

indicating how the various classes of electric bicycles relate to the various classes of bicycle lanes for operator use (see **Exhibit 1**).

The proposed amendments (shown in redlined format in **Exhibit 2**) follow the guidance provided in the Vehicle Code and the chart. In addition, for safety purposes, the amendments propose a 15 mile per hour speed limit for wheeled vehicles and devices on Old Rail Trail, replacing the currently vague “unsafe speed” standard. Electric bicycles and exclusively pedal-powered bicycles can achieve speeds in excess of 15 miles per hour. Staff expects that electric bicycle users will either not feel the need to use the electric motor on the level Old Rail Trail, or will throttle back to a reasonable speed within the 15 mile per hour limit when on Old Rail Trail.

ENVIRONMENTAL STATUS

Adoption of this ordinance is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Sections 15301 and 15061(b)(3).

STAFF RECOMMENDATION

Following a public hearing, staff recommends that the Town Council:

1. Hold a public hearing and consider any testimony.
2. Move to read by title only and introduce the ordinance (**Exhibit 3**) amending Title VI, Chapter 23 (Motor Vehicles and Traffic) of the Tiburon Municipal Code, waiving further reading. Hold a roll call vote on the introduction. The item would return for adoption at the next regular Town Council meeting.

EXHIBITS

1. California Electric Bicycle Policy chart.
2. Redlined version of proposed amendments.
3. Draft Ordinance.

Prepared by: Scott Anderson, Director of Community Development

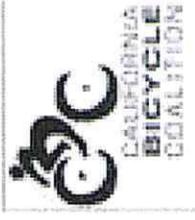


CALIFORNIA ELECTRIC BICYCLE POLICY



	VEHICLE			USER			BIKEWAY ACCESS			
	PEDESTAL OPERATED	MAXIMUM MOTOR-ASSISTED SPEED (MPH)	MINIMUM AGE (YEARS)	DRIVER'S LICENSE	LICENSE PLATE	HELMET	CLASS I BIKE PATH	CLASS II EDGE LANE	CLASS III BIKE ROUTE	CLASS IV PROTECTED LANE
BICYCLE 	YES	N/A	N/A	NO	NO	17 AND UNDER	YES	YES	YES	YES
TYPE 1 E-BIKE 	YES	20	N/A	NO	NO	17 AND UNDER	YES	YES	YES	YES
TYPE 2 E-BIKE 	NO	20	N/A	NO	NO	17 AND UNDER	YES	YES	YES	YES
TYPE 3 E-BIKE 	YES	28	16	NO	NO	YES	NO	YES	YES	YES
MOPEL 	NO	N/A	16	YES	YES	YES	NO	YES	YES	NO

*REVISED 08-2016



REDLINED VERSION OF AMENDMENTS

23-24 Vehicles and horses prohibited on bicycle/pedestrian paths.

(a) No person shall operate or drive any motorized vehicle upon any portion of any bicycle or pedestrian paths owned by the Town of Tiburon. This prohibition shall not apply to: ~~the Town of Tiburon's official vehicles, or to emergency vehicles, operated by public employees.~~

- (1) The Town of Tiburon's official vehicles, or to emergency vehicles, operated by public employees;
- (2) Vehicles operated by any public utility company engaged in emergency repairs, or any vehicle operated under the terms of a valid encroachment permit issued by the Town of Tiburon;
- (3) Any "class 1 electric bicycle" or "low-speed pedal-assisted electric bicycle." as defined in California Vehicle Code section 312.5;
- (4) Any "class 2 electric bicycle" or "low-speed throttle-assisted electric bicycle." as defined in California Vehicle Code section 312.5.

(b) No person shall permit or allow any horse to enter any paved portion, exclusive of identified crossing points, of any bicycle or pedestrian path owned by the Town of Tiburon.

23-25 Use of vehicles on ~~multi-use path~~ Old Rail Trail.

