



# AGENDA REPORT

## CITY OF SAN CLEMENTE

### City Council Meeting

910 Calle Negocio  
2nd Floor  
San Clemente, California  
www.san-clemente.org

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**Meeting Date:** 10/18/2022

**Agenda Item:** 10C

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**Department:** Community Development

**Prepared By:** Adam Atamian, Deputy Director of Community Development and Jennifer Savage, Assistant to the City Manager

**Subject:**

UPDATE RELATED TO THE PUBLIC SAFETY COMMITTEE'S E-BICYCLE / TRAFFIC SAFETY WORK PLAN PROJECT

**Fiscal Impact:**

None to receive and file the report.

**Summary:**

This item provides an update on the Public Safety Committee's work related to e-bikes.

**Background:**

On November 16, 2021, the City Council approved the Public Safety Committee's work plan that included a project for E-Bicycle / Traffic Safety (Attachment 1).

On September 20, 2022, the City Council reviewed a report identifying action taken by San Clemente regarding e-bike safety (Attachment 2). Also on September 20, 2022, City Council requested that the Public Safety Committee present the Committee's work on e-bike safety and action taken by other municipalities on October 18, 2022.

**Discussion:**

A Public Safety Committee representative will be present at the October 18, 2022 City Council meeting to present their work. The representative will also update Council on actions taken by other municipalities.

**Plan and Policy Consistency:**

The action is consistent with the General Plan Goals and Policies including:

- Policy M-2.29. Safety Awareness. We encourage and support the creation of comprehensive safety awareness programs for pedestrians, skateboards, cyclists, and drivers.
- Policy M-3.05. Safety Awareness Program. We encourage and assign high priority to the creation of a comprehensive safety awareness program for pedestrians, skateboarders, cyclists, and motorists which addresses proper riding behavior, wearing helmets, using lights, and other issues as appropriate.
- Policy G. 1.13. Continuing Education. We value and encourage continuing education for elected and appointed officials and staff in the areas of ethics, best governance practices and

trends, fiscal health, and risk management.

**Council Strategy:**

The action is consistent with Council Strategy 2 - Grow resident confidence and value in City services and operations - in that the action will provide an update on the City's efforts to ensure e-bike safety.

**Recommended Actions:**

Staff Recommendation

Staff recommends that the City Council receive and file the administrative report, dated October 18, 2022 and on file with the City Clerk.

**Attachment:**

1. November 16, 2021 City Council Agenda Report with the Public Safety Committee's Work Plan
2. September 20, 2022 City Council Agenda Report with San Clemente Bicycle Safety Efforts

**Notification:**

Public Safety Committee



# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING  
Meeting Date: November 16, 2021

Agenda Item 6B1  
Approvals:  
City Manager CS  
Dept. Head CGD  
Attorney \_\_\_\_\_  
Finance TJH

**Department:** Community Development Department  
**Prepared By:** Nicholas Berkuta, Public Safety Committee Chair

**Subject:** *PUBLIC SAFETY COMMITTEE 2021-2022 ANNUAL WORK PLAN*

**Fiscal Impact:** Yes. The work plan proposes a number of projects, most of which have costs anticipated to be less than \$1000. Many of these costs are included in the adopted City budget because they consist of work and research staff would typically provide for the City in other forms. One proposed project to establish a neighborhood watch program is outside the scope of currently budgeted staff time, and has an anticipated cost of \$15,000.

**Summary:** Per Council direction, the Public Safety Committee is required to develop and submit an annual work plan with specific goals and objectives for the coming year for Council approval. Staff recommends the City Council approve the Public Safety Committee's 2021-2022 Work Plan.

**Background:** The Public Safety Committee was established as a standing committee to act in an advisory capacity to the City Council by reviewing performance measures and making recommendations relating to public safety.

During the Fiscal Year 2020-2021, the Public Safety Committee accomplished a number of tasks identified in the Committee's Council-approved work plan. These accomplishments include:

- Reviewed performance measures of the Orange County Sheriff Department, Orange County Fire Authority, and the City's Marine Safety, Park Rangers, and Code Compliance Divisions;
- Investigated the coordination and communication between both internal and external public safety entities related to disaster preparedness;
- Reviewed issues and proposed ordinances related to public safety issues directed by the City Council;
- Developed the framework for an effective and efficient neighborhood watch program;
- Reviewed proposed federal, state, and county legislation for adverse effects or impacts on the City's public safety services;

**Discussion:** Attached is the 2021-2022 Public Safety Committee Work Plan (Attachment 1). In the course of its work in 2021-2022, the Public Safety Committee proposes to address the following issues:

- Communications And Disaster Preparedness
- Homelessness and Best Management Practices for Public Safety Personnel
- Legislation Review
- Neighborhood Watch
- Statistical Information and Review
- Technology Review
- Human Trafficking
- E-bicycle / Traffic Safety
- Review of Urgent Matters

The proposed work plan consists mostly of projects continuing from last year's work plan, as they either require more time to complete or are on-going projects. The new projects proposed are Human Trafficking, E-bicycle / Traffic Safety, and Review of Urgent Matters. The Review of Urgent Matters project is designed to facilitate a process for the Committee to identify and discuss issues that arise from time to time that may not fit within the scope of work identified in another work plan project, but which may have immediate impacts on the City. This work plan project allows for the Committee to review such matters and, should the Committee determine further investigation is necessary, forward a memorandum to the Council to obtain direction to continue investigating the topic.

**Recommended**

**Action:** STAFF RECOMMENDS THAT the City Council do the following:  
 1. Approve the Public Safety Committee's 2021-2022 Work Plan.

**Attachment:** 1. Public Safety Committee's proposed 2021-2022 Work Plan

**Notification:** None.

# ANNUAL WORK PLAN

## FY 2021/22

COMMISSION/COMMITTEE NAME: Public Safety Committee

*Please be concise in responding to the below questions. Additional forms may be attached, if needed.*

<p><b>Project Name:</b> Communications And Disaster Preparedness</p>
<p><b>Purpose, Goals and Deliverables of Project:</b>            Purpose: The coordination and communication between both internal and external public safety entities, often occurring on a more-than-hourly basis, is one of the most vital elements for the timely delivery of public safety services to our community. Being able to effectively and timely communicate with these agencies is vital to maintaining a safe community, and even more so during an emergency or disaster. For a successful coordination and communications program to operate, it should be properly designed, maintained and exercised.</p> <p>Goals:</p> <ol style="list-style-type: none"> <li>1. To identify the various governmental and private agencies that provide essential public safety-related services to the members of our community.</li> <li>2. To determine the lines and types of communications that link these agencies together in dealing with everyday situations, as well as emergencies such as natural and man-made disasters.</li> <li>3. To explore and investigate potential alternate methods/ organizational designs to improve coordination efforts and communications between and among the City's various public safety services, and with the public.</li> <li>4. To review industry-wide best practices and procedural duties deployed in Emergency Management Offices, and ensure the City's program incorporates those practices, when feasible.</li> </ol> <p>Deliverables: At the conclusion of this project, the Public Safety Committee will report its findings, with recommendations, to the City Council for further action.</p>
<p><b>Estimated Project Cost. If cost is involved, is it included in the adopted City budget?</b> Project cost anticipated to be less than \$1000, consisting of staff time to compile information. This cost is included in the adopted City budget, as its staff-costs consist of work and research staff would typically provide to the City in other forms.</p>
<p><b>Project Timeline (Anticipated Start and End Dates):</b> November, 2021 to September, 2022</p>
<p><b>Resources Needed (including Staff hours):</b> Minimal staff time needed to collect City department/agency information.</p>
<p><b>Is this a new project or unfinished project from the prior fiscal year?</b> Unfinished project from previous year.</p>

11-16-21 / 6G-3

**Project Name:** Homelessness and Best Management Practices for Public Safety Personnel

**Purpose, Goals and Deliverables of Project:**

**Purpose:** The issue of homelessness continues to be one of the greatest challenges facing municipal public safety agencies within San Clemente and outside its jurisdiction. This Committee will identify issues as they relate specifically to the established responsibilities of San Clemente's Public Safety entities, including identifying impacts from potential modifications to established responsibilities or new proposed responsibilities which are likely to result in significant operational changes. Additionally, the Committee will coordinate with the OCSD, City Code Compliance and Park Rangers, and the City's Community Outreach staff, in order to identify any factors that could be addressed in order to maintain and improve public safety in San Clemente.

