



September 12, 2024

The Honorable Maria D. Hernandez  
Presiding Judge of the Superior Court  
700 Civic Center Drive West  
Santa Ana, CA 92701

RE: 2023-2024 Orange County Grand Jury Report  
*E-bikes – Friend or Foe*  
City of Irvine Response

To the Honorable Maria D. Hernandez:

In accordance with California Penal Code section 933.05, the Orange County Grand Jury has requested the City of Irvine respond to findings and recommendations in the 2023-2024 Orange County Grand Jury report entitled: "*E-bikes – Friend or Foe*"

## **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 to F1**

The City of Irvine partially agrees with this finding. The reliance on California State Law over Local Ordinances would better serve to reduce confusion. California State Law provides a singular standard for safety regulations and prevents the adoption of conflicting language among local jurisdictions. The California Vehicle Code (CVC) provides regulations that can educate the public and empower law enforcement to enforce safety laws. E-bikes, defined under CVC 312.5, are considered bicycles under the vehicle code (CVC 231) and are subject to the rules of the road (CVC 21200).

California State Law does not currently address all areas where E-bike-related issues have become problematic. California State Law falls short of covering all scenarios relevant to bicycle and E-bike safety. One example includes bicycles and E-bikes ridden off sidewalks and into roadways and crosswalks. This action is not clearly covered in the CVC, and an Irvine Municipal Code (IRM 4-7-207) was adopted to allow for legal action,

when bicycles and E-bikes ride off sidewalks and fail to yield to vehicles lawfully in the roadway.

California State Law defines three classes of E-bikes (CVC 312.5). However, technology allows for E-bike classes to easily be adjusted through the use of a mobile phone application. This creates an issue when E-bikes are being operated outside of the defined E-bike classifications. Additionally, there are other devices that are often believed to be E-bikes, but operate well beyond the limits outlined in CVC 312.5. These two-wheeled devices are powered by electric motors, do not come with standard pedals, reach speeds in excess of 45 miles per hour, and have motors that far exceed 750 watts. Since these devices do not neatly fit into the definitive sections of the vehicle code, police agencies handle these devices differently based on their respective legal interpretations. Some agencies may consider these devices motorcycles while others may define them as pocket bikes. Either way, it is not safe for juveniles to ride such unregulated devices that can travel at such high speeds.

While the grand jury report specifically focuses on E-bikes, the California Vehicle Code has differing laws for other popular electric micro-mobility devices. Electric scooters and electric skateboards are often categorized under E-bikes by the general public, however they are defined in the CVC and have other restrictions, which leads to further confusion. An example of this is that an individual, of any age, can ride a Class 2 E-bike that can travel 20 miles per hour without needing a driver's license. But any individual operating an electric scooter is required to have a valid driver's license or instruction permit [CVC 21235(d)].

Greater consistency in the California Vehicle Code regarding all types of micro-mobility devices would serve to address safe operation and regulation.

## **F2**

Due to the increasing incidents 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 to F2**

The City of Irvine partially agrees with this finding. The ability to track E-bike collision data exists in the use of a standardized form, the Traffic Collision Report (CHP-555). There is specific coding to differentiate collisions involving traditional bicycles and E-bikes. However, this form does not allow for differentiation between the 3 classifications of E-bikes and some unclassified E-bikes may be incorrectly categorized, leading to inaccurate data collection. Greater training among law enforcement agencies can ensure the use of the proper vehicle type codes to assist with tracking data.

Additionally, when incidents involving E-bike injuries/deaths occur outside of the CVC defined "highway" (ie roadways/sidewalks), the standardized CHP-555 form is not required. Any agency documentation would need to be done separately. This would be an area to require agencies to maintain internal statistics for incidents not qualifying as traffic collisions when E-bike injury or death is involved.

### **F3**

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

### **Response to F3**

The City of Irvine agrees with this finding and offers recommendations. There is not a statewide standardized training course for police departments to offer E-bike training to the community and/or officers. Most law enforcement training is required to follow the California Police Officer Standards and Training (POST) guidelines. Developing a standardized training course for law enforcement would be beneficial.

Training and Education for E-bike use has become the responsibility of IPD's Traffic Bureau. The Traffic Bureau collaborates with other divisions within Public Safety, City Administration, Elected Officials, and the Irvine Unified School District to disseminate training and education to the community. The Traffic Bureau also networks with neighboring and regional agencies and attends State Law Enforcement conferences to receive further education and training on the topic.

## **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 to R1**

The recommendation has been implemented.

The City of Irvine has multiple Municipal Code sections addressing the rules of the road for E-bike users. Irvine Municipal Code, Title 4, Division 7 addresses various aspects, including but not limited to, speed; emerging from or entering an alley, driveway, bicycle path, etc.; Riding on sidewalks, playgrounds, etc.; and impounding of E-bikes. IPD utilizes the California Vehicle Code and the Irvine Municipal Code to address E-bike use in the City.

### **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 to R2**

The recommendation has been implemented.

A traffic or non-traffic collision which occurs within the city of Irvine is documented in a Traffic Collision Report (CHP-555) or Incident Report when the E-bike collision involves: a fatality, injury, complaint of pain, hit-and-run, or anticipated prosecution for any Vehicle Code, Penal Code, or City Ordinance violation. IPD has provided internal training to ensure proper coding of E-bike vehicle type on the Traffic Collision Report (CHP 555 Form). Additionally, IPD's Crime Analysis unit regularly provides updated E-bike related statistics to the Traffic Unit. The data for bicycle collisions is individually reviewed to ensure proper coding when electric micro-mobility devices are involved.

## **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 to R3**

This recommendation has been implemented.

IPD routinely hosts bicycle safety courses and voluntary bicycle rodeos, including our STARS program (which stands for Safety Training and Riding Skills) at Irvine City Hall for juveniles and children. Additionally, throughout the year, IPD supplies Irvine Unified School District (IUSD) with educational materials and videos to share with their students and parents. IPD's Traffic Unit conducts weekly High Visibility Enforcement (HVE) operations, oftentimes issuing administrative citations to juveniles who commit vehicle code violations on their bicycles, including E-bikes and E-skateboards. Rather than paying a fine, our administrative citations require the juvenile to attend a 2-hour long bike safety course with a parent or guardian on the weekend at Irvine City Hall.

IPD's Public Information Office (PIO) works very closely with our Traffic Unit to routinely highlight continual efforts to make our roadways safer through education, enforcement, and our great working relationship with Traffic Engineering. The PIO team is highly connected to the various popular social media platforms and post educational reminders on the rules of the road and reminders on upcoming bicycle safety courses at City Hall. Lastly, IPD administers community presentations on E-bikes and bike safety, including presentations in front of the Transportation Commission, Community Services Commission, and Town Hall or Community Meetings.

Additionally, IPD in collaboration with IUSD, implemented a parking permit program at all of its high schools and middle schools for various forms of electric transportation. In order to park an E-bike, E-scooter, or E-skateboard on campus, a student must attend an on-campus workshop where they are educated on the rules of the road, the 3-classes of E-bikes, and the required safety equipment. After attending this mandatory training, attendees are issued a specific parking permit to affix to their respective electric form of transportation.

If you have any questions, please feel free to call Irvine Police Department Lieutenant Shaheen Jahangard at 949-724-7217.

Sincerely,

A handwritten signature in black ink, appearing to read "Farrah Khan", written over a horizontal line.

Farrah N. Khan  
Mayor

cc: Irvine City Council  
Oliver C. Chi, City Manager

Orange County Grand Jury  
700 Civic Center Drive West  
Santa Ana, CA 92701