(a) Permitted vehicles and devices. The following uses shall be permitted only on the asphalt concrete portion of that certain multi-use path owned by the Town of Tiburon, commonly known as Old Rail Trail, and formerly the Northwestern Pacific Railroad Company right-of-way, more particularly described in those certain deeds conveying the property to the Town of Tiburon, recorded in Book 2426, Page 99, and Book 2429, Page 428, of the Official Records of Marin County:

- (1) Roller skates or roller blades;
- (2) Skateboards;
- (3) Pedal-powered, non-motorized bicycles or tricycles with a width of not more than thirty-six inches and used for recreational purposes;
- (4) "Class 1 electric bicycles" or "low-speed pedal-assisted electric bicycles" and "class 2 electric bicycles" or "low-speed throttle-assisted electric bicycles." as defined in California Vehicle Code section 312.5;
- (4) (5) Baby carriages and strollers;
- (5) (6) Conveyances for disabled persons;
- (6) (7) Emergency vehicles;
- (7) (8) Department of public works vehicles.

(9) Vehicles operated by any public utility company engaged in emergency repairs, or any vehicle operated under the terms of an encroachment permit issued by the Town of Tiburon.

(b) Vehicles required to yield the right-of-way to pedestrians. Under all circumstances the rider or operator of wheeled vehicles or devices which are permitted uses on ~~the multi-use path~~ Old Rail Trail under subsection (a) of this section, shall yield the right-of-way to pedestrians; due and proper care for the health and safety of pedestrians shall at all times be exercised by the rider or operator of such vehicles or devices.

(c) Group riding. No more than two persons shall ride or operate wheeled vehicles or devices side-by-side on ~~the multi-use path~~ Old Rail Trail.

(d) Racing—Unsafe riding. It is unlawful for any person riding or operating any wheeled vehicle or device to race any other such vehicle or device or person upon ~~the multi-use path~~ Old Rail Trail. It is also unlawful for any person riding or operating any wheeled vehicle or device to engage in any unsafe riding or operating which endangers the health or safety of any person, including the operator or such vehicle.

(e) Dangerous speed. It is unlawful for any person to ride or operate any wheeled vehicle or device on ~~the multi-use path~~ Old Rail Trail at a speed greater than fifteen (15) miles per hour, an unsafe speed, or to endanger the health, safety or property of any other person while riding or operating any wheeled vehicle or device on ~~the multi-use path~~ Old Rail Trail, or to ride or operate such vehicle or device on ~~the multi-use path~~ Old Rail Trail in a reckless, wanton or careless manner so as to endanger the health or safety of any person, including such rider or operator.

(f) Applicability of traffic regulations. Every person who rides or operates any wheeled vehicle or device permitted on ~~the multi-use path~~ Old Rail Trail shall have all the rights and shall be subject to all of the duties applicable to the driver of a vehicle under this chapter except those provisions which by their very nature can have no application to such persons.

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4 **ORDINANCE NO. 567N.S. (DRAFT)**
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6 **AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON**
7 **AMENDING MUNICIPAL CODE TITLE VI, CHAPTER 23 (REGULATION OF**
8 **MOTOR VEHICLES AND TRAFFIC) TO AUTHORIZE THE USE OF CERTAIN**
9 **CLASSES OF ELECTRIC BICYCLES ON BICYCLE AND PEDESTRIAN PATHS**
10 **OWNED BY THE TOWN OF TIBURON, INCLUDING OLD RAIL TRAIL, AND TO**
11 **ESTABLISH A MAXIMUM SPEED LIMIT ON OLD RAIL TRAIL**
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14 The Town Council of the Town of Tiburon does ordain as follows:

15 **SECTION 1. ADOPTION OF AMENDMENTS TO MUNICIPAL CODE.**

16 **A. Title VI, Chapter 23, Section 23-24 is amended to read as follows:**

17 23-24 Vehicles and horses prohibited on bicycle/pedestrian paths.

18 (a) No person shall operate or drive any motorized vehicle upon any portion of any
19 bicycle or pedestrian paths owned by the Town of Tiburon. This prohibition shall not
20 apply to:

- 21
- 22 (1) The Town of Tiburon's official vehicles, or to emergency vehicles, operated by
23 public employees;
 - 24 (2) Vehicles operated by any public utility company engaged in emergency repairs, or any
25 vehicle operated under the terms of a valid encroachment permit issued by the Town
26 of Tiburon;
 - 27 (3) Any "class 1 electric bicycle" or "low-speed pedal-assisted electric bicycle," as
28 defined in California Vehicle Code section 312.5;
 - 29 (4) Any "class 2 electric bicycle" or "low-speed throttle-assisted electric bicycle," as
30 defined in California Vehicle Code section 312.5.