**Goals:**

The Committee will identify strategies to improve the effectiveness of our Public Safety personnel's ability to :

- 1) Address the needs of the Homeless as they pertain to contacts with Public Safety personnel.
- 2) Identify Laws, Policies and Programs to ensure the City of San Clemente's Public Safety personnel are operating within accepted protocols.
- 3) Ensure that the safety and welfare of the public is strictly maintained.

**Deliverables:** At the conclusion of this project, the Public Safety Committee will report its findings, with recommendations, to the City Council for further action.

**Estimated Project Cost. If cost is involved, is it included in the adopted City budget?** Project cost anticipated to be less than \$1000, consisting of staff time to compile information. This cost is included in the adopted City budget, as its staff-costs consist of work and research staff would typically provide to the City in other forms.

**Project Timeline (Anticipated Start and End Dates):** November 2021 to October 2022.

**Resources Needed (including Staff hours):** Assistance from the OCSD, San Clemente Code Compliance, San Clemente Park Rangers, San Clemente City Attorney, and San Clemente City Prosecutor. Representatives from City Net and FAM, and potentially CHCA's Homeless Outreach Division. Staff time needed to collect pertinent information for the Committee's review is anticipated to be minimal.

**Is this a new project or unfinished project from the prior fiscal year?** Unfinished project from previous year.

**Project Name:** Legislation Review

**Purpose, Goals and Deliverables of Project:**

**Purpose:** Identify current and proposed legislation, at the federal, state, county, and neighboring jurisdiction levels, that adversely affects or impacts the City's public safety services.

**Goals:** Remain informed of proposed legislation, including any court precedents, and review those matters which have the potential to adversely affect the City. Provide recommendations to the Council, on an as-needed basis, concerning current or future legislation which could adversely affect the City. Secondly, ensure the City's current methods for reviewing proposed legislation is comprehensive and encompassing of all potential sources of legislative impacts to the City.

**Estimated Project Cost. If cost is involved, is it included in the adopted City budget?** Project cost anticipated to be less than \$500, consisting of staff time to compile information. This cost is included in the adopted City budget, as its staff-cost consists of work and research staff would typically provide to the City in other forms.

**Project Timeline (Anticipated Start and End Dates):** On-going

**Resources Needed (including Staff hours):** Minimal staff time needed to collect pending-legislative information.

**Is this a new project or unfinished project from the prior fiscal year?** From previous year, on-going.

**Project Name:** Neighborhood Watch

**Purpose, Goals and Deliverables of Project:**

**Purpose:** To develop an effective and efficient neighborhood watch program that will provide organizational structure throughout the City.

**Goals:**

1. Assign a program director, city staff member and OCSD designee to work with the Public Safety Committee to develop and implement program.
2. Define duties and responsibilities of program coordinator, city representative, OCSD designee and citizen volunteers (i.e block captains)
3. Design city neighborhood watch website.
4. Assist OCSD's public affairs department to develop a neighborhood watch video to be used by watch groups during inaugural meetings.
5. Develop and print flyers and related material to advertise program.
6. Recruit district and block captains.
7. Determine strategy and date for implementation of program.

**Deliverables:** This project will culminate in the establishment of a Neighborhood Watch program, available to all portions of the City which chooses to take part in the program.

**Estimated Project Cost. If cost is involved, is it included in the adopted City budget?** Project cost anticipated to be less than \$15,000, consisting of staff time to assist in the development of the program. This cost is not included in the adopted City budget, as its staff-cost consists of work and research City staff is not currently charged with. Costs include printing of flyers and related material to advertise the program.

**Project Timeline (Anticipated Start and End Dates):** January 2022 through October 2022.

**Resources Needed (including Staff hours):** Assistance from OCSD, Code Compliance Division, IT Division and Public Works Department. Cost of staff time to assist is an estimated 4-6 hours per week.

**Is this a new project or unfinished project from the prior fiscal year?** Unfinished project from previous year.

**Project Name:** Statistical Information and Review

**Purpose, Goals and Deliverables of Project:**

**Purpose:** The gathering and analyzing of statistics related to public safety incidents is essential to initiate successful strategies in how the City deploys its Police, Fire, Care Ambulance Service, Marine Safety, Park Rangers, and Code Compliance personnel and related resources. Another important component of this information gathering is its dissemination to the general public. An accurate understanding of the public safety issues affecting particular neighborhoods provides the public with a better sense of clarity and ownership in regards to public safety issues in their community.

**Goals:**

- 1) Gather, collate, and evaluate data pertaining to citizen requests for service from Police, Fire, Care Ambulance Service, Marine Services, Park Rangers, and public safety-related Code Compliance within the City of San Clemente.
- 2) Gather, collate, and evaluate statistics pertaining to crime (reported crimes and arrests), traffic enforcement and collision reports, Fire Department responses, reports of San Clemente Municipal Code (SCMC) violations and enforcement actions by Code Compliance personnel, when public safety related.
- 3) Investigate the best method(s) for making the aforementioned data available to the public, with special attention paid to user-friendly options, such as those built upon a web-based platform, to encourage its use and acceptance by a high proportion of San Clemente's population.
- 4) Review the City current performance measures regarding OCSD, OCFA, Care Ambulance Service, Marine Safety, Park Rangers, and Code Compliance. Determine if additional or alternative measures are appropriate and whether comparative benchmarks for public safety personnel performance should be revised or established to better facilitate a method of measuring their efficiency, while also providing comparative evaluations of the City's services measured against similarly situated municipalities.
- 5) As an on-going component of this project, the Public Safety Committee will review quarterly performance measures submitted by the various groups that comprise the City's Public Safety services.
- 6) Review and analyze the cost/performance of care ambulance service is and compared to the cost/performance of the services that would be provided by the OCFA in order to ascertain the feasibility of contracting OCFA for city ambulance services.

**Deliverables:** At the conclusion of this project, the Public Safety Committee will report its findings, with recommendations, to the City Council for further action. The Committee will also provide recommendations arising from the review of public safety performance measures, if any, on a quarterly basis to the City Council.

**Estimated Project Cost. If cost is involved, is it included in the adopted City budget?**

Project cost anticipated to be less than \$1000, consisting of staff time to compile information. This cost is included in the adopted City budget, as its staff-cost consists of work and research staff would typically provide to the City in other forms.

**Project Timeline (Anticipated Start and End Dates):** November, 2021 to October, 2022 for items 1-3, and 6, on-going for items 4 and 5.

**Resources Needed (including Staff hours):**

OCSD Crime Analyst, OCFA Analytical Unit, Marine Safety, San Clemente City Code Enforcement and City of San Clemente Information and Technology Staff. Staff time needed to collate the statistical data received is anticipated to be minimal.

