



RESPONSE TO GRAND JURY REPORT FORM

Town of Tiburon

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

Report Date: April 26, 2024

Response By: Town of Tiburon

FINDINGS

- We agree with Findings numbered: **F1, F2, F3,**
- We disagree with Finding **F4**
- We partially disagree with Findings **F5 and F6**

RECOMMENDATION

- Recommendations numbered: **R1, R2, R3 and R4** require further analysis.

Date: August 7, 2024

Signed: _____

Number of pages attached: 4

Alice Fredericks
Mayor

Holli Thier
Vice Mayor

Isaac Nikfar
Councilmember

Jack Ryan
Councilmember

Jon Welner
Councilmember

Greg Chanis
Town Manager



Office of the Town Manager

Town of Tiburon

August 7, 2024

The Honorable Mark Talamantes

Presiding Judge of the 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

Alice Fredericks
Mayor

Holli Thier
Vice Mayor

Isaac Nikfar
Councilmember

Jack Ryan
Councilmember

Jon Welner
Councilmember

Re: Response to Grand Jury Report: *With Power Comes Responsibility: Youth Under Age 16 Operating Class 2 E-bikes: A Safety Risk*

Greg Chanis
Town Manager

Dear Honorable Judge Talamantes and Foreperson Kerr:

This letter explains in detail the Town of Tiburon's response to the Civil Grand Jury Report dated April 26, 2024: "*With Power Comes Responsibility: Youth Under Age 16 Operating Class 2 E-bikes: A Safety Risk*". The Report directs the Town to respond to Findings F1-F6, and Recommendations R1-R4.

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.

Response- The Town of Tiburon agrees with this Finding.

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- The Town of Tiburon agrees with this finding.

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- The Town of Tiburon agrees with this Finding.

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- The Town of Tiburon disagrees with this finding.



Although the Town would welcome additional efforts from both the State and Federal level regarding more uniform regulations related to E-bikes, there have been numerous pieces of legislation introduced over the past 10 years related to e-bike safety and ridership.

- **State Assembly Bill 1096 (Chiu, 2015)**: currently regulates class 2 and other e-bikes. Among its provisions is a requirement that all riders under age 17 wear a helmet on any type of bicycle; that the maximum speed for a class 2 e-bike be established at 20 mph; and that all e-bikes in California be equipped with an identifying sticker for use by traffic enforcement.
- **State Senate Bill 381 (Min, 2023)**: requires the Mineta Transportation Institute at San Jose State University to conduct a study to inform efforts to improve the safety of e-bikes and to submit a report of the findings from the study to the Legislature by January 2026. The bill would require the study to examine, identify, and analyze available information regarding, among other things, data on injuries, crashes, emergency room visits, and deaths related to bicycles and electric bicycles and best practices for policy to promote safe use of electric bicycles.
- **Proposed State Assembly Bill 2234 (Boerner, 2024)**: would authorize the San Diego Electric Bicycle Safety Pilot Program, authorizing a local authority within the County of San Diego, or the County of San Diego in unincorporated areas, to adopt an ordinance or resolution that would prohibit a person under 12 years of age from operating a class 1 or 2 electric bicycle. When first introduced, AB 2234 proposed to prohibit children under 12 from operating e-bikes of any class statewide and would also require all e-bike riders to either possess a driver's license or pass an e-bike safety course. The bill was later modified to be limited to San Diego County. This bill was introduced in the previous session as AB 530.
- **Proposed State Assembly Bill 2259 (Boerner, 2024)**: Would require the California State Transportation Agency (DMV) to develop and distribute, on or before September 1, 2025, a bicycle safety handbook that includes information on, among other things, existing laws regulating bicycles and e-bikes.
- **Proposed State Assembly Bill 1774 (Dixon, 2024)**: Aims to curb the sales of e-bike modification devices which can increase the speed of e-bikes through after-market modifications. The bill would prohibit the sale of any product or device that can modify the speed capability of an electric bicycle such that it no longer meets the definition of an electric bicycle.
- **Proposed Assembly Bill 1778 (Connolly, 2024)**: Would allow Marin County, or any municipality in Marin County, to adopt ordinances limiting the age of class 2 e-bike riders to 16 and older, and would require all class-2 e-bike riders to wear a helmet. When first introduced, AB 1778 proposed to prohibit youth under 16 from operating class 2 e-bikes statewide, but was later modified to be limited to Marin County.

Alice Fredericks
Mayor

.....
Holli Thier
Vice Mayor

.....
Isaac Nikfar
Councilmember

.....
Jack Ryan
Councilmember

.....
Jon Welner
Councilmember

.....
Greg Chanis
Town Manager



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- The Town of Tiburon partially disagree with this finding.

The Town cannot completely agree or disagree with this finding as we are not adequately informed as to the funding of the Marin County Bicycle Coalition.

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- The Town of Tiburon partially disagrees with this finding.

The Town cannot completely agree or disagree with this finding as we are not adequately informed as to the ability of individual school districts to provide additional programs related to bicycle safety.

RECOMMENDATIONS AND RESPONSES

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

Regarding proposed Provision A, both Class 1 and Class 2 e-bikes have motors that are limited to 750 watts and must stop providing motor assistance at 20mph. The only difference being that Class 2 e-bikes are equipped with a throttle allowing the bikes motor to provide assistance without the rider pedaling. Although this capability in Class 2 e-bikes increases the complexity of riding this type of e-bike, we have not seen clear evidence suggesting the presence of a throttle alone inherently causes more accidents than pedal assist only e-bikes (Class 1 and Class 3). In addition, if enacted, AB 1778 would provide a clearer framework for Marin County jurisdictions to consider and enact additional restrictions if warranted in the future.

With regards to proposed provisions B and C, the California Vehicle Code adequately codifies the usage of helmets for e-bikes based on age and class of E-Bike, with CVC 21212 requiring 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

Alice Fredericks
Mayor

Holli Thier
Vice Mayor

Isaac Nikfar
Councilmember

Jack Ryan
Councilmember

Jon Welner
Councilmember

Greg Chanis
Town Manager



adopting a county-wide uniform set of regulations regarding e-bike use within the County of Marin.

Response- *This recommendation requires further analysis*

Tiburon town staff have been informally collaborating with staff from other jurisdictions on this matter and would be happy to support and participate in a more formal group in the future.

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*

As noted in our response to R3, the Town would support the formation of a countywide group to discuss e-bike use and regulations, and would agree that any group formed for this purpose should seek input from a wide group of stakeholders, including the entities listed in the recommendation

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 should be commented on by the County of Marin Board of Supervisors.

Sincerely,

Greg Chanis, Town Manager

Town of Tiburon

Alice Fredericks
Mayor

Holli Thier
Vice Mayor

Isaac Nikfar
Councilmember

Jack Ryan
Councilmember

Jon Welner
Councilmember

Greg Chanis
Town Manager