

Date of Hearing: March 23, 2022

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 2028 (Davies) – As Introduced February 14, 2022

SUBJECT: Pupil instruction: bicycle and scooter safety instruction

SUMMARY: Authorizes the governing board of any school district to provide time and facilities to an agency or organization that provides bicycle and scooter safety. Specifically, **this bill:**

- 1) Adds high schools to the list of public school entities of which the governing board of any school district having jurisdiction is authorized to provide time and facilities;
- 2) Includes other organizations or public entities other than law enforcement that provide safety instruction; and,
- 3) Revises the list of vehicles included in the safety training to include electric bicycles, motorized bicycles, and motorized scooters.

EXISTING LAW:

- 1) Expresses the intent of the Legislature that all California public schools, in cooperation with local law enforcement agencies, community leaders, parents, pupils, teachers, administrators, and other persons who may be interested in the prevention of campus crime and violence, to develop a comprehensive school safety plan that addresses the safety concerns identified through a systematic planning process. (Education Code Section (EC) Section 32280)
- 2) Authorizes the governing board of any school district having jurisdiction over any elementary, intermediate, or junior high school to provide time and facilities to any local law enforcement agency having jurisdiction over the schools of the district, for bicycle safety instruction. (EC 51860)
- 3) Establishes the Civic Center Act at each public school facility and grounds where school-based organizations and councils, parent teacher associations, external and community organizations may engage in supervised recreational activities and hold meetings. Authorizes the governing board of a school district to grant the use of school facilities or grounds upon the terms and conditions the governing board deems proper for various purposes. (EC 38131)
- 4) Requires the governing board of a school district to authorize the use of any school facilities or grounds under its control to nonprofit organizations, and clubs or associations organized to promote youth and school activities, including, but limited to: 1) Girl Scouts, Boy Scouts, Camp Fire, Inc.; 2) parent-teachers' associations; and 3) school-community advisory council. Authorizes the governing board to charge an amount not to exceed its direct costs for use of its school facilities based on an adopted policy specifying which activities shall be charged a fee. (EC 38134(a))

FISCAL EFFECT: This bill has been keyed non-fiscal by the Office of Legislative Counsel.

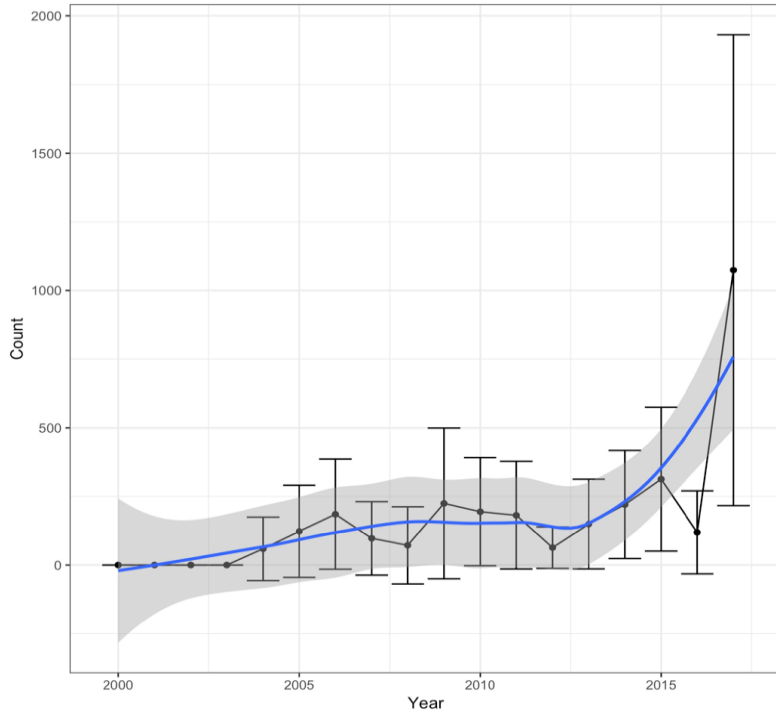
COMMENTS:

Need for the bill. The author states, “California is leading the way when it comes to our push for cleaner ways to get around our communities. One of the great technologies to come out of this push is the popularity of electric and motorized bikes and scooters. While these products are easy to access, they do require some getting used to. This is especially true if the person operating one has never driven anything before. AB 2028 is a simple measure to allow all students, regardless of age, to have this training if a school district wishes to partner with law enforcement or other public agencies to provide safety training and exercises.”

