

July 17, 2024

The Honorable Judge Mark Talamantes
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988
PDF file sent to: CourtroomL@marin.courts.ca.gov

AND

Rod Kerr, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room #275
San Rafael, CA 94903
PDF file sent to: grandjury@marincounty.org

Judge Talamantes and Foreperson Kerr,

The Town of Ross' response to the FY 2023-2024 Civil Grand Jury Report "*With Power Comes Responsibility, Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk*" (April 26, 2024) is attached. The attached document responds to all the requests made for responses from the Town of Ross.

Respectfully submitted,

Christa Johnson
Town Manager

RESPONSE FORM: 2023-2024 Marin Civil Grand Jury Report

Report Title: With Power Comes Responsibility, Youths under age 16 Operating Class 2-E-bikes: A Safety Risk

Respondent/Agency Name: Town of Ross

Submitter Name: Chief Raffaello Pata Title: Chief of Police

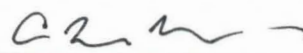
FINDINGS

- Agree with the findings numbered: F1-F6
- Disagree *partially* with the findings numbered: _____
- Disagree *wholly* with the findings numbered: _____

(Attach a **statement** specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered R2 and R3 have been implemented.
(Attach a **summary** describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a **timeframe** for the implementation.)
- Recommendations numbered R1 (a, b and c) require further analysis.
(Attach an **explanation** and the scope and parameters of an analysis or study, and a **timeframe** for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This **timeframe shall not exceed six months** from the date of publication of the grand jury report.)
- Recommendations numbered R4 will not be implemented because they are not warranted or are not reasonable.
(Attach an **explanation**.)

Date: 7/11/24 Signed: 

Number of pages attached: 4

RESPONSE TO GRAND JURY FINDINGS

F1. The increasing number of e-bike accidents involving youths under the age of 16 presents a public health and safety danger in Marin.

Response: Agree

F2. The operation of class 2 e-bikes by operators under the age of 16 poses a significant risk to the safety of e-bike operators, other bike riders, passengers, and pedestrians on sidewalks, streets, multi-use paths, and trails in Marin.

Response: Agree

F3. The emerging and increasing safety issues related to class 2 e-bike use by operators under the age of 16 has not been addressed by Marin County or the municipalities in a uniform manner.

Response: Agree

F4. For all practical purposes, the state of California has abdicated its responsibility to regulate the use of class 2 e-bikes, leaving it up to the County of Marin and the Marin municipalities to create their own regulations.

Response: Agree

F5. The funding to continue the e-bike specific safety and training program (E-bike Smart Marin) provided by the Marin County Bicycle Coalition is not sustainable without new sources of funding.

Response: Agree

F6. Marin County public schools are not currently able to implement additional bicycle safety training programs for students, beyond what has been offered by Safe Routes to Schools for many years.

Response: Agree

RESPONSE TO GRAND JURY RECOMMENDATIONS

Recommendation R1 (a, b, c), states that by December 31, 2024, the Board of Supervisors, and each municipality in Marin should take all steps necessary to adopt an ordinance with regard to class 2 e-bikes with, at minimum, the following provisions:

- **R1 (a) Only people aged 16 or older may operate a Class 2 E-Bike**
- **R1 (b) Operators of Class 2 E-Bikes must wear helmets.**
- **R1 (c) All passengers must wear helmets.**

Response: These recommendations require further analysis.

The Town of Ross recommends these items be further explored before implementation to reduce confusion between existing state law and to further understand what a County Ordinance would entail. Items such as funding and resources for children and parents who violate the ordinance should be in place before enacting a new ordinance. Further exploration is not a disagreement with the findings but allows opportunity for thoughtful implementation.

R2. Recommendation R2 outlines that the County of Marin and each municipality take steps to establish a joint task force or committee to investigate and consider coordination among the county and municipalities about adopting a county-wide uniform set of regulations regarding E-Bike use withing the County of Marin. This recommendation suggests a December 31, 2024, target date for implementation.

Response: The recommendation has been implemented.

The Town of Ross Chief of Police is actively involved with the Marin County Police Chiefs' Association, that formed a committee to explore E-Bike safety, identify challenges and discuss education efforts. Findings are not binding but may develop best practices to assist communities in finding the right practice for their town or city. The committee was formally established on June 20, 2024.

R3. Recommendation R3 states that any task force or committee as described in R2 should consider inviting representatives from the Marin County schools, law enforcement, public health officials and bicycle advocates to provide their suggestions.

Response: The recommendation has been implemented.

A Task Force or committee as described in Recommendation R2 would be too large if it were to include representatives of all the described entities throughout Marin County. A more effective strategy is for each municipality to collect feedback and suggestions from its local stakeholders and bring that information to the Marin County Police Chiefs' Association committee that has

been established to explore E-bike safety. For example, the Town of Ross Police Department staff have been actively involved with the Ross School District including its principals, students, families, and the Ross School District Superintendent David Rice, in ongoing discussions regarding E-bike safety. Staff have also been interacting with advocates, including meetings and phone calls with representatives of the E-Bike Access group, the Marin Bike Coalition and Safe Routes to School. The Town of Ross Police Department has enacted two initiatives on its own, starting two years ago entitled "Beary Good Rider" and "Ride Safe in Ross." In addition, the Ross Police Department has collaborated with the Ross School to create peer education programs and messaging to the students and parents on E-Bike safety and unsafe riding consequences.

R4. Recommendation R4 states that by December 31, 2024, the Marin County Board of Supervisors should explore options for additional funding for student and public education in Marin County about E-Bike safety.

Response: This recommendation will not be implemented because it is not warranted.

The decision regarding implementation of this recommendation must come from the agency responsible for finding the funding and expending staff resources to fulfill the recommendation.