



August 29, 2024

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

RE: Response to the 2023-2024 Orange County Grand Jury Report entitled, E-bikes Friend or Foe.

Dear Honorable Presiding Judge:

In accordance with Penal Code 933.05 (a) and (b), the City of Dana Point submits the following response to the report, findings, and recommendations of the 2023-2024 Orange County Grand Jury report entitled, E-bikes Friend or Foe.

Findings by the Orange County Grand Jury

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 City of Dana Point PARTIALLY AGREES with the finding. While the City of Dana Point has not done a county-wide survey, the City is aware that ordinances and policies can vary by city and create confusion when e-bike riders' cross jurisdictional lines.

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 City of Dana Point DISAGREES with the finding. Orange County Sheriff's Department (OCSD) and Orange County Fire Authority (OCFA) have accurate tracking mechanisms in place for e-bike injuries and deaths.

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

Response: The City of Dana Point AGREES with the finding. While the City of Dana Point has not done a county-wide survey, the City is aware that policies, educational events, and activities surrounding e-bikes may vary by city.

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: This recommendation has been IMPLEMENTED.

The City of Dana Point has already adopted an ordinance which defines and regulates the use of an E-bike and other electric mobility devices within the City boundaries, in accordance with the California Vehicle Code and applicable state regulations.

The following are relevant sections of the Dana Point Municipal Code:

§13.04.130 Bicycles, Motorized and Electric Bikes and Scooters, Skateboards, Rollerblades and Similar Items.

The City of Dana Point has supported the establishment of e-bike laws across the State and legislation to amend the State Vehicle Code that aims to prohibit a person under the age of 12 from operating an e-bike of any class, would create an e-bike license program with an online written test and a State-issued photo identification for those without a driver's license; and other programs that encourage responsible use of e-bikes through appropriate restrictions and education.

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: This recommendation has been IMPLEMENTED. The City's contracted public safety personnel, OCSD and OCFA respond to, track and handle reports related to accidents, injury, and deaths involving e-bikes.

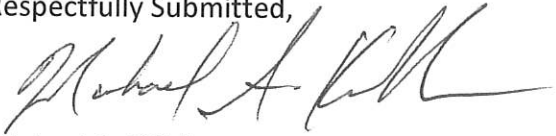
R3. Each Orange County city should research and develop outreach and education programs regarding the safe operation of e-bikes for their residents by December 1, 2024.

Response: This recommendation has been IMPLEMENTED.

The City and OCSD have held Bike and E-Bike Safety education events in the previous year. The City plans to hold more events in conjunction with OCSD to continue promoting safe and responsible E-Bike usage. OCSD partnered with Capistrano Unified School District, where students that commute with E-Bikes to school must acknowledge safe practices before receiving a permit to park/ride bikes to

campus. OCSD also utilizes their E-Bike campaign from 2023 to promote safety on the road. The City's website has a section dedicated to E-Bike Safety.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael A. Killebrew". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael A. Killebrew
City Manager

cc: Orange County Grand Jury