

Urban Carmel
Mayor
Stephen Burke
Vice Mayor
Max Perrey
Councilmember



Caroline Joachim
Councilmember
Jim Wickham
Councilmember
Todd Cusimano
City Manager

July 15, 2024

The Honorable Judge Mark Talamantes
Marin County Superior Court
Post Office Box 4988
San Rafael, CA 94913-4988

Rod Kerr, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room 275
San Rafael, CA 94903

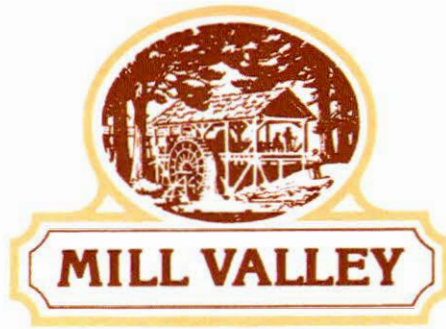
Dear Judge Talamantes and Foreperson Kerr,

At its regular meeting on July 15, 2024, the City Council reviewed the report *"With Power Comes Responsibility Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk"* dated April 26, 2024. The report calls for a response from the City of Mill Valley to findings F1, F2, F3, F4, F5, F6 and recommendations R1, R2, R3, R4.

The City of Mill Valley supports the use of alternate means of transportation, including E-bikes. E-bikes reduce reliance on fossil fuels and vehicle miles traveled, furthering the City's goals with respect to climate change. The City does not want to discourage students from using E-bikes to safely commute to school.

That said, the City agrees that the increasing number of E-bike accidents involving youths in Marin County presents a significant concern, and that additional safety regulation is required. The City notes that age-based regulations may be difficult to enforce, however, and the City has not found that Class 2 E-bikes present a significantly greater danger of accidents than Class 1 E-bikes. The City would like to see more data linking rider age with the type of E-bike before considering age-based regulations related to the type of bike.

Finally, the City notes that with respect to public streets and highways, the state legislature has preempted local governments and severely limits the types of regulations that a local government can adopt. The City supports the formation of a joint task force or committee to evaluate options and work on a coordinated response in Marin County. While the actions of the County Board of Supervisors are not within the jurisdiction or control of the City, the City supports seeking additional funding for a countywide student and public education E-bike safety program.



Please see the attached response to the Grand Jury report from the City.

Should the members of the Grand Jury require any additional information, please feel free to contact me at 415-388-4033 or citymanager@cityofmillvalley.org.

Sincerely,

S. M. F. G.

Urban Carmel
Mayor
City of Mill Valley

RESPONSE TO GRAND JURY REPORT FORM

Report Title: "With Power Comes Responsibility: Youths under age 16 Operating Class 2 E-Bikes A Safety Risk."

Report Date: April 26, 2024

Agenda Date: July 15, 2024

Response by: Mill Valley City Council

Title: Mayor Urban Carmel

FINDINGS:

- Agree with the findings numbered: F1, F3, F4, F5, F6
- Disagree partially with the findings numbered: F2
- 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 _____ have been implemented.

(Attach a summary describing the implemented actions.)

- Recommendations numbered R2, R3 have not yet been implemented, but will be implemented in the future.

(Attach a timeframe for the implementation.)

- Recommendations numbered R1, R4 require further analysis.
- Recommendations numbered: _____ will not be implemented

because they are not warranted or are not reasonable.

FINDINGS AND RESPONSES

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

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.

Disagree. This finding requires further analysis, as more accurate information needs to be collected.

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.

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.

Agree. In fact, California law preempts local regulations with respect to public streets and highways, leaving local governments with limited options for regulating e-bikes in those areas.

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.

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.

Agree.

R1. 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:

(a) Only people aged 16 or older may operate class 2 e-bikes.

(b) Operators of class 2 e-bikes must wear helmets.

(c) All passengers on class 2 e-bikes must wear helmets.

Recommendation number **R1 (a)** will not be implemented because it requires further analysis at this time.

Recommendation number **R1 (b&c)** Agree.

As to the issue surrounding age, it is difficult for law enforcement to surmise the age of the operator in mere passing; making enforcement stops based solely to verify the operator's age a concern for law enforcement.

Furthermore, the only difference between a Class 1 and Class 2 E-bike is that a Class 2 E-bike has a throttle control. Both have motors that cannot emit power in excess of 750 watts, enabling the E-bike to travel up to 20 mph. Based on the Marin County Health and Human Services Bicycle Safety Dashboard, there is no evidence that the mere presence of a throttle control, Class 2, is causing any more accidents than pedal assist, Class 1. More accurate data needs to be collected and provided on the Bicycle Safety Dashboard related to the specific class of E-bike accidents. With the current data available, we see no reason to differentiate the laws between Class 1 and Class 2 E-bikes with regard to age.

California law adequately codifies the usage of helmets for E-bikes based on age and class of E-bike. (21212 CVC-All operators and passengers under 18 years of age shall wear a helmet when riding an E-bike).

R2. By December 31, 2024, the County of Marin and each municipality in Marin should take all steps necessary 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 within the County of Marin.

Agree. The City supports the formation of a countywide task force or committee that would investigate the issues and coordinate with Marin County jurisdictions to provide

consistency in enforcement and education policies throughout the county and its municipalities.

R3. Any task force or committee as described in Recommendation 2, above, should consider inviting representatives from Marin County schools, law enforcement, public health officials, and bicycle advocates to provide their input.

Agree. A countywide task force or committee should involve all relevant partners that have a stake in the process.

R4. By December 31, 2024, the Board of Supervisors should explore options for additional funding for student and public education in Marin County about e-bike safety.

Agree. While County expenditures are outside of the City's jurisdiction, the City would support the Marin County Board of Supervisors taking action to explore funding opportunities for a countywide student and public education E-bike safety program.