



THE TOWN OF  
CORTE MADERA  
MARIN COUNTY CALIFORNIA

300 Tamalpais Drive  
Corte Madera, CA  
94925-1492

[www.townofcortemadera.org](http://www.townofcortemadera.org)

Town Manager  
Town Council  
415-927-5050

Town Clerk  
415-927-5085

Finance Department  
415-927-5055

Central Marin Fire Department  
415-927-5077

Planning Division  
415-927-5064

Building Division  
415-927-5062

Public works Department  
415-927-5057

Parks and Recreation  
Department  
415-927-5072

Sanitary District No. 2  
415-927-5057

Central Marin Police Authority  
415-927-5150

July 17, 2024

The Honorable Judge Mark Talamantes  
Marin County Superior Court  
P.O. 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

**Town of Corte Madera 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 and Foreperson Kerr:

At its regular meeting on July 16, 2024, the Town 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 Town of Corte Madera to findings 1, 2, 3, 4, 5, 6, (F1, F2, F3, F4, F5, F6) and recommendations 1, 2, 3, and 4 (R1 (a), (b), and (c) and R2, R3, and R4).

After careful consideration and coordination with the Central Marin Police Authority (CMPA), Corte Madera has determined that the Town will not be implementing the recommendations outlined in the report at this time. The decision is based on our local context, existing policies, and practical considerations. CMPA has worked closely with the community and our schools for over a year to find a path for safer e-bike usage. Additionally, existing laws in the California Vehicle Code that regulate basic rider rules that serve as powerful tools for compliance. There are additional state laws including provisions in the California Vehicle Code that are specific to e-bikes, and more State legislation around e-bike safety is likely in the future.

The Town remains committed to promoting safe e-bike usage within our community. We will continue to explore alternative approaches and collaborate with relevant agencies to address safety concerns related to e-bikes and we thank the Grand Jury for the valuable contribution to our community.

Please see the attached responses. Should the members of the Grand Jury require any additional information, please contact Town Manager Adam Wolff at 415-927-5059 or [awolff@cortemadera.gov](mailto:awolff@cortemadera.gov)

Sincerely,

  
Eli Beckman

Mayor, Town of Corte Madera

## 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 Corte Madera

Submitter Name: Eli H. Beckman Title: Mayor

### FINDINGS

- Agree with the findings numbered: F1 - F3
- Disagree *partially* with the findings numbered: F5 and F6
- Disagree *wholly* with the findings numbered: F4

(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 \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a **timeframe** for the implementation.)
- Recommendations numbered \_\_\_\_\_ 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 R1(a), (b), & (c) and R2- R4 will not be implemented because they are not warranted or are not reasonable.  
(Attach an **explanation**.)

Date: July 17, 2024 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: Wholly Disagree.

There has been a significant amount of legislation introduced in recent years targeting e-bike safety and ridership, including legislation related to class 2 e-bikes. The challenges associated with passing new legislation reflect the need to balance more stringent regulations with the benefits associated with e-bike use by all age groups

Several bills introduced in recent years targeting e-bikes include, but are not limited to:

- [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.

**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: Partially Disagree.

We cannot agree or wholly disagree with this finding as the Marin Bicycle Safety Coalition is best suited to opine regarding its funding model.

**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: Partially Disagree.

We cannot agree or wholly disagree with this finding as Marin County public schools are best suited to opine on their capacity to implement additional bicycle safety training programs

## **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:** Recommendation number R1 will not be implemented because it is not warranted.

The public health and safety challenges associated with e-bikes do not primarily lie with the age of Class 2 e-bikes operators when used legally pursuant to the California Vehicle Code. Both Class 1 and Class 2 e-bikes are required to stop providing electric motor assistance once the bike reaches a speed of 20 mph. The difference between a Class 1 and Class 2 e-bike is that a Class 2 e-bike has throttle control. We are not aware of evidence that the presence of a throttle control causes any more accidents than pedal assist e-bikes and the Grand Jury does not recommend that an ordinance similarly create age restrictions for Class 1 e-bikes. Further, existing California regulations regarding helmets require those under 18 to wear a helmet while operating either a Class 1 or Class 2 e-bike.

The primary public health and safety issue regarding Class 2 e-bikes is that some manufacturers are labeling and marketing electric motorcycles and motorized bicycles, vehicles which require the operator to have a driver's license and have the vehicle registered with the Department of Motor Vehicles (DMV), as Class 2 e-bikes.

For example, the Central Marin Police Authority have discovered that many motorized bicycles and electric motorcycles are being operated with labels stating they are "class 2 -750 watts" e-bikes, when, in fact they are legally defined as motorized bicycles/mopeds or electric motorcycles.

For example, one popular brand of motorized bicycle being used comes with an attached label stating "class 2-750 watts," when in fact this brand has motors that produce significantly more than 750 watts. This brand of bike has a power output of 750 watts when it is first turned on, but this output doubles and more, when a simple adjustment is made on the handlebar or through an app. This brand clearly states this fact on their website.

In addition, this brand has the ability to travel in excess of 20 mph using only the throttle. This brand also clearly states this fact on their website. This brand of e-bike is not a legal e-bike pursuant to the California Vehicle Code, they are instead motorized bicycles/mopeds or electric motorcycles. This brand, and many other similar brands, are being questionably marketed and sold as Class 2 e-bikes, even though they are not due to their motor output and top throttle speeds.

Preventing retailers from selling electric motorcycles to those not legally able to ride them (those under 16), or restricting the storage of electric motorcycles at school facilities, along with education campaigns targeting parents and kids, may prove more effective at targeting the primary concerns related to Class 2 e-bikes described above.

Nonetheless, the Town, working in collaboration with the Central Marin Police Authority and other

stakeholders, will continue to evaluate potential regulatory options over the coming year.

**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:** Recommendation number R2 will not be implemented because it is not warranted.

Communication and coordination related to e-bike issues, regulations and other potential measures to address e-bike safety currently exists at the Marin County Police Chiefs Association, where an informal committee is seeking to share best practices to assist communities in developing effective approaches. As discussed in response R1, the Town has not come to the conclusion that new local regulations will be the most effective way to address e-bike safety, and therefore expending considerable time and effort forming and convening a task force with the adoption of new regulations the stated, predetermined outcome, is not the best use of our resources, particularly when coordination and collaboration amongst Marin agencies is already occurring.

**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:** Recommendation number R3 will not be implemented because it is not warranted. Given that the Town's response to recommendation R2 is that recommendation R2 will not be implemented, it follows that recommendation R3 will likewise not be implemented. Nonetheless, the Central Marin Police Authority's Chief is already discussing e-bike safety concerns and potential measures to address with local schools, county officials, and bicycle advocates.

**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.

Recommendation number R4 is not applicable to this jurisdiction and should be commented on only by the Board of Supervisors.