



**COUNCIL PRESIDENT PRO TEM BARBARA BRY
CITY OF SAN DIEGO
DISTRICT 1**

MEMORANDUM

DATE: November 19, 2019

TO: Honorable Councilmember Mark Kersey, Active Transportation and Infrastructure Committee Chair

FROM: Council President Pro Tem Barbara Bry *Barbara Bry*

SUBJECT: Shared Mobility Regulation Recommendations

Regarding the Active Transportation and Infrastructure Committee meeting scheduled for November 20, 2019, I ask the Committee to consider the following recommendations to improve our Shared Mobility Device Regulations:

Parking Enforcement Mechanism:

Our constituents have made it clear on phone calls, emails, and public testimonies that sidewalk clutter of shared mobility devices is a top concern when it comes to public safety. San Diegans deserve an unobstructed right-of-way on our city sidewalks, and over the past year shared mobility devices have proven a challenge to the safety of pedestrians. Especially vulnerable to this challenge are members of our disabled-community when devices unnecessarily block ADA access ramps and access to transit options. The Committee and the City Council have expressed this concern before, and the City has installed “Parking Corrals” to provide on-street parking to alleviate the hazardous conditions created by sidewalk clutter. According to the Shared Mobility Device update to the Active Transportation and Infrastructure Committee on October 23rd, 2019, we learned the corrals have been fairly utilized, but still more work needs to be done to fully address this concern.

I respectfully request the committee to explore the opportunity to establish parking enforcement regulations. Other cities, such as Sacramento, have already employed such regulations that fine operators for parking violations, which the operators can choose to pass on to the responsible riders. City of San Diego Parking Enforcement officers already patrol city streets on a consistent basis and can provide citations to shared mobility devices that are improperly parked.

Additionally, the Committee could explore whether the City can encourage or mandate shared mobility device operators to include possible ways to gamify proper parking. Operators can create

a rewards program or a points-based incentive program to encourage proper parking behavior to help address parking issues.

Ensuring Equitable Access:

Platform access must be prioritized. Operators offering services in San Diego should be committed to ensuring that low-income residents are aware of services and are mitigating the barriers to participation. Currently, operators can receive discounts from the required fees paid to the City for having an “equity program.” It is about time we are finally learning how the City will define an equity program, and I eagerly await staff’s presentation on the elements of a qualifying program. One key element the Committee should ensure is adequate notice of the operator’s equity program on the operator’s mobile application and website. Currently, operators provide such programs, but many qualifying users are unaware they even exist.

Educational Initiatives:

Educational initiatives should go beyond in-app notifications of relevant laws and warnings on the physical vehicle. When operators re-submit applications for the next permit period, they should submit plans to the City regarding what their upcoming community engagement and educational initiatives will look like, and whether they will have ambassador teams deployed to educate users and pedestrians. This will allow the City as well as Council Offices the chance to publicize operator sponsored rider safety events to constituents who are interested in safe riding, parking, and overall shared mobility device use.

A Better Proposed Curfew:

City staff will present a possible curfew for shared mobility devices from 12am-5am. The rationale behind having a curfew in the first place is to mitigate accidents and injuries caused by the lack of illumination. Darkness enshrouds our streets well before 12am, and this curfew will do little to prevent unnecessary injuries. The committee should explore a more effective curfew time of either 9pm year-round, or a dynamic curfew that changes with the seasons as daylight shifts throughout the year (i.e. a summer and winter curfew).

Helmet Regulation:

On January 1, 2019, Assembly Bill-2989 went into effect and amended previous law, which required all users of electric scooters to wear helmets. My concerns focus on the increasing number of traumatic head injuries and the City’s potential legal liability.

Additionally, AB-2989 stripped the authority of local jurisdictions to require helmets on all riders. On November 5, 2019, I sent a letter to the co-authors of AB-2989 (Assemblymembers Heath Flora, Todd Gloria, Phillip Chen and Evan Low) demanding they repeal the helmet provision in the law and require all riders to wear helmets.

Therefore, I request the Committee’s support to include in the City’s State Legislative Priorities an effort to amend AB-2989 and grant California municipalities the authority to regulate helmets at the local level.

Indemnification clauses only go so far to protect the interests of the City and our taxpayers. What happens when injured plaintiffs are seeking compensation for injuries sustained from shared mobility device accidents, but the responsible operator is no longer in existence or bankrupted? The business models behind these companies are generally unsustainable, and the City must plan accordingly to avoid being on the hook for millions of dollars in legal liabilities caused by shared mobility device accidents. I hope the committee takes the opportunity to discuss this important matter.

Thank you for considering my recommendations. I look forward to you and the Committee's effort to create a better shared mobility device program for the City of San Diego.

cc: Honorable Mayor Kevin Faulconer
Honorable Council President Georgette Gomez
Honorable Councilmember Campbell
Honorable Councilmember Ward
Honorable Councilmember Montgomery
Honorable Councilmember Cate
Honorable Councilmember Sherman
Honorable Councilmember Moreno
Chief Operating Officer Kris Michell
Active Transportation & Infrastructure Committee Consultant Justin Garver