E-bikes and electric scooters have different use and injury patterns compared to traditional pedal operated bicycles. According to a 2019 article by The Injury Prevention Journal, *Injuries associated with electric-powered bikes and scooters: analysis of US consumer product data*, people using electric bicycles (E-bikes) were more likely to suffer internal injuries and require hospital admission. Additionally, powered scooter injuries were nearly three times more likely to result in a diagnosis of concussion. E-bike-related injuries were also more than three times more likely to involve a collision with a pedestrian than either pedal bicycles or powered scooters. However, there was no evidence that powered scooters were more likely than bicycles to be involved in a collision with a pedestrian.

While population-based rates of pedal bicycle-related injuries have been decreasing, particularly among children, reported E-bike injuries have been increasing dramatically. In the study published in The Injury Prevention Journal, an analysis of injury patterns and trends associated with E-bikes, powered scooters, and pedal bicycles from 2000 to 2017 using the US National Electronic Injury Surveillance System was conducted. Younger age groups, most notably ages 10-14, accounted for most power scooter injuries.

Figure 1. E-bike injury rates treated in US Emergency departments per 100,000 total US population from 2000-2017. (Source: The Injury Prevention Journal, 2019)

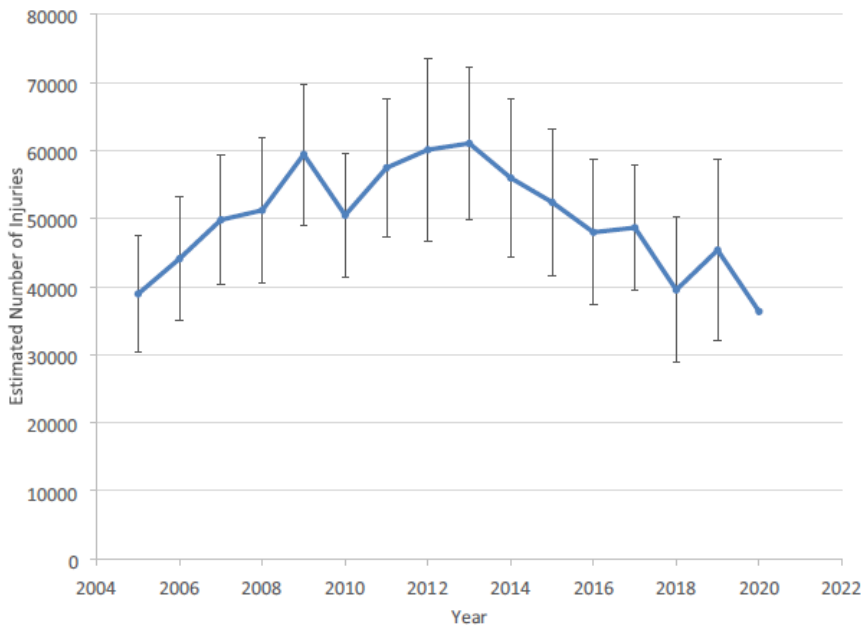


Injuries from nonmotorized scooters in the United States are still sizeable in number.

According to the study published in the American Journal of Emergency Medicine, *Injuries from nonmotorized scooters treated in emergency departments in the United States, 2005–2020*, injuries from nonmotorized scooters in the United States are still sizeable in number and can be prevented by greater use of protective equipment. Injuries predominate among males and children in the age category of 5 to 9. Over time, the geographic location of injuries has shifted away from the home location and increased in “places of recreation

or sport” or “other public places.” This study has found that injuries from nonmotorized scooters have spiraled downwards in recent years in the United States. While this is a positive observation, injuries from nonmotorized scooters still approximates 40,000 annually. Young children, especially those in the 5 to 9 and 10 to 14 year old age groups, are particularly vulnerable to being injured. ***The Committee may wish to consider adding nonmotorized scooters to address the injury rate associated with the mode of transportation.***

Figure 2. Nonmotorized scooter injuries by year in the United States. (Source: American Journal of Emergency Medicine, 2022)



Alternate transportation is expected to grow.

