

Mayor Colin and Members of the City Council,

The Marin County Bicycle Coalition (MCBC) has been engaged since the beginning of the e-bike revolution to both encourage e-bike use as a viable alternative to driving and to promote safe and courteous riding. Thanks to a grant from Marin County, we developed a curriculum for responsible e-bike riding, and have taught 4 classes for middle and high school students in Marin County, instructing over 100 participants. We have also developed and promoted an e-bike buyers guide, to help ensure that parents purchasing an e-bike for their child selects one that complies with legal requirements. In all, we are working hard to both support e-bike use and encourage safe riding for users of all ages.

In April 2024, the Marin County Civil Grand Jury released a report about e-bike safety titled, "With Power Comes Responsibility," highlighting the potential risks inherent in e-bike use by Marin's teenagers. Jurisdictions across the County are being asked to respond to the report's findings and detail whether or not they will implement its recommendations.

The report recommends (R1) that Marin's Board of Supervisors and each of its municipalities take all steps necessary to adopt an ordinance that would require that:

- (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

While MCBC is broadly supportive of the recommendations to establish an e-bike safety task force (R2 and R3) and provide funding for e-bike safety (R4), there are several issues with the three parts of recommendation R1 that we believe should be made clear.

Pending State Legislation

These recommendations cannot yet be implemented, as they run counter to the regulations of e-bikes laid out in the California Vehicle Code (CVC). However, the pending bill by Assemblymember Damon Connolly, AB 1778, would permit jurisdictions in Marin to enact a local ordinance prohibiting people under age 16 from operating a class 2 e-bike and/or requiring all operators of class 2 e-bikes to wear helmets. If the bill is signed by the Governor, Marin's jurisdiction will be able to implement item either (a) and/or (b) of recommendation R1, but not item (c), which the bill is silent on.

Legal Consistency Across Municipal and County Boundaries

A concern MCBC has had with AB 1778 since it was converted to a Marin County-only pilot program has been one of consistency. The purpose of having a uniform vehicle code is to ensure that users of our roadway network have a consistent experience when traveling municipal boundaries. Drivers do not need to question if they are required to wear a seat belt in one city but not another. A stop sign always means the same thing. A troubling consequence of a pilot program that only operates in Marin County is the potential for some jurisdictions to adopt different aspects of AB 1778, or ignore it entirely. Few people in Marin could accurately trace the

boundaries between Larkspur, Corte Madera, and the unincorporated community of Greenbrae. Unless the three jurisdictions all adopt the same ordinance at the same time, a teen rider traveling along Lucky Drive could find themselves subject to three different legal requirements, all within the course of a few hundred feet.

Even if all 12 jurisdictions in Marin County adopt the same provisions of AB 1778, the additional matter remains of inter-county travel. Few places in California are as well known for people riding their bikes from another county as is Sausalito. Every day in summer, many hundreds of riders (an increasing number of them on e-bikes) cross the Golden Gate Bridge and descend Alexander Avenue to Bridgeway in Sausalito. Because of the Marin-only nature of the pilot, many of these riders could be subject to fines that they will not have known about as soon as they reach the north end of the bridge.

The Challenges Inherent in Enforcement

There are a number of difficulties that law enforcement would face in implementing the requirements of AB 1778. First, class 2 e-bikes are not readily identifiable from a distance. Only the act of traveling flat or uphill without pedaling, or the presence of a throttle, separates them from a class 1 e-bike, whose legal status would be unchanged. Furthermore, to enforce provision (a) of recommendation R1, law enforcement would have to discern between 15 and 16-year-olds, many of whom do not carry photo identification.

Shortcomings of the Grand Jury Report

While we have heard plenty of anecdotal evidence that younger riders are riding recklessly, the Grand Jury Report does not convincingly make the case that class 2 bicycles are to blame.

First, the Marin County Bicycle Accident Dashboard, which the report relies on, simply does not disambiguate between classes of e-bike, making it impossible to account for the relative safety of the three classes.

Second, the dashboard considers as “e-bikes” devices such as Sur-Rons and Super73s. MCBC refers to these as “out of class” devices, which are sold to unwitting consumers as e-bikes but are capable of higher speeds than permitted by the current regulatory framework spelled out by the CVC. MCBC firmly believes these vehicles to be dangerous and has argued against their sale. However, it is already the case that they are illegal to ride for users of any age on streets and pathways, which causes their conflation with legal class 1 and 2 e-bikes to muddy the findings of the report.

Lastly, the report focuses mostly on the disparate crash rates between young people and older riders (see findings F1, F2, and F3), but makes a recommendation that *all* operators of class 2 e-bikes, irrespective of age, wear a helmet. This recommendation strikes us as a non sequitur, and is not backed up by any evidence provided in the report.

Reaping the Benefits While Addressing Concerns

We at MCBC have a 25-year commitment to working toward the safety of our young riders, and we recognize that there have been real growing pains that have come with the recent e-bike revolution. MCBC supports enforcement against “out of class” devices used by young people, as well as enforcement against riders endangering pedestrians by traveling too fast on our county’s many shared-use paths.

However, we must recognize that by substantially changing the laws governing e-bikes in order to crack down on a few scofflaws, we risk pushing hundreds of law-abiding young riders off of their e-bikes and back into their parents' cars. When used responsibly, e-bikes give our young people freedom to travel without an adult chauffeur, cleaning our air and reducing traffic at the same time. Do we think that everyone who purchased a class 2 e-bike for their teen will go out and buy a class 1 e-bike instead? Or will they just give their kid a ride back up the hill from school?

We believe that e-bikes can be a huge boon for a county like Marin, with its challenging traffic and topography. We agree that certain irresponsible bike manufacturers are selling dangerous, mislabeled products to families. But the remedy is not greater regulation on currently-legal bicycles, but rather regulation at the state level to stop these bad actors. If we want to encourage people to get out of their cars and get active, the last thing we need is a patchwork of confusing regulations and punitive ticketing.

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