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## **San Diego Taxpayers Not Responsible for Scooter Riders**

*City Attorney successfully defends six cases seeking public funds for scooter accidents*

The City Attorney's Office has prevailed in six lawsuits that sought to have San Diego taxpayers pick up the tab for injuries caused by the careless users of motorized scooters.

The City was removed as a defendant in each of the six cases after successfully arguing that the facts and the law did not support the plaintiffs' claims of public liability.

The lawsuits can still proceed against the scooter operator, Bird Rides Inc., which was also named as a defendant in each suit. No scooter riders were named as defendants in any of the cases.

Settling the six lawsuits could have cost the City in excess of \$1 million.

**“This string of victories reinforces our position that San Diego taxpayers are not responsible for the conduct of scooter rental companies or scooter users,”** City Attorney Mara W. Elliott said. **“I’m proud of my attorneys for fighting to protect taxpayers from meritless lawsuits that divert public funds from important priorities like filling potholes and fixing sidewalks.”**

Elliott noted that the City expects scooter rental companies to operate responsibly and in a way that does not endanger the public in exchange for the privilege of using the public right-of-way. Under the City's current regulatory framework, scooter rental companies agree to indemnify the City from the consequences of riders that do not follow operating rules.

The six lawsuits alleged events that occurred between June 2018 and April 2019 on city sidewalks, where riding motorized scooters is illegal under state law, and on the beach boardwalks, where motorized scooter riding has since been banned by the City.

Plaintiffs alleged a variety of scooter-involved injuries including: being struck by a scooter, being injured while taking evasive action to avoid a scooter, being struck by a bicyclist who was avoiding a scooter, and tripping on a scooter left lying on a sidewalk.

Only one plaintiff was a scooter rider: a resident of Tempe, Ariz., who alleged she was riding a scooter on the boardwalk at an unsafe speed when she hit a pedestrian and fell to the ground. She blamed her accident on the scooter not having speed monitoring equipment.

Under state law, a public agency is not liable for third-party conduct that causes harm on its property unless the property is itself in a dangerous condition that factored in the harm. The City properties where these incidents occurred are not dangerous.

Deputy City Attorneys Kelly McGeehan and Meghan Ashley Wharton represented the City in these cases.

After the incidents alleged in the lawsuits, the Mayor and City Council approved regulations that prohibited the operation of all motorized transportation devices on the boardwalks of Mission Beach, Pacific Beach, and La Jolla Shores, and on the Mission Bay Park Bayside Walk. The City Council approved the regulations on January 30, 2020.

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