Cycling is on the rise in California. According to the California Transportation Plan 2050 (CTP 2050), a publication from California Department of Transportation (Caltrans) that provides a blueprint for the future of California transportation, “In the months following the outbreak of COVID-19,

more Americans embraced active travel. California cities that typically have low bicycle ridership, such as Riverside and Oxnard, experienced a 90% to 125% increase in bicycle miles traveled. Stockton, Bakersfield, Fresno, Sacramento, and San Diego also experienced increases

of more than 50%. Trends suggest that travelers shifted from transit to active travel when risks increased. In San Francisco, many residents who needed to make essential trips opted to walk or bike. Recreational biking and walking have also skyrocketed. The Rails-to-Trails Conservancy observed a 110% increase in trail use compared to the same period in 2019.”

CTP 2050 estimates that bicycle and pedestrian travel could increase by 45% by 2050. It goes on to note that this increase only represents a half percent mode shift away from auto use, and that “If we are to achieve our climate goals and improve public health and quality of life in California communities, we must do more to make active transportation a viable and competitive mode of transportation.”

Schools are currently partnering with non-profits and law enforcement. Currently, there is no central source that states how many safety classes are being conducted statewide. According to the California Highway Patrol, the agency created a Bicycle Safety Course with information related to bicycle safety and maintenance. The online course is open to anyone; however, there is no safety information regarding the safety guardrails for motorized scooter and E-bikes.

The city of Encinitas, in partnership with the San Diego County Bicycle Coalition, offers free-of-charge classes on road rules, where to ride, general bike safety, emergency maneuvers, legal rights and responsibilities available to all schools, including high schools, in the city. A special focus on regulations for e-bikes and tips about where to ride and how to ride an e-bike legally and safely are included in the instruction (Source: Encinitasca.gov).

Intent of the Civic Center Act. The Civic Center Act was originally enacted to ensure public access to publicly funded facilities for purposes that benefit the community. It requires the governing board of a school district to authorize the use of any school facilities or grounds under its control to nonprofit organizations, and clubs or associations organized to promote youth and school activities, including, but limited to, the Girl Scouts, Boy Scouts, Camp Fire, Inc., parent-teachers' associations; and a school-community advisory council.

Liability protection. School districts are protected from liability in certain conditions. The Tort Claims Act governs all lawsuits brought against local governmental entities, including school districts. The Act provides school districts with protection from liability for injuries to recreational users of school property. There are a few statutes imposing liability that could potentially apply to a school district which include:

- 1) Liability for a “dangerous condition” on its property meaning a risk of injury when the property used with regular care in a normal manner i.e. a tree covering a stop sign.
- 2) Liability for an injury is caused by a school’s failure to carry out a “mandatory duty” such as supervision during school-sponsored events.

Arguments in opposition. One individual states, “There’s no reason for this to be restricted to electric/motorized transportation devices.”

Related legislation. AB 122 (Boerner Horvath) of the 2021-2022 Session would have required a person riding a bicycle, when approaching a stop sign at the entrance of an intersection, to yield the right-of-way to any vehicles that have either stopped at or entered the intersection, or that are approaching on the intersecting highway close enough to constitute an immediate hazard, and to

pedestrians, as specified, and continue to yield the right-of-way to those vehicles and pedestrians until reasonably safe to proceed. This bill was vetoed by the Governor, with the following message:

While I share the author's intent to increase bicyclist safety, I am concerned this bill will have the opposite effect. The approach in AB 122 may be especially concerning for children, who may not know how to judge vehicle speeds or exercise the necessary caution to yield to traffic when appropriate.

AB 2989 (Flora), Chapter 552, Statutes of 2018, permits a local authority to authorize the operation of a motorized scooter on a highway with a speed limit of up to 35 miles per hour and would additionally allow for operation of a motorized scooter on a highway with a higher speed limit if the motorized scooter is operated within a Class IV bikeway.

AB 1096 (Chiu), Chapter 568, Statutes of 2015, defines an "electric bicycle" as a bicycle with fully operable pedals and an electric motor of less than 750 watts, and would create 3 classes of electric bicycles and required a person riding an electric bicycle to comply with the above-described requirements relating to the operation of bicycles.

AB 2519 (Calderon) of the 2015-2016 Session would have required school safety plans to include strategies that prevent, respond to, and educate on potential incidents involving crime, violence, or medical emergency on the school campus and before and after school activities. This bill was held in Senate Education Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file

Opposition

One individual

Analysis Prepared by: Javier Garcia / ED. / (916) 319-2087, Debbie Look / ED. / (916) 319-2087