



August 20, 2024

The Honorable Maria Hernandez
Presiding Judge of the Superior Court
Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92701

RE: City of Fullerton Response to the 2023-2024 Orange County Grand Jury Report –
E-Bikes: Friend or Foe

Dear Presiding Judge Hernandez:

The Fullerton City Council and City Manager's Office have reviewed the June 20, 2024 Orange County Grand Jury Report "*E-bikes Friend or Foe.*" We thank the Grand Jury for its interest of local jurisdictions' ordinances and policies regarding E-Bikes in relation to their safe operation. As required by California Penal Code Sections 933 and 933.05, the City of Fullerton is responding to the findings and recommendations included in the report.

FINDINGS:

F1. The majority of Orange County's 34 cities do not have ordinances or policies in place, which makes it difficult to address the safe operation and regulation of E-bikes leading to confusion.

Response: The respondent agrees with the finding.

Currently, the City of Fullerton does not have any ordinances or policies in place regarding the regulation of E-bikes. There are only ordinances for bicycles. However, the City has recently engaged in discussions with several Orange County jurisdictions regarding e-bikes. As a result, the City of Anaheim has been designated as the lead agency, working in coordination with the Orange County Transportation Authority (OCTA) to develop a regional ordinance for consideration.

F2. Due to the increasing incidence of E-bike injuries and deaths, there is a need for consistent and accurate tracking by law enforcement and first responders, which does not exist now.

Response: The respondent agrees with the finding.

The City of Fullerton agrees that there is a need for consistent and accurate tracking by the City's law enforcement and first responders. As there are no ordinances in place, we currently do not have an accurate and consistent method of specifically tracking incidences of E-bike-related injuries and deaths. The City can further investigate the feasibility of tracking such incidences.

F3. Training and education on E-bike use and safety varies from city to city causing confusion amongst bike riders.

Response: The respondent agrees with the finding.

The City of Fullerton agrees that there is a lack of uniformity in how each city in Orange County train and educate their residents on E-bike usage and safety. Ordinances for bicycles, alone vary by city to city so the City agrees that the training and education are as varied. With a regional model of ordinance, there is an opportunity to create a uniformed public education and training on e-bike usage and safety.

RECOMMENDATIONS

R1. Each Orange County city should have specific policies that define the rules of the road for use of E-bikes in their communities by December 1, 2024.

Response: The recommendation requires further analysis, with 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 head 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.

The City of Fullerton agrees that there should be rules defined for the use of E-bikes in the community. The development and implementation of specific policies requires further analysis and if the goal is to standardize policies across the cities, then there needs to be an agreement on these policies. This initiative will require significant time beyond the deadline of December 1, 2024. As stated, the City has started to discuss this with several Orange County jurisdictions to develop a standardized regional model ordinance that is consistent to all participating jurisdictions.

R2. Each Orange County city should have a mechanism in place to report accidents, injuries and deaths involving E-bikes by December 1, 2024.

Response: The recommendation requires further analysis, with 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 head 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.

The City of Fullerton recognizes the necessity of establishing a reporting mechanism for accidents, injuries, and fatalities involving E-bikes. However, similar to R1, this initiative will require significant time beyond the deadline of December 1, 2024. Implementation involves coordinating across multiple departments, researching optimal reporting and tracking methods, and training staff to accurately track and collect the data.

R3. Each Orange County city should research and develop outreach and education programs regarding the safe operation of E-bikes for their residents by December 1, 2024.

Response: The recommendation requires further analysis, with 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 head 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.

The City of Fullerton agrees that there should be research and the development of outreach and education programs regarding the safe operation of E-bikes for Fullerton Residents. However, similarly to R1 and R2, the timeframe to have this completed by December 1, 2024 is not feasible. The outreach and education program would require the development of said program, implementing designated staff to handle the programs and operations, and will require the collaboration of regional and local community partners and/or organizations to establish a successful E-bike safety and education program.

Should you have any questions or need any additional information, please contact Eric Levitt, City Manager, at (714) 738-6310 or via email at eric.levitt@cityoffullerton.com.

Respectfully,



Nicholas Dunlap
Mayor

Cc: Orange County Grand Jury
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Santa Ana, CA 92701