**Is this a new project or unfinished project from the prior fiscal year?** From previous year, on-going.

<b>Project Name:</b> Human Trafficking
<b>Purpose, Goals and Deliverables of Project:</b> Every city in America will experience some form of human trafficking activity. The most prevalent examples are forced labor and forced sex industry workers. The Committee will coordinate with the OCSD Special Investigations Unit and the Orange County human trafficking task force to identify any issues relating to human trafficking that might occur in San Clemente. The Committee will collate pertinent information and forward same to the City Council for review.
<b>Estimated Project Cost. If cost is involved, is it included in the adopted City budget?</b> Project cost anticipated to be less than \$1000, consisting of staff time to compile information. This cost is included in the adopted City budget, as its staff-costs consist of work and research staff would typically provide to the City in other forms.
<b>Project Timeline (Anticipated Start and End Dates):</b> December 1, 2021 to September 1, 2022
<b>Resources Needed (including Staff hours):</b> Minimal staff time needed to collect City department/agency information.
<b>Is this a new project or unfinished project from the prior fiscal year?</b> New

<b>Project Name:</b> E-Bicycle / Traffic Safety
<b>Purpose, Goals and Deliverables of Project:</b> In the past year, both the OCSD and OCFA have reported a significant increase in the regional number of accidents, injuries, and fatalities involving the bicycles. In an effort to address these issues the Committee will compile bicycle traffic data as it becomes available. The Committee will coordinate with the OCSD, OCFA, and the City's Park Ranger Division in order to identify any measures the City could take to help mitigate these occurrences. The committee will forward any recommendations for review to the City Council.
<b>Estimated Project Cost. If cost is involved, is it included in the adopted City budget?</b> Project cost anticipated to be less than \$1000, consisting of staff time to compile information. This cost is included in the adopted City budget, as its staff-costs consist of work and research staff would typically provide to the City in other forms.
<b>Project Timeline (Anticipated Start and End Dates):</b> December 1, 2021 to September 1, 2022
<b>Resources Needed (including Staff hours):</b> Minimal staff time needed to collect City department/agency information.
<b>Is this a new project or unfinished project from the prior fiscal year?</b> New

11-16-21 / 6G-7

**Project Name:** Technology Review

**Purpose, Goals and Deliverables of Project:**

**Purpose:** To identify and review new and existing tools of technology in an effort to obtain effective enhancements to our community's public safety efforts.

**Goals:** Through the identification and evaluation of new technologies, we believe more efficient, cost effective ways to enhance the delivery of public safety services can be utilized.

**Deliverables:** The Public Safety Committee will present to the City Council recommended technology enhancements which demonstrably increase the effectiveness of our public safety services, with a specific focus on those technologies most capable of seamlessly integrating into existing operations.

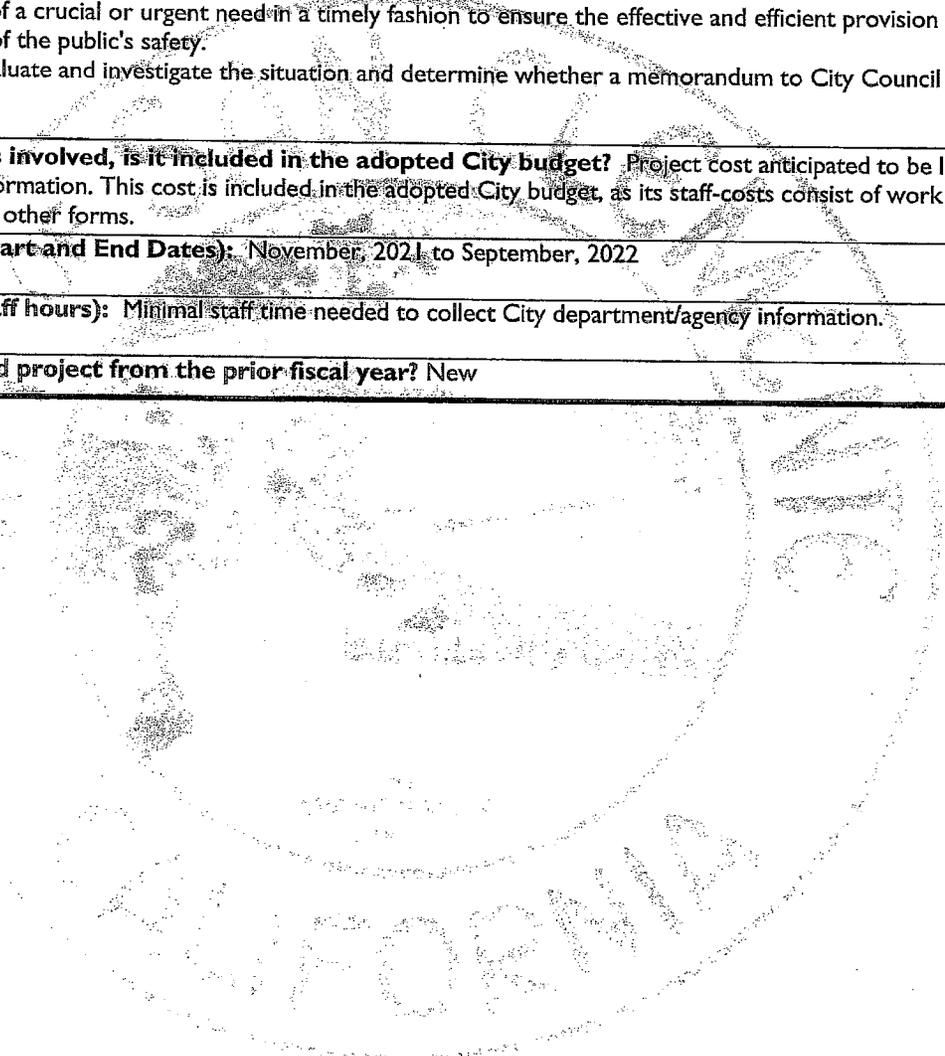
**Estimated Project Cost. If cost is involved, is it included in the adopted City budget?** Project cost anticipated to be less than \$1000, consisting of staff time to compile information. This cost is included in the adopted City budget, as its staff-cost consists of work and research staff would typically provide to the City in other forms.

**Project Timeline (Anticipated Start and End Dates):** On-Going

**Resources Needed (including Staff hours):** Input and recommendations by OCSD, OCFA, Marine Safety, Code Compliance, Park Rangers, and Information Technology Staff. Staff time needed to collect pertinent information for the Committee's review is anticipated to be minimal.

**Is this a new project or unfinished project from the prior fiscal year?** From previous year, on-going.

<b>Project Name:</b> Review of Urgent Matters
<b>Purpose, Goals and Deliverables of Project:</b> Purpose: Reviewing of urgent public-safety matters that may arise from time to time, which are outside of the Committee's other Council-Approved Work Plan projects. Goals: Address unanticipated issues of a crucial or urgent need in a timely fashion to ensure the effective and efficient provision of public safety services and the maintenance of the public's safety. Deliverables: The committee may evaluate and investigate the situation and determine whether a memorandum to City Council is necessary.
<b>Estimated Project Cost. If cost is involved, is it included in the adopted City budget?</b> Project cost anticipated to be less than \$1000, consisting of staff time to compile information. This cost is included in the adopted City budget, as its staff-costs consist of work and research staff would typically provide to the City in other forms.
<b>Project Timeline (Anticipated Start and End Dates):</b> November, 2021 to September, 2022
<b>Resources Needed (including Staff hours):</b> Minimal staff time needed to collect City department/agency information.
<b>Is this a new project or unfinished project from the prior fiscal year?</b> New





# AGENDA REPORT

## CITY OF SAN CLEMENTE

### City Council Meeting

910 Calle Negocio,  
2nd Floor  
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**Meeting Date:** 9/20/2022

Agenda Item:10B

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**Department:** City Manager

**Prepared By:** Jennifer Savage, Assistant to the City Manager

**Subject:**

CARLSBAD EMERGENCY ORDER FOR E-BIKES

**Fiscal Impact:**

None to receive and file this report.

**Summary:**

This report presents the City of Carlsbad Emergency Order for E-Bikes and provides an overview of City of San Clemente efforts regarding e-bike safety.

**Background:**

On September 6, 2022, the City Council requested review of the Carlsbad Emergency Order for E-Bikes. City Council also asked about bike lanes on Pico Avenue, near the high school, and about the Public Safety Committee's efforts regarding e-bikes. This report presents the City of Carlsbad Emergency Order for E-Bikes; summarizes the City of San Clemente's efforts for e-bike safety education, planning and construction of bike lanes, and implementation of bicycle regulations; describes the Public Safety Committee's work regarding e-bike safety; and discusses next steps.

