



California Bicycle Advocates Call on Elected Leaders to Protect E-Bike Riders by Curbing Illegal Electric Motorcycles

Local elected leaders have correctly assessed that road safety, especially for people biking and walking, is a critical issue. Unfortunately, some cities have targeted and criminalized people riding legal e-bikes instead of working toward solutions that make everyone safer. That approach detracts from more effective strategies and is also misdirected. Egregious behavior reported to bike advocacy organizations typically involves illegally operated electric motorcycles, some mistakenly perceived as legal e-bikes.

Target illegal electric motorcycles marketed as e-bikes

By California state law, the term “e-bike” only applies to pedaled bicycles whose motor support is limited to either 20 or 28 mph, depending upon its class. The state classifies e-bikes as Class 1, 2, or 3.

- Class 1 is a low-speed pedal-assisted e-bike equipped with a motor that provides assistance only when the rider is pedaling and stops providing assistance when the bicycle reaches 20 mph.
- Class 2 is a low-speed electric bicycle with pedal-assist and throttle modes that has a top assisted speed of 20 mph.
- Class 3 is a pedal-assisted electric bicycle that provides assistance only when the rider is pedaling and stops providing assistance when the bicycle reaches 28 mph. Operators of Class 3 e-bikes must be 16 or older and wear a helmet.

Two- or three-wheeled vehicles that exceed 28 mph are defined in the California Vehicle Code as motorized bicycles (aka mopeds), motorcycles, or motor-driven cycles, regardless of whether they have working pedals or not, and those faster devices have very different licensing requirements from e-bikes.

We urge the state to focus on motorcycle-type vehicles that are not legal e-bikes (i.e. those that do not meet the state’s specifications for Class 1, 2, or 3 e-bikes), as these confuse consumers and the general public. Most public concern about e-bikes is actually concern about electric motorcycles that are *not* e-bikes. Many local “e-bike” laws appear to be in response to an increase in the use of unlicensed motorcycles that can operate above 28 mph.

Municipal governments, mostly in Southern California, have responded to the public’s concerns by introducing regulations that unjustifiably control and penalize actual e-bike riders, as well as people on conventional bikes and other people using legal modes of active transportation (i.e., walking, scooting, skating).

The backlash against e-bikes is unwarranted. Legislators and others who care about reducing traffic violence should instead support funding for curbing the illegal operation of electric motorcycles; education for drivers, e-bike and other bike riders, and consumers; and making our infrastructure safer, particularly for the most vulnerable road users.

Vehicular-caused fatalities set a record in California in 2021, with [4,285](#) lives lost to traffic violence. The number declined slightly in 2022 to [4,099](#), but that is higher than in any of the last 40 years of [NHTSA data](#) before 2021. Redesigning our roads, rather than further regulating e-bike riders, will bring about the biggest gains in safety. The current crisis is caused by our failure to build a safer transportation network, which is now needed even more urgently to meet the explosive demand for lower-cost, green transportation for all people, not just those in cars.

Riding a bike is beneficial, not a crime

It's critically important not to support laws that restrict and unduly regulate people riding e-bikes (bikes meeting the state’s specifications for Class 1, 2, or 3 e-bikes) in a misdirected attempt to

address the dangers of electric motorcycles, electric mopeds, “pocket bikes,” and the like. The transportation sector remains the largest source of greenhouse gas emissions in the state. It is vital to support a shift in transportation choices wherever possible, including by encouraging the use of e-bikes for all who choose this mode of legal transportation.

Cities developing local e-bike ordinances create a patchwork of confusing laws in counties throughout the state that do not answer legitimate safety concerns about illegal electric motorcycles and mopeds. Furthermore, the new, unwarranted restrictions on e-bikes require policing — which adds to the workload of law enforcement agencies, most of which are already overextended — yet provide no benefit to public safety.

Such restrictions on e-bikes expand the incidence of racism commonly found in bike traffic stops too, thereby discouraging people of color from traveling by bike. They also hurt everyone who bikes: To enforce new regulations on e-bike riders, police will increase traffic stops on people riding conventional bikes as well. An in-depth [investigation by the LA Times](#) showed that police disproportionately pulled over Black and Latino bike riders, and data from other municipalities has revealed the same pattern. Riders perceived as “other,” “outsiders,” or “a threat” — primarily people of color — are most likely to be pulled over.

Criminalizing any kind of bike riding makes people less likely to bike. Again, that works against the state’s goals of reducing transportation’s carbon emissions, and it also reduces the public health benefits gained when more people use active transportation.

Prioritize education while curbing illegal e-motorcycles

What does make sense? Education — and not just education for people who bike, but education for parents and others who purchase electric mobility devices for riders, and education for motor vehicle drivers too.

Our streets are changing fast, with new and upgraded bikeways installed all over the state and with the increasing use of new micromobility devices. Protected bike lanes, bike traffic signals, bike turn boxes, and protected intersections are among the road treatments that make bicycling more accessible for people of all ages and abilities. Besides bikes and e-bikes, micromobility devices such as e-scooters and e-skateboards are among the newer devices that make choosing zero-emission transportation more of an option.

However, what hasn’t kept up with our changing streets is education. That means many road users are unaware of how to use — or respect the use of — infrastructure such as bike boxes at intersections or other new road treatments.

Driver education is generally underfunded and based on preparing people for a one-time test at the age of 16 or 18, which may never be revisited. As laws change, as streets are redesigned, and as new modes of transportation appear, most drivers will rely on the education they

received as teenagers. California can do much more to modernize driver education so drivers are better prepared to share the roads with people biking and walking.

Likewise, the state can do much more to educate the increasing numbers of people biking or using other active transportation.

It is also critical to require and enforce truth in advertising by brick-and-mortar and online retailers who sell electric motorcycles and electric mopeds and often market them as e-bikes — which they are not, per California law.

We call on California’s decision-makers to:

- Develop legislation to better address illegal e-motorcycles (electric motorcycles, electric mopeds, and the like) often being inaccurately marketed as e-bikes. This will require better manufacturer, retailer, and consumer education, and regulation mechanisms to restrict or limit these fast, dangerous electric vehicles on streets, paths, and trails.
- Reject legislation that criminalizes or further restricts people riding legal e-bikes (bikes that meet the state’s specifications for Class 1, 2, or 3 e-bikes).
- Increase the budget of the Active Transportation Program (ATP), which funds safer infrastructure for biking and walking. Communities want to build such infrastructure, but the ATP consistently lacks funding to greenlight many of the worthwhile projects that apply.
- Increase state funding for educational and training programs for bike and e-bike riders. Require motor vehicle driver education with each driver’s license renewal, so drivers are better prepared to share the roads with people biking and walking. Emphasize how to abide by the rules of the road in locations where there is newer street safety infrastructure (e.g., bike boxes at intersections).

We trust that legislators want to address rogue electric motorcycles inaccurately marketed as e-bikes in a genuinely effective way and support people who ride a bike or legal e-bike as their transportation choice. Please contact Jared Sanchez at CalBike (jared@calbike.org) with any questions. Thank you.

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