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September 17, 2024

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

Subject: Response to Grand Jury Report *E-bikes Friend or Foe*

Dear Honorable Judge Hernandez:

The City of Aliso Viejo has reviewed the Orange County Grand Jury's Report entitled *E-bikes Friend or Foe*. In compliance with California Penal Code sections 933 and 933.05, the City has responded to each of the findings and recommendations included in the report. Each finding and recommendation is listed below, followed by the City's response.

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 City of Aliso Viejo disagrees partially with this finding. The City of Aliso Viejo lacks sufficient information regarding the ordinances and policies of other cities to reach this conclusion. The City of Aliso Viejo adopted Ordinance No. 2022-229, to establish regulations relating to the operation of E-bikes.

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 Aliso Viejo disagrees with this finding. The Orange County Sheriff's Department and the Orange County Fire Authority have accurate tracking mechanisms in place.

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

Response: The City of Aliso Viejo agrees with this finding.

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 has been implemented. The City of Aliso Viejo adopted Ordinance No. 2022-229, establishing regulations relating to E-bikes. The ordinance amended the Aliso Viejo Municipal Code, adding the definition of an E-bike as is defined in the California Vehicle Code. The ordinance further prohibits the operation of an E-bike at unsafe speeds, on certain sidewalks as posted, on non-designated trails, and riding without a properly fitted and fastened helmet under the age of 18. Additionally, the ordinance requires E-bike riders to yield right-of-way to pedestrians and all traffic upon entering a roadway or driveway.

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 will not be implemented. The City of Aliso Viejo contracts with the Orange County Sheriff's Department and the Orange County Fire Authority for public safety services. These agencies have existing reporting mechanisms in place to track reports of accidents, injuries, 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 of Aliso Viejo collaborates with the Orange County Sheriff's Department for outreach and education. The City has published E-bike safety information on its social media platforms. In addition, the City's School Resource Officer provides safety information at school sites.

Thank you for the opportunity to respond to the Grand Jury's Report. Should you have any questions or need additional information, please contact me at (949) 425-2506 or by email at city-manager@avcity.org.

Respectfully submitted,


Mitzi Ortiz
Acting City Manager

cc: Orange County Grand Jury
City Council, City of Aliso Viejo