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32 (b) No person shall permit or allow any horse to enter any paved portion, exclusive of
33 identified crossing points, of any bicycle or pedestrian path owned by the Town of
34 Tiburon.

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EXHIBIT NO. 3

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B. Title VI, Chapter 23, Section 23-25 is amended to read as follows:

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23-25 Use of vehicles on Old Rail Trail.

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(a) Permitted vehicles and devices. The following uses shall be permitted only on the asphalt concrete portion of that certain multi-use path owned by the Town of Tiburon, commonly known as Old Rail Trail, and formerly the Northwestern Pacific Railroad Company right-of-way, more particularly described in those certain deeds conveying the property to the Town of Tiburon, recorded in Book 2426, Page 99, and Book 2429, Page 428, of the Official Records of Marin County:

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(1) Roller skates or roller blades;

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(2) Skateboards;

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(3) Pedal-powered, non-motorized bicycles or tricycles with a width of not more than thirty-six inches and used for recreational purposes;

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(4) "Class 1 electric bicycles" or "low-speed pedal-assisted electric bicycles" and "class 2 electric bicycles" or "low-speed throttle-assisted electric bicycles," as defined in California Vehicle Code section 312.5;

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(5) Baby carriages and strollers;

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(6) Conveyances for disabled persons;

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(7) Emergency vehicles;

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(8) Department of public works vehicles.

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(9) Vehicles operated by any public utility company engaged in emergency repairs, or any vehicle operated under the terms of an encroachment permit issued by the Town of Tiburon.

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(b) Vehicles required to yield the right-of-way to pedestrians. Under all circumstances the rider or operator of wheeled vehicles or devices which are permitted uses on Old Rail Trail under subsection (a) of this section, shall yield the right-of-way to pedestrians; due and proper care for the health and safety of pedestrians shall at all times be exercised by the rider or operator of such vehicles or devices.

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(c) Group riding. No more than two persons shall ride or operate wheeled vehicles or devices side-by-side on Old Rail Trail.

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(d) Racing—Unsafe riding. It is unlawful for any person riding or operating any wheeled vehicle or device to race any other such vehicle or device or person upon Old Rail Trail. It is also unlawful for any person riding or operating any wheeled vehicle or device to engage in any unsafe riding or operating which endangers the health or safety of any person, including the operator or such vehicle.

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(e) Dangerous speed. It is unlawful for any person to ride or operate any wheeled vehicle or device on Old Rail Trail at a speed greater than fifteen (15) miles per hour,

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80 or to endanger the health, safety or property of any other person while riding or
81 operating any wheeled vehicle or device on Old Rail Trail, or to ride or operate such
82 vehicle or device on Old Rail Trail in a reckless, wanton or careless manner so as to
83 endanger the health or safety of any person, including such rider or operator.
84

85 (f) Applicability of traffic regulations. Every person who rides or operates any wheeled
86 vehicle or device permitted on Old Rail Trail shall have all the rights and shall be
87 subject to all of the duties applicable to the driver of a vehicle under this chapter except
88 those provisions which by their very nature can have no application to such persons.

89 **SECTION 2. SEVERABILITY.**

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91 If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to
92 be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision
93 shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the
94 Town of Tiburon hereby declares that it would have passed this Ordinance, any section,
95 subsection, sentence, clause or phrase thereof, irrespective of the fact that anyone or more
96 sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.
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98 **SECTION 3. PUBLICATION AND EFFECTIVE DATE.**

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100 This Ordinance shall take effect and be in force thirty (30) days after the date of passage, and
101 before the expiration of fifteen (15) days after passage by the Town Council, a copy of the
102 ordinance shall be published with the names of the members voting for and against it at least
103 once in a newspaper of general circulation published in the Town of Tiburon.
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105 This ordinance was introduced at a regular meeting of the Town Council of the Town of Tiburon
106 on _____, 2016, and was adopted at a regular meeting of the Town Council of the Town
107 of Tiburon on _____, 2016, by the following vote:

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109 AYES: COUNCILMEMBERS:

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111 NAYS: COUNCILMEMBERS:

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113 ABSENT: COUNCILMEMBERS:

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ERIN TOLLINI, MAYOR
TOWN OF TIBURON

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119 ATTEST:

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123 DIANE CRANE IACOPI, TOWN CLERK