park and recreation facility, is subject to a fifteen (15) mile per hour

(mph) speed limit, unless posted speed limit or circumstances require a slower speed due to weather, surface, congestion or other conditions.

2. Any person riding or operating a bicycle or an e-bike on a street, bikeway (also known as bike path or bike route, see California Streets and Highways Code §890.4) or bicycle lane separated from vehicular lanes on a roadway (see California Vehicle Code §21207) is subject to the regulations of the California Vehicle Code.

D. No person shall park, let stand or leave unattended a bicycle or an e-bike upon a public sidewalk of the city so as to block or interfere with the use of the sidewalk by any pedestrian.

Chapter 13.08 PARKS AND RECREATION FACILITIES

13.08.020 Definitions. For the purposes of this chapter the following words and phrases shall mean:

“Daylight” means any time from one-half hour before sunrise to one-half hour after sunset.

“Director” means the director of community services of the city.

“E-bike” or “Electric Bicycle” means a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts. This includes Class 1, Class 2 and Class 3 electric bicycles as defined in the California Vehicle Code §312.5.

“Park and recreation facility” means any public park, pathway, trail, skateboard park, in-line skatepark, bicycle motocross (BMX) park, golf course, playground, athletic field, recreation center or recreation area, which facility the city owns, leases or controls, whether or not such facility is improved or unimproved and whether or not such facility is located within or without the territorial limits of the city.

“Skateboard park” shall mean a facility designed specifically for riding skateboards with sculptured events such as ramps, jumps and bowls, and shall include any hard surface area within 40 feet of the skateboard park itself.

“Trails” mean multi-use paved trails for pedestrians and bicyclists, improved surface trails, and natural surface trails, as defined in the *Pleasanton Trails Master Plan (2019)*.

“Written permission of the director” means a permit issued by the city department of community services, which permit shall contain the following information: the name of the person or organization to whom the permit is issued; the name of the park and recreation facility and/or the identification of the activity to which the permit applies; the effective date(s) and times of the permit; and such other administrative information as may be necessary.

13.08.150 Motor driven cycles and model vehicles and planes.

A. No person shall operate, transport or maintain any motor driven cycle (see California Vehicle Code (hereafter CVC) §405), motorcycle (see CVC §400), motorized bicycle (see CVC §406) or moped (see CVC §406) or determined in the reasonable discretion of the chief of police or designee, within any park and recreation facility except in those areas as may be specifically designated for such purpose or with the written permission of the director.

B. No person shall operate in any park and recreation facility any airborne, waterborne or landborne model plane, any rocket or missile, or any vessel or vehicle, whether such plane, rocket, missile, vessel or vehicle uses an internal combustion engine or is propelled/operated otherwise, without the written permission of the director.

C. The prohibitions in this section do not apply to e-bikes.

13.08.200 Bicycles and e-bikes – speed limit and safe operation.

A. Any person riding or operating a bicycle or an e-bike on trails and pathways, or in any park and recreation facility, is subject to a fifteen (15) mile per hour (mph) speed limit, unless posted speed limit or circumstances require a slower speed due to weather, surface, congestion or other conditions. No person shall ride or operate a bicycle or an e-bike in a negligent, unsafe or reckless manner or in any way that endangers the life, limb or property of any person.

B. Bicyclists and e-bikes shall yield to pedestrians and equestrians.

C. It is unlawful for a person to ride a bicycle in a bicycle motocross park unless the person is wearing a properly fitted and fastened helmet that meets the standards specified in Section 21212(a) of the California Vehicle Code.

D. No person shall ride or operate an e-bike in a bicycle motocross (BMX) park.

E. Riding or operating a bicycle or an e-bike on a street, bikeway (also known as bike path or bike route, see California Streets and Highways Code §890.4) or bicycle lane separated from vehicular lanes on a roadway (see California Vehicle Code §21207) is subject to the regulations of the California Vehicle Code and not the restrictions of this chapter.

F. If a pathway or roadway is designated for bicycle use, a person shall use such pathway or roadway for such use.