



CITY OF NOVATO
CALIFORNIA

July 23, 2024

The Honorable Judge Mark Talamantes
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

RE: Response to Grand Jury Report “With Power Comes Responsibility – Youths Under Age 16 Operating Class 2 E-Bikes: A Safety Risk”

Dear Honorable Judge Talamantes

At its regular meeting on July 9, 2024 the Novato City Council reviewed the above report which requests the City Council respond to Findings F1– F6 and Recommendations R1-R4 as contained in the report.

Attached please find the City of Novato's response.

If the members of the Grand Jury require additional information, please contact City Manager Amy Cunningham at acunningham@novato.org.

We appreciate the work of the Grand Jury and thank you for your service to our residents and the Marin County community.

Sincerely,

Mark Milberg, Mayor
City of Novato

Attachments (1)

cc: Ron Kerr, Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Room #275
San Rafael, CA 94903

922 MACHIN AVENUE, NOVATO, CA 94945 | PHONE: 415.899.8900 | NOVATO.ORG

Mayor Mark Milberg | Mayor Pro Tem Tim O'Connor | Councilmembers Pat Eklund • Rachel Farac • Susan Wernick
City Manager Amy Cunningham

Response to Grand Jury Report

Report Title: With Power Comes Responsibility - Youths Under Age 16 Operating Class
2 E-Bikes: A Safety Risk

Respondent/Agency Name: City of Novato

Your Name: Mark Milberg Title: Mayor

FINDINGS

- I (we) agree with the findings numbered: **F1, F2, F3, F4, F5, and F6**
- I (we) disagree *partially* with the findings numbered: **N/A**
- I (we) disagree *wholly* with the findings numbered: **N/A**

RECOMMENDATIONS

- Recommendation numbered R1: The recommendation requires further analysis.
- Recommendation numbered R2: The recommendation requires further analysis.
- Recommendation numbered R3: The recommendation requires further analysis.
- Recommendation numbered R4: The recommendation will not be implemented because it is not warranted or is not reasonable.



Date: 07/23/24

Signed: _____

Mayor
City of Novato

Number of pages attached: 2

**RESPONSE OF THE CITY OF NOVATO TO GRAND JURY REPORT
WITH POWER COMES RESPONSIBILITY
YOUTHS UNDER AGE 16 OPERATING CLASS 2 E-BIKES: A SAFETY RISK**

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

- 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.

Response: This recommendation requires further analysis. Additional research is needed and coordination among jurisdictions would be required. This matter will be brought back to the City Council for an update and to determine next steps on or before October 26, 2024.

- 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.

Response: This recommendation requires further analysis. Additional research is needed and coordination among jurisdictions would be required. The City of Novato agrees with this recommendation and has agreed to participate in a joint task force or committee, which could provide consistency in enforcement and education policies throughout the County and its municipalities, however the City of Novato reserves the right to explore individual options specific to Novato. This matter will be brought back to the City Council for an update and to determine next steps on or before October 26, 2024.

- 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.

Response: This recommendation requires further analysis. Additional research and coordination among jurisdictions would be required. The City of Novato agrees with this recommendation and has agreed to participate in a regional task force or committee that involves all relevant partners that have a stake in the process, however the City of Novato reserves the right to explore individual options specific to Novato. This matter will be brought back to City Council for an update and to determine next steps on or before October 26, 2024.

- 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.

Response: This recommendation will not be implemented because it is not warranted or is not reasonable. It is not applicable to this jurisdiction and should be commented on by the Board of Supervisors only.