**Discussion:**

**Carlsbad's Emergency Order.** In April 2022, the City of Carlsbad adopted a municipal code update regarding the operation of regulated mobility devices to enable enforcement of safe and considerate use of e-bikes, scooters and similar modes of transportation. The new regulations became effective May 5, 2022 (Attachment 1). On August 23, 2022, the City of Carlsbad's City Manager/Director of Emergency Services declared a local state of emergency for bike, e-bike, and traffic safety (Attachment 2).

On August 30, 2022, the City Council ratified the declaration and approved a \$2,000,000 appropriation from unspent City of Carlsbad funds from the previous fiscal year (Attachment 3). The emergency proclamation requires City Council review every 60 days until the proclamation's termination. This appropriation would overstaff sworn Carlsbad officers by four full-time equivalents for the remaining fiscal year, and provide additional overtime for enforcement efforts. The City of Carlsbad will consider a comprehensive plan to address the matter at its September 27, 2022 City Council meeting.

**San Clemente's Regulations.** The City of San Clemente's Municipal Code requires bicycle operators to obey traffic laws. In January 2022, City Council approved a prohibition of e-bikes on the beach trail. In addition, the City is working on an ordinance to regulate bicycles on sidewalks, which

will come before Council in approximately Spring 2023.

**San Clemente's E-Bike Safety Education.** The City's educational efforts regarding e-bikes and safety include:

- **Bike Safety Rodeo.** This event was most recently held in May 2021 and May 2022. The Bike Safety Rodeo, intended for ages 17 and under, coincides with Bike Safety Month (May) to spread bike safety awareness within the San Clemente community. The Beaches, Parks and Recreation Department (BPR) coordinates with the Orange County Sheriff's Department (OCSD) and Orange County Fire Authority (OCFA), and invites local e-bike and bike vendors and groups. This event provides a physical bike course that emulates a mini city for participants to practice their bike riding skills and receive guidance from OCSD.
- **OCSD / Marine Safety.** In January 2022, City Council approved a prohibition of e-bikes on the beach trail. Beginning in 2022, OCSD and Marine Safety began educating the public of the limitation. In March 2022, the Cones with Cops and Lifeguards focused on ocean safety and e-bike safety. Enforcement of the beach trail e-bike prohibition began on 2022 Memorial Day weekend. On June 18, OCSD and Marine Safety issued warnings to further educate the public.
- **Marketing and Social Media.** Marine Safety and BPR continue to inform the public of the beach trail rules and e-bike safety. Messaging includes a May 2022 Marine Safety Public Service Announcement (PSA) video posted on social media and the City's website; daily beach announcements on the beach trail and pier three times a day; bike safety tips posted on social media; educating junior guards about bike safety and beach trail rules. The City published a new e-bike PSA the week of September 12, 2022, which was created in collaboration with Chad and JT.
- **Elementary School Outreach.** Every spring, Marine Safety educates third, fourth, and fifth graders about ocean safety and bicycle rules.
- **Laurie Davies' Bike Safety Event.** BPR represented the City of San Clemente at this event held in May 2022. BPR provided bike safety materials, Bike Rodeo flyers, and trail maps.

**San Clemente's Bike Lanes.** In December 2020, City Council approved a contract for project design for bike lanes on Avenida Pico. The project includes two phases:

- Phase 1 studies the addition of a separated Class 1 off-street bicycle/pedestrian path from Calle Frontera to Camino Vera Cruz. The design may include retaining walls and signage, and will consider impacts to existing improvements, monument signage, landscaping, trees, and other technical and safety factors.
- Phase 2 studies the addition of Class 2 bike lanes on Avenida Pico from I-5 to Calle Frontera. The design will consider traffic safety impacts, the number of traffic lanes impacted, relationship to high school traffic, and other technical and safety factors. Class 2 bike lanes would likely require the loss of travel lane(s) on Avenida Pico and, therefore, thorough traffic analysis is necessary to understand the implications associated with such modifications. Staff

anticipates requesting a contract revision at an October 2022 City Council meeting to accommodate thorough traffic analysis.

It should be noted that County approval is required because Avenida Pico is an arterial street included in the County's Master Plan of Arterial Highways. City staff anticipate presenting a design to City Council in Fall 2023.

**San Clemente Public Safety Committee (PSC).** On November 16, 2021, Council approved the PSC's work plan, which included an E-Bicycle/Traffic Safety project. The PSC began work on the E-Bicycle/Traffic Safety Project in December 2021 and is in process of investigating the topic. The purpose, goals and deliverables of project state, "In the past year, both the OCSD and OCFA have reported a significant increase in the regional number of accidents, injuries, and fatalities involving e-bicycles. In an effort to address these issues, the Committee will compile bicycle traffic data as it becomes available. The Committee will coordinate with the OCSD, OCFA, and the City's Park Ranger Division in order to identify any measures the City could take to help mitigate these occurrences. The committee will forward any recommendations for review to the City Council." City staff anticipate the project will be recommended for inclusion in the upcoming PSC FY 22-23 Annual Work Plan to allow completion of the project. The PSC's next meeting is scheduled for September 27, 2022.

**Next Steps.** City staff will continue to address e-bikes and e-bike safety, including the following activities:

- **Ongoing.** The City of San Clemente will continue to market and promote educational opportunities and PSAs regarding e-bikes and e-bike safety.
- **Ongoing.** OCSD and Marine Safety will continue to educate the public and enforce regulations.
- **October 2022.** The PSC will make a special presentation to the City Council on October 18, 2022, which follows the PSC September 27, 2022 meeting.
- **Spring 2023.** The City will present an ordinance regarding operation of bicycles on sidewalks to the City Council in Spring 2023.
- **Fall 2023.** The Engineering Division will present a design for bike lanes on Avenida Pico to the City Council at the end of 2023.

***Plan and Policy Consistency:***

The activities described above are consistent with the General Plan including, but not limited to, the following Goals and Policies:

- Policy LU-14.05. Bike and Pedestrian Environment. We provide a high quality bicycle and pedestrian environment with "living street" designs, consistent landscaping, lighting, sidewalks, traffic calming measures, bikeways and trails, consistent with the Bicycle and Pedestrian Master Plan, Tree Ordinance and Design Guidelines.
- Policy LU-14.06. Transportation Improvements. We support transportation improvements in the area that enhance the safety, convenience and appearance of bicycle and pedestrian facilities and that minimize adverse impacts on adjacent neighborhood streets and parking, pursuant to the Mobility Element and Bicycle and Pedestrian Master Plan.
- Policy M-1.20. Street Redesign. We seek opportunities to redesign streets so that they are compatible with the surrounding neighborhood context and the Community's vision of the future,

and only consider street widening or intersection expansions after considering multi-modal alternative improvements to non-automotive facilities.

- Policy M-2.15. Bicycle-Friendly Infrastructure. We shall employ bicycle-friendly infrastructure design using new technologies and innovative treatments, where necessary to improve bicyclists' safety and convenience.
- Policy M-2.29. Safety Awareness. We encourage and support the creation of comprehensive safety awareness programs for pedestrians, skateboards, cyclists and drivers.
- Policy M-2.30. Improvements along Bicycle and Pedestrian Routes. We improve and maintain alternative transportation infrastructure and assign a high priority to improvements along primary pedestrian and bicycle routes to schools.
- Policy M-2.36 Active Transportation Linkages to Schools. We assign high priority to the improvement and maintenance of active transportation infrastructure within one half mile of San Clemente schools.

**Council Strategy:**

None.

**Recommended Actions:**

Staff Recommendation

Staff recommends that the City Council receive and file the Administrative Report, dated September 20, 2022, and on file with the City Clerk.

