



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

MEMORANDUM

DATE: February 7, 2019

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

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

SUBJECT: Micromobility Regulation Recommendations

In February 2018, dockless bikes and scooters began appearing on the streets of San Diego. A year later, they can be found all over the city. The city has no information on exactly how many there are, where they are, where they go, and how many people, either users or pedestrians, have suffered injuries.

Other cities have been more proactive in dealing with this new technology which has great potential to address first mile and last mile transit needs. These companies have raised hundreds of millions of dollars. They are making money using our city's infrastructure and have only paid for a simple business license. This needs to change in order to ensure that our residents and tourists are safe.

Last year, at the June 20, 2018 Budget and Government Efficiency Committee meeting, my office presented an informational item on Dockless Vehicle Permitting Programs. Following that meeting, I formed a working group alongside Council President Georgette Gomez. The group consisted of micro-mobility providers (including those currently operating within the City of San Diego and those who planned on doing so in the future) and various community stakeholder groups. I worked with my team to propose a regulatory framework, which was presented to the working group. It received general approval from both scooter companies and community organizations.

On October 24, 2018, the Public Safety and Livable Neighborhoods (PSLN) Committee heard a presentation on the Mayor's proposed regulatory framework for electric scooters. As a member of the PSLN Committee, I voted with my committee colleagues to approve the framework. The proposal was approved based on an expectation that it would return to PSLN and it would incorporate committee member feedback along with more structure and details related to the

regulations. It is my understanding that the proposal will now be heard at the Active Transportation and Infrastructure Committee.

I ask the Active Transportation and Infrastructure Committee to consider the following recommendations:

Prohibiting Use in High-Pedestrian Traffic Areas:

The Mayor's proposed regulations include a provision to limit electric scooters speeds in high-pedestrian areas of the City of San Diego. Shared scooter companies will be expected to incorporate geofencing technology to slow scooters down to 8 miles per hour within the following designated areas:

- Boardwalks in Mission Beach, Pacific Beach, and La Jolla
- Downtown Embarcadero
- Promenade behind the San Diego Convention Center
- Martin Luther King Jr. Promenade
- Balboa Park
- NTC Park
- Mission Bay Park

This regulation identifies a legitimate safety concern in high-pedestrian areas, but it falls short of addressing the issue sufficiently. There has been no evidence that slowing scooters down to 8 miles per hour eliminates or negates any safety hazards. Therefore, I recommend that the committee advocate for **prohibiting the use of motorized scooters in the designated high-pedestrian areas** listed above in order to effectively protect both users and pedestrians.

Parking presents an additional issue with parked vehicles often blocking access ramps and sidewalks. To foster efficient enforcement, the City should develop an effective computerized system to ticket illegally parked dockless scooters and bikes.

Ensuring Equitable Access:

Shared micro-mobility services provide an opportunity to better connect our underserved edges to the City's public transportation network. This means prioritizing both vehicle and platform access for all San Diegans to help resolve the "first and last mile" issue.

To ensure adequate vehicle access and guarantee that these services are available and made accessible in all communities, the City should mandate percentage distribution of vehicles in certain zones, such as communities of concern. For example, the City can identify these zones by referencing CalEnviroScreen 3.0. Doing so will ensure that a minimum percentage of an operator's fleet is kept in these designated zones to provide adequate services to areas that have been historically underserved and disproportionately burdened by pollution.

Alternatively, some cities that have chosen not to require minimum fleet requirements have opted for fee incentives instead. For example, Los Angeles requires operators to pay \$130 per scooter on

the street, however, the fee is reduced to \$39 per scooter in low-income areas. The Committee should explore percentage distribution and fee incentives and determine which approach is appropriate for San Diego, or even consider a hybrid of the two.

Additionally, 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. This includes offering non-smartphone access, cash payment options, and low-income plans.

Similar equity requirements outlined above have been incorporated in shared scooter permit programs across the nation in cities such as San Francisco, Portland, Los Angeles, and Baltimore.

Data Sharing:

Trips and fleet data from scooter companies can help support the necessary analysis of micro-mobility use on our streets and can assist in tracking Climate Action Plan mode share targets. Currently, we do not know how many scooters are on our streets, where they are being deployed and what routes are popular for scooter use. Obtaining this data will be valuable for City staff to utilize in prioritizing alternative and active transportation infrastructure. The Mayor's proposal requires data to be shared in reports monthly. Instead, the City should explore the services of a third-party aggregator and focus on receiving data as frequently as possible, while also prioritizing user privacy. Given current technology, it should be possible to have almost real-time data.

Operational and Maintenance Requirements:

At the October PSLN Committee meeting, the Mayor's proposal did not include operational and maintenance requirements. I strongly recommend that the City create standards of service to ensure that all scooters are properly maintained, and provide the greatest level of service to our communities. Potential requirements include the following:

- **Removal Requirement:** Operators shall remove any electric scooter that is reported to be improperly parked in the right of way within two hours of notice.
- **Contact Information Requirement:** Operators provide the City with an up-to-date contact name, and direct phone number for the staff that are responsible for collecting and rebalancing electric scooters.
- **Customer Service Requirement:** Operators shall have a customer service phone number, staffed during the hours the operators have scooters deployed in the public right of way.
- **Maintenance and Operations Plans:** Operators shall provide their maintenance and operational plans along with their applications for a permit. The plans would list the operators' individual hours of operations, pricing plans, methods for rebalancing, helmet distribution strategies, and the frequency of planned scooter maintenance.

Educational Initiatives:

Educational initiatives should go beyond in-app notifications of relevant laws and warnings on the physical vehicle. At a minimum, operators 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.

Helmet Regulation:

On January 1, 2019, Assembly Bill-2989 went into effect and amended previous law, which had required all users of electric scooters to wear helmets. With data documenting increased admissions to hospitals for scooter-related accidents and warnings from doctors across the nation, it is essential that our State and local policies prioritize safety above all else.

AB-2989 clearly granted local municipalities the authority to determine where scooters could operate, however, it was unclear on whether cities could require helmets on all riders. On January 15, 2019, I sent a letter to California Assemblymembers, asking for clarification as to whether it was their intent to preempt local authorities like the City of San Diego from mandating the use of helmets for all electric scooter users.

Therefore, our City's State Legislative Priorities should include an effort to amend AB-2989 to grant California municipalities the authority to regulate helmets at the local level.

Thank you for your time and commitment to fully examine and address shared micro-mobility options in the City of San Diego.

cc: Honorable Mayor Kevin Faulconer
Council President Georgette Gomez
Councilmember Campbell
Councilmember Ward
Councilmember Montgomery
Councilmember Cate
Councilmember Sherman
Councilmember Moreno
Chief Operating Officer Kris Michell