

Office of the City Council



September 17, 2024

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

Re: Response to 2023-2024 Orange County Grand Jury Report “E-bikes Friend or Foe”

Your Honor:

On June 13, 2024, the Orange County Grand Jury issued a report entitled “E-bikes Friend or Foe” that examined how E-bikes were impacting Orange County communities.

At the conclusion of its analysis, the Grand Jury made three findings and three recommendations and required responses from the City of Tustin to all three findings and all three recommendations.

In accordance with California Penal Code 933.05(a) and (b), the Orange County Grand Jury requires responses of each of the findings and recommendations. The City of Tustin responds as set forth below.

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 F1: The City of Tustin agrees with Finding 1. The City of Tustin borders the following cities: Orange, Irvine, Santa Ana and unincorporated County area patrolled by Orange County Sheriff’s Department. As individuals travel through the City of Tustin it would be difficult to determine where our city ends and the next city begins. This is true with most of Orange County as most areas are developed with residential and businesses. Having consistent ordinances as it relates to E-bikes would assist E-bike riders to know what is legal and safe as they travel city to city.

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 F2: The City of Tustin partially disagrees with Finding 2. It would be beneficial to measure E-bike injuries and deaths in order to analyze if a problem exists in our jurisdiction. Additionally, it would help measure if our education and enforcement efforts are effective.

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

Response F3: The City of Tustin partially disagrees with Finding 3. Tustin PD’s Traffic Unit has actively conducted bicycle safety classes at schools in Tustin Unified School District (TUSD) incorporating essential

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E-bike safety education. However, Tustin has not undertaken a survey of neighboring cities to identify variations in safety training and educational practices.

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 R1: This recommendation requires further analysis. The City of Tustin is evaluating municipal code revisions and alternatives to define the rules of the road for use of E-bikes in Tustin. The Tustin Police Department is preparing recommended policies for the City Council to consider and analyze in coming months.

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 R2: This recommendation requires further analysis. The Tustin Police Department has traffic collision report software that is used to report traffic collisions including injuries and deaths involving E-bikes. However, there is not a mechanism in place to specifically indicate an E-bike was involved on the face page of the report. Tustin Police Department is evaluating how to implement this recommendation.

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 R3: This recommendation has been implemented. The Tustin Police Department currently conducts outreach and education at Tustin Unified School District (TUSD) schools regarding the safe operation of bicycles including E-bikes. In addition, Tustin PD's Traffic Unit is developing a class for members of the public to attend and advertise on our social media platforms. The class will cover the difference between all three E-bike classes, electric motorcycles, the current laws and ordinances, and safety.

Should you have any questions or need any additional information, please contact Lieutenant Sarah Fetterling at Tustin Police Department at 714.573.3308 or via email at SFetterling@tustinca.org.

Respectfully,



Austin Lombard
Mayor

cc: Orange County Grand Jury