**Attachment:**

1. Carlsbad Operation of Regulated Mobility Devices Ordinance
2. Carlsbad Local State of Emergency
3. Carlsbad Ratification and Appropriation Staff Report, August 30, 2022

**Notification:**

Public Safety Committee

## Chapter 10.56

### OPERATION OF REGULATED MOBILITY DEVICES

#### Sections:

- 10.56.010**     **Definitions.**
- 10.56.020**     **Operation of regulated mobility device.**
- 10.56.030**     **Enforcement.**
- 10.56.040**     **Exemptions.**
- 10.56.050**     **Severability.**

#### **10.56.010**     **Definitions.**

“Bicycle” has the same meaning as in California Vehicle Code Section 231, as it may be amended from time to time.

“Electric bicycle” has the same meaning as in California Vehicle Code Section 312.5, as it may be amended from time to time.

“Electric personal assistive mobility device” has the same meaning as in California Vehicle Code Section 313, as it may be amended from time to time.

“Electrically motorized boards” has the same meaning as in California Vehicle Code Section 313.5, as it may be amended from time to time.

“Low speed vehicle” has the same meaning as in California Vehicle Code Section 385.5, as it may be amended from time to time.

“Motorized scooter” has the same meaning as in California Vehicle Code Section 407.5, as it may be amended from time to time.

“Operator” means a person who owns, operates, and/or controls a regulated mobility device.

“Public area” means any outdoor area that is open to the members of the public for public use, whether owned or operated by the city or a private party.

“Regulated mobility device” means bicycles, electric bicycles, electric personal assistive mobility devices, electrically motorized boards, low-speed vehicles, motorized scooters, shared mobility devices, or other similar vehicles.

“Rider” means a traveler riding in or on a regulated mobility device who is not operating it.

“Shared mobility device” has the same meaning as in California Civil Code Section 2505, as it may be amended from time to time.

“Vehicle” has the same meaning as in California Vehicle Code Section 670, as it may be amended from time to time.

**10.56.020 Operation of regulated mobility devices.**

A. Prohibition of regulated mobility devices where posted.

It is prohibited to operate or ride on a regulated mobility device in public areas where such prohibition is posted by signs or as otherwise set forth in this ordinance. A list of public locations where regulated mobility devices are prohibited shall be on file in the city clerk’s office. The list may be amended from time to time by resolution of the city council.

B. No operating or riding on sidewalks and public facilities.

No person shall operate or ride a regulated mobility device upon any sidewalk, in any public drainage facility, culvert, ditch, channel, or any other public athletic/sports court, or gymnasium in the city.

C. Duty to operate with due care, reduce speed.

1. The operator of a regulated mobility device shall exercise all due care and shall reduce the speed of the device, obey all traffic control devices, and take all other action relating to operation of the device as necessary to safeguard the safety of the operator, passengers, and any persons or other vehicles or devices in the immediate area. It shall also be unlawful to transport any other person upon the bar, handle bars, floorboard or other area of regulated mobility device not designed for passenger riding or designed for a single person, or cling to or attach oneself or one’s regulated mobility device with an operator or rider on board to any moving vehicle or motorized or non-motorized wheeled device.
2. Persons operating or riding a regulated mobility device on a city trail must dismount the regulated mobility device where the trail width is less than 5 feet and a pedestrian or equine is within a distance of 50 feet from the regulated mobility device.

**10.56.030 Enforcement.**

In lieu of a fine or administrative citation as authorized by this code, and in lieu of filing charges in any court having jurisdiction over a violation, the police chief or designee may allow a violator of this chapter to complete a police department provided safety course for regulated mobility devices.

**10.56.040 Exemptions.**

A. Public agency personnel.

Notwithstanding any other provision of this chapter, or any other section of this code, city and public agency personnel may operate regulated mobility devices or other vehicles at any place in the city in the performance of their official duties.

B. Disability.

This chapter is not intended to apply to or otherwise restrict regulated mobility devices used in a safe manner by physically disabled persons as defined under the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.).

**10.56.050 Severability.**

If any portion of this chapter, or its application to particular persons or circumstances, is held to be invalid or unconstitutional by a final decision of a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this chapter or the application of the chapter to persons or circumstances not similarly situated.

**PROCLAMATION OF BICYCLE, E-BICYCLE AND  
MOTORIZED MOBILITY DEVICE SAFETY LOCAL EMERGENCY  
IN THE CITY OF CARLSBAD, CALIFORNIA**

WHEREAS, the California Emergency Services Act, including California Government Code Section 8630, and the City of Carlsbad's Emergency Services Ordinance, including Carlsbad Municipal Code Section 6.04.100(A)(1), empower the City Manager, as the City of Carlsbad's Director of Emergency Services, to proclaim the existence of a local emergency, subject to ratification by the City Council, when there exists, or there is threatened to exist, conditions of extreme peril to safety of persons and property within the City of Carlsbad.

WHEREAS, the Director of Emergency Services finds:

1. Conditions or threatened conditions of extreme peril to the safety of persons and property have arisen within the City of Carlsbad caused by the increased prevalence of e-bicycles (e-bikes), other similar electric or motorized mobility devices, and traditional bicycles on city streets, which has led to increased collisions resulting in injury or death.
2. In 2019 there were 30 collisions involving bicycles or e-bikes reported in Carlsbad.
3. In 2020 there were 62 collisions involving bicycles or e-bikes reported in Carlsbad.
4. In 2021 there were 100 collisions involving bicycles or e-bikes reported in Carlsbad.
5. To date in 2022, 57 collisions involving bicycles or e-bikes were reported in Carlsbad.
6. U.S. traffic fatalities began climbing in 2020 and the deadly trend is continuing.
7. According to estimates by the National Highway Traffic Safety Administration, U.S. roadway deaths rose 10.5% in 2021 and an additional 7% during the first three months in 2022, the highest number for the first quarter in two decades.
8. The increase in deaths is due to speeding, impaired or distracted driving and other reckless behavior.
9. E-bikes are faster and heavier than traditional bicycles and e-bike injuries are more likely to be more severe and require hospitalization than traditional bicycle injuries.
10. E-bikes and similar electric or motorized mobility devices are increasingly used by school age children to go to and from school and for other activities on local streets.
11. Schools in the Carlsbad Unified School District will be opening on August 24, 2022, joining the other schools in Carlsbad and additional education facilities

in the region that have already opened or will be opening in the coming days, causing increased traffic on local streets and the potential for additional bicycle, e-bike or other vehicular collisions.

12. To counter the increasing number of bicycle or e-bike collisions, the Carlsbad Police Department increased enforcement and education efforts and, in April 2022, the city adopted an ordinance regulating mobility devices, including e-bikes.
13. On June 22, 2022, the Carlsbad Police Department hosted an interagency traffic enforcement day in Carlsbad where 240 traffic citations were issued.
14. Despite these efforts, the city continues to experience e-bike or bicycle collisions with vehicles, including two fatal collisions occurring within the past 17 days.
15. The city needs to continue these efforts and proactively seek out and implement additional measures to reduce the number of collisions involving bicycles or e-bikes while also educating the residents of Carlsbad about the dangers of impaired or distracted driving on our local streets and roads.
16. The City Council of the City of Carlsbad is not in session and will not hold its next meeting until August 30, 2022.

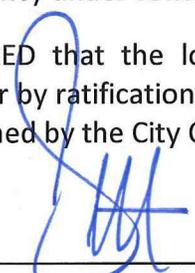
NOW, THEREFORE, IT IS PROCLAIMED that a bicycle, e-bike, and motorized mobility device safety local emergency now exists throughout the City of Carlsbad, California.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the local emergency, the powers, functions and duties of the emergency organization of the City of Carlsbad are those prescribed by state law, by ordinances and resolutions of the City of Carlsbad and by the City of Carlsbad Emergency Plan.

IT IS FURTHER PROCLAIMED AND ORDERED that all City of Carlsbad officials and employees cooperate and coordinate efforts with officials and employees of other political subdivisions and officials and employees of the state and federal government in bringing the conditions underlying the local emergency under control.

IT IS FURTHER PROCLAIMED AND ORDERED that the local emergency shall continue to exist for the next 7 days, and thereafter by ratification of the City Council of the City of Carlsbad, until its termination is proclaimed by the City Council.

