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09-110

05/08/09

TRAFFIC ACCIDENTS/INCIDENTS INVOLVING BICYCLES

Consistent with Department Policy in General Order 9.02, *Vehicle Accidents*, and the California Vehicle Code, regarding the investigation of injury and non-injury vehicle accidents, members shall consider a bicycle rider as a party in a traffic accident, if such an accident occurs on a street, roadway or highway.

The following examples are situations where an accident report is required when any of the involved parties are injured as the result of a traffic collision (519). An injury includes a complaint of pain by anyone involved in the accident. Complaint of pain is sufficient to establish injury for traffic accident reporting purposes. Medical attention by an ambulance crew or transportation to a medical facility shall not be used as a pre-condition for taking an accident report.

- Accidents involving a bicycle and any object, including a parked vehicle, a pedestrian, skater, road hazards, or another bicycle when the accident occurred on a street, roadway, or highway.
- Accidents involving anyone opening a vehicle door into an approaching cyclist's immediate path of travel, whenever such path of travel is upon a roadway. This is deemed an accident even if the cyclist swerves and avoids the opened door, but overturns or strikes another vehicle, person, or object in the process. This also applies to a driverless stopped or parked vehicle when the door is opened by any other person in the vehicle.
- Bicycle accidents not occurring on a highway, and which do not involve a motor vehicle, should be treated as aided cases and reported on incident report forms.
- Any assault upon a cyclist shall be reported as a criminal incident.

Members should complete investigations and reports as appropriate and not dissuade bicycle riders from making accident reports. Injury accidents on a highway involving solo bicycles should be treated in the same manner as a solo motor vehicle accident and not merely as an unfortunate occurrence to the bicyclist.

Officers may receive complaints by bicyclists about motorists who run a bicyclist off the road or actually try to commit an assault. Officers shall prepare incident reports in all such cases. Should the incident lack the elements of assault, but the reportee is insistent on reporting the incident, officers shall take the information available and prepare an incident report.

A handwritten signature in black ink, appearing to read 'H. Fong', is positioned above the name of the Chief of Police.

HEATHER J. FONG
Chief of Police