

**From:** Bob Mittelstaedt [REDACTED]  
**Sent:** Friday, July 12, 2024 8:16 PM  
**To:** Distrib- City Clerk <city.clerk@cityofsanrafael.org>  
**Cc:** Jonathan Frieman [REDACTED]  
**Subject:** Agenda Item No. 6.a. Response to Grand Jury Report on E-Bike Safety

On behalf of the e-bike members of E-Bike Access, we applaud Lt. Huber for his excellent Agenda Report. We fully support the proposed responses to the Grand Jury's findings and recommendations, with the following suggested changes.

We also request that the Council agendaize for an August meeting the broader topic of how the SRPD and schools can work together to enforce the existing laws against illegal, overpowered throttle motorcycles mislabeled as class 2 e-bikes. Time is of the essence as parents are buying new bikes for use in the Fall. It should be made clear to parents that the schools will not allow motorcycles even if they bear a class 2 e-bike label.

## **GRAND JURY RECOMMENDATIONS**

**R1:** The staff's proposed response is for "more research and analysis before adopting an e-bike-specific ordinance; however, the City agrees that provisions a through c, at a minimum, be included" -- namely, that operators of class 2 e-bikes (those with throttles that do not require pedaling) must be 16 or older and that operators and passengers must wear helmets.

Those are the three provisions recommended by the Grand Jury. For clarity and to comply with Penal Code 933, we propose that the response be re-worded to say:

"This recommendation will be implemented within 30 days of enactment of AB 1778 giving San Rafael the authority to adopt the ordinance. It will include, at a minimum, the provisions recommended by the Grand Jury."

The staff's proposed response suggests that the ordinance will not be brought to the City Council until the first quarter of 2025. We are concerned with this delay, given the mounting accident rate for children under 16. The ordinance is very straightforward and limited to the authority that will be provided by AB 1778, It can only

- a) "prohibit a person under 16 years of age from operating a class 2 electric bicycle;"
- b) "require a person operating a class 2 electric bicycle to wear a bicycle helmet, as described in subdivision (b) of Section 21213;" and
- c) "make a violation an infraction punishable by a fine of \$25 or completion of an electric bicycle safety and training course pursuant to Section 894 of the Streets and Highways Code."

That ordinance can and should be drafted now and enacted as soon as AB 1778 passes which is expected to be next month.

If a county-wide task force or anyone else eventually proposes additional provisions, the City Council can consider an additional ordinance in due course. But the basic minimum age ordinance should not be delayed. We don't want more parents buying throttle devices for their children under 16 for the next six months while a task force ponders and debates what additional provisions, if any, should be added. And we don't want more children to add to the already shocking accident rates -- which are five times higher for children 10-15 than other age groups.

**R2:** Again we applaud the SRPD for embracing the recommended countywide task force with respect to other aspects of regulating e-bike usage. It is unclear, however, what is meant by the qualification that the response is "limited to the part of the recommendation to **begin** the process of collaborating with the County and other municipalities." As important as **beginning** the process is, it means nothing if the collaboration is not continued beyond that.

So we would recommend deleting that ambiguous qualification.

Some other municipalities have suggested that the county-wide task force be limited to Police Chiefs. As central as their role is, we think it is more consistent with the grand jury's sentiment if the various stakeholders including the schools, parents, students, public health and bicycle advocates are included not just as occasional presenters but as task force members. We request that San Rafael's response make this clear. The meetings of the Task Force should be open to the public, and we are uncertain whether Police Chief Association meetings are.

**R3:** The proposed agreement here is without qualification, which is appropriate.

## **AGENDA ITEM FOR AUGUST MEETING**

The staff report notes that even before the grand jury report, the SRPD reached out to the SR Schools, bicycle advocacy groups, e-bike retailers, and residents on e-bike safety issues. Our non-profit, E-bike Access, was a catalyst and participant in that endeavor. Based on our work with other Marin communities, we are firmly convinced that the most effective and immediate solution is a school registration program that screens out the overpowered throttle devices sold as class 2 e-bikes like Super73. There is only so much that the police can do working alone. And despite the efforts to date outlined in the staff report, the unfortunate fact is that our streets and schools are still full of motorcycles labeled as e-bikes.

For that reason, we request that the Council agendaize for an August meeting the broader topic of how the SRPD and schools can work together to enforce the existing laws against illegal, overpowered throttle motorcycles mislabeled as class 2 e-bikes. The Council should receive a presentation by the police and schools on how they intend to stop

students from using illegal throttle devices to ride to and from school even before the minimum age ordinance is passed..

Time is of the essence as parents are buying new bikes for use in the Fall. It should be made clear to parents that the schools will not allow motorcycles even if they bear a class 2 e-bike label.

We are happy to lend support to this effort.



<https://www.ebikeaccess.org>