Dated: 23 AUG 22

By:   
\_\_\_\_\_  
Scott Chadwick, City Manager &  
Director of Emergency Services



CITY COUNCIL  
**Staff Report**

**Meeting Date:** Aug. 30, 2022

**To:** Mayor and City Council

**From:** Scott Chadwick, City Manager

**Staff Contact:** Geoff Patnoe, Assistant City Manager  
 geoff.patnoe@carlsbadca.gov 442-339-2820

**Subject:** Ratification of a Proclamation of Bicycle, E-Bicycle and Motorized  
 Mobility Device Safety Local Emergency

**Districts:** All

**Recommended Action**

Adopt a resolution:

- Ratifying the Aug. 23, 2022, Proclamation of Bicycle, E-Bicycle and Motorized Mobility Device Safety Local Emergency in the City of Carlsbad, California
- Authorizing the Deputy City Manager of Administrative Services to appropriate \$2 million from unspent funds from the fiscal year 2021-22 General Fund budget to support the city's coordinated efforts to increase attention and resources on a range of solutions including infrastructure, safety, enforcement, and safe driving and riding education

**Executive Summary**

Carlsbad's City Manager/Director of Emergency Services proclaimed a state of local emergency<sup>1</sup> on Aug. 23, 2022, in response to a more than 200% increase in collisions involving bikes and e-bikes since 2019, including two fatalities since Aug. 7, 2022. The proclamation is intended to immediately increase attention and resources on a range of solutions including infrastructure, safety, enforcement and safe driving and riding education.

Upon proclaiming the local emergency, the City Manager authorized the redeployment of resources from the city's police, fire, transportation and communication departments to develop a comprehensive plan to address the emergency and actions that can be implemented immediately. This report requests funding to support immediate actions.

Staff are requesting authorization and funding to overstaff sworn positions by the equivalent of four fulltime positions for the remaining months of the fiscal year to expand enforcement. In addition, staff are requesting funding for overtime for additional enforcement efforts and to

<sup>1</sup> California Government Code Section 8630, and the City of Carlsbad's Emergency Services Ordinance, including Carlsbad Municipal Code Section 6.04.100(A)(1), empower the City Manager, as the City of Carlsbad's Director of Emergency Services, to proclaim the existence of a local emergency, subject to ratification by the City Council when there exists, or there is threatened to exist, conditions of extreme peril to safety of persons and property within the City of Carlsbad.

provide officer training to those who will in turn facilitate education and outreach to the community.

Staff will present a proposed comprehensive plan to City Council for consideration on Sept. 27, 2022.

## Discussion

### **Overview**

The exponential increase in e-bikes and cycling in general, around Carlsbad has led to a corresponding increase in collisions, including two tragic deaths in the last month. E-bikes have been a main focus of community concerns, but not the only focus. The emergency proclamation includes bikes, e-bikes and other motorized mobility devices.

### **From circulation to mobility**

Much of Carlsbad's transportation system has developed within the last 40 years, concurrent with the city's physical expansion. Transportation planning from the 1980s to 2015 was focused on improving car travel, with an emphasis on mitigating traffic congestion and delays. The city's Growth Management Program established standards for roadway level of service, requiring developers to fund roadway expansions as needed to accommodate new residents.

The 1994 General Plan and the Growth Management Plan helped assure that infrastructure was provided in a systematic fashion as the city grew and developed. The transportation system envisioned in the 1994 General Plan has largely been realized, with the majority of the street infrastructure constructed to its ultimate configuration.

In 2015, the City Council approved an updated General Plan. The Mobility Element of the updated plan sets out a new policy vision for moving *people* around Carlsbad rather than just cars. This new vision reflects the city's current stage of life as well as environmental and cultural trends.

For example, as the city looks increasingly to infill development rather than outward expansion, the primary transportation issues relate to protecting and enhancing the community's quality of life, as reflected in the core values of the Carlsbad Community Vision. The community's vision includes better pedestrian and bicycle connections between neighborhoods, destinations, and different parts of the community, and a balanced transportation system rather than a singular focus on automobile travel.

### **About e-bikes**

E-bikes and other newer modes of travel can be a very positive addition to transportation choices available to the community. E-bikes make bike riding much more accessible, especially on Carlsbad's hilly streets and for longer distances that may be otherwise too challenging for riders. They are environmentally friendly and support the city's Climate Action Plan goals to reduce greenhouse gas emissions.

Because a driver's license is not required to operate an e-bike in the state of California, and e-bikes can travel up to 28 mph, many riders lack the knowledge and maturity needed to ride safely. The city has received many complaints related to reckless riding, and the city has worked with local schools to host educational workshops for students and parents, as well as other strategies to address this concern.

## **City actions to date**

The City of Carlsbad has initiated several programs and actions in recent years to address traffic safety concerns and overall mobility in our community.

### Infrastructure improvements

In January 2021, the City Council approved the Sustainable Mobility Plan, an overarching strategy that includes expanding sidewalks and bike lanes while slowing down cars on streets throughout Carlsbad. The city's traffic engineers have completed several of these projects and have more in the planning stages. In June 2022, the City Council directed staff to further expedite streets projects in the current fiscal year's budget. However, with hundreds of miles of city roads, it will still take many years to complete the projects in the plan.

The city has also recently completed 10 residential traffic safety projects, which include working with specific neighborhoods to determine the best options to slow down traffic. Solutions often include installing speed "cushions," new signs, traffic circles and curb extensions. City staff are planning 11 more neighborhood safety projects in the year ahead.

### Public awareness and education

Beginning in 2021, the city launched an e-bike safety public awareness campaign with public service announcement videos, fliers and social media. Other efforts have included:

- Partnering with local schools to put on e-bike educational workshops for students and parents
- Partnering with mobility organizations to promote bike and e-bike safety workshops
- Deploying electronic speed sign and electronic message boards from December 2021 to August 2022
  - Speed signs installed at 23 locations throughout the city in response to traffic related complaints
  - Message board used at five locations throughout the city in response to traffic-related complaints

### Stricter laws

In April 2022, Carlsbad became the only city in the region to pass specific rules for e-bike riders and users of other motorized mobility devices (Exhibit 2). This provides Carlsbad police officers with more enforcement options, including a diversion program in which minors have the option to complete an e-bike safety course after their first offense.

### Enforcement

The City of Carlsbad Police Department has increased enforcement to improve traffic safety, including e-bike safety. This includes:

- Conducting interagency enforcement surge on June 22, 2022, resulting in 240 citations including violations of e-bike rules
- Dedicating a school resource officer to e-bike safety in the Village for the summer 2022 school break
- Through a California Office of Traffic Safety grant:
  - 2022 - Conducted five distracted driving details and seven bicycle safety details

- 2021 - Conducted two bicycle enforcement details and two pedestrian enforcement details
- 2020 - Conducted three bicycle safety operations, three distracted driver operations, as well as three operations that focused on both pedestrian and bicycle safety operations

### **About the emergency proclamation**

The California Emergency Services Act allows cities to proclaim a local state of emergency when needed to protect public safety in extreme circumstances. Carlsbad’s emergency proclamation went into effect immediately and was placed on the Aug. 30, 2022, meeting agenda so the City Council could consider whether or not to ratify the proclamation. If ratified, the emergency proclamation will then need to be reviewed by the City Council no less frequently than every 60 days until the City Council ends it.

