



# FAIRFAX TOWN COUNCIL MEETING STAFF REPORT

**MEETING DATE** July 17, 2024  
**PREPARED FOR** Mayor and Town Council  
**PREPARED BY** Rico Tabaranza, Chief of Police  
**SUBJECT** Approve Responses to the 2023-2024 Marin County Civil Grand Jury Report entitled "[With Power Comes Responsibility Youth Under Age 16 Operating Class 2 E-Bikes: A Safety Risk](#)"

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## RECOMMENDATION

Approve responses to the Marin County Civil Grand Jury Report entitled "[With Power Comes Responsibility Youth Under Age 16 Operating Class 2 E-Bikes: A Safety Risk](#)"

## BACKGROUND

In California, civil grand juries are authorized to "investigate and report upon the operations, accounts, and records of the officers, departments, functions, and the method or system of performing the duties of any such city or joint powers agency and make such recommendations as it may deem proper and fit" ([Cal. Penal Code section 925a](#)). Within 90 days after the grand jury submits a report regarding the operations of any public agency, the "governing body of the public agency shall comment to the presiding judge of the superior court on the findings and recommendations pertaining to matters under the control of the governing body..." ([Cal. Penal Code section 933\(c\)](#)).

## DISCUSSION

The Civil Grand Jury Report titled "[With Power Comes Responsibility Youth Under Age 16 Operating Class 2 E-Bikes: A Safety Risk](#)" conducted an investigation to determine the extent of the problem when children under age 16 operate e-bikes in Marin, and to explore possible solutions. The Grand jury concluded that children under age 16 who operate class 2 e-bikes in Marin pose a danger to themselves and others. The Grand Jury also concluded that the same dangers do not apply to youths riding class 1 e-bikes in Marin.

As a result of its investigation, the Grand Jury recommends that Marin County and each of its municipalities closely communicate with each other about the issues addressed in this report. Responses to the report from the involved agencies and entities are due by July 25, 2024. The Grand Jury has requested the Town of Fairfax respond to Findings F1-F6 and Recommendations R1-R4.

Staff has reviewed the Grand Jury Report and drafted responses. The responses show that the Town of Fairfax agrees with the findings and has made comments on the recommendations.

## FISCAL IMPACT

None.

## ATTACHMENTS

Responses to Grand Jury Report

**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: Fairfax Town Council and Fairfax Police Chief Submitter Name: \_\_\_\_\_ Title: \_\_\_\_\_

**FINDINGS**

- Agree with the findings numbered: F1, F2, F3, F4, F5, F6
- Disagree *partially* with the findings numbered: N/A
- Disagree *wholly* with the findings numbered: N/A

**RECOMMENDATIONS**

- Recommendations numbered N/A have been implemented.
- Recommendations numbered N/A have not yet been implemented but will be implemented in the future.
- Recommendations numbered R2, R3 require further analysis.
- Recommendations numbered R1, R4 will not be implemented because they are not warranted or are not reasonable.

Dated: July 17, 2024

Signed: \_\_\_\_\_  
Barbara Coler, Mayor of Fairfax

ATTEST:

\_\_\_\_\_  
Christine Foster, Deputy Town Clerk

Number of pages attached: 2

## **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.**

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.**

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.**

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.

**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.

## **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.**

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

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.

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. 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.**

This recommendation requires further analysis, research and coordination among jurisdictions. The Town of Fairfax agrees with this recommendation and is available to participate in a joint task force or committee, which could 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.**

This recommendation requires further analysis, research and coordination among jurisdictions. The Town of Fairfax agrees with this recommendation and is available to participate in a regional task force or committee that involves 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.**

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