Since the Aug. 23, 2022, emergency proclamation, the City Manager directed several immediate actions:

#### Procurement and resourcing

- Redeployed resources from the city’s police, fire, transportation and communication departments to develop a comprehensive plan to address the emergency and actions that can be implemented immediately
- Identified initial funding needed to support the actions necessary to address the emergency

#### Public awareness, education and enforcement

- Identified high collision and high traffic areas and deployed speed feedback signs and electronic messaging boards to remind motorists of the importance of roadway safety
- Deployed electronic messaging boards to remind motorists of the importance of roadway safety
- Sent information about emergency proclamation and traffic safety behaviors to 80,026 email addresses, with a 61% open rate
- Shared urgency of traffic safety issue and city’s emergency proclamation with local media, resulting in coverage from all local TV, radio and print outlets
- Coordinated with school districts and private schools in Carlsbad to share traffic safety messages in coordination with back to school
- Shared traffic safety messages through the city’s social media channels
- Began development of an enhanced public education campaign

#### Infrastructure

- Expedited execution of contracts and agreements to secure additional speed feedback signs and electronic messaging boards
- Accelerated current capital improvement projects that include green bicycle lane treatments and initiated another project for additional green bicycle lane treatments in high-collision areas in the city

#### Fiscal Analysis

Staff are requesting City Council approval to appropriate up to \$2 million from the city’s unspent fiscal year 2021-22 General Fund budget to be used to support the city’s coordinated

efforts to increase attention and resources on a short-term range of solutions including infrastructure, safety, enforcement and a focus on safe driving behavior education. The following are estimated costs that have been identified by staff:

<b>Action</b>	<b>Amount</b>
Overstaff Police Dept. sworn positions by four additional full-time officers	\$535,000
Police Dept. overtime for training and enforcement	\$100,000
Procure additional speed feedback signs and electronic messaging boards	\$250,000
Activities such as infrastructure, enforcement and safe driving behavior education	\$1,115,000
<b>Total</b>	<b>\$2,000,000</b>

### Next Steps

Staff will continue to expedite measures to address roadway safety. A report with additional activities for City Council’s consideration will be presented on Sept. 27, 2022.

### Environmental Evaluation

The allocation of funding for anticipated actions intended to mitigate the emergency, which includes infrastructure and safety improvements, and education and enforcement efforts focusing on safe driving behavior are a Class 1 categorical exemption under CEQA Guidelines Section 15301 - Existing Facilities. Specifically, Section 15301(c) exempts existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety), and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees and other similar alterations that do not create additional automobile lanes.

The anticipated improvements to the city’s existing mobility network under this action will improve public safety and address the critical issues raised in the emergency declaration. Actions are anticipated to involve negligible expansion of the current facilities and infrastructure beyond existing and will not result in additional automobile lanes. The actions are not expected to increase vehicular use of the roadway, will occur within the existing public right-of-way, and will not change the overall facility use of the mobility network. No exception to the exemption as sets forth in CEQA Guidelines Section 15300.2 applies.

For the reasons stated above, the action is categorically exempt from CEQA under CEQA Guidelines Section 15304(e), which applies to the minor temporary use of land having negligible or no permanent effects on the environment, and CEQA Guidelines Section 15304(h), which covers the creation of bicycle lanes on existing rights-of-way.

### Public Notification

This item was noticed in keeping with the Ralph M. Brown Act and it was available for public viewing and review at least 72 hours before the scheduled meeting date.

### Exhibits

1. City Council resolution
2. Carlsbad Municipal Code Chapter 10.56 – Operation of Regulated Mobility Devices

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, RATIFYING THE PROCLAMATION OF BICYCLE, E-BICYCLE AND MOTORIZED MOBILITY DEVICE SAFETY LOCAL EMERGENCY IN THE CITY OF CARLSBAD, CALIFORNIA DATED AUG. 23, 2022, BY THE DIRECTOR OF EMERGENCY SERVICES; AND, AUTHORIZING THE DEPUTY CITY MANAGER OF ADMINISTRATIVE SERVICES TO APPROPRIATE \$2 MILLION FROM UNSPENT FUNDS FROM THE FISCAL YEAR 2021-2022 GENERAL FUND BUDGET TO SUPPORT THE CITY'S COORDINATED EFFORTS TO INCREASE ATTENTION AND RESOURCES ON A RANGE OF SOLUTIONS INCLUDING INFRASTRUCTURE, SAFETY, ENFORCEMENT AND SAFE DRIVING AND RIDING EDUCATION

WHEREAS, on Aug. 23, 2022, the Carlsbad City Manager/Director of Emergency Services proclaimed a state of local emergency in response to an alarming increase (233%) in collisions involving bikes and e-bikes since 2019; and

WHEREAS, the Director of Emergency Services found:

1. Conditions or threatened conditions of extreme peril to the safety of persons and property have arisen within the City of Carlsbad caused by the increased prevalence of e-bicycles (e-bikes), other similar electric or motorized mobility devices, and traditional bicycles on city streets, which has led to increased collisions resulting in injury or death.
2. In 2019 there were 30 collisions involving bicycles or e-bikes reported in Carlsbad.
3. In 2020 there were 62 collisions involving bicycles or e-bikes reported in Carlsbad.
4. In 2021 there were 100 collisions involving bicycles or e-bikes reported in Carlsbad.
5. To date in 2022, 57 collisions involving bicycles or e-bikes were reported in Carlsbad.
6. U.S. traffic fatalities began climbing in 2020 and the deadly trend is continuing.
7. According to estimates by the National Highway Traffic Safety Administration, U.S. roadway deaths rose 10.5% in 2021 and an additional 7% during the first three months in 2022, the highest number for the first quarter in two decades.
8. The increase in deaths is due to speeding, impaired or distracted driving and other reckless behavior.
9. E-bikes are faster and heavier than traditional bicycles and e-bike injuries are more likely to be more severe and require hospitalization than traditional bicycle injuries.
10. E-bikes and similar electric or motorized mobility devices are increasingly used by school age children to go to and from school and for other activities on local streets.
11. Schools in the Carlsbad Unified School District opened on August 24, 2022, joining the other schools in Carlsbad and additional education facilities in the region that have already

opened or will be opening in the coming days, causing increased traffic on local streets and the potential for additional bicycle, e-bike or other vehicular collisions.

12. To counter the increasing number of bicycle or e-bike collisions, the Carlsbad Police Department increased enforcement and education efforts and, in April 2022, the city adopted an ordinance regulating mobility devices, including e-bikes.
13. On June 22, 2022, the Carlsbad Police Department hosted an interagency traffic enforcement day in Carlsbad where 240 traffic citations were issued.
14. Despite these efforts, the city continues to experience e-bike or bicycle collisions with vehicles, including two fatal collisions occurring within the past 17 days.
15. The city needs to continue these efforts and proactively seek out and implement additional measures to reduce the number of collisions involving bicycles or e-bikes while also educating the residents of Carlsbad about the dangers of impaired or distracted driving on our local streets and roads.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. The Proclamation of Local Emergency issued by the Director of Emergency Services is ratified (Attachment A) and the City Council adopts the findings and determinations made by the Director of Emergency Services in Support of the Proclamation.
3. The Proclamation of Local Emergency is extended and shall expire on Oct. 22, 2022, at 5 p.m., unless otherwise lawfully extended, or terminated earlier by the City Council.
4. That the Director of Emergency Services, or a designee, is directed and authorized to address any and all impacts and conditions caused by the emergency and to obtain any and all aid and assistance from local, county, state, or federal agencies, including but not limited to aid and assistance pursuant to the California Disaster Assistance Act, California Government Code Section 8690 et. Seq.
5. That the City Manager and Purchasing Officer, as a result of this Resolution ratifying the Proclamation of Local Emergency, are authorized to make purchases of supplies, equipment, or contractual services in the open market at the lowest obtainable price as set forth in and in compliance with Carlsbad Municipal Code Sections 3.28.110 (A) and, where appropriate, 3.28.120.
6. That the Deputy City Manager of Administrative Services is authorized to encumber \$2 million from the Fiscal Year 2021-22 General Fund balance to support the City's coordinated

efforts to increase attention and resources on a range of solutions including infrastructure, safety, enforcement and a focus on safe driving behavior education.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the \_\_\_ day of \_\_\_\_\_, 2022, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

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MATT HALL, Mayor

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FAVIOLA MEDINA, City Clerk Services Manager

(SEAL)

**PROCLAMATION OF BICYCLE, E-BICYCLE AND  
MOTORIZED MOBILITY DEVICE SAFETY LOCAL EMERGENCY  
IN THE CITY OF CARLSBAD, CALIFORNIA**

WHEREAS, the California Emergency Services Act, including California Government Code Section 8630, and the City of Carlsbad's Emergency Services Ordinance, including Carlsbad Municipal Code Section 6.04.100(A)(1), empower the City Manager, as the City of Carlsbad's Director of Emergency Services, to proclaim the existence of a local emergency, subject to ratification by the City Council, when there exists, or there is threatened to exist, conditions of extreme peril to safety of persons and property within the City of Carlsbad.

WHEREAS, the Director of Emergency Services finds:

1. Conditions or threatened conditions of extreme peril to the safety of persons and property have arisen within the City of Carlsbad caused by the increased prevalence of e-bicycles (e-bikes), other similar electric or motorized mobility devices, and traditional bicycles on city streets, which has led to increased collisions resulting in injury or death.
2. In 2019 there were 30 collisions involving bicycles or e-bikes reported in Carlsbad.
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6. U.S. traffic fatalities began climbing in 2020 and the deadly trend is continuing.
7. According to estimates by the National Highway Traffic Safety Administration, U.S. roadway deaths rose 10.5% in 2021 and an additional 7% during the first three months in 2022, the highest number for the first quarter in two decades.
8. The increase in deaths is due to speeding, impaired or distracted driving and other reckless behavior.
9. E-bikes are faster and heavier than traditional bicycles and e-bike injuries are more likely to be more severe and require hospitalization than traditional bicycle injuries.
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in the region that have already opened or will be opening in the coming days, causing increased traffic on local streets and the potential for additional bicycle, e-bike or other vehicular collisions.

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15. The city needs to continue these efforts and proactively seek out and implement additional measures to reduce the number of collisions involving bicycles or e-bikes while also educating the residents of Carlsbad about the dangers of impaired or distracted driving on our local streets and roads.
16. The City Council of the City of Carlsbad is not in session and will not hold its next meeting until August 30, 2022.

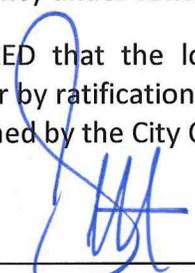
NOW, THEREFORE, IT IS PROCLAIMED that a bicycle, e-bike, and motorized mobility device safety local emergency now exists throughout the City of Carlsbad, California.

IT IS FURTHER PROCLAIMED AND ORDERED that during the existence of the local emergency, the powers, functions and duties of the emergency organization of the City of Carlsbad are those prescribed by state law, by ordinances and resolutions of the City of Carlsbad and by the City of Carlsbad Emergency Plan.

IT IS FURTHER PROCLAIMED AND ORDERED that all City of Carlsbad officials and employees cooperate and coordinate efforts with officials and employees of other political subdivisions and officials and employees of the state and federal government in bringing the conditions underlying the local emergency under control.

IT IS FURTHER PROCLAIMED AND ORDERED that the local emergency shall continue to exist for the next 7 days, and thereafter by ratification of the City Council of the City of Carlsbad, until its termination is proclaimed by the City Council.

Dated: 23 AUG 22

By:   
\_\_\_\_\_  
Scott Chadwick, City Manager &  
Director of Emergency Services

## Carlsbad, California Municipal Code

### Title 10 VEHICLES AND TRAFFIC

## Chapter 10.56 OPERATION OF REGULATED MOBILITY DEVICES

10.56.010 Definitions.

10.56.020 Operation of regulated mobility devices.

10.56.030 Enforcement.

10.56.040 Exemptions.

10.56.050 Severability.

### 10.56.010 Definitions.

“Bicycle” has the same meaning as in California [Vehicle Code](#) Section 231, as it may be amended from time to time.

“Electric bicycle” has the same meaning as in California [Vehicle Code](#) Section 312.5, as it may be amended from time to time.

“Electric personal assistive mobility device” has the same meaning as in California [Vehicle Code](#) Section 313, as it may be amended from time to time.

“Electrically motorized boards” has the same meaning as in California [Vehicle Code](#) Section 313.5, as it may be amended from time to time.

“Low speed vehicle” has the same meaning as in California [Vehicle Code](#) Section 385.5, as it may be amended from time to time.

“Motorized scooter” has the same meaning as in California [Vehicle Code](#) Section 407.5, as it may be amended from time to time.

“Operator” means a person who owns, operates, and/or controls a regulated mobility device.

“Public area” means any outdoor area that is open to the members of the public for public use, whether owned or operated by the city or a private party.

“Regulated mobility device” means a bicycle, electric bicycle, electric personal assistive mobility device, electrically motorized board, low-speed vehicle, motorized scooter, shared mobility device, and any other similar vehicle.

“Rider” means a traveler riding in or on a regulated mobility device who is not operating it.

“Shared mobility device” has the same meaning as in California [Civil Code](#) Section 2505, as it may be amended from time to time.

“Vehicle” has the same meaning as in California [Vehicle Code](#) Section 670, as it may be amended from time to time. (Ord. CS-419 § 2, 2022)

### **10.56.020 Operation of regulated mobility devices.**

A. **Prohibition of Regulated Mobility Devices Where Posted.** It is prohibited to operate or ride on a regulated mobility device in public areas where such prohibition is posted by signs or as otherwise set forth in this chapter. A list of public locations where regulated mobility devices are prohibited shall be on file in the city clerk’s office. The list may be amended from time to time by resolution of the city council.

B. **No Operating or Riding on Sidewalks and Public Facilities.** No person shall operate or ride a regulated mobility device upon any sidewalk, in any public drainage facility, culvert, ditch, channel, or any other public athletic/sports court, or gymnasium in the city.

C. **Duty to Operate with Due Care, Reduce Speed.**

1. The operator of a regulated mobility device shall exercise all due care and shall reduce the speed of the device, obey all traffic control devices, and take all other action relating to operation of the device as necessary to safeguard the operator, passengers, and any persons or other vehicles or devices in the immediate area. It shall also be unlawful to transport any other person upon the bar, handle bars, floorboard or other area of regulated mobility device not designed for passenger riding or designed for a single person, or cling to or attach oneself or one’s regulated mobility device with an operator or rider on board to any moving vehicle or motorized or non-motorized wheeled device.

2. Persons operating or riding a regulated mobility device on a city trail must dismount the regulated mobility device where the trail width is less than five feet and a pedestrian or equine is within a distance of 50 feet from the regulated mobility device. (Ord. CS-419 § 2, 2022; Ord. CS-139 § 1, 2011; Ord. NS-151 § 1; 1991; Ord. 3062 § 8)

### **10.56.030 Enforcement.**

In lieu of a fine or administrative citation as authorized by this code, and in lieu of filing charges in any court having jurisdiction over a violation, the police chief or designee may allow a violator of this chapter to complete a police department provided safety course for regulated mobility devices. (Ord. CS-419 § 2, 2022; Ord. 3064 § 3; Ord. 3062 § 11)

### **10.56.040 Exemptions.**

A. Public Agency Personnel. Notwithstanding any other provision of this chapter, or any other section of this code, city and public agency personnel may operate regulated mobility devices or other vehicles at any place in the city in the performance of their official duties.

B. Disability. This chapter is not intended to apply to or otherwise restrict regulated mobility devices used in a safe manner by physically disabled persons as defined under the Americans with Disabilities Act (42 U.S.C. Section 12101 et seq.). (Ord. CS-419 § 2, 2022)

### **10.56.050 Severability.**

If any portion of this chapter, or its application to particular persons or circumstances, is held to be invalid or unconstitutional by a final decision of a court of competent jurisdiction, the decision will not affect the validity of the remaining portions of this chapter or the application of the chapter to persons or circumstances not similarly situated. (Ord. CS-419 § 2, 2022)

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## **Contact:**

City Clerk: